

# HOUSE JOURNAL

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EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-EIGHTH DAY — SUNDAY, MAY 24, 2015

The house met at 1:09 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1380).

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; 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; 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; Phelan; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Israel; Peña; Reynolds; Vo.

Absent — Dukes; Stickland.

The speaker recognized Representative Raymond who introduced Don Garner, pastor, Capitol Commission, Austin, who offered the invocation.

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

### **LEAVES OF ABSENCE GRANTED**

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

Vo on motion of Howard.

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

Israel on motion of Howard.

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

Peña on motion of Minjarez.

(Simmons in the chair)

**HR 2678 - ADOPTED  
(by Bell)**

Representative Bell moved to suspend all necessary rules to take up and consider at this time **HR 2678**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2678**, Congratulating Charlie Bell and Brooke Mosley.

**HR 2678** was read and was adopted.

**LEAVE OF ABSENCE GRANTED**

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

Stickland on motion of Tinderholt.

**MAJOR STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 207 ON THIRD READING  
(Gonzales and Raymond - House Sponsors)**

**SB 207**, A bill to be entitled An Act relating to the authority and duties of the office of inspector general of the Health and Human Services Commission.

**SB 207** was passed by (Record 1381): 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; Hunter; Isaac; 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; Phelan; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen;

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

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

Absent, Excused — Israel; Peña; Reynolds; Stickland; Vo.

Absent — Dukes.

### STATEMENT OF VOTE

When Record No. 1381 was taken, I was presiding in the chair and was shown voting present, not voting. I would have voted yes.

Simmons

(Reynolds now present)

### SB 204 ON THIRD READING (Raymond - House Sponsor)

**SB 204**, A bill to be entitled An Act relating to the continuation of the functions of the Department of Aging and Disability Services; increasing penalties.

Representative Raymond moved to postpone consideration of **SB 204** until 2:46 p.m. today.

The motion prevailed.

### GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

### SB 1664 ON THIRD READING (Burkett - House Sponsor)

**SB 1664**, A bill to be entitled An Act relating to the establishment of the Texas Achieving a Better Life Experience (ABLE) Program; authorizing the imposition of fees.

**SB 1664** was passed by (Record 1382): 138 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; 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; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; 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; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anchia.

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

Absent, Excused — Israel; Peña; Stickland; Vo.

Absent — Dukes; Fallon; Farrar; Gonzales; Romero.

### STATEMENTS OF VOTE

When Record No. 1382 was taken, I was shown voting no. I intended to vote yes.

Anchia

When Record No. 1382 was taken, I was presiding in the chair and was shown voting present, not voting. I would have voted yes.

Simmons

### SB 1899 ON THIRD READING (Martinez, Springer, and Guillen - House Sponsors)

**SB 1899**, A bill to be entitled An Act relating to the regulation of emergency medical services.

**SB 1899** was passed by (Record 1383): 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; Hunter; Isaac; Johnson; Kacal; Keffer; 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; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simpson; Smith; Smithee; Spitzer; Springer;

Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Israel; Peña; Stickland; Vo.

Absent — Dukes; Keough.

### STATEMENTS OF VOTE

When Record No. 1383 was taken, I was in the house but away from my desk. I would have voted yes.

Keough

When Record No. 1383 was taken, I was presiding in the chair and was shown voting present, not voting. I would have voted yes.

Simmons

### SB 1396 ON THIRD READING (Paddie - House Sponsor)

**SB 1396**, A bill to be entitled An Act relating to the sales and use taxation of aircraft.

**SB 1396** was passed by (Record 1384): 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; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; 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; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Israel; Peña; Stickland; Vo.

Absent — Davis, Y.; Dukes; Farrar.

### STATEMENT OF VOTE

When Record No. 1384 was taken, I was presiding in the chair and was shown voting present, not voting. I would have voted yes.

Simmons

### LEAVE OF ABSENCE GRANTED

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

Fallon on motion of Rinaldi.

### SB 530 ON THIRD READING (Parker - House Sponsor)

**SB 530**, A bill to be entitled An Act relating to the licensing of vehicles for hire and passenger transportation services by certain airport governing boards; authorizing the imposition of fees; expanding the authorization to require an occupational license; amending a provision subject to a criminal penalty.

**SB 530** was passed by (Record 1385): 132 Yeas, 9 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; 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; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheets; Sheffield; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Walle; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Burrows; Hughes; Keough; Rinaldi; Schaefer; Simpson; Tinderholt; White, J.; White, M.

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

Absent, Excused — Fallon; Israel; Peña; Stickland; Vo.

Absent — Dukes.

**STATEMENT OF VOTE**

When Record No. 1385 was taken, I was presiding in the chair and was shown voting present, not voting. I would have voted yes.

Simmons

**SB 100 ON THIRD READING**  
**(Murphy - House Sponsor)**

**SB 100**, A bill to be entitled An Act relating to the enterprise zone program.

**SB 100** was passed by (Record 1386): 139 Yeas, 3 Nays, 2 Present, not voting.

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

Nays — Murr; Rinaldi; Schaefer.

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

Absent, Excused — Fallon; Israel; Peña; Stickland; Vo.

Absent — Dukes.

**STATEMENT OF VOTE**

When Record No. 1386 was taken, I was presiding in the chair and was shown voting present, not voting. I would have voted yes.

Simmons

**SB 1326 ON THIRD READING**  
**(Herrero - House Sponsor)**

**SB 1326**, A bill to be entitled An Act relating to the maximum cumulative period allowed for restoration of a defendant's competency to stand trial and to certain time credits awarded against that cumulative period.

**SB 1326** was passed by (Record 1387): 141 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Keough.

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

Absent, Excused — Fallon; Israel; Peña; Stickland; Vo.

Absent — Dukes.

### STATEMENT OF VOTE

When Record No. 1387 was taken, I was presiding in the chair and was shown voting present, not voting. I would have voted no.

Simmons

### SB 1168 ON THIRD READING (Villalba - House Sponsor)

**SB 1168**, A bill to be entitled An Act relating to the operation of certain property owners' associations.

#### Amendment No. 1

Representative Simpson offered the following amendment to **SB 1168**:

Amend **SB 1168** on third reading by inserting the following appropriately numbered SECTION and renumbering SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Chapter 209, Property Code, is amended by adding Section 209.0042 to read as follows:

Sec. 209.0042. METHODS OF PROVIDING NOTICES TO OWNERS.

(a) Subject to this section, a property owners' association may adopt a method that may be used by the association to provide a notice from the association to a property owner.



(b) A property owners' association may use an alternative method of providing notice adopted under this section to provide a notice for which another method is prescribed by law only if the property owner to whom the notice is provided has affirmatively opted to allow the association to use the alternative method of providing notice to provide to the owner notices for which another method is prescribed by law.

(c) A property owners' association may not require an owner to allow the association to use an alternative method of providing notice adopted under this section to provide to the owner any notice for which another method of providing notice is prescribed by law.

Amendment No. 1 was adopted by (Record 1388): 111 Yeas, 29 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bernal; Blanco; Bohac; Burkett; Burns; Canales; Capriglione; Coleman; Collier; Cook; Cyrier; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; González; Guerra; Guillen; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Koop; Krause; Kuempel; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Meyer; Miles; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Pickett; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simpson; Smith; Smithee; Spitzer; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler.

Nays — Anderson, R.; Bell; Bonnen, D.; Bonnen, G.; Burrows; Button; Clardy; Craddick; Crownover; Dale; Darby; Faircloth; Farney; Goldman; Gonzales; Gutierrez; Klick; Landgraf; Larson; Metcalf; Miller, D.; Murr; Parker; Paul; Phelan; Price; Springer; Stephenson; Zerwas.

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

Absent, Excused — Fallon; Israel; Peña; Stickland; Vo.

Absent — Dukes; Laubenberg; Phillips.

## **Amendment No. 2**

Representative D. Miller offered the following amendment to **SB 1168**:

Amend **SB 1168** by striking the new Subsection (c) of Section 209.0059, Property Code, as added by second reading Amendment No. 7 by D. Miller and substituting the following:

(c) In a residential development with ten or fewer lots for which the declaration was recorded before January 1, 2015, a person may not vote in a property owners' association election unless the person is subject to a dedicatory instrument governing the association through which the association exercises its authority.

Amendment No. 2 was adopted.

**SB 1168**, as amended, was passed by (Record 1389): 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; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; 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; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Fallon; Israel; Peña; Stickland; Vo.

Absent — Dukes.

### STATEMENTS OF VOTE

When Record No. 1389 was taken, I was shown voting yes. I intended to vote no.

Bell

When Record No. 1389 was taken, I was presiding in the chair and was shown voting present, not voting. I would have voted yes.

Simmons

### SB 188 ON THIRD READING (Muñoz - House Sponsor)

**SB 188**, A bill to be entitled An Act relating to certain insurers' insurance rating and underwriting practices based on certain consumer inquiries.

**SB 188** was passed by (Record 1390): 89 Yeas, 51 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bernal; Blanco; Bohac; Burkett; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez;

Hernandez; Herrero; Howard; Huberty; Hunter; Johnson; Kacal; Keffer; King, P.; King, S.; King, T.; Kuempel; Laubenberg; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Meyer; Miles; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Pickett; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheets; Sheffield; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; Villalba; Walle; Wray; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Bell; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Craddick; Crownover; Cyrier; Dale; Darby; Elkins; Frank; Geren; Harless; Hughes; Isaac; Keough; King, K.; Klick; Koop; Krause; Landgraf; Leach; Metcalf; Miller, D.; Miller, R.; Parker; Paul; Phelan; Phillips; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Simpson; Spitzer; Tinderholt; Turner, E.S.; VanDeaver; White, J.; White, M.; Workman; Zedler; Zerwas.

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

Absent, Excused — Fallon; Israel; Peña; Stickland; Vo.

Absent — Dukes; Larson; Price.

#### STATEMENTS OF VOTE

When Record No. 1390 was taken, I was shown voting yes. I intended to vote no.

Clardy

When Record No. 1390 was taken, I was shown voting yes. I intended to vote no.

Paddie

When Record No. 1390 was taken, I was in the house but away from my desk. I would have voted no.

Price

When Record No. 1390 was taken, I was presiding in the chair and was shown voting present, not voting. I would have voted no.

Simmons

When Record No. 1390 was taken, I was shown voting yes. I intended to vote no.

Stephenson

When Record No. 1390 was taken, I was shown voting yes. I intended to vote no.

Villalba

**SB 1007 ON THIRD READING**  
**(Kuempel - House Sponsor)**

**SB 1007**, A bill to be entitled An Act relating to the practices and professions regulated by the Texas Appraiser Licensing and Certification Board.

**Amendment No. 1**

Representative Cook offered the following amendment to **SB 1007**:

Amend **SB 1007** on third reading as follows:

(1) On page 9, line 11, strike "and" and substitute "[~~and~~"]".

(2) On page 9, line 16, strike the period and substitute the following:

; and

(4) rules relating to the standards for the development of equal and uniform appraisals for property tax purposes according to generally accepted appraisal methods and techniques.

Amendment No. 1 was adopted.

**SB 1007**, as amended, was passed by (Record 1391): 109 Yeas, 33 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Crownover; Cyrier; Dale; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Frullo; Galindo; Geren; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hunter; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Kuempel; Larson; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Paddie; Parker; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Sheets; Sheffield; Smith; Smithee; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Walle; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Burrows; Craddick; Darby; Flynn; Frank; Goldman; Harless; Hughes; Isaac; Keough; Krause; Landgraf; Laubenberg; Leach; Meyer; Murr; Otto; Paul; Phillips; Riddle; Rinaldi; Sanford; Schaefer; Shaheen; Simpson; Spitzer; Springer; Tinderholt; Turner, E.S.; White, J.; White, M.; Zedler.

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

Absent, Excused — Fallon; Israel; Peña; Stickland; Vo.

Absent — Dukes.

**STATEMENTS OF VOTE**

When Record No. 1391 was taken, I was presiding in the chair and was shown voting present, not voting. I would have voted no.

Simmons

When Record No. 1391 was taken, I was shown voting yes. I intended to vote no.

Villalba

**SB 1032 ON THIRD READING**  
**(Israel - House Sponsor)**

**SB 1032**, A bill to be entitled An Act relating to authority for certain state employees to work flexible hours and to work from home or other authorized alternative work sites.

Representative Gonzales moved to postpone consideration of **SB 1032** until 8 a.m. tomorrow.

The motion prevailed.

**SB 135 ON THIRD READING**  
**(Dutton - House Sponsor)**

**SB 135**, A bill to be entitled An Act relating to the organization of a grand jury.

**SB 135** was passed by (Record 1392): 79 Yeas, 59 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Bohac; Canales; Capriglione; Collier; Davis, S.; Deshotel; Dutton; Elkins; Farias; Farrar; Fletcher; Frank; Galindo; Giddings; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Hughes; Hunter; Johnson; Keffer; Keough; King, S.; Klick; Laubenberg; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, R.; Minjarez; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Parker; Pickett; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schaefer; Schofield; Shaheen; Sheets; Sheffield; Simpson; Smith; Thompson, S.; Turner, C.; Turner, S.; Walle; White, J.; White, M.; Wray; Wu; Zedler; Zerwas.

Nays — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Faircloth; Farney; Flynn; Frullo; Goldman; Gonzales; Huberty; Isaac; Kacal; King, K.; King, P.; King, T.; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Metcalf; Meyer; Miller, D.; Murr; Paddie; Paul; Phelan; Phillips; Price; Riddle; Rinaldi; Sanford; Schubert; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; Workman.

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

Absent, Excused — Fallon; Israel; Peña; Stickland; Vo.

Absent — Coleman; Davis, Y.; Dukes; Geren; Morrison.

### STATEMENTS OF VOTE

When Record No. 1392 was taken, I was shown voting no. I intended to vote yes.

Koop

When Record No. 1392 was taken, I was shown voting no. I intended to vote yes.

Meyer

When Record No. 1392 was taken, I was in the house but away from my desk. I would have voted no.

Morrison

When Record No. 1392 was taken, I was presiding in the chair and was shown voting present, not voting. I would have voted no.

Simmons

### SB 1071 ON THIRD READING (S. Thompson - House Sponsor)

**SB 1071**, A bill to be entitled An Act relating to requiring notice of the scheduling of an execution date and the issuance of a warrant of execution.

**SB 1071** was passed by (Record 1393): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycok; 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; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; 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; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Fallon; Israel; Peña; Stickland; Vo.

Absent — Dukes; Elkins.

### STATEMENT OF VOTE

When Record No. 1393 was taken, I was presiding in the chair and was shown voting present, not voting. I would have voted yes.

Simmons

### SB 1560 ON THIRD READING (Lozano - House Sponsor)

**SB 1560**, A bill to be entitled An Act relating to the regulation of chemical dependency treatment facilities and certain other facilities.

**SB 1560** was passed by (Record 1394): 138 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; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Fallon; Israel; Peña; Stickland; Vo.

Absent — Craddick; Dukes; Elkins; Murr; Raymond.

### STATEMENTS OF VOTE

When Record No. 1394 was taken, I was in the house but away from my desk. I would have voted yes.

Craddick

When Record No. 1394 was taken, I was in the house but away from my desk. I would have voted yes.

Murr

When Record No. 1394 was taken, I was in the house but away from my desk. I would have voted yes.

Raymond

When Record No. 1394 was taken, I was presiding in the chair and was shown voting present, not voting. I would have voted yes.

Simmons

### **SB 135 - HOUSE SPONSORS AUTHORIZED**

On motion of Representative Dutton, Representatives Reynolds, Miles, and Giddings were authorized as house sponsors to **SB 135**.

### **SB 316 ON THIRD READING (Leach - House Sponsor)**

**SB 316**, A bill to be entitled An Act relating to the prioritization of certain available legal defense services when appointing representation for an indigent defendant in a criminal case.

**SB 316** was passed by (Record 1395): 138 Yeas, 2 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; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Walle; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Canales; Muñoz.

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

Absent, Excused — Fallon; Israel; Peña; Stickland; Vo.

Absent — Dukes; Farias; White, J.



**STATEMENT OF VOTE**

When Record No. 1395 was taken, I was presiding in the chair and was shown voting present, not voting. I would have voted yes.

Simmons

**SB 1467 ON THIRD READING  
(Gonzales - House Sponsor)**

**SB 1467**, A bill to be entitled An Act relating to authorizing the collection of a service charge on certain electronic toll collection customer account payments.

**SB 1467** was passed by (Record 1396): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Johnson; Kacal; Keffer; 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; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Isaac.

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

Absent, Excused — Fallon; Israel; Peña; Stickland; Vo.

Absent — Dukes.

**STATEMENT OF VOTE**

When Record No. 1396 was taken, I was presiding in the chair and was shown voting present, not voting. I would have voted yes.

Simmons

**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. 25).

**POSTPONED BUSINESS**

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

**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, postponed until May 20, postponed until May 23, and was again postponed until 6 a.m. today.

Representative Anchia moved to postpone consideration of **SB 268** until 1 p.m. Tuesday, May 26.

The motion prevailed.

**SB 1070 ON SECOND READING  
(Moody - House Sponsor)**

**SB 1070**, A bill to be entitled An Act relating to allowing certain defendants to successfully complete education at a substance abuse treatment facility in lieu of attending an education program; changing required conditions of community supervision for certain defendants.

**SB 1070** was read second time on May 23, an amendment was offered and disposed of, and **SB 1070** was postponed until 7 a.m. today.

**SB 1070** was passed to third reading.

**CSSB 1735 ON SECOND READING  
(Zerwas - House Sponsor)**

**CSSB 1735**, A bill to be entitled An Act relating to tuition and fee exemptions at public institutions of higher education for certain military personnel and their dependents.

**CSSB 1735** was read second time on May 22 and was postponed until 3 p.m. today.

**Amendment No. 1**

Representative Blanco offered the following amendment to **CSSB 1735**:

Amend **CSSB 1735** (house committee report) on page 1 of the bill by striking line 5.

**REMARKS ORDERED PRINTED**

Representative Farias moved to print all remarks on **CSSB 1735**.

The motion prevailed. [Please refer to the supplement to this journal for the text of the debate on **CSSB 1735**.]

(Speaker in the chair)

### LEAVE OF ABSENCE GRANTED

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

Geren on motion of D. Bonnen.

### CSSB 1735 - (consideration continued)

Representative Zerwas moved to table Amendment No. 1.

The motion to table prevailed by (Record 1397): 74 Yeas, 53 Nays, 2 Present, not voting.

Yeas — Alonzo; Anderson, R.; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Darby; Davis, S.; Elkins; Faircloth; Farney; Flynn; Frank; Frullo; Goldman; Gonzales; Harless; Howard; Hughes; Isaac; Kacal; Keffer; Keough; King, S.; Klick; Koop; Laubenberg; Leach; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Phelan; Phillips; Price; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alvarado; Anchia; Anderson, C.; Bernal; Blanco; Bohac; Canales; Coleman; Collier; Dale; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Fletcher; Galindo; Giddings; González; Guerra; Guillen; Herrero; Johnson; King, K.; King, T.; Kuempel; Landgraf; Larson; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Minjarez; Muñoz; Naishtat; Nevárez; Oliveira; Pickett; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Simpson; Turner, C.; Turner, S.; Walle; White, J.; Wu.

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

Absent, Excused — Fallon; Israel; Peña; Stickland; Vo.

Absent, Excused, Committee Meeting — Geren.

Absent — Burkett; Dukes; Gutierrez; Hernandez; Huberty; Hunter; King, P.; Krause; Longoria; McClendon; Miles; Moody; Raney; Thompson, S.; White, M.

### STATEMENTS OF VOTE

When Record No. 1397 was taken, I was temporarily out of the house chamber. I would have voted no.

Hernandez

When Record No. 1397 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 1397 was taken, I was in the house but away from my desk. I would have voted yes.

P. King

### REASON FOR VOTE

Pursuant to Article III, Section 22 of the Texas Constitution, I have registered present, not voting on Record No. 1397. As a Marine officer and veteran, my family and I have a potential personal and/or private interest in the benefits provided under the Hazlewood Act. I have participated in votes associated with **CSSB 1735** that did not directly impact me or my family.

Sheets

(Simmons in the chair)

#### Amendment No. 2

Representative Zerwas offered the following amendment to **CSSB 1735**:

Amend **CSSB 1735** (house committee report) as follows:

(1) On page 3, lines 9 and 10, strike the text.

(2) On page 4, line 6, between "The" and "exemption", insert "Texas Veterans Commission by rule shall ensure that the".

(3) On page 5, lines 17 through 19, strike the text and substitute the following:

duty, excluding training, or on active service or active status in the Texas National Guard or the reserve component of the armed forces of the United States for a cumulative total of at least six years before any portion of the exemption may be assigned to a child of the person under Subsection (k).

(4) On page 5, lines 22 through 26, strike the text and substitute the following:

(1) be a student who is classified as a resident under Subchapter B when the child enrolls in an institution of higher education;

(5) On page 6, line 11, between the underlined semicolon and "and", insert the following appropriately numbered subdivision and renumber subsequent subdivisions of Section 54.341(I), Education Code, and any cross-references to those subdivisions, accordingly:

( ) no later than the last class date of each semester or other academic term for which the exemption is claimed, perform at least 20 hours of community service approved by the institution in which the student is enrolled;

(6) On page 6, between lines 14 and 15, add the following appropriately lettered subsection to Section 54.341, Education Code, and amend the recital to SECTION 1 of the bill accordingly:

( ) If a person fails to meet any of the requirements of Subsection (I)(3) after the completion of any semester or other academic term, the person is not eligible to receive an exemption under Subsection (k) during the next semester or other term in which the person enrolls. A person may become eligible to receive an exemption in a subsequent semester or other academic term if the person:

(1) completes a semester or other academic term during which the person is not eligible for the exemption; and

(2) satisfies the requirements of Subsection (I)(3).

(7) Insert the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 434.0079(c), Government Code, is amended to read as follows:

(c) The commission shall adopt rules governing the coordination of federal and state benefits of a person eligible to receive an exemption under:

(1) Section 54.341, Education Code, to ensure that the person first exhausts state or federal grant aid or educational benefits under federal legislation that may be used only for the payment of tuition and fees before receiving the exemption under that section, in accordance with Subsection (e) of that section; and

(2) Section 54.341(k), Education Code, including rules governing[~~:-~~ (1) the total number of credit hours assigned under that section that a person may apply to an individual degree or certificate program, consistent with the standards of the appropriate recognized regional accrediting agency; and

(2)] the application of the assigned exemption to credit hours for which the institution of higher education does not receive state funding.

(Geren now present)

Representative Farias moved to table Amendment No. 2.

The motion to table was lost by (Record 1398): 65 Yeas, 71 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Bell; Bernal; Blanco; Bohac; Burrows; Canales; Coleman; Collier; Dale; Davis, Y.; Deshotel; Dutton; Elkins; Farias; Farrar; Fletcher; Galindo; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Herrero; Johnson; King, S.; King, T.; Kuempel; Landgraf; Larson; Leach; Lucio; Márquez; Martinez; Martinez Fischer; Minjarez; Muñoz; Naishtat; Nevárez; Oliveira; Pickett; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; Workman; Wu; Zedler.

Nays — Anderson, R.; Ashby; Aycock; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Darby; Davis, S.; Faircloth; Farney; Flynn; Frank; Frullo; Geren; Goldman; Harless; Howard; Huberty; Hughes; Isaac; Kacal; Keffer; Keough; King, K.; King, P.; Klick; Koop; Krause; Laubenberg; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Tinderholt; White, M.; Wray; Zerwas.

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

Absent, Excused — Fallon; Israel; Peña; Stickland; Vo.

Absent — Dukes; Hernandez; Hunter; Longoria; McClendon; Miles; Moody.

### STATEMENTS OF VOTE

When Record No. 1398 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hernandez

When Record No. 1398 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

#### Amendment No. 3

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

Amend Amendment No. 2 to **CSSB 1735** (house committee report) as follows:

(1) In SECTION 1 of the bill, strike added Section 54.341(k-2), Education Code (page 5, lines 15 through 19), and substitute the following:

(k-2) A person who becomes eligible for an exemption provided by Subsection (a) must have served:

(1) on active military duty in the armed forces of the United States for a total of at least four years; or

(2) on active service or active status in the Texas National Guard or the reserve component of the armed forces of the United States for a cumulative total of at least six years, excluding training, before any portion of the exemption may be assigned to a child of the person under Subsection (k).

(Stickland now present)

Representative Nevárez moved to table Amendment No. 3.

The motion to table was lost by (Record 1399): 18 Yeas, 114 Nays, 2 Present, not voting.

Yeas — Bernal; Collier; Farias; Farrar; González; Guerra; Guillen; Gutierrez; Martinez; Martinez Fischer; Muñoz; Naishtat; Nevárez; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farney; Fletcher; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Harless; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Morrison; Murphy; Murr; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Reynolds; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simpson; Smith;

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

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

Absent, Excused — Fallon; Israel; Peña; Vo.

Absent — Dukes; Flynn; Giddings; Hernandez; Herrero; King, S.; Longoria; McClendon; Miles; Moody; Smithee; Turner, S.

### STATEMENTS OF VOTE

When Record No. 1399 was taken, I was shown voting yes. I intended to vote no.

Bernal

When Record No. 1399 was taken, I was temporarily out of the house chamber. I would have voted no.

Hernandez

When Record No. 1399 was taken, I was shown voting yes. I intended to vote no.

Martinez Fischer

When Record No. 1399 was taken, I was shown voting yes. I intended to vote no.

Rose

Amendment No. 3 was adopted by (Record 1400): 129 Yeas, 5 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; Farney; Fletcher; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; González; Guerra; Harless; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Farias; Guillen; Gutierrez; Krause; Raymond.

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

Absent, Excused — Fallon; Israel; Peña; Vo.

Absent — Dukes; Farrar; Flynn; Giddings; Hernandez; Longoria; McClendon; Miles; Moody; Turner, S.

### STATEMENTS OF VOTE

When Record No. 1400 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hernandez

When Record No. 1400 was taken, I was shown voting no. I intended to vote yes.

Krause

When Record No. 1400 was taken, I was shown voting yes. I intended to vote no.

Muñoz

Amendment No. 2, as amended, was adopted by (Record 1401): 124 Yeas, 8 Nays, 2 Present, not voting.

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

Nays — Canales; Coleman; Farias; Guerra; Guillen; King, T.; Muñoz; Raymond.

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

Absent, Excused — Fallon; Israel; Peña; Vo.

Absent — Dukes; Farrar; Flynn; Giddings; Hernandez; Herrero; Longoria; McClendon; Miles; Moody; Oliveira; Turner, S.



### STATEMENT OF VOTE

When Record No. 1401 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hernandez

### LEAVES OF ABSENCE GRANTED

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

Moody on motion of Martinez.

S. Turner on motion of Walle.

### CSSB 1735 - (consideration continued)

#### Amendment No. 4

Representative R. Miller offered the following amendment to **CSSB 1735**:

Amend **CSSB 1735** (house committee report) as follows:

(1) On page 5, line 6, strike "60" and substitute "120".

(2) On page 5, line 10, strike "60" and substitute "120".

Amendment No. 4 was adopted by (Record 1402): 129 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Fallon; Israel; Moody; Peña; Turner, S.; Vo.

Absent — Dukes; Farrar; Giddings; Hernandez; Herrero; Hunter; Longoria; McClendon; Miles; Naishtat; Nevárez; Oliveira; Villalba.

### STATEMENTS OF VOTE

When Record No. 1402 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hernandez

When Record No. 1402 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

When Record No. 1402 was taken, I was excused because of important business. I would have voted yes.

Moody

When Record No. 1402 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

#### Amendment No. 5

Representative R. Miller offered the following amendment to **CSSB 1735**:

Amend **CSSB 1735** (house committee report) by adding the following numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 322, Government Code, is amended by adding Section 322.026 to read as follows:

Sec. 322.026. STUDY AND REPORT REGARDING CERTAIN TUITION AND FEE EXEMPTIONS FOR VETERANS AND FAMILY MEMBERS. (a) The Legislative Budget Board in coordination with the Texas Higher Education Coordinating Board, the Texas Veterans Commission, and institutions of higher education shall conduct a study observing and comparing the implementation and effects, including the costs to institutions of higher education, of the exemption from the payment of tuition and fees at institutions of higher education under Section 54.341, Education Code:

(1) before the enactment of Chapter 1340 (SB 93), Acts of the 81st Legislature, Regular Session, 2009, allowing a person eligible for an exemption under Section 54.341, Education Code, to assign the exemption to a child of the person;

(2) after the enactment of the Act described by Subdivision (1); and

(3) after the enactment and becoming law of SB 1735, 84th Legislature, Regular Session, 2015, amending Section 54.341, Education Code.

(b) Not later than December 1, 2018, the board shall report its findings from the study conducted under this section to the legislature.

(c) This section expires January 1, 2019.

Amendment No. 5 was adopted by (Record 1403): 118 Yeas, 5 Nays, 2 Present, not voting.

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

Nays — Bernal; González; Naishtat; Rodriguez, E.; Stickland.

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

Absent, Excused — Fallon; Israel; Moody; Peña; Turner, S.; Vo.

Absent — Alvarado; Bohac; Darby; Dukes; Farrar; Giddings; Hernandez; Hunter; Johnson; Laubenberg; Longoria; Márquez; McClendon; Miles; Nevárez; Pickett; Rinaldi; Sheffield; Workman.

### STATEMENTS OF VOTE

When Record No. 1403 was taken, I was in the house but away from my desk. I would have voted yes.

Alvarado

When Record No. 1403 was taken, I was shown voting no. I intended to vote yes.

Bernal

When Record No. 1403 was taken, I was in the house but away from my desk. I would have voted yes.

Bohac

When Record No. 1403 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hernandez

When Record No. 1403 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

When Record No. 1403 was taken, I was in the house but away from my desk. I would have voted yes.

Márquez

When Record No. 1403 was taken, I was excused because of important business. I would have voted yes.

Moody

When Record No. 1403 was taken, I was shown voting no. I intended to vote yes.

Naishtat

When Record No. 1403 was taken, I was in the house but away from my desk. I would have voted yes.

Rinaldi

When Record No. 1403 was taken, I was shown voting no. I intended to vote yes.

E. Rodriguez

When Record No. 1403 was taken, I was in the house but away from my desk. I would have voted yes.

Workman

#### **Amendment No. 6**

Representatives Springer and Farias offered the following amendment to **CSSB 1735**:

Amend **CSSB 1735** (house committee report), in SECTION 1 of the bill, as follows:

(1) On page 1, line 7, between "(a)," and "(b-1)", insert "(b),".

(2) On page 2, line 12, strike "and".

(3) On page 3, line 4, between "law" and the period, insert the following:

; and

(5) subject to Subsection (b-2), members of the armed forces of the United States who are currently serving and have served at least 12 years on active military duty

(4) On page 3, between lines 14 and 15, insert the following:

(b) The exemptions provided for in Subsection (a) also apply to:

(1) the children of members of the armed forces of the United States:

(A) who are or were killed in action;

(B) who die or died while in service;

(C) who are missing in action;

(D) whose death is documented to be directly caused by illness or injury connected with service in the armed forces of the United States; ~~[or]~~

(E) who became totally and permanently disabled or meet the eligibility requirements for individual unemployability according to the disability ratings of the Department of Veterans Affairs as a result of a service-related injury; or

(F) subject to Subsection ( ), who are currently serving and have served at least 12 years on active military duty; and

(2) the children of members of the Texas National Guard and the Texas Air National Guard who:

(A) were killed since January 1, 1946, while on active duty either in the service of their state or the United States; or

(B) are totally and permanently disabled or meet the eligibility requirements for individual unemployability according to the disability ratings of the Department of Veterans Affairs, regardless of whether the members are eligible to receive disability benefits from the department, as a result of a service-related injury suffered since January 1, 1946, while on active duty either in the service of this state or the United States.

(5) On page 3, between lines 20 and 21, insert the following new subsection, appropriately lettered, and reletter subsections of Section 54.341, Education Code, and cross-references to those subsections, accordingly:

( ) The Texas Veterans Commission by rule shall establish conditions under which a student who previously qualified for an exemption under Subsection (a)(5) or (b)(1)(F) for attendance at an institution of higher education loses that eligibility and is required to repay an amount equal to the amount of tuition, dues, fees, and other required charges the student would, but for the exemption, have owed the institution. The conditions must include the student's withdrawal from or dropping out of the institution, the student's failure to maintain a cumulative grade point average of at least 2.0 on a 4.0 scale, or the receipt of a dishonorable discharge from active military service by the student or the student's parent, as applicable. The commission shall establish a schedule for installment repayment under this subsection.

### LEAVES OF ABSENCE GRANTED

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

Giddings on motion of Allen.

Pickett on motion of Bernal.

### CSSB 1735 - (consideration continued)

Amendment No. 6 was withdrawn.

### Amendment No. 7

Representative S. King offered the following amendment to **CSSB 1735**:

Amend **CSSB 1735** (house committee report) as follows:

(1) On page 1, line 7, between "(e)," and "(k)", insert "(i),".

(2) On page 4, between lines 25 and 26, insert the following:

(i) The Texas Veterans Commission shall ~~may~~ adopt rules to provide for the efficient and uniform application of this section, including rules defining specific categories of charges considered to be tuition and fee charges from which a person receiving an exemption under this section is exempt. In developing rules under this subsection, the commission shall consult with the Texas Higher Education Coordinating Board and institutions of higher education using the negotiated rulemaking procedures under Chapter 2008, Government Code.

(Speaker in the chair)

Amendment No. 7 was adopted by (Record 1404): 130 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; 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; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Howard; Huberty; Hughes; Isaac; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Fallon; Giddings; Israel; Moody; Peña; Pickett; Turner, S.; Vo.

Absent — Alvarado; Dukes; Hernandez; Herrero; Hunter; Johnson; Laubenberg; Longoria; McClendon; Miles; Simmons.

#### STATEMENTS OF VOTE

When Record No. 1404 was taken, I was in the house but away from my desk. I would have voted yes.

Alvarado

When Record No. 1404 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hernandez

When Record No. 1404 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

When Record No. 1404 was taken, I was excused because of important business. I would have voted yes.

Moody

#### Amendment No. 8

Representative S. King offered the following amendment to **CSSB 1735**:

Amend **CSSB 1735** (house committee report) as follows:

(1) On page 1, line 7, between "(e)," and "(k)", insert "(i)".

(2) On page 4, between lines 25 and 26, insert the following:

(i) The Texas Veterans Commission shall ~~[may]~~ adopt rules to provide for the efficient and uniform application of this section, including rules defining specific categories of charges considered to be tuition and fee charges from which a person receiving an exemption under this section is exempt. In developing rules under this subsection, the commission shall consult with the Texas Higher Education Coordinating Board and institutions of higher education using the negotiated rulemaking procedures under Chapter 2008, Government Code.

(3) On page 6, line 24, strike "2016" and substitute "2018".

(4) On page 6, line 25, strike "2016" and substitute "2018".

Amendment No. 8 was withdrawn.

### **Amendment No. 9**

Representative Blanco offered the following amendment to **CSSB 1735**:

Amend **CSSB 1735** (house committee report) as follows:

(1) On page 3, lines 11 through 14, strike the text and substitute the following:

(a-5) A person who enlisted in military service for the first time before September 1, 2015, and who is eligible for an exemption under Subsection (a) as that subsection existed on January 1, 2015, is eligible to receive the exemption provided by this section as this section existed on January 1, 2015, except that the person must satisfy the residency requirement under Subsection (a-0) to be eligible for the exemption.

(2) On page 6, line 21, through page 7, line 4, strike the text and substitute the following:

SECTION 2. The changes in law made by this Act apply beginning with tuition and fees charged for the first academic semester beginning on or after the effective date of this Act.

### **Amendment No. 10**

Representative Blanco offered the following amendment to Amendment No. 9:

Amend Amendment No. 9 by Blanco to **CSSB 1735** (house committee report) as follows:

(1) On page 3, lines 11 through 14, strike the text and substitute the following:

(a-5) A person who enlisted in military service for the first time before September 1, 2015, and who is eligible for an exemption under Subsection (a) as that subsection existed on January 1, 2015, is eligible to receive the exemption provided by this section as this section existed on January 1, 2015, except that the person must satisfy the residency requirement under Subsection (a-0) to be eligible for the exemption.

(2) On page 6, line 21, through page 7, line 4, strike the text and substitute the following:

SECTION 2. The changes in law made by this Act apply beginning with tuition and fees charged for the first academic semester beginning on or after the effective date of this Act.

Amendment No. 10 was withdrawn.

(Geren in the chair)

**Amendment No. 11**

Representative C. Anderson offered the following amendment to Amendment No. 9:

Amend **CSSB 1735** as amended by Amendment No. 2 by Zerwas in the added subdivision of added Section 54.341(l), Education Code, requiring the performance of 20 hours of community service, by striking the entire added subdivision and renumbering subsequent subdivisions of Section 54.341(l), Education Code, accordingly.

Amendment No. 11 was withdrawn.

**Amendment No. 12**

Representative Schaefer offered the following amendment to Amendment No. 9:

Amend Amendment No. 9 by Blanco to **CSSB 1735** on page 1, line 5 of the amendment, by striking "enlisted in" and substituting "began".

Amendment No. 12 was adopted by (Record 1405): 124 Yeas, 0 Nays, 3 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; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Lozano; Lucio; Márquez; Martinez; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, C.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

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

Absent, Excused — Fallon; Giddings; Israel; Moody; Peña; Pickett; Turner, S.; Vo.



Absent — Coleman; Dukes; Dutton; Hernandez; Herrero; King, T.; Laubenberg; Longoria; Martinez Fischer; McClendon; Miles; Shaheen; Thompson, S.; Turner, E.S.; Wu.

### STATEMENTS OF VOTE

When Record No. 1405 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hernandez

When Record No. 1405 was taken, I was excused because of important business. I would have voted yes.

Moody

### REASON FOR VOTE

Pursuant to Article III, Section 22 of the Texas Constitution, I have registered present, not voting on Record No. 1405. As a Marine officer and veteran, my family and I have a potential personal and/or private interest in the benefits provided under the Hazlewood Act. I have participated in votes associated with **CSSB 1735** that did not directly impact me or my family.

Sheets

(Fallon now present)

Amendment No. 9, as amended, was adopted by (Record 1406): 121 Yeas, 2 Nays, 3 Present, not voting.

Yeas — 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; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Flynn; Frank; Frullo; Galindo; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Howard; Huberty; Hughes; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murr; Naishtat; Nevárez; Oliveira; Otto; Parker; Paul; Phelan; Phillips; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Wray; Wu; Zedler.

Nays — Murphy; Zerwas.

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

Absent, Excused — Giddings; Israel; Moody; Peña; Pickett; Turner, S.; Vo.

Absent — Allen; Dukes; Dutton; Fletcher; Hernandez; Herrero; Hunter; King, S.; Laubenberg; Longoria; McClendon; Miles; Paddie; Shaheen; Smithee; Thompson, S.; Workman.

**STATEMENTS OF VOTE**

When Record No. 1406 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hunter

When Record No. 1406 was taken, I was in the house but away from my desk. I would have voted yes.

Laubenberg

When Record No. 1406 was taken, I was excused because of important business. I would have voted yes.

Moody

When Record No. 1406 was taken, I was temporarily out of the house chamber. I would have voted yes.

Paddie

When Record No. 1406 was taken, I was in the house but away from my desk. I would have voted yes.

Workman

**REASON FOR VOTE**

Pursuant to Article III, Section 22 of the Texas Constitution, I have registered present, not voting on Record No. 1406. As a Marine officer and veteran, my family and I have a potential personal and/or private interest in the benefits provided under the Hazlewood Act. I have participated in votes associated with **CSSB 1735** that did not directly impact me or my family.

Sheets

**Amendment No. 13**

Representatives M. White, Blanco, and J. White offered the following amendment to **CSSB 1735**:

Amend **CSSB 1735** (house committee report) as follows:

- (1) On page 3, line 12, strike "2016" and substitute "2017".
- (2) On page 6, line 24, strike "2016" and substitute "2017".
- (3) On page 6, line 25, strike "2016" and substitute "2017".

**CSSB 1735 - POINT OF ORDER**

Representative Galindo raised a point of order against further consideration of **CSSB 1735** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Zerwas moved to postpone consideration of **CSSB 1735** until 6 p.m. today.

The motion prevailed.

## POSTPONED BUSINESS

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

### SB 204 ON THIRD READING

(Raymond - House Sponsor)

**SB 204**, A bill to be entitled An Act relating to the continuation of the functions of the Department of Aging and Disability Services; increasing penalties.

**SB 204** was read third time earlier today and was postponed until this time.

**SB 204** was passed by (Record 1407): 124 Yeas, 3 Nays, 2 Present, not voting.

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

Nays — Bernal; Hughes; Nevárez.

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

Absent, Excused — Giddings; Israel; Moody; Peña; Pickett; Turner, S.; Vo.

Absent — Allen; Dukes; Fallon; Fletcher; González; Hunter; King, T.; Larson; Miles; Miller, R.; Raney; Riddle; Sheffield; Tinderholt.

### STATEMENTS OF VOTE

When Record No. 1407 was taken, I was shown voting no. I intended to vote yes.

Bernal

When Record No. 1407 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hunter

When Record No. 1407 was taken, I was in the house but away from my desk. I would have voted yes.

Larson

When Record No. 1407 was taken, I was in the house but away from my desk. I would have voted yes.

R. Miller

When Record No. 1407 was taken, I was excused because of important business. I would have voted yes.

Moody

When Record No. 1407 was taken, I was shown voting no. I intended to vote yes.

Nevárez

When Record No. 1407 was taken, my vote failed to register. I would have voted yes.

Raney

When Record No. 1407 was taken, I was in the house but away from my desk. I would have voted yes.

Riddle

When Record No. 1407 was taken, I was in the house but away from my desk. I would have voted yes.

Sheffield

**MAJOR STATE CALENDAR  
SENATE BILLS  
SECOND READING**

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

**SB 200 ON SECOND READING**

**(Price, Raymond, Dutton, Burkett, and Gonzales - House Sponsors)**

**SB 200**, A bill to be entitled An Act relating to the continuation and functions of the Health and Human Services Commission and the provision of health and human services in this state.

**Amendment No. 1**

Representative Price offered the following amendment to **SB 200**:

Amend **SB 200** (house committee report) as follows:

(1) On page 2, line 17, between "agency" and "subject", insert "and entity".

(2) On page 3, strike lines 5 and 6 and substitute the following:

(1) all functions of each state agency and entity subject to abolition under Section 531.0202(b) that remained with the agency or entity

(3) Strike page 7, line 18, through page 8, line 2, and substitute the following:

(6) the State Health Services Council; and

(7) the Texas Council on Autism and Pervasive Developmental Disorders.

(b) The following state agency and entity are abolished on a date that is within the period prescribed by Section 531.02001(2), that is specified in the transition plan required under Section 531.0204 for the abolition of the state agency or entity, and that occurs after all of the state agency's or entity's functions have been transferred to the commission in accordance with Sections 531.0201 and 531.02011:

(1) the Department of Aging and Disability Services; and

(2) the Office for the Prevention of Developmental Disabilities.

(4) On page 14, line 12, strike "an" and substitute "a state".

(5) On page 14, line 27, strike "agency" and substitute "state agency and entity".

(6) On page 19, lines 22 and 23, strike "Section 531.0201 or 531.02011," and substitute "Section 531.0201,".

(7) On page 55, line 13, strike "531.02001(1)" and substitute "531.02001(2)".

(8) On page 60, line 13, strike "September 1, 2017" and substitute "the date specified in the transition plan required under Section 531.0204, Government Code, as added by this article".

(9) On page 60, line 20, strike "September 1, 2017" and substitute "the date specified in the transition plan required under Section 531.0204, Government Code, as added by this article".

(10) On page 67, line 4, between "provisions" and "amended", insert "added or".

(11) On page 68, strike lines 4 and 5 and substitute the following appropriately numbered subdivisions:

( ) Section 117.0711;

( ) Section 117.0712;

( ) Section 117.072;

( ) Section 161.021;

( ) Section 161.022;

( ) Section 161.023;

( ) Section 161.024;

( ) Section 161.025;

( ) Section 161.026;

( ) Section 161.027;

( ) Section 161.028;

( ) Section 161.029; and

( ) Section 161.030.

(12) On page 68, line 9, between "provisions" and "amended", insert "added or".

(13) In SECTION 1.23(e) of the bill (page 68, lines 8-19), add the following appropriately numbered subdivisions and renumber the subdivisions of the SECTION accordingly:

- ( ) Section 161.032;
- ( ) Section 161.0711;
- ( ) Section 161.0712;

(14) Strike page 113, lines 7 through 18, and substitute the following:

(h) The term of a member serving on the Medicaid Drug Utilization Review Board on January 1, 2016, expires on February 29, 2016. Not later than March 1, 2016, the executive commissioner of the Health and Human Services Commission shall appoint the initial members to the Drug Utilization Review Board in accordance with Section 531.0736, Government Code, as added by this article, for terms beginning March 1, 2016. In making the initial appointments and notwithstanding Section 531.0736(e), Government Code, as added by this article, the executive commissioner shall designate as close to one-half as possible of the members to serve for terms expiring March 1, 2018, and the remaining members to serve for terms expiring March 1, 2020.

(15) On page 113, line 19, strike "October 1, 2015," and substitute "February 1, 2016,".

(16) On page 113, line 25, strike "January 1, 2016," and substitute "May 1, 2016,".

(17) On page 120, line 20, strike "Section 531.051(b)" and substitute "Section 535.051(b)".

(18) On page 121, line 2, strike "Section 531.051(b)" and substitute "Section 535.051(b)".

(19) On page 132, line 3, strike "September 1, 2015," and substitute "January 1, 2016,".

(20) On page 137, line 2, strike "3.46" and substitute "3.40".

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative Price offered the following amendment to **SB 200**:

Amend **SB 200** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill as appropriate:

### ARTICLE \_\_\_\_ . VITAL STATISTICS

SECTION \_\_\_\_ .01. Subchapter A, Chapter 191, Health and Safety Code, is amended by adding Section 191.0031 to read as follows:

Sec. 191.0031. CERTIFIED COPIES BY MAIL. The state registrar or a local registrar may not issue a certified copy of a record under this chapter to a person who has applied for the record by mail unless the person has provided notarized proof of identity in accordance with rules adopted by the executive commissioner of the Health and Human Services Commission. The rules may require the issuer of the certified copy to verify the notarization using the records of the secretary of state under Section 406.012, Government Code.

SECTION \_\_\_\_ .02. Section 191.022, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) Each local registrar shall annually submit a self-assessment report to the state registrar. The department shall prescribe the information that must be included in the report to allow a thorough desk audit of a local registrar.

SECTION \_\_\_\_\_.03. Chapter 191, Health and Safety Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. ACCESS TO RECORDS

Sec. 191.071. CRIMINAL BACKGROUND CHECK REQUIRED. (a) A person may not access vital records maintained by the department under this chapter and may not access the department's vital records electronic registration system unless the department, or another person acting on behalf of the department, has conducted a fingerprint-based criminal background check, using state and federal databases, on the person in accordance with department policy and the person's record is satisfactory as determined under department policy.

(b) The department may adopt a policy waiving the requirement of a fingerprint-based background check for a person who previously submitted to a fingerprint-based background check as a condition of licensure by a state agency.

SECTION \_\_\_\_\_.04. Section 411.110(a), Government Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) The Department of State Health Services is entitled to obtain from the department criminal history record information maintained by the department that relates to:

(1) a person who is:

(A) an applicant for a license or certificate under the Emergency Health Care Act (Chapter 773, Health and Safety Code);

(B) an owner or manager of an applicant for an emergency medical services provider license under that Act; or

(C) the holder of a license or certificate under that Act;

(2) an applicant for a license or a license holder under Subchapter N, Chapter 431, Health and Safety Code;

(3) an applicant for a license, the owner or manager of an applicant for a massage establishment license, or a license holder under Chapter 455, Occupations Code;

(4) an applicant for employment at or current employee of:

(A) a public health hospital as defined by Section 13.033, Health and Safety Code; or

(B) the South Texas Health Care System; ~~or~~

(5) an applicant for employment at, current employee of, or person who contracts or may contract to provide goods or services with:

~~[(A) the vital statistics unit of the Department of State Health Services; or~~

~~[(B)]~~ the Council on Sex Offender Treatment or other division or component of the Department of State Health Services that monitors sexually violent predators as described by Section 841.003(a), Health and Safety Code; or

(6) a person authorized to access vital records or the vital records electronic registration system under Chapter 191, Health and Safety Code, including an employee of or contractor for the Department of State Health Services, a local registrar, a medical professional, or a funeral director.

SECTION \_\_\_\_\_.05. In prescribing the initial requirements for local registrar self-assessment reports under Section 191.022(g), Health and Safety Code, as added by this article, the Department of State Health Services shall solicit comment from local registrars in this state.

SECTION \_\_\_\_\_.06. The Department of State Health Services shall prescribe policies necessary to implement Subchapter D, Chapter 191, Health and Safety Code, as added by this article, to take effect March 1, 2016.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Coleman offered the following amendment to **SB 200**:

Amend **SB 200** (house committee printing) as follows:

(1) On page 25, line 16, between "council" and "and to speak", insert "which may include holding meetings various geographic areas across this state, or through allowing public comment at teleconferencing centers in various geographic areas across this state".

(2) On page 83, line 19, between "input" and the underlined comma, insert "from various geographic areas across this state, either in person or through teleconferencing centers".

(3) On page 98, line 4, between "system" and the underlined comma, insert "which may be from various geographic areas across the state which may be done either in person or through teleconferencing centers".

(4) On page 108, line 8, between "proposals." and "The", insert "The location of the quarterly public meeting may rotate among different geographic areas across this state, or allow for public input through teleconferencing centers in various geographic areas across this state."

Amendment No. 3 was adopted.

### **Amendment No. 4**

Representative Zerwas offered the following amendment to **SB 200**:

**SB 200** shall be amended as follows:

Page 89, lines 24-27 and page 90, lines 1-9 are deleted and the following inserted:

(b) As part of its effort under Subsection (a), the commission shall:

(1) require each managed care organization providing health care services to recipients to assist those recipients with maintaining eligibility;

(2) if the commission determines it is cost-effective, develop specific strategies for assisting recipients who receive Supplemental Security Income (SSI) benefits under 42 U.S.C. Section 1381 et seq. with maintaining eligibility;

and



(3) ensure information that is relevant to a recipient's eligibility status is provided to the managed care organization through which the recipient receives Medicaid services; and

(4) to ensure network adequacy for managed care organizations, in developing the premium rates for Medicaid and CHIP managed care organizations, the commission shall, to the extent allowable by law, include provisions for payment of the federally qualified health centers' prospective payment system rate and establish contractual requirements that require managed care organizations to reimburse federally qualified health centers at the prospective payment system rate. At no additional cost to the state, on a quarterly basis, the commission shall reconcile with and provide managed care organizations an adjusted payment based on actual encounters that managed care organization members receive from federally qualified health centers.

Amendment No. 4 was withdrawn.

### **Amendment No. 5**

Representative Naishtat offered the following amendment to **SB 200**:

Amend **SB 200** (house committee report) as follows:

(1) On page 133, strike line 25 and renumber subsequent subdivisions of the subsection accordingly.

(2) On page 136, strike line 16 and renumber subsequent subdivisions of the SECTION accordingly.

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

SECTION 2.\_\_\_\_. (a) Section 531.251, Government Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 531.251. TEXAS SYSTEM OF CARE FRAMEWORK [~~CONSORTIUM~~]. (a) In this section:

(1) "Minor" means an individual younger than 18 years of age.

(2) "Serious emotional disturbance" means a mental, behavioral, or emotional disorder of sufficient duration to result in functional impairment that substantially interferes with or limits a person's role or ability to function in family, school, or community activities.

(3) "System of care framework" means a framework for collaboration among state agencies, minors who have a serious emotional disturbance or are at risk of developing a serious emotional disturbance, and the families of those minors that improves access to services and delivers effective community-based services that are family-driven, youth- or young adult-guided, and culturally and linguistically competent.

(b) The commission shall implement [~~form a consortium to have responsibility for and oversight over~~] a [~~state~~] system of care framework to develop local mental health systems of care in communities for minors who are receiving residential mental health services and supports or inpatient mental health hospitalization, have or are at risk of developing a serious emotional disturbance, or [~~who~~] are at risk of being removed from the minor's home and

placed in a more restrictive environment to receive mental health services and supports, including an inpatient mental health hospital, a residential treatment facility, or a facility or program operated by the Department of Family and Protective Services or an agency that is part of the juvenile justice system.

~~(c) [(a 1) The consortium must include:~~

~~[(1) representatives of the Department of State Health Services, Department of Family and Protective Services, commission's Medicaid program, Texas Education Agency, Texas Juvenile Justice Department, and Texas Correctional Office on Offenders with Medical or Mental Impairments; and~~

~~[(2) one member who is:~~

~~[(A) a youth or young adult who has a serious emotional disturbance and has received mental health services and supports; or~~

~~[(B) a family member of a youth or young adult described by Paragraph (A).]~~

~~[(a 2) The consortium may coordinate with the Children's Policy Council for the purposes of including the representation required by Subsection (a 1)(2).]~~

~~[(b)] The commission [and the consortium] shall:~~

~~(1) maintain a comprehensive plan for the delivery of mental health services and supports to a minor and a minor's family using a system of care framework, including best practices in the financing, administration, governance, and delivery of those services;~~

~~(2) enter memoranda of understanding with the Department of State Health Services, the Department of Family and Protective Services, the Texas Education Agency, the Texas Juvenile Justice Department, and the Texas Correctional Office on Offenders with Medical or Mental Impairments that specify the roles and responsibilities of each agency in implementing the comprehensive plan described by Subdivision (1) [implement strategies to expand the use of system of care practices in the planning and delivery of services throughout the state];~~

~~(3) identify appropriate local, state, and federal funding sources to finance infrastructure and mental health services and supports needed to support state and local system of care framework efforts; [and]~~

~~(4) develop an evaluation system to measure cross-system performance and outcomes of state and local system of care framework efforts; and~~

~~(5) in implementing the provisions of this section, consult with stakeholders, including:~~

~~(A) minors who have or are at risk of developing a serious emotional disturbance or young adults who received mental health services and supports as a minor with or at risk of developing a serious emotional disturbance; and~~

~~(B) family members of those minors or young adults.~~

~~[(b 1) Not later than November 1 of each even numbered year, the consortium shall submit a report to the legislature and the Council on Children and Families that contains an evaluation of the outcomes of the Texas System of Care and recommendations on strengthening state policies and practices that support local systems of care, including recommendations relating to:~~

~~[(1) methods to increase access to effective and coordinated services and supports;~~

~~[(2) methods to increase community capacity to implement local systems of care through training and technical assistance;~~

~~[(3) use of cross system performance and outcome data to make informed decisions at individual and system levels; and~~

~~[(4) strategies to maximize public and private funding at the local, state, and federal levels.]~~

(b) Section 531.255, Government Code, is amended to read as follows:

Sec. 531.255. EVALUATION. ~~[(a)]~~ The commission ~~[and the Department of State Health Services jointly]~~ shall monitor the implementation of a system of care framework under Section 531.251 and adopt rules as necessary to facilitate or adjust that implementation ~~[progress of the communities that implement a local system of care, including monitoring cost avoidance and the net savings that result from implementing a local system of care].~~

Amendment No. 5 was adopted by (Record 1408): 114 Yeas, 21 Nays, 2 Present, not voting.

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

Nays — Anderson, R.; Bell; Bonnen, D.; Burrows; Huberty; Keough; Krause; Leach; Metcalf; Paul; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Simpson; Springer; Stickland; Tinderholt; Turner, E.S.; White, M.

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

Absent, Excused — Giddings; Israel; Moody; Peña; Pickett; Turner, S.; Vo.

Absent — Dukes; Fallon; Hunter; McClendon; Miles; Rodriguez, E.

### STATEMENTS OF VOTE

When Record No. 1408 was taken, my vote failed to register. I would have voted yes.

Fallon

When Record No. 1408 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hunter

When Record No. 1408 was taken, I was excused because of important business. I would have voted yes.

Moody

When Record No. 1408 was taken, I was in the house but away from my desk. I would have voted yes.

E. Rodriguez

### **Amendment No. 6**

Representative C. Turner offered the following amendment to **SB 200**:

Amend **SB 200** (house committee report) in ARTICLE 2 by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. (a) The Health and Human Services Commission shall negotiate with the appropriate federal entity for authorization to develop a state health benefit exchange. The negotiated authorization must allow the state health benefit exchange to be flexible, patient-friendly, tailored to the needs of the state, and similar to the health benefit exchange described in the Patient Protection and Affordable Care Act (Pub. L. No. 111-148).

(b) If the appropriate federal entity authorizes a state health benefit exchange described in Subsection (a) of this section, the Health and Human Services Commission shall develop and implement the health benefit exchange.

(c) This section takes effect on the 91st day after the date of publication in the Texas Register by the attorney general of a finding that federal tax-credit subsidies do not extend to health insurance coverage purchased through a health insurance exchange established or operated by the federal government under Section 1321, Patient Protection and Affordable Care Act (42 U.S.C. Section 18041).

(d) The attorney general shall monitor federal constitutional law and federal court cases related to the extension of federal tax-credit subsidies to health insurance coverage purchased through a health insurance exchange established or operated by the federal government under Section 1321, Patient Protection and Affordable Care Act (42 U.S.C. Section 18041). The attorney general may make the finding described by Subsection (c) of this section at any time the attorney general determines the finding is warranted and shall make the finding not later than the 60th day after the date of issuance of a United States Supreme Court action under which the finding is required.

Representative Price moved to table Amendment No. 6.

The motion to table prevailed by (Record 1409): 92 Yeas, 43 Nays, 2 Present, not voting.

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

Nays — Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Davis, Y.; Deshotel; Dutton; Farias; Farrar; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Johnson; Keough; King, T.; Krause; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; Minjarez; Muñoz; Naishtat; Nevárez; Oliveira; Raymond; Reynolds; Rodriguez, J.; Romero; Rose; Sanford; Thompson, S.; Turner, C.; Walle; Wu.

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

Absent, Excused — Giddings; Israel; Moody; Peña; Pickett; Turner, S.; Vo.

Absent — Anderson, C.; Dukes; Hunter; McClendon; Miles; Rodriguez, E.

#### STATEMENTS OF VOTE

When Record No. 1409 was taken, I was in the house but away from my desk. I would have voted yes.

C. Anderson

When Record No. 1409 was taken, I was shown voting yes. I intended to vote no.

Howard

When Record No. 1409 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hunter

When Record No. 1409 was taken, I was shown voting no. I intended to vote yes.

Keough

When Record No. 1409 was taken, I was shown voting no. I intended to vote yes.

Krause

When Record No. 1409 was taken, I was excused because of important business. I would have voted no.

Moody

When Record No. 1409 was taken, I was shown voting no. I intended to vote yes.

Sanford

### **Amendment No. 7**

Representative Raymond offered the following amendment to **SB 200**:

Amend **SB 200** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 2. \_\_\_\_\_. Subchapter A, Chapter 552, Health and Safety Code, is amended by adding Section 552.0012 to read as follows:

Sec. 552.0012. STUDY REGARDING NEW LOCATION FOR AUSTIN STATE HOSPITAL. (a) The commission, in coordination with the department, the General Land Office, and the Texas Facilities Commission, shall conduct a study to determine the feasibility, costs, and benefits of transferring operation of the Austin State Hospital from the hospital's facilities as of January 1, 2015, to a new facility at a new location.

(b) The study conducted under this section must consider potential locations and facilities for the operation of the Austin State Hospital that are owned by the state and that are not owned by the state. For each potential location, the study must consider:

(1) property and facility costs, including costs associated with purchasing or leasing facilities;

(2) ease of public access by main roads and public transportation; and

(3) capacity to accommodate the complete operation of the Austin State Hospital without overcrowding or interference in the delivery of services to patients.

(c) In considering property and facility costs of a potential location for the Austin State Hospital under Subsection (b)(1), the study must assume that proceeds from the sale or lease of the Austin State Hospital's facilities as of January 1, 2015, would be used for the payment of property and facility costs of a new location.

(d) The commission, in conducting the study, shall obtain input from appropriate stakeholders and from the public at public hearings held in locations across the geographic area served by the Austin State Hospital.

(e) Not later than September 1, 2016, the commission shall compile a report containing results from the study and submit the report to:

(1) each legislative standing committee with primary jurisdiction over health and human services;

(2) the Sunset Advisory Commission; and

(3) the Legislative Budget Board.

(f) This section expires September 1, 2017.

Amendment No. 7 was adopted. (Rinaldi recorded voting no.)

**Amendment No. 8**

Representative Schaefer offered the following amendment to **SB 200**:

Amend **SB 200** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumbering subsequent SECTIONS of ARTICLE 2 accordingly:

SECTION 2. \_\_\_\_\_. (a) Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0911 to read as follows:

Sec. 531.0911. PHOTOGRAPH AND OTHER INFORMATION ON CERTAIN ELECTRONIC BENEFITS TRANSFER CARDS. (a) In this section:

(1) "Financial assistance program" means the financial assistance program established under Chapter 31, Human Resources Code.

(2) "Recipient" means a person who receives benefits under the financial assistance program or the supplemental nutrition assistance program.

(3) "Supplemental nutrition assistance program" has the meaning assigned by Section 33.0005, Human Resources Code.

(b) Subject to Subsection (c), the commission shall ensure that the front side of each electronic benefits transfer card used by a recipient, or other person authorized on the recipient's account, for purposes of receiving benefits under the financial assistance program or the supplemental nutrition assistance program displays:

(1) the name and photograph of the recipient or other authorized person, as appropriate;

(2) the words "Fraud Hotline" followed by the telephone number of the commission's toll-free hotline for reporting suspected fraud required under Section 531.108(b)(2);

(3) the Internet website address maintained by the commission for the purpose of allowing persons to report suspected fraud in either the financial assistance program or the supplemental nutrition assistance program; and

(4) the statement "Funds provided by taxpayers."

(c) A recipient, or other person authorized on the recipient's account, as appropriate, is exempt from the photograph requirement imposed by Subsection (b) if the person is:

(1) 65 years of age or older;

(2) younger than 19 years of age;

(3) blind;

(4) disabled; or

(5) a victim of domestic violence.

(d) The executive commissioner may adopt rules necessary to implement Subsection (c).

(b) Notwithstanding Section 531.0911, Government Code, as added by this section, the Health and Human Services Commission is not required to issue electronic benefits transfer cards that comply with that section until September 1, 2016, but is required to begin issuing cards that comply with that section beginning on that date. The commission shall ensure that on or before August 31, 2018, each electronic benefits transfer card used to deliver benefits to recipients under the financial assistance program under Chapter 31, Human

Resources Code, or the supplemental nutrition assistance program under Chapter 33, Human Resources Code, conforms to Section 531.0911, Government Code, as added by this section.

### LEAVE OF ABSENCE GRANTED

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

Miles on motion of Burrows.

### SB 200 - (consideration continued)

Amendment No. 8 was withdrawn.

### Amendment No. 9

Representative S. King offered the following amendment to **SB 200**:

Amend **SB 200** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumbering the subsequent SECTIONS of ARTICLE 2 appropriately:

SECTION 2.\_\_\_\_. (a) Subchapter A, Chapter 33, Human Resources Code, is amended by adding Section 33.016 to read as follows:

Sec. 33.016. EFFECT OF CERTAIN NONCOMPLIANCE WITH WORK REQUIREMENTS ON SNAP ELIGIBILITY. As authorized by 7 U.S.C. Section 2015(d)(1)(C)(iii)(III), a person who becomes ineligible for supplemental nutrition assistance benefits for the third or subsequent time for refusing or failing without good cause to comply with the employment or employment and training program requirements of 7 U.S.C. Section 2015(d)(1)(A) is ineligible to receive those benefits for a period of 36 months beginning on the first day of the month after the month in which the person becomes ineligible for those benefits.

(b) Section 33.016, Human Resources Code, as added by this section, applies only to an initial determination or recertification of eligibility for the supplemental nutrition assistance program under Chapter 33, Human Resources Code, that is made on or after the effective date of this section. A determination or recertification made before the effective date of this section is governed by the law in effect on the date the determination or recertification was made, and the former law is continued in effect for that purpose.

Amendment No. 9 was withdrawn.

### Amendment No. 10

Representative S. King offered the following amendment to **SB 200**:

Amend **SB 200** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumbering the subsequent SECTIONS of ARTICLE 2 appropriately:

SECTION 2.\_\_\_\_. Subchapter A, Chapter 33, Human Resources Code, is amended by adding Section 33.030 to read as follows:

Sec. 33.030. ELIGIBILITY RESTRICTION FOR DELINQUENT CHILD SUPPORT PAYMENTS. (a) In this section, "Title IV-D agency" has the meaning assigned by Section 101.033, Family Code.



(b) As authorized by 7 U.S.C. Section 2015(n), a person may not receive supplemental nutrition assistance benefits as a member of any household during any month in which the person is delinquent in making a court-ordered child support payment. For purposes of this subsection, a person is not considered delinquent if the person pays any portion of a court-ordered child support payment.

(c) The restriction in Subsection (b) does not apply if a court has allowed the person to delay payment or if the person is complying with a payment plan approved by a court or the Title IV-D agency.

(d) The commission and the Title IV-D agency shall jointly enforce this section.

Amendment No. 10 was withdrawn.

### **Amendment No. 11**

Representative Howard offered the following amendment to **SB 200**:

Amend **SB 200** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumbering subsequent SECTIONS of that ARTICLE accordingly:

SECTION 2.\_\_\_\_. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02221 to read as follows:

Sec. 531.02221. WOMEN'S HEALTH ADVISORY COMMITTEE. (a) The executive commissioner shall establish a women's health advisory committee to provide recommendations to the commission on the consolidation of women's health programs.

(b) The executive commissioner shall appoint members to the advisory committee and ensure that a majority of the members are health care providers who:

- (1) are participating in women's health programs of various sizes;
- (2) are located in separate geographic areas of this state; and
- (3) have experience in operating women's health programs.

(c) The executive commissioner may appoint a member not described by Subsection (b) to the women's health advisory committee who represents the women's health industry and is knowledgeable on the best practices for women's health programs.

(d) The executive commissioner shall establish the women's health advisory committee not later than October 15, 2015. This subsection expires September 1, 2016.

### **Amendment No. 12**

Representative Howard offered the following amendment to Amendment No. 11:

Amend Amendment No. 11 by Howard to **SB 200** as follows:

(1) On page 1, lines 24 and 25, strike "This subsection expires September 1, 2016."

(2) On page 1, after line 25, add the following appropriately lettered subsection and reletter subsections of added Section 531.02221, Government Code, and any cross references to those subsections accordingly:

( ) The women's health advisory committee is abolished and this section expires September 1, 2017.

Amendment No. 12 was adopted. (Rinaldi recorded voting no.)

Amendment No. 11, as amended, was adopted. (Rinaldi recorded voting no.)

### **Amendment No. 13**

Representative Howard offered the following amendment to **SB 200**:

Amend **SB 200** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 2.\_\_\_\_. Section 62.151, Health and Safety Code, is amended by amending Subsection (c), as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, and adding Subsections (g) and (h) to read as follows:

(c) In modifying the plan, the executive commissioner, except as provided by Subsection (g), shall ensure that primary and preventive health benefits do not include reproductive services, other than prenatal care and care related to diseases, illnesses, or abnormalities related to the reproductive system.

(g) Subject to Subsection (h), the child health plan must provide as covered benefits prescription contraceptive drugs or devices approved by the United States Food and Drug Administration. This subsection does not require coverage of abortifacients or any other drug or device that terminates a pregnancy.

(h) The child health plan may provide as covered benefits prescription contraceptive drugs or devices for an enrolled child for the purpose of primary and preventive reproductive health care only if the prescribing health care provider receives written consent for the prescription from the enrolled child's parent, guardian, or managing conservator.

Amendment No. 13 was withdrawn.

### **Amendment No. 14**

Representative Dutton offered the following amendment to **SB 200**:

Amend **SB 200** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 2.\_\_\_\_. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02114 to read as follows:

Sec. 531.02114. DENTAL DIRECTOR. The executive commissioner shall appoint for Medicaid a dental director who is a licensed dentist under Subtitle D, Title 3, Occupations Code, and rules adopted under that subtitle by the State Board of Dental Examiners.

Amendment No. 14 was withdrawn.

**Amendment No. 15**

Representative Burkett offered the following amendment to **SB 200**:

Amend **SB 200** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to ARTICLE 3 of the bill and renumber subsequent SECTIONS of that ARTICLE accordingly:

SECTION 3.\_\_\_\_. Section 98.1046(a), Health and Safety Code, is amended to read as follows:

(a) ~~The [In consultation with the Texas Institute of Health Care Quality and Efficiency under Chapter 1002, the]~~ department, using data submitted under Chapter 108, shall publicly report for hospitals in this state risk-adjusted outcome rates for those potentially preventable complications and potentially preventable readmissions that the department~~[, in consultation with the institute,]~~ has determined to be the most effective measures of quality and efficiency.

SECTION 3.\_\_\_\_. Section 98.1047(a), Health and Safety Code, is amended to read as follows:

(a) ~~The [In consultation with the Texas Institute of Health Care Quality and Efficiency under Chapter 1002, the]~~ department shall study which adverse health conditions commonly occur in long-term care facilities and, of those health conditions, which are potentially preventable.

SECTION 3.\_\_\_\_. Section 98.1065, Health and Safety Code, is amended to read as follows:

Sec. 98.1065. STUDY OF INCENTIVES AND RECOGNITION FOR HEALTH CARE QUALITY. The department~~[, in consultation with the Texas Institute of Health Care Quality and Efficiency under Chapter 1002,]~~ shall conduct a study on developing a recognition program to recognize exemplary health care facilities for superior quality of health care and make recommendations based on that study.

(2) Strike page 130, line 9 through page 131, line 13 and renumber subsequent SECTIONS of that ARTICLE accordingly.

(3) Strike page 134, line 20 through page 135, line 2 and substitute the following:

(7) Chapter 115; and

(8) Chapter 1002.

(4) On page 135, between lines 5 and 6, insert the following:

(d) Section 848.001(7), Insurance Code, is repealed.

(5) On page 136, line 14, strike "the board of directors of".

Amendment No. 15 was adopted.

**Amendment No. 16**

On behalf of Representative McClendon, Representative Coleman offered the following amendment to **SB 200**:

Amend **SB 200** by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 531.0972, Government Code, is amended to read as follows:

Sec. 531.0972. PILOT PROGRAM TO PREVENT THE SPREAD OF CERTAIN INFECTIOUS OR COMMUNICABLE DISEASES. The commission may provide guidance to the counties and the hospital districts in those counties that establish [the local health authority of Bexar County in establishing] a pilot program under Subchapter J, Chapter 81, Health and Safety Code, [funded by the county] to prevent the spread of HIV, hepatitis B, hepatitis C, and other infectious and communicable diseases. The program may include a disease control program that provides for the anonymous exchange of used hypodermic needles and syringes.

SECTION \_\_\_\_\_. Chapter 81, Health and Safety Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. PILOT PROGRAMS TO REDUCE RISK OF CERTAIN COMMUNICABLE DISEASES

Sec. 81.401. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to Bexar, Dallas, El Paso, Harris, Nueces, Travis, and Webb Counties and hospital districts in those counties.

Sec. 81.402. DISEASE CONTROL PILOT PROGRAMS. (a) A county or hospital district may authorize an organization to establish a disease control pilot program under this subchapter to prevent the spread of HIV, hepatitis B, hepatitis C, and other infectious and communicable diseases. The pilot program may include disease control outreach programs that:

- (1) provide for the anonymous exchange of used hypodermic needles and syringes for an equal number of new hypodermic needles and syringes;
- (2) offer education on the transmission and prevention of communicable diseases, including HIV, hepatitis B, and hepatitis C; and
- (3) assist program participants in obtaining health care and other physical and mental health-related services, including substance abuse treatment services and bloodborne disease testing.

(b) As part of the pilot program under Subsection (a), a county or hospital district by order or similar measure may authorize an organization to register with the county or hospital district to distribute hypodermic needles and syringes for the purpose of controlling the spread of certain bloodborne communicable diseases. The county or hospital district may charge a reasonable fee for registration under this subchapter to pay for oversight functions, including coordination with law enforcement personnel.

(c) An organization operating a disease control pilot program authorized by this subchapter may charge a participant in the program a fee for each hypodermic needle or syringe used in the program not to exceed 150 percent of the actual cost of the hypodermic needle or syringe.

(d) An organization operating a disease control pilot program authorized by this subchapter shall annually provide the department and the county or hospital district authorizing the program with information on:

- (1) the effectiveness of the program;

(2) the program's impact on reducing the spread of communicable diseases, including HIV, hepatitis B, and hepatitis C; and

(3) the program's effect on injected drug use in the area served by the county or hospital district.

Sec. 81.403. DISTRIBUTION OF NEEDLES AND SYRINGES TO PILOT PROGRAM. A person licensed as a wholesale drug distributor or device distributor under Chapter 431 may distribute hypodermic needles and syringes to a disease control pilot program authorized by this subchapter.

Sec. 81.404. HANDLING OF NEEDLES AND SYRINGES. (a) An organization operating a disease control pilot program shall store hypodermic needles and syringes in a proper and secure manner. Only authorized employees or volunteers of the program may have access to the hypodermic needles and syringes. The hypodermic needles and syringes may be included in packaged safe kits made available to program clients through the program. Program clients may obtain hypodermic needles and syringes and safe kits only from an authorized employee or volunteer of the program.

(b) An organization operating a disease control pilot program authorized by this subchapter shall store and dispose of used hypodermic needles and syringes in accordance with applicable state laws and administrative rules governing the safe and proper disposal of medical waste.

Sec. 81.405. FUNDING. Except to the extent specifically prohibited by law, an organization may solicit or accept gifts, grants, or donations to fund a disease control pilot program under Section 81.402(a).

Sec. 81.406. EXPIRATION. This subchapter expires September 1, 2025.

SECTION \_\_\_\_\_. Section 481.125, Health and Safety Code, is amended by adding Subsections (g), (h), and (i) to read as follows:

(g) Subsections (a) and (b) do not apply to a person who dispenses or delivers a hypodermic needle or syringe for a medical purpose. For the purposes of this subsection, "medical purpose" includes the exchange of a hypodermic needle or syringe for a used hypodermic needle or syringe in a disease control pilot program described by Subchapter J, Chapter 81.

(h) Subsections (a) and (b) do not apply to a person who manufactures hypodermic needles or syringes for delivery to a disease control pilot program described by Subchapter J, Chapter 81.

(i) Subsections (a) and (b) do not apply to a person who is an employee, volunteer, duly authorized agent, or participant of a disease control pilot program described by Subchapter J, Chapter 81, and uses, possesses, or delivers a hypodermic needle or syringe as part of the program.

SECTION \_\_\_\_\_. (a) The change to Section 481.125, Health and Safety Code, made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

**AMENDMENT NO. 16 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE COLEMAN: This is the amendment—the bill that Representative McClendon had that we passed out of the house about a month ago with a favorable vote. This does a pilot for health-based needle exchange. No government money is spent in this, and it's a pilot.

REPRESENTATIVE PRICE: As Chairman Coleman said, you might remember this was a bill authored by Representative McClendon that the house passed. It authorizes certain counties' hospital districts to establish pilot programs—to prevent the spread of HIV, Hepatitis B and C, and other infectious and communicable diseases—including needle exchange programs. It applies only, I believe, to Bexar, Dallas, El Paso, Harris, Nueces, Travis, and Webb counties. It requires reports from organizations participating in those pilot programs. I'm moving to table this amendment, and I believe that there is question regarding germaneness. This wasn't part of the sunset review process that we reviewed when we undertook the organization of the HHSC enterprise or the sister agencies under it. I believe that **HB 65** has already passed this house—it may not be gaining traction in the senate—but again, it's outside the scope of the sunset process so I'm moving to table the amendment.

REPRESENTATIVE NAISHTAT: You're aware that this legislation, this amendment, would only apply to certain counties which are spelled out in the bill?

PRICE: Yes, I believe, Bexar, Dallas, El Paso, Harris, Nueces, Travis, and Webb, is my understanding.

NAISHTAT: And you're aware that there's nothing mandatory in the amendment, that counties would be able to make a decision on an individual basis as to whether or not they would create this program. So there is nothing that's mandated.

PRICE: That's a good point. That is accurate. I think that the amendment merely yields, or lends, an authorization to conduct the pilot programs which again—whether I personally like them or dislike them, or whether the body does or doesn't, I'm trying to stay consistent with respect to the way these issues are handled. If they were outside the scope of the sunset review, I typically would want to move to table. In some cases where they were related to issues that we dealt with and then they had a stand alone bill—and we've got some amendments like that—I think that's a little different. But in this case it's very programmatic and even though it authorizes it, and the house has passed it, I would move to table.

NAISHTAT: We all know that this particular legislation did not undergo the sunset review process, but there are many good bills that this body adopts that haven't undergone that process. And the vote for Ruth Jones McClendon's bill was overwhelmingly positive.

PRICE: I understand.

Representative Price moved to table Amendment No. 16.

REPRESENTATIVE TINDERHOLT: If you'll recall, there was a bill just like this one that came through committee. A lot of conservatives were against it, and there were a lot of modifications that were made to make it satisfactory. Are these changes in this amendment?

COLEMAN: Yes.

TINDERHOLT: Okay, so I want the body to hear that this was changed significantly so that there was no government involvement in this program.

COLEMAN: That's correct.

TINDERHOLT: Okay, I just wanted to make that clear.

COLEMAN: I want to thank you and the other members of the County Affairs Committee for seeing this for what it is—saving people's lives. Because of oxycodone and other opiate-based medication, many people right now—there's a problem in the Midwest, in small towns, of people going from oxycodone to heroin. The idea that people who wouldn't ordinarily be using needles are now actually using heroin in the breadbasket of Middle America—this is a challenge we're going to have. The purpose of this is to make sure that people don't transmit communicable diseases. That's very important if we have a society that is, in certain places, growing in terms of that. So this is a very humane thing, and the committee wrote this bill and did a very good job writing this bill to fit Texas. I, certainly, personally thank you, Mr. Stickland; Mr. Burrows; Representatives Farias, Romero, and Wu; and Dr. Spitzer.

TINDERHOLT: I want to thank you for making the changes that made it right for Texas, because when it first came it wasn't. This is right for Texas now. I think this is something that's really important, and I appreciate the work that was done on it. Thank you.

COLEMAN: Members, let me say this, I understand something being within—in terms of a sunset bill and about the agency and its thing, but that is not—this is germane to the bill that is laid out. And because of that there is no prohibition on voting this piece of legislation out of the legislature or to a conference committee riding on this sunset bill. There is nothing magic about that. It doesn't affect the things that are in the sunset bill. It adds something else to the policy in Texas. I just want to lay that out to you because if you voted once to have this legislation move forward, doing the same thing would not mess up anything in the sunset process—I guarantee you. Plus the other thing is we're moving the Department of Health—State Health Services—and moving it over to have certain functions—that means we are dealing with the policy of what programs are done within these different agencies.

NAISHTAT: I want everyone to be clear, so let me ask these questions again. There are certain counties which would be eligible to participate in this program?

COLEMAN: That is correct.

NAISHTAT: They are spelled out in the amendment. Nothing is mandatory?

COLEMAN: No, it's all permissive.

NAISHTAT: It would be up to the individual county to decide yes or no as far as designing and implementing a needle exchange program?

COLEMAN: And it's a pilot in each county. If they choose to do so.

NAISHTAT: And this program has worked quite successfully in other areas of this country where they've been implemented?

COLEMAN: It has and also in the areas where there's increase in number—particularly rural Middle America—of people using needles. They believe this is the only way that they can help stop the spread of illnesses transmitted through those needles, and they've taken up needle exchange.

NAISHTAT: This program saves lives, yes?

COLEMAN: Yes, it does.

NAISHTAT: It does. There's no question about that. And this body overwhelmingly voted for the bill when Ruth Jones McClendon so courageously laid it out.

COLEMAN: And she asked that we continue working on this and moving it because she can't be here today.

REPRESENTATIVE ROMERO: Chairman, we were given estimates of the cost that that indigent person would cost our state—from the time they contracted AIDS until their death. Do you remember the number?

COLEMAN: I don't remember the number, but it's far more expensive than a five cent syringe that is paid for by the private sector.

ROMERO: Well, the number per indigent person was \$379,000—per person. Do you remember how many people they estimated—

COLEMAN: I do not. I'm sorry, I just don't have it front of me.

ROMERO: It was 232 people last year. So I think the body should recognize that when we think of 232 people that acquire AIDS by way of not having another option, that translates to \$87,000,000.

COLEMAN: It's a lot of money.

ROMERO: It's an awful lot of money.

REPRESENTATIVE BURROWS: If I remember correctly, the testimony we received was from our faith-based community who wanted this bill. Was it not?

COLEMAN: That's correct.

BURROWS: They wanted the opportunity to go into the streets and not just amongst maybe the more well-to-do people to use their ministry.

COLEMAN: That's correct.

BURROWS: A lot of us feel called and compelled that's where we should deliver ministry.

COLEMAN: That's correct.



BURROWS: This was an opportunity to decriminalize our faith-based community from going into the streets and using this needle exchange program as a way to preach the gospel, help people, and get them back into the fold, so to speak.

COLEMAN: That is 100 percent correct.

BURROWS: Without any government money to do that.

COLEMAN: Without government money at all.

The motion to table prevailed by (Record 1410): 79 Yeas, 50 Nays, 3 Present, not voting.

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

Nays — Alonzo; Alvarado; Anchia; Bernal; Blanco; Burrows; Canales; Clardy; Coleman; Collier; Davis, Y.; Deshotel; Dutton; Farias; Farrar; González; Guerra; Gutierrez; Hernandez; Herrero; Howard; Johnson; King, S.; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; Meyer; Minjarez; Muñoz; Naishtat; Nevárez; Oliveira; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Simpson; Spitzer; Stickland; Thompson, S.; Tinderholt; Turner, C.; Walle; Wu; Zerwas.

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

Absent, Excused — Giddings; Israel; Miles; Moody; Peña; Pickett; Turner, S.; Vo.

Absent — Allen; Dukes; Faircloth; Guillen; Hughes; Keough; King, P.; Laubenberg; McClendon; Morrison.

### STATEMENTS OF VOTE

When Record No. 1410 was taken, I was shown voting present, not voting. I intended to vote yes.

Burns

When Record No. 1410 was taken, I was in the house but away from my desk. I would have voted yes.

Faircloth

When Record No. 1410 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

When Record No. 1410 was taken, I was in the house but away from my desk. I would have voted yes.

Keough

When Record No. 1410 was taken, I was in the house but away from my desk. I would have voted yes.

P. King

When Record No. 1410 was taken, I was in the house but away from my desk. I would have voted yes.

Laubenberg

When Record No. 1410 was taken, I was excused because of important business. I would have voted no.

Moody

#### **Amendment No. 17**

Representative Sheffield offered the following amendment to **SB 200**:

Amend **SB 200** as follows:

Add the appropriately numbered section below and renumber subsequent sections accordingly.

SECTION \_\_\_\_\_. (a) The Health and Human Services Commission shall develop a strategic plan to significantly reduce morbidity and mortality from chronic respiratory disease, including asthma and chronic obstructive pulmonary disease.

(b) In developing the strategic plan, the Health and Human Services Commission shall collaborate with the Department of State Health Services, including the Chronic Disease Prevention Division and may convene any necessary workgroups. The members of a workgroup may include health care providers, medical school and academic experts, nonprofit and community organizations, and other people the department determines necessary specializing in asthma and chronic obstructive pulmonary disease prevention, screening, treatment, or research.

(c) In developing the strategic plan, the Health and Human Services Commission shall:

(1) identify barriers to effective prevention, screening, medication adherence, and treatment for asthma and chronic obstructive pulmonary disease;

(2) identify methods to increase awareness of the risk factors and symptoms associated with asthma and chronic obstructive pulmonary disease;

(3) identify methods to increase the use of regular evidence-based screening for asthma and chronic obstructive pulmonary disease;

(4) review current technologies and best practices for chronic respiratory disease diagnosis, management and treatment;

(5) develop methods for creating partnerships with public and private entities to increase awareness of asthma and chronic obstructive pulmonary disease;

(6) review current prevention, screening, treatment, and other related activities in this state for asthma and chronic obstructive pulmonary disease and identify areas in which the health care services provided through those activities are lacking;

(7) estimate the annual direct and indirect state health care costs attributable to asthma and chronic obstructive pulmonary disease; and

(8) make recommendations to the legislature on state policy changes and funding needed to implement the strategic plan.

(d) Not later than December 31, 2016, the Department of State Health Services shall deliver to the governor and members of the legislature the strategic plan and recommendations on goal implementation and schedule compliance related to the strategic plan developed as required by this section.

(e) This section expires January 1, 2017.

### REMARKS ORDERED PRINTED

Representative Simpson moved to print all remarks on Amendment No. 16.

The motion prevailed.

Amendment No. 17 was adopted by (Record 1411): 106 Yeas, 29 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Johnson; Kacal; Keffer; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Meyer; Miller, D.; Miller, R.; Minjarez; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Sheffield; Simmons; Smith; Smithee; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Bell; Burrows; Capriglione; Cyrier; Faircloth; Fallon; Frank; Goldman; Hunter; Isaac; Keough; King, S.; Krause; Leach; Metcalf; Murr; Phillips; Rinaldi; Sanford; Schaefer; Shaheen; Simpson; Spitzer; Springer; Stickland; Tinderholt; Turner, E.S.; Zedler.

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

Absent, Excused — Giddings; Israel; Miles; Moody; Peña; Pickett; Turner, S.; Vo.

Absent — Dukes; McClendon; Morrison; Rodriguez, E.; Sheets.

**STATEMENTS OF VOTE**

When Record No. 1411 was taken, I was excused because of important business. I would have voted yes.

Moody

When Record No. 1411 was taken, I was shown voting yes. I intended to vote no.

Parker

**Amendment No. 18**

Representative Deshotel offered the following amendment to **SB 200**:

Amend **SB 200** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumbering subsequent SECTIONS of that ARTICLE accordingly:

SECTION 2. \_\_\_\_\_. Subchapter A, Chapter 531, Government Code, is amended by adding Section 531.0091 to read as follows:

Sec. 531.0091. CONSIDERATION OF CRIMINAL HISTORY RECORD INFORMATION. (a) In this section:

(1) "Applicant" means a person who has made an oral or written application with a health and human services system agency, or has sent a resume or other correspondence to a health and human services system agency, indicating an interest in employment.

(2) "Criminal history record information" has the meaning assigned by Section 411.082.

(3) "Health and human services system agency" means an agency in the health and human services system, including the commission.

(b) A health and human services system agency is not required to include a question regarding an applicant's criminal history record information on an initial employment application form.

(c) A health and human services system agency may inquire into or consider an applicant's criminal history record information after the agency has determined that the applicant is otherwise qualified and has conditionally offered the applicant employment or has invited the applicant to an interview, regardless of whether the question was included on the initial employment application form.

(d) A health and human services system agency may not automatically disqualify an applicant from employment with the agency based on the applicant's criminal history record information before giving the applicant an opportunity to present evidence of rehabilitation.

(e) This section does not apply to an applicant for a position:

(1) that involves direct contact with children; or

(2) for which consideration of criminal history record information is otherwise required by law.

Amendment No. 18 was withdrawn.

**Amendment No. 19**

Representative Flynn offered the following amendment to **SB 200**:

Amend **SB 200** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES of the bill as appropriate:

ARTICLE \_\_\_\_ DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

SECTION \_\_\_\_ .01. Subchapter D, Chapter 261, Family Code, is amended by adding Section 261.317 to read as follows:

Sec. 261.317. LIMIT ON USE AND TRANSMISSION OF CERTAIN PHOTOGRAPHIC EVIDENCE. Except as provided by Subsection (b), the department may not request, use, or transmit by electronic means any photograph of a child that depicts the child in any state of undress.

SECTION \_\_\_\_ .02. Section 262.104, Family Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsections (a) and (b), the Department of Family and Protective Services may not request or accept the assistance of a law enforcement officer when taking possession of a child without obtaining a temporary order, temporary restraining order, or attachment under Section 262.102(a).

SECTION \_\_\_\_ .03. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.1073 to read as follows:

Sec. 264.1073. OUT-OF-STATE PLACEMENTS. The department may not place a child with a person who lives in another state unless the person is the child's biological parent, brother, sister, aunt, uncle, grandparent, or great-grandparent.

SECTION \_\_\_\_ .04. Subchapter B, Chapter 40, Human Resources Code, is amended by adding Sections 40.038 and 40.039 to read as follows:

Sec. 40.038. DISCIPLINARY ACTION; FALSE REPORTS. The department's rules and procedures relating to disciplinary action taken against department employees must provide for the immediate dismissal of an employee who intentionally falsifies a department document or places false or misleading information in a department report.

Sec. 40.039. PROHIBITED ACTIONS. The department may not:

(1) retaliate or take any other adverse action against a person who requests assistance from an elected official relating to an action taken by the department;

(2) through the actions of a department employee, intimidate a person;

(3) take an action against a person with the intent to intimidate the person;

(4) through the actions of a department employee, unreasonably delay or discourage a request for adoption; or

(5) take an action against a person with the intent to unreasonably delay or discourage a request for adoption.

Amendment No. 19 was withdrawn.

**Amendment No. 20**

Representative Zerwas offered the following amendment to **SB 200**:

Amend **SB 200** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly.

SECTION 1. (a) The Health and Human Services Commission shall develop a strategic plan to significantly reduce morbidity and mortality from human papillomavirus-associated cancer.

(b) In developing the strategic plan, the Health and Human Services Commission shall collaborate with the Department of State Health Services and the Cancer Prevention and Research Institute of Texas and may convene any necessary workgroups. The members of a workgroup may include:

(1) health care providers specializing in human papillomavirus-associated cancer prevention, screening, treatment, or research;

(2) physicians specializing in primary care, pediatrics, or obstetrics and gynecology;

(3) mid-level health care practitioners;

(4) cancer epidemiologists;

(5) representatives of general academic teaching institutions as defined by Section 61.003, Education Code, medical and dental units as defined by Section 61.003, Education Code, and medical schools as defined by Section 61.501, Education Code;

(6) middle school, high school, or college health educators;

(7) human papillomavirus-associated cancer survivors;

(8) representatives from geographic areas or other population groups at higher risk of human papillomavirus-associated cancer;

(9) public advocates concerned with issues related to vaccine-preventable diseases;

(10) representatives of community-based and faith-based organizations involved in providing education, awareness, or support relating to human papillomavirus-associated cancer; or

(11) other people the department determines are necessary.

(c) In developing the strategic plan, the Department of State Health Services shall:

(1) identify barriers to effective prevention, screening, and treatment for human papillomavirus-associated cancer, including specific barriers affecting providers and patients;

(2) identify methods, other than a mandate, to increase the number of people vaccinated against human papillomavirus;

(3) identify methods to increase use of evidence-based screening to enhance the number of people screened regularly for human papillomavirus-associated cancer;

(4) review current technologies and best practices for human papillomavirus-associated cancer screening;

(5) review technology available to diagnose and prevent infection by human papillomavirus;

(6) develop methods for creating partnerships with public and private entities to increase awareness of human papillomavirus-associated cancer and of the importance of vaccination education and regular screening;

(7) review current prevention, screening, treatment, and related activities in this state and identify areas in which the services for those activities are lacking;

(8) estimate the annual direct and indirect state health care costs attributable to human papillomavirus-associated cancers;

(9) identify actions necessary to increase vaccination and screening rates and reduce the morbidity and mortality from human papillomavirus-associated cancer and establish a schedule for implementing those actions; and

(10) make recommendations to the legislature on policy changes and funding needed to implement the strategic plan.

(d) Not later than December 31, 2016, the Health and Human Services Commission shall deliver to the governor and members of the legislature the strategic plan and recommendations on goal implementation and schedule compliance related to the strategic plan.

(e) This section expires January 1, 2017.

SECTION 2. This Act takes effect September 1, 2015.

Amendment No. 20 was adopted by (Record 1412): 109 Yeas, 28 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Frullo; Galindo; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Johnson; Kacal; Keffer; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Landgraf; Larson; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Meyer; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheets; Sheffield; Simmons; Smith; Smithee; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; VanDeaver; Villalba; Walle; White, M.; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Bell; Capriglione; Fallon; Flynn; Frank; Goldman; Hughes; Hunter; Isaac; Keough; King, S.; Krause; Laubenberg; Leach; Metcalf; Murr; Phillips; Rinaldi; Sanford; Schaefer; Shaheen; Simpson; Spitzer; Springer; Turner, E.S.; White, J.; Zedler.

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

Absent, Excused — Giddings; Israel; Miles; Moody; Peña; Pickett; Turner, S.; Vo.

Absent — Dukes; McClendon; Schofield.

**STATEMENTS OF VOTE**

When Record No. 1412 was taken, I was excused because of important business. I would have voted yes.

Moody

When Record No. 1412 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1412 was taken, I was shown voting yes. I intended to vote no.

Tinderholt

When Record No. 1412 was taken, I was shown voting yes. I intended to vote no.

M. White

**Amendment No. 21**

Representatives Y. Davis and Sheets offered the following amendment to **SB 200**:

Amend **SB 200** (house committee report) by adding the following appropriately number SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ Section 2.15 takes effect on January 1, 2017, or no later than March 31, 2017, pursuant to instructions given in the Amended Rider: Transition of the NorthSTAR Behavioral Health Services Model, **HB 1** (conference committee report).

**Amendment No. 22**

Representative Y. Davis offered the following amendment to Amendment No. 21:

Amend Amendment No. 21 by Y. Davis by striking the text of the amendment and substituting the following:

Amend **SB 200** (house committee printing) in Article 2 of the bill by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 2. \_\_\_\_ . Section 533.00255, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a), for purposes of this section, the term "behavioral health services" does not include mental health and substance disorder services provided through the NorthSTAR demonstration project. This subsection expires on the later of the following dates:

(1) January 1, 2017; or



(2) the last day of the transition deadline for the cessation of the NorthSTAR Behavioral Health Services model if that deadline is extended in accordance with provisions of **HB 1** (the General Appropriations Act), Acts of the 84th Legislature, Regular Session, 2015, by written approval of the Legislative Budget Board or the governor.

Amendment No. 22 was adopted.

Amendment No. 21, as amended, was adopted.

### **Amendment No. 23**

Representative S. Thompson offered the following amendment to **SB 200**:

Amend **SB 200** by adding the following appropriately number sections and renumbering the subsequent sections accordingly;

SECTION \_\_\_\_\_. Subchapter A, Chapter 33, Human Resources Code, is amended by adding Section 33.018 to read as follows:

Sec. 33.018. SNAP ELIGIBILITY FOLLOWING CERTAIN CRIMINAL CONVICTIONS. (a) As authorized by 21 U.S.C. Section 862a(d) (1) and except as provided by this section, 21 U.S.C. Section 862a(a) (2) does not apply in determining the eligibility of any person for the supplemental nutrition assistance program.

(b) 21 U.S.C. Section 862a(a) (2) applies in determining the eligibility for the supplemental nutrition assistance program of a person who has been convicted of, and released on parole or placed on community supervision for, any felony offense that has as an element the possession, use, or distribution of a controlled substance, as defined in 21 U.S.C. Section 802, if the person violates any condition of that parole or community supervision. A person described by this subsection is ineligible for the supplemental nutrition assistance program only for a two-year period beginning on the date the person is found to have violated the condition of parole or community supervision, as authorized by 21 U.S.C. Section 862a(d) (1) (B).

(c) A person convicted of an offense described by Subsection (b) who is receiving supplemental nutrition assistance program benefits and who is convicted of a subsequent felony offense, regardless of the elements of the offense, is ineligible for the supplemental nutrition assistance program.

SECTION \_\_\_\_\_. The changes in law made by this Act apply only to a determination of eligibility of a person for supplemental nutrition assistance benefits made on or after the effective date of this Act. A determination of eligibility made before the effective date of this Act is governed by the law in effect on the date the determination was made, and the former law is continued in effect for that purpose.

Amendment No. 23 was adopted. (Phillips and Rinaldi recorded voting no.)

**Amendment No. 24**

Representative Coleman offered the following amendment to **SB 200**:

Amend **SB 200** (house committee report) on page 86, between lines 13 and 14, by inserting the following appropriately lettered subsection:

( )

**Amendment No. 25**

Representative Coleman offered the following amendment to Amendment No. 24:

Amend Amendment No. 24 on **SB 200** (house committee report) on page 86, between lines 13 and 14, by inserting the following appropriately lettered subsection:

( ) The operational plan under this section may evaluate: the Delivery System Reform Incentive Payment (DSRIP) program under the Texas Health Care Transformation and Quality Improvement Program waiver issued under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315), enhancing funding to disproportionate share hospitals in the state, Section 1332 of 42 U.S.C. Section 18052, enhancing uncompensated care pool payments to hospitals in the state under the Texas Health Care Transformation and Quality Improvement Program waiver issued under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315), home and community-based services state plan options under Section 1915(i) of the federal Social Security Act (42 U.S.C. Section 1315), and a contingency plan in the event the commission does not obtain an extension or renewal of the uncompensated care pool provisions or any other provisions of the Texas Health Care Transformation and Quality Improvement Program Waiver issued under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315).

Amendment No. 25 was adopted.

Amendment No. 24, as amended, was adopted.

**Amendment No. 26**

On behalf of Representative Dutton, Representative Price offered the following amendment to **SB 200**:

Amend **SB 200** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 2. \_\_\_\_ . Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02114 to read as follows:

Sec. 531.02114. DENTAL DIRECTOR. The executive commissioner shall appoint for Medicaid a dental director who is a licensed dentist under Subtitle D, Title 3, Occupations Code, and rules adopted under that subtitle by the State Board of Dental Examiners.

Amendment No. 26 was adopted.

**HB 7 - RETURNED TO SENATE  
BY THE SPEAKER**

Pursuant to the provisions of Rule 13, Section 5A of the House Rules, the speaker returned **HB 7** with senate amendments to the senate and submitted the following statement:

Pursuant to Rule 13, Section 5A of the House Rules, the house returns, with the permission of the primary author of the bill, **HB 7** to the senate for further consideration for the following reason:

Amendment No. 7 requires the commission to charge a fee to process a permit to drill an allocation well. The amendment also makes a substantive change in Texas oil and gas law by allowing an allocation well permit holder to allocate production with reasonable probability. It further allows the Railroad Commission to adopt rules to allocate oil and gas production. Further, the fee charged by the amendment is not "amount, availability, and use of certain statutorily dedicated revenue and accounts," which is the single subject of the bill. Amendment No. 7 is not germane to the bill and creates an impermissible second subject. Amendment No. 7 is in violation of Rule 11, Section 2 and Rule 8, Section 3 of the House Rules.

**SB 200 - (consideration continued)**

**Amendment No. 27**

Representative Deshotel offered the following amendment to **SB 200**:

Amend **SB 200** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumbering subsequent SECTIONS of that ARTICLE accordingly:

SECTION 2. \_\_\_\_ . Subchapter A, Chapter 531, Government Code, is amended by adding Section 531.0091 to read as follows:

Sec. 531.0091. CONSIDERATION OF CRIMINAL HISTORY RECORD INFORMATION. (a) In this section:

(1) "Applicant" means a person who has made an oral or written application with a health and human services system agency, or has sent a resume or other correspondence to a health and human services system agency, indicating an interest in employment.

(2) "Criminal history record information" has the meaning assigned by Section 411.082.

(3) "Health and human services system agency" means an agency in the health and human services system, including the commission.

(b) A health and human services system agency is not required to include a question regarding an applicant's criminal history record information on an initial employment application form.

(c) A health and human services system agency may inquire into or consider an applicant's criminal history record information after the agency has determined that the applicant is otherwise qualified and has conditionally offered the applicant employment or has invited the applicant to an interview, regardless of whether the question was included on the initial employment application form.

(d) A health and human services system agency may not automatically disqualify an applicant from employment with the agency based on the applicant's criminal history record information before giving the applicant an opportunity to present evidence of rehabilitation.

(e) This section does not apply to an applicant for a position:

(1) that involves direct contact with children; or

(2) for which consideration of criminal history record information is otherwise required by law.

Representative Price moved to table Amendment No. 27.

The motion to table prevailed by (Record 1413): 92 Yeas, 38 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Davis, Y.; Deshotel; Dutton; Elkins; Farias; Farrar; Gutierrez; Hernandez; Herrero; Howard; Johnson; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; Minjarez; Naishtat; Nevárez; Oliveira; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Simpson; Thompson, S.; Turner, C.; Walle; Wu.

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

Absent, Excused — Giddings; Israel; Miles; Moody; Peña; Pickett; Turner, S.; Vo.

Absent — Burkett; Collier; Dukes; González; Guerra; Guillen; King, S.; McClendon; Raney; Romero.

### STATEMENTS OF VOTE

When Record No. 1413 was taken, I was in the house but away from my desk. I would have voted yes.

Burkett

When Record No. 1413 was taken, my vote failed to register. I would have voted no.

Collier

When Record No. 1413 was taken, I was excused because of important business. I would have voted no.

Moody

When Record No. 1413 was taken, I was in the house but away from my desk. I would have voted yes.

Raney

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

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 6:35 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 6:35 p.m. today, 3W.9, for a formal meeting, to set a calendar.

### **SB 200 - (consideration continued)**

**SB 200**, as amended, was passed to third reading by (Record 1414): 137 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; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Israel; Miles; Moody; Peña; Pickett; Turner, S.; Vo.

Absent — Dukes; King, S.; McClendon.

**STATEMENTS OF VOTE**

When Record No. 1414 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

When Record No. 1414 was taken, I was excused because of important business. I would have voted yes.

Moody

**LEAVES OF ABSENCE GRANTED**

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

Alonzo on motion of Lozano.

Cook on motion of Lozano.

S. Davis on motion of Lozano.

Harless on motion of Lozano.

Huberty on motion of Lozano.

Hunter on motion of Lozano.

Johnson on motion of Lozano.

K. King on motion of Lozano.

Larson on motion of Lozano.

Lucio on motion of Lozano.

Riddle on motion of Lozano.

E. Rodriguez on motion of Lozano.

**POSTPONED BUSINESS**

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

**CSSB 1735 ON SECOND READING  
(Zerwas - House Sponsor)**

**CSSB 1735**, A bill to be entitled An Act relating to tuition and fee exemptions at public institutions of higher education for certain military personnel and their dependents.

**CSSB 1735** was read second time on May 22, was postponed until 3 p.m. today, amendments were offered and disposed of, and **CSSB 1735** was again postponed until this time. Amendment No. 13 was pending at the time of postponement.

**CSSB 1735 - POINT OF ORDER**

Representative Galindo raised a point of order against further consideration of **CSSB 1735** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Amendment No. 13 was withdrawn.

#### **Amendment No. 14**

Representatives Zerwas, R. Miller, Walle, Farias, Sheets, Dale, C. Anderson, and Blanco offered the following amendment to **CSSB 1735**:

Amend **CSSB 1735** (house committee report) as follows:

(1) On page 3, line 21, through page 5, line 19, strike the text.

(2) On page 5, line 27, through page 6, line 20, strike the text and substitute the following:

(2) as a graduate or undergraduate student, maintain a grade point average that satisfies the grade point average requirement for making satisfactory academic progress in a degree, certificate, or continuing education program as determined by the institution at which the child is enrolled in accordance with the institution's policy regarding eligibility for financial aid; and

(3) be 25 years of age or younger on the first day of the semester or other academic term for which the exemption is claimed.

(3) Amend the recital for SECTION 1 of the bill accordingly.

(4) On page 6, line 21, through page 7, line 4, strike the text and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. The changes in law made by this Act apply beginning with tuition and fees charged for the first academic semester beginning on or after the effective date of this Act.

(5) Strike the changes made by the following amendments:

- (A) Amendment No. 2 by Zerwas;
- (B) Amendment No. 3 by Sheets;
- (C) Amendments No. 4 and 5 by Miller;
- (D) Amendment No. 7 by King;
- (E) Amendment No. 9 by Blanco; and
- (F) Amendment No. 12 by Schaefer.

(K. King and Riddle now present)

Amendment No. 14 was adopted.

(Alonzo, Cook, S. Davis, Harless, Huberty, Johnson, Larson, Lucio, and E. Rodriguez now present)

**CSSB 1735**, as amended, was passed to third reading by (Record 1415): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Ashby; Aycok; 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(C); Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick;

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

Present, not voting — Mr. Speaker.

Absent, Excused — Giddings; Israel; Miles; Moody; Peña; Pickett; Turner, S.; Vo.

Absent, Excused, Committee Meeting — Hunter.

Absent — Anchia; Dukes; Martinez Fischer.

### STATEMENT OF VOTE

When Record No. 1415 was taken, I was excused because of important business. I would have voted yes.

Moody

### MAJOR STATE CALENDAR (consideration continued)

#### SB 202 ON SECOND READING

**(Price, Raymond, Dutton, Burkett, and Gonzales - House Sponsors)**

**SB 202**, A bill to be entitled An Act relating to the transfer of certain occupational regulatory programs and the deregulation of certain activities and occupations.

(Speaker pro tempore in the chair)

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

Representative Romero offered the following amendment to **SB 202**:

Amend **SB 202** (house committee report) as follows:

(1) On page 305, line 14, strike "DEREGULATION OF" and substitute "PROVISIONS AFFECTING".

(2) On page 324, line 20, strike "and".

(3) On page 324, line 21, strike the period and substitute the following:  
; and

(11) Section 502.002(6).

(4) Add the following appropriately numbered SECTIONS to Article 3 of the bill and renumber subsequent SECTIONS of that article accordingly:

SECTION \_\_\_\_\_. Section 21.003(b), Education Code, is amended to read as follows:



(b) Except as otherwise provided by this subsection, a person may not be employed by a school district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, licensed professional counselor, marriage and family therapist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession and may perform specific services within those professions for a school district only if the person holds the appropriate credential from the appropriate state agency. As long as a person employed by a district before September 1, 2011, to perform marriage and family therapy under Chapter 502 [~~as defined by Section 502.002~~], Occupations Code, is employed by the same district, the person is not required to hold a license as a marriage and family therapist to perform marriage and family therapy with that district.

SECTION \_\_\_\_\_. Subchapter A, Chapter 502, Occupations Code, is amended by adding Section 502.0021 to read as follows:

Sec. 502.0021. PRACTICE OF MARRIAGE AND FAMILY THERAPY.

(a) "Marriage and family therapy" means the provision of professional therapy services to individuals, families, or married couples, alone or in groups, that involve applying family systems theories and techniques, including the evaluation and remediation of cognitive, affective, behavioral, or relational dysfunction in the context of marriage or family systems.

(b) The practice of marriage and family therapy may include the use of the Diagnostic and Statistical Manual of Mental Disorders, the International Classification of Diseases, and other diagnostic classification systems and the use of billing codes in connection with those systems for evaluation, classification, treatment, and other activities by a person licensed under this chapter, in connection with a claim for payment or reimbursement from a health insurance policy issuer or other payor.

(c) The practice of marriage and family therapy does not include prescribing medication, treating a physical disease, or providing any service outside the scope of practice of a licensed marriage and family therapist or licensed marriage and family therapist associate.

(Speaker in the chair)

Representative Price moved to table Amendment No. 1.

The motion to table was lost by (Record 1416): 22 Yeas, 113 Nays, 3 Present, not voting.

Yeas — Burkett; Capriglione; Dutton; Faircloth; Farney; Frullo; Geren; Harless; King, K.; King, P.; King, T.; Kuempel; Laubenberg; Morrison; Murphy; Paddie; Phillips; Price; Raney; Sheets; Smith; Thompson, E..

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Ashby; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Canales; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Elkins; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Galindo; Goldman; Gonzales; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hughes; Isaac; Johnson; Kacal; Keffer;

Keough; King, S.; Klick; Koop; Krause; Landgraf; Larson; Leach; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Muñoz; Murr; Naishtat; Nevárez; Oliveira; Otto; Parker; Paul; Phelan; Raymond; Reynolds; Riddle; Rinaldi; Rodríguez, E.; Rodríguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Israel; Miles; Moody; Peña; Pickett; Turner, S.; Vo.

Absent, Excused, Committee Meeting — Hunter.

Absent — Dukes; González; McClendon.

### STATEMENTS OF VOTE

When Record No. 1416 was taken, I was shown voting yes. I intended to vote no.

Faircloth

When Record No. 1416 was taken, I was excused because of important business. I would have voted no.

Moody

Amendment No. 1 was adopted.

### Amendment No. 2

Representative Zerwas offered the following amendment to **SB 202**:

Amend **SB 202** (house committee report) as follows:

(1) On page 318, strike lines 6-7 and substitute the following:

SECTION 3.023. Section 351.005, Occupations Code, is amended by amending Subsections (a) and (d) and by adding Subsection (a-1) to read as follows:

(2) On page 319, between lines 13 and 14, insert the following:

(a-1) Notwithstanding any other law, a therapeutic optometrist licensed under this chapter may supply to a patient, for a fee, an aesthetic pharmaceutical and is not required to obtain a license under Subtitle J for that purpose. In this subsection, "aesthetic pharmaceutical" means a drug that is not a controlled substance, requires a prescription for dispensation, is legally marketed under 21 U.S.C. Section 355, if it is a new drug subject to that section, and is prescribed for the enhancement of an individual's appearance.

(3) Add a new section, appropriately numbered, to Article 3 to read as follows:

SECTION \_\_\_\_ . Section 158.001, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (c) or any other law, a physician licensed under this subtitle may supply to a patient, for a fee, an aesthetic pharmaceutical and is not required to obtain a license under Subtitle J for that purpose. In this subsection, "aesthetic pharmaceutical" means a drug that is not a controlled substance, requires a prescription for dispensation, is legally marketed under 21 U.S.C. Section 355, if it is a new drug subject to that section, and is prescribed for the enhancement of an individual's appearance.

(Hunter now present)

Representative Price moved to table Amendment No. 2.

The motion to table was lost by (Record 1417): 51 Yeas, 85 Nays, 1 Present, not voting.

Yeas — Ashby; Aycock; Bell; Burkett; Burns; Canales; Capriglione; Clardy; Cook; Crownover; Cyrier; Dale; Farias; Farney; Frank; Frullo; Galindo; Gonzales; Gutierrez; Harless; Herrero; Hughes; Hunter; Isaac; Keffer; King, K.; King, S.; Klick; Koop; Kuempel; Landgraf; Larson; Metcalf; Meyer; Murphy; Murr; Nevárez; Oliveira; Otto; Paddie; Phelan; Phillips; Price; Schubert; Simmons; Simpson; Spitzer; VanDeaver; Villalba; Walle; Workman.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burrows; Button; Coleman; Collier; Craddick; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Fletcher; Flynn; Geren; Goldman; González; Guerra; Guillen; Hernandez; Howard; Huberty; Johnson; Kacal; Keough; King, P.; King, T.; Krause; Laubenberg; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Naishtat; Parker; Paul; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Shaheen; Sheets; Smith; Smithee; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; White, J.; White, M.; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Giddings; Israel; Miles; Moody; Peña; Pickett; Turner, S.; Vo.

Absent — Dukes; Farrar; Leach; McClendon; Sheffield.

### STATEMENTS OF VOTE

When Record No. 1417 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 1417 was taken, I was shown voting no. I intended to vote yes.

Johnson

When Record No. 1417 was taken, I was shown voting no. I intended to vote yes.

Lucio

When Record No. 1417 was taken, I was excused because of important business. I would have voted no.

Moody

When Record No. 1417 was taken, my vote failed to register. I would have voted yes.

Sheffield

Amendment No. 2 was adopted.

**SB 202**, as amended, was passed to third reading.

**CSSB 1 ON SECOND READING**  
**(D. Bonnen, et al. - House Sponsors)**

**CSSB 1**, A bill to be entitled An Act relating to an increase in the amount of the residence homestead exemption from ad valorem taxation by a school district, a reduction of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the homestead of an elderly or disabled person to reflect the increased exemption amount, and the protection of school districts against the resulting loss in state and local revenue.

**Amendment No. 1**

Representative D. Bonnen offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 2

Amend **CSSB 1** (house committee printing) as follows:

(1) On page 1, line 10, strike "11.13(b), Tax Code, is amended" and substitute "11.13, Tax Code, is amended by amending Subsection (b) and adding Subsection (n-1)".

(2) On page 1, between lines 18 and 19, insert the following:

(n-1) The governing body of a taxing unit that adopted an exemption under Subsection (n) for the 2014 tax year may not reduce the amount of or repeal the exemption. This subsection expires December 31, 2024.

(3) Insert the following appropriately numbered SECTION:

SECTION \_\_\_\_ . Section 26.08, Tax Code, is amended by adding Subsection (q) to read as follows:

(q) For purposes of this section, the effective maintenance and operations tax rate and the rollback tax rate of a school district for the 2015 tax year shall be calculated based on a residence homestead exemption under Section 11.13(b) of \$25,000. This subsection expires December 31, 2016.

(4) On page 5, line 22, between "(d-3)" and "Except", insert the following:

If the constitutional amendment proposed by **SJR 1**, 84th Legislature, Regular Session, 2015, is approved by the voters, a tax bill prepared by the assessor for a school district as provided by Subsection (d-2) and mailed to a person in whose

name property subject to an exemption under Section 11.13(b) is listed on the tax roll and to the person's authorized agent as provided by Subsection (a) of this section is considered to be a final tax bill.

(5) On page 6, strike lines 20 through 24.

(6) Insert the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. (a) An assessor or collector for a school district is not liable for civil damages or subject to criminal prosecution for any act performed in good faith in the execution of the person's duties under this Act.

(b) This section takes effect immediately if this Act receives a vote of two-thirds of all the members of each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for this section to take immediate effect, this section takes effect on the 91st day after the last day of the legislative session.

(7) On page 17, line 18, between "and (c-1)," and "26.09(c-1)", insert "26.08(q),".

(8) On page 17, line 19, strike "31.02(a-1), and 33.011(k)" and substitute "and 31.02(a-1)".

(9) On page 18, strike lines 1 through 3.

(10) Renumber the SECTIONS of the bill accordingly.

## **Amendment No. 2**

Representative D. Bonnen offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by D. Bonnen to **CSSB 1** on page 2, lines 3 and 4, of the amendment, strike "any act performed in good faith in the execution of the person's duties under this Act" and substitute "compliance in good faith with Section 31.01, Tax Code, as amended by this Act".

Amendment No. 2 was adopted.

## **Amendment No. 3**

Representative D. Bonnen offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by D. Bonnen to **CSSB 1** as follows:

(1) On page 1 of the amendment, strike lines 19 through 27 and substitute the following appropriately numbered ITEMS:

( ) On page 4, line 14, strike "and (d-4)" and substitute "(d-4), and (d-5)".

( ) On page 4, line 15, strike "Subsection (d-3)" and substitute "Subsections (d-3) and (d-4)".

( ) Strike page 5, line 22, through page 6, line 11, and substitute the following:

(d-3) A tax bill prepared by the assessor for a school district as provided by Subsection (d-2) and mailed to a person in whose name property subject to an exemption under Section 11.13(b) is listed on the tax roll and to the person's authorized agent as provided by Subsection (a) of this section is considered to be a provisional tax bill until the canvass of the votes on the constitutional

amendment proposed by **SJR 1**, 84th Legislature, Regular Session, 2015. If the constitutional amendment is approved by the voters, the tax bill is considered to be a final tax bill for the taxes imposed on the property for the 2015 tax year, and no additional tax bill is required to be mailed to the person and to the person's authorized agent, unless another provision of this title requires the mailing of a corrected tax bill. If the constitutional amendment is not approved by the voters:

(1) a tax bill prepared by the assessor for a school district as provided by Subsection (d-2) and mailed to a person in whose name property subject to an exemption under Section 11.13(b) is listed on the tax roll and to the person's authorized agent as provided by Subsection (a) of this section is considered to be a final tax bill but only as to the portion of the taxes imposed on the property for the 2015 tax year that are included in the bill;

(2) the amount of taxes imposed by each school district on a residence homestead for the 2015 tax year is calculated based on an exemption under Section 11.13(b) of \$15,000; and

(3) except as provided by Subsections (f), (i-1), and (k), the assessor for each school district shall prepare and mail a supplemental tax bill, by December 1 or as soon thereafter as practicable, to each person in whose name property subject to an exemption under Section 11.13(b) is listed on the tax roll and to the person's authorized agent in an amount equal to the difference between the amount calculated under Section 26.09(c-1) based on an exemption under Section 11.13(b) of \$15,000 and the amount calculated under Section 26.09(c-1) based on an exemption under Section 11.13(b) of \$25,000.

(d-4) Except as otherwise provided by Subsection (d-3), the provisions of this section other than Subsection (d-2) apply to a supplemental tax bill mailed under Subsection (d-3).

(d-5) This subsection and Subsections (d-2), (d-3), and (d-4) expire December 31, 2016.

(2) On page 2 of the amendment, strike lines 13 and 14 and substitute the following appropriately numbered ITEM:

( ) On page 17, line 19, strike "and (d-4), 31.02(a-1), and 33.011(k)" and substitute "(d-4), and (d-5), and 31.02(a-1)".

(3) Renumber the ITEMS of the amendment accordingly.

Amendment No. 3 was adopted.

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

Representative S. Thompson offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 (D. Bonnen) to **CSSB 1** on page 1, line 9, in added Subsection (n-1), Section 11.13, Tax Code, after "or repeal the exemption.", and before "This subsection expires", insert "In any year in which this subsection applies, Section 42.2522, Education Code, is inapplicable to a school district affected by this subsection, and state aid for any school district that is required by this subsection to continue its exemption under Subsection (n) will be computed based on taxable value as defined in 403.302(d), Government Code."

Amendment No. 4 was adopted by (Record 1418): 131 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.; Burkett; 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; Frullo; Galindo; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keough; King, K.; King, P.; King, S.; King, T.; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Burns; Fallon; Frank; Keffer; Klick; Simmons.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Giddings; Israel; Miles; Moody; Peña; Pickett; Turner, S.; Vo.

Absent — Dukes; Geren; McClendon; Sheffield.

### STATEMENTS OF VOTE

When Record No. 1418 was taken, I was excused because of important business. I would have voted yes.

Moody

When Record No. 1418 was taken, I was shown voting yes. I intended to vote no.

Rinaldi

When Record No. 1418 was taken, my vote failed to register. I would have voted yes.

Sheffield

### Amendment No. 5

Representative Y. Davis offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by D. Bonnen to **CSSB 1** on page 1, line 7, by striking "taxing unit" and substituting "school district".

Amendment No. 5 was adopted.

**Amendment No. 6**

Representatives Y. Davis and Rose offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by D. Bonnen to **CSSB 1** on page 1, line 10, by striking "2024" and substituting "2019".

Amendment No. 6 was adopted.

**Amendment No. 7**

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

Amend Floor Amendment No. 1 by D. Bonnen to **CSSB 1** by adding the following appropriately numbered item to the amendment and renumbering the subsequent items of the amendment accordingly:

(\_\_\_\_) Strike page 16, line 9, through page 17, line 8, of the bill and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. (a) Section 403.302(j), Government Code, is amended to read as follows:

(j) The [For purposes of Chapter 42, Education Code, the] comptroller shall certify the final taxable value for each school district, appropriately adjusted to give effect to certain provisions of the Education Code related to school funding, to the commissioner of education as provided by the terms of a memorandum of understanding entered into between the comptroller, the Legislative Budget Board, and the commissioner of education[;

~~[(1) a final value for each school district computed on a residence homestead exemption under Section 1 b(e), Article VIII, Texas Constitution, of \$5,000;~~

~~[(2) a final value for each school district computed on:~~

~~[(A) a residence homestead exemption under Section 1 b(e), Article VIII, Texas Constitution, of \$15,000; and~~

~~[(B) the effect of the additional limitation on tax increases under Section 1 b(d), Article VIII, Texas Constitution, as proposed by HJR 4, 75th Legislature, Regular Session, 1997; and~~

~~[(3) a final value for each school district computed on the effect of the reduction of the limitation on tax increases to reflect any reduction in the school district tax rate as provided by Section 11.26(a 1), (a 2), or (a 3), Tax Code, as applicable].~~

(b) Section 403.302(k), Government Code, is repealed.

Amendment No. 7 was adopted.

Amendment No. 1, as amended, was adopted.

**Amendment No. 8**

Representative K. King offered the following amendment to **CSSB 1**:



Floor Packet Page No. 8

Amend **CSSB 1** (house committee report) on page 11, lines 25 and 26, by striking "excluding any state aid that would have been provided under former Section 42.2516.".

Amendment No. 8 failed of adoption by (Record 1419): 38 Yeas, 96 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Ashby; Bell; Burkett; Burns; Burrows; Capriglione; Clardy; Craddick; Cyrier; Farney; Howard; Kacal; King, K.; King, T.; Krause; Landgraf; Larson; Laubenberg; Meyer; Murr; Naishtat; Nevárez; Paddie; Parker; Price; Rodriguez, E.; Sanford; Schubert; Sheffield; Smithee; Spitzer; Stephenson; Thompson, S.; VanDeaver; White, J.; Workman; Wray.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Button; Canales; Coleman; Collier; Cook; Crownover; Dale; Darby; Davis, S.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Huberty; Hughes; Hunter; Isaac; Johnson; Keffer; Keough; King, S.; Klick; Koop; Kuempel; Leach; Longoria; Lozano; Lucio; Márquez; Martinez Fischer; Metcalf; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murphy; Oliveira; Otto; Paul; Phelan; Phillips; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, J.; Romero; Rose; Schaefer; Schofield; Shaheen; Sheets; Simmons; Simpson; Smith; Springer; Stickland; Thompson, E.; Tinderholt; Turner, C.; Turner, E.S.; Villalba; Walle; White, M.; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Giddings; Israel; Miles; Moody; Peña; Pickett; Turner, S.; Vo.

Absent — Bohac; Davis, Y.; Dukes; Herrero; King, P.; Martinez; McClendon.

### STATEMENTS OF VOTE

When Record No. 1419 was taken, I was shown voting no. I intended to vote yes.

Faircloth

When Record No. 1419 was taken, I was shown voting no. I intended to vote yes.

Fallon

When Record No. 1419 was taken, I was in the house but away from my desk. I would have voted no.

Martinez

When Record No. 1419 was taken, I was shown voting no. I intended to vote yes.

Metcalf

When Record No. 1419 was taken, I was excused because of important business. I would have voted no.

Moody

When Record No. 1419 was taken, I was shown voting yes. I intended to vote no.

S. Thompson

### **Amendment No. 9**

Representative K. King offered the following amendment to **CSSB 1**:  
Floor Packet Page No. 4

Amend **CSSB 1** (house committee report) as follows:

(1) On page 10, lines 16 and 17, strike "2015-2016 and 2016-2017" and substitute "2015-2016, 2016-2017, and 2017-2018".

(2) On page 11, line 15, strike "August 31, 2017" and substitute "August 31, 2018".

(3) On page 11, line 16, strike "September 1, 2017" and substitute "September 1, 2018".

(4) On page 11, line 20, strike "2017-2018" and substitute "2018-2019".

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

SECTION \_\_\_\_\_. Notwithstanding Chapter 4 (**SB 1**), Acts of the 82nd Legislature, 1st Called Session, 2011, and regardless of whether the constitutional amendment proposed by **SJR 1**, 84th Legislature, Regular Session, 2015, is approved by the voters, the following provisions are effective September 1, 2018:

(1) Section 57.03, Chapter 4 (**SB 1**), Acts of the 82nd Legislature, 1st Called Session, 2011, which amended Section 12.106(a), Education Code;

(2) Section 57.18, Chapter 4 (**SB 1**), Acts of the 82nd Legislature, 1st Called Session, 2011, which amended the heading to Section 42.2516, Education Code;

(3) Section 57.19, Chapter 4 (**SB 1**), Acts of the 82nd Legislature, 1st Called Session, 2011, which amended Section 42.2516(a), Education Code;

(4) Section 57.23, Chapter 4 (**SB 1**), Acts of the 82nd Legislature, 1st Called Session, 2011, which amended Section 42.253(h), Education Code;

(5) Section 57.29, Chapter 4 (**SB 1**), Acts of the 82nd Legislature, 1st Called Session, 2011, which amended Section 26.08(i), Tax Code;

(6) Section 57.32(a), Chapter 4 (**SB 1**), Acts of the 82nd Legislature, 1st Called Session, 2011, which repealed various provisions of the Education Code; and

(7) Section 57.32(b), Chapter 4 (**SB 1**), Acts of the 82nd Legislature, 1st Called Session, 2011, which repealed Sections 26.08(i-1) and (j), Tax Code.

(Ashby in the chair)

Amendment No. 9 failed of adoption by (Record 1420): 53 Yeas, 78 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson, C.; Aycock; Bell; Bohac; Burkett; Burns; Burrows; Capriglione; Clardy; Cyrier; Dale; Darby; Faircloth; Farney; Farrar; Galindo; Geren; Howard; Hughes; Isaac; Kacal; King, K.; King, P.; King, S.; King, T.; Krause; Landgraf; Laubenberg; Lozano; Meyer; Morrison; Murr; Naishtat; Nevárez; Otto; Paddie; Parker; Reynolds; Rodriguez, E.; Sanford; Schubert; Sheffield; Simpson; Smithee; Spitzer; Stephenson; VanDeaver; White, J.; White, M.; Workman; Wray.

Nays — Alvarado; Anchia; Anderson, R.; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Button; Canales; Coleman; Collier; Craddick; Crownover; Davis, S.; Deshotel; Dutton; Elkins; Fallon; Farias; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; González; Guerra; Gutierrez; Harless; Hernandez; Herrero; Huberty; Johnson; Keffer; Keough; Klick; Koop; Kuempel; Larson; Leach; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Miller, D.; Miller, R.; Minjarez; Muñoz; Murphy; Oliveira; Paul; Phelan; Phillips; Price; Raney; Raymond; Riddle; Rinaldi; Rodriguez, J.; Romero; Schaefer; Shaheen; Sheets; Simmons; Springer; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Villalba; Walle; Wu; Zedler; Zerwas.

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

Absent, Excused — Giddings; Israel; Miles; Moody; Peña; Pickett; Turner, S.; Vo.

Absent — Cook; Davis, Y.; Dukes; Guillen; Hunter; McClendon; Rose; Schofield; Smith.

### STATEMENTS OF VOTE

When Record No. 1420 was taken, I was in the house but away from my desk. I would have voted yes.

Cook

When Record No. 1420 was taken, I was shown voting no. I intended to vote yes.

Fallon

When Record No. 1420 was taken, I was shown voting yes. I intended to vote no.

Galindo

When Record No. 1420 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 1420 was taken, I was shown voting no. I intended to vote yes.

Metcalf

When Record No. 1420 was taken, I was shown voting no. I intended to vote yes.

D. Miller

When Record No. 1420 was taken, I was excused because of important business. I would have voted no.

Moody

When Record No. 1420 was taken, I was shown voting no. I intended to vote yes.

Price

When Record No. 1420 was taken, I was shown voting no. I intended to vote yes.

Shaheen

### **Amendment No. 10**

Representatives Meyer, Villalba, Hughes, Rinaldi, Capriglione, Anchia, and S. Thompson offered the following amendment to **CSSB 1**:

Floor Packet Page No. 12

Amend **CSSB 1** (house committee report) as follows:

(1) Add the following appropriately numbered SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Sections 42.2522(a) and (d), Education Code, are amended to read as follows:

(a) In any school year, the commissioner shall ~~[may not]~~ provide funding under this chapter based on a school district's taxable value of property computed in accordance with Section 403.302(d)(2), Government Code, but only if ~~[unless]~~:

(1) funds are specifically appropriated for purposes of this section; or  
 (2) the commissioner determines that the total amount of state funds appropriated for purposes of the Foundation School Program for the school year exceeds the amount of state funds distributed to school districts in accordance with Section 42.253 based on the taxable values of property in school districts computed in accordance with Section 403.302(d), Government Code, without any deduction for residence homestead exemptions granted under Section 11.13(n), Tax Code.

(d) If the commissioner determines that the amount of funds available under Subsection (a)(1) or (2) does not at least equal the total amount of state funding to which districts would be entitled if state funding under this chapter were based on the taxable values of property in school districts computed in accordance with Section 403.302(d)(2), Government Code, the commissioner shall ~~[may, to the extent necessary,]~~ provide state funding based on a uniform lesser fraction of the deduction under Section 403.302(d)(2), Government Code.

(2) On page 17, line 22, between "added by this Act," and "take effect immediately", insert "and Sections 42.2522(a) and (d), Education Code, as amended by this Act,".

(3) On page 18, after line 3, insert the following appropriately lettered subsection:

( ) Sections 42.2522(a) and (d), Education Code, as amended by this Act, apply beginning with the 2015-2016 school year.

Amendment No. 10 was withdrawn.

### **CSSB 1 - REMARKS**

REPRESENTATIVE SIMPSON: I understand there are times that for political expediency you have to compromise and support a measure you might otherwise oppose. But in light of the op-ed you penned—which I was reading today, part of it—I'd like to ask you a few questions.

REPRESENTATIVE D. BONNEN: Certainly.

SIMPSON: This bill will increase the homestead exemption for homeowners from \$15,000 to \$25,000, correct?

D. BONNEN: That is accurate.

SIMPSON: That is a \$10,000 increase in the appraisal value. Is it not?

D. BONNEN: That is correct.

SIMPSON: But if the average appraisal of a home in Texas this last year went up by six percent—as I believe it did—many areas saw a 10 percent increase allowed by statute. Is that not right?

D. BONNEN: That is. And actually, Mr. Simpson, if you don't mind, let me give you a specific example. Montgomery ISD in Montgomery County—their average residential home appraisal increase is six percent. So if their tax rate stays flat, they will save \$134 because of the \$10,000 homestead exemption increase that we're doing here today. And the net effect is that they will save \$12 in this year's tax bill. So if average appraisals are at six percent, you get a \$12 savings. Now, what I've also got here of great importance to me is that if you wanted to do what you're supposed to do to control local taxes, you could go to that local school board and ask them to lower their taxes, their rate, by eight cents, and they'd take you back to even. They could remove the impact of the increased cost of the rising appraisal by lowering their rate by eight cents.

SIMPSON: Thank you for that illustration. So it's really not doing a whole lot, but especially when we take into account the hold harmless provisions, you know, is this really a tax cut? Aren't we making it up with state funds?

D. BONNEN: It's shifting the tax burden. And I would argue and end—what you're really doing is you're taking the burden, and you're doubling it up over time. Because I can illustrate to you with another example here in Austin, in Austin ISD in Travis County. Mind you members, this is on a \$151,000—this is the average statewide home value is \$151,000. They went up 15 percent across the average for residential appraisal increase. So their tax savings is \$122. So it

goes to the point we've been making. Your tax bill in Austin will only go up \$155 instead of going up \$277. So we'll have to make the argument—our friend Eddie Rodriguez will have to make the argument—that your tax bill went up less than it would have gone up had you not. And if they would lower the rate 18.3 cents, they would be able to eliminate the increase in revenue based on lowering the rate, which taxpayers have the right to do. But the reality of it is that what is going to occur, Mr. Simpson, is that we will keep paying the \$600 million a year every year from here on in, and within two years any savings will be gone. Now, the tax bill will be less than it would have been; I want to be clear about that. But the reality of it is you're going to be paying that dollar at home, and you're going to be paying that dollar to Austin.

SIMPSON: So we talk about robbing Peter to pay Paul, but in this instance we're really robbing ourselves to pay it with ourselves. Are we not?

D. BONNEN: I think that's a reasonable way to put it, but it would be irresponsible to not point out the fact that we are lessening the pain to a small extent. And the question really is—are you lessening it enough? Is it worth the money being spent?

SIMPSON: Also, this 1.2 for the biennium that you're speaking of in the fiscal note being a hit—is this going to increase the spending caps? Since if we pass **SJR 1** and it goes to the people—

D. BONNEN: No. I'm glad you asked that, Mr. Simpson, because I'm very proud of my colleagues here in the house and, I think, the very strong stand. The one thing that is in the bill yet to come, the SJR, the senate constitutional amendment—it will be on the calendar in two or three bills. You know in the house we took a proud stand and said that we're not going to change the rules of the spending cap so that we can do something we feel like doing. So this does not bust the spending cap. And what the Texas House said is—we will not change the rules when it comes to the spending cap. And so I'm very proud of our principled position that the Texas House took consistently throughout this process.

SIMPSON: I appreciate that very much. But if we constitutionally, basically, set aside \$1.2 million— isn't that going to affect another spending limit?

D. BONNEN: Well, certainly, because it is spending, it is more dollars that get spent that raise that number toward hitting that cap. And if you recall, the senate sent the constitutional amendment over saying that if you're doing property tax relief or homestead exemption increase, that money shouldn't count. But state spending is state spending whether you like it or not. It's spending, and it should count against the cap. And I'm proud of the stance the Texas House took on that.

SIMPSON: Well, this relief that we're giving property owners is really going to be made up by existing revenue in the state that will have to be ongoingly set aside, paid for and supplied by taxpayers.

D. BONNEN: It goes on forever.

**REMARKS ORDERED PRINTED**

Representative Schaefer moved to print remarks between Representative D. Bonnen and Representative Simpson.

The motion prevailed.

D. BONNEN: I want to be very clear about this bill. I think this is a positive thing for us to do. We are lessening the pain for our homeowners on their homestead exemption. But I want to be clear—the message that I have tried to send and our committee has tried to send all session—don't make the mistake that I have made three times before. Three times we've cut property taxes. And I've gone home and said, I've cut your taxes. We're doing something about it. Aren't you proud of me? Don't make that mistake. Simply tell your constituents that I heard your concerns, and I did what I could within reason to try and lessen the pain of a local tax. And I really, really recommend that you get more involved in your school boards, more involved in your cities, more involved in your hospital boards, and all your local taxing entities because the best way to control local taxes is at home with those locally elected officials. Hold them accountable and responsible. Stay engaged in your local government, and that's how you can do it. We put across our appraisal notice in law back in 1981. Across that appraisal notice it says this is not controlled by the legislature; it's controlled by your local elected officials. And that's where it should stand.

So, members, I would ask that you vote for this because you are reducing the pain in a small way, and we should do that. But we need to make sure that we don't quit telling folks we can't solve the problem of local taxation. Only your local officials and your local involvement can do that.

**CSSB 1**, as amended, was passed to third reading by (Record 1421): 136 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Giddings; Israel; Miles; Moody; Peña; Pickett; Turner, S.; Vo.

Absent — Allen; Dukes; Longoria; Smith.

### STATEMENTS OF VOTE

When Record No. 1421 was taken, I was presiding in the chair and was shown voting present, not voting. I would have voted yes.

Ashby

When Record No. 1421 was taken, my vote failed to register. I would have voted yes.

Longoria

When Record No. 1421 was taken, I was excused because of important business. I would have voted yes.

Moody

When Record No. 1421 was taken, I was in the house but away from my desk. I would have voted yes.

Smith

### REMARKS ORDERED PRINTED

Representative Simpson moved to print remarks by Representative D. Bonnen.

The motion prevailed.

### SB 531 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Smithee, Representatives R. Anderson, Bell, Bohac, D. Bonnen, G. Bonnen, Burkett, Burns, Button, Capriglione, Dale, Elkins, Fallon, Farney, Fletcher, Flynn, Frank, Harless, Hughes, Isaac, Keffer, Keough, P. King, Krause, Kuempel, Larson, Laubenberg, Metcalf, Meyer, D. Miller, R. Miller, Murphy, Murr, Parker, Paul, Phillips, Riddle, Rinaldi, Sanford, Schaefer, Shaheen, Sheets, Simmons, Spitzer, Springer, Stephenson, Stickland, E. Thompson, Tinderholt, E. S. Turner, Villalba, J. White, M. White, Wray, and Zedler were authorized as house sponsors to **SB 531**.

### HCR 134 - ADOPTED

(by Darby)

The following privileged resolution was laid before the house:

#### HCR 134

WHEREAS, **HB 3078** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it



RESOLVED by the 84th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct **HB 3078**, in SECTION 1 of the bill, in added Section 61.0261(d), Education Code, by striking "2015" and substituting "2016".

**HCR 134** was adopted by (Record 1422): 138 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Giddings; Israel; Miles; Moody; Peña; Pickett; Turner, S.; Vo.

Absent — Burrows; Dukes.

### STATEMENT OF VOTE

When Record No. 1422 was taken, I was excused because of important business. I would have voted yes.

Moody

### CSSB 1 - HOUSE SPONSORS AUTHORIZED

On motion of Representative D. Bonnen, Representatives R. Anderson, Burns, Cyrier, Faircloth, Fallon, Galindo, Guillen, Keough, Koop, Landgraf, Lozano, Metcalf, Meyer, Murr, Paul, Peña, Phelan, Rinaldi, Schofield, Schubert, Shaheen, Spitzer, Tinderholt, and Wray were authorized as house sponsors to **CSSB 1**.

**MAJOR STATE CALENDAR**  
**(consideration continued)**

**CSSB 900 ON SECOND READING**  
**(G. Bonnen - House Sponsor)**

**CSSB 900**, A bill to be entitled An Act relating to the operation of the Texas Windstorm Insurance Association.

(Speaker in the chair)

**CSSB 900 - POINT OF ORDER**

Representative Smithee raised a point of order against further consideration of **CSSB 900** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative G. Bonnen moved to postpone consideration of **CSSB 900** until 9 p.m. today.

The motion prevailed.

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

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

**SJR 17 ON SECOND READING**  
**(Springer - House Sponsor)**

**SJR 17**, A joint resolution proposing a constitutional amendment relating to private road work by certain counties.

**SJR 17** was adopted by (Record 1423): 139 Yeas, 0 Nays, 1 Present, not voting.

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

Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Giddings; Israel; Miles; Moody; Peña; Pickett; Turner, S.; Vo.

Absent — Burkett; Dukes.

### STATEMENTS OF VOTE

When Record No. 1423 was taken, I was in the house but away from my desk. I would have voted yes.

Burkett

When Record No. 1423 was taken, I was excused because of important business. I would have voted yes.

Moody

### CSSJR 1 ON SECOND READING (D. Bonnen, et al. - House Sponsors)

**CSSJR 1**, A joint resolution proposing a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes and providing for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for those purposes on the homestead of an elderly or disabled person to reflect the increased exemption amount.

#### Amendment No. 1

Representative D. Bonnen offered the following amendment to **CSSJR 1**:  
Floor Packet Page No. 2

Amend **CSSJR 1** (house committee printing) as follows:

(1) On page 1, line 8, strike "1-b(c) and (d)" and substitute "1-b(c), (d), and (e)".

(2) On page 4, between lines 9 and 10, insert the following:

(e) The governing body of a political subdivision, other than a county education district, may exempt from ad valorem taxation a percentage of the market value of the residence homestead of a married or unmarried adult, including one living alone. In the manner provided by law, the voters of a county education district at an election held for that purpose may exempt from ad valorem taxation a percentage of the market value of the residence homestead of a married or unmarried adult, including one living alone. The percentage may not exceed twenty percent. However, the amount of an exemption authorized pursuant to this subsection may not be less than [~~Five Thousand Dollars~~ ~~(\$5,000)] unless the legislature by general law prescribes other monetary restrictions on the amount of the exemption. The legislature by general law may prohibit the governing body of a political subdivision that adopts an exemption~~

under this subsection from reducing the amount of or repealing the exemption. An eligible adult is entitled to receive other applicable exemptions provided by law. Where ad valorem tax has previously been pledged for the payment of debt, the governing body of a political subdivision may continue to levy and collect the tax against the value of the homesteads exempted under this subsection until the debt is discharged if the cessation of the levy would impair the obligation of the contract by which the debt was created. The legislature by general law may prescribe procedures for the administration of residence homestead exemptions.

(3) Insert the following appropriately numbered SECTION and renumber the subsequent SECTIONS of the joint resolution accordingly:

SECTION \_\_\_\_\_. Article VIII, Texas Constitution, is amended by adding Section 29 to read as follows:

Sec. 29. (a) After January 1, 2016, no law may be enacted that imposes a transfer tax on a transaction that conveys fee simple title to real property.

(b) This section does not prohibit:

(1) the imposition of a general business tax measured by business activity;

(2) the imposition of a tax on the production of minerals;

(3) the imposition of a tax on the issuance of title insurance; or

(4) the change of a rate of a tax in existence on January 1, 2016.

(4) On page 4, line 15, strike "1-b(c) and (d)" and substitute "1-b(c), (d), and (e)".

(5) On page 4, line 24, strike "\$25,000 and" and substitute "\$25,000,".

(6) On page 5, line 1, between "amount" and the period, insert ", authorizing the legislature to prohibit a political subdivision that has adopted an optional residence homestead exemption from ad valorem taxation from reducing the amount of or repealing the exemption, and prohibiting the enactment of a law that imposes a transfer tax on a transaction that conveys fee simple title to real property".

### **Amendment No. 2**

Representatives Y. Davis and Rose offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by D. Bonnen to **CSSJR 1** on page 1, line 7, by striking "taxing unit" and substituting "school district".

Amendment No. 2 was adopted. (The vote was reconsidered later today, and Amendment No. 2 was withdrawn.)

### **Amendment No. 3**

Representatives Y. Davis and Rose offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by D. Bonnen to **CSSJR 1** on page 1, line 10, by striking "2024" and substituting "2019".

Amendment No. 3 was adopted. (The vote was reconsidered later today, and Amendment No. 3 was withdrawn.)

Amendment No. 1, as amended, was adopted. (The vote was reconsidered later today, and Amendment No. 1 was adopted.)

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

Representatives Keough, Fletcher, Bohac, Faircloth, Metcalf, and Bell offered the following amendment to **CSSJR 1**:

Floor Packet Page No. 4

Amend **CSSJR 1** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTION to read as follows and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 1(i), Article VIII, Texas Constitution, is amended to read as follows:

(i) Notwithstanding Subsections (a) and (b) of this section, the Legislature by general law may limit the maximum appraised value of real property [~~a residence homestead~~] for ad valorem tax purposes in a tax year to the lesser of the most recent market value of the real property [~~residence homestead~~] as determined by the appraisal entity or 105 [~~110~~] percent, or a greater percentage, of the appraised value of the real property [~~residence homestead~~] for the preceding tax year. A limitation on appraised values authorized by this subsection:

(1) takes effect in the tax year following the first tax year in which the owner owns the property on January 1 or, if the property qualifies for an exemption as the [to a] residence homestead of the owner under Section 1-b of this article in the tax year in which the owner acquires the property, in [on the later of the effective date of the law imposing the limitation or January 1 of] the tax year following the [first] tax year in which the owner acquires [qualifies] the property [for an exemption under Section 1-b of this article]; and

(2) expires on January 1 of the [first] tax year following the tax year in which [that neither] the owner of the property when the limitation took effect ceases to own the property, except that the Legislature by general law may provide for the limitation applicable to a residence homestead to continue during ownership of the property by [nor] the owner's spouse or surviving spouse [qualifies for an exemption under Section 1-b of this article].

(2) On page 4, line 24, strike "and" and substitute a comma.

(3) On page 5, line 1, between "amount" and the period, insert ", and authorizing the legislature to limit the maximum appraised value of real property for ad valorem tax purposes to 105 percent or more of the appraised value of the property for the preceding tax year"

#### **AMENDMENT NO. 4 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE KEOUGH: I know that Chairmen Bonnen and Otto worked very hard with the senate bill on putting this tax bill together of **SB 1**. Any time we have the opportunity to cut taxes—I'm just like you, I'll cut them any time that I can. However, while **SB 1** does provide some relief, it doesn't address the underlying problems with property taxes. I understand we are talking about **CSSJR 1**, but I can't get there until I explain this, so work with me. I submit to

the house and to the senate that until we get serious about real appraisal reform, property tax cuts, as they are presented in this bill, are temporary at best. A short time ago, Cecil Bell—Representative Bell—invited me and Will Metcalf—Representative Metcalf from Montgomery County—to joint author a bill. We looked at the bill, and in that bill it showed some impactful relief if we could have got it through committee. We couldn't get it through fast enough, so it died there, but as I read it, I knew it would have some significance. Based upon that, however, I constructed an amendment, worked with Representative Bohac on it—which mirrored Bell's bill—along with Cecil. Unfortunately, this morning, to my dismay and disappointment, my amendment was ruled nongermane to **SB 1**. My amendment would have simply done this: It would have lowered the current 10 percent cap on rising homestead appraisals and set the new cap at five percent. It also would have applied to all real property, not just homestead. This homestead exemption would go to all real property.

This last week, ABC had a show on TV in Houston that demonstrated in low-income areas there were houses where there was a 10 percent increase, people were losing their homes. Did you know that at 10 percent in 7.5 years, the taxes will double? My recommendation—as the bill as we put it together, as the amendment together—was to cap it at five percent. That doesn't eliminate it, but it slows it down which is what we are trying to do. What it also would have done is it would have brought truth in taxation to local governments. No current revenue would have been taken from any political subdivision across the state and each of these entities would continue to receive the same revenue they currently receive, but now they would be responsible to have more transparency behind the tax rate. Looking at the needs versus the wants of the local governments, they would have to make a decision. If we are going to lower the appraisal, then how are we going to show the taxes? How are we going to get done what we need to get done—and it would open it up to transparency and, better yet, truth in taxation? When governance of a community claims that they have lowered tax rates while the constituents write annual checks that are higher and higher, it is disingenuous at best if not downright dishonest.

Members, we must offer meaningful property tax relief to our constituents. During the interim, I'm going to be working with Representatives Bell, Bohac, Metcalf, and many others as we work on this to bring real reform to this issue. I support the efforts of **SB 1** in giving property tax relief to Texans. Mr. Speaker, though, and members, since the enabling legislation was not added to **SB 1**, I would then humbly withdraw this amendment to **CSSJR 1**.

Amendment No. 4 was withdrawn.

#### **Amendment No. 1 - Vote Reconsidered**

Representative D. Bonnen moved to reconsider the vote by which Amendment No. 1, as amended, was adopted.

The motion to reconsider prevailed.

**Amendment No. 2 - Vote Reconsidered**

Representative D. Bonnen moved to reconsider the vote by which Amendment No. 2 was adopted.

The motion to reconsider prevailed.

Amendment No. 2 was withdrawn.

**Amendment No. 3 - Vote Reconsidered**

Representative D. Bonnen moved to reconsider the vote by which Amendment No. 3 was adopted.

The motion to reconsider prevailed.

Amendment No. 3 was withdrawn.

Amendment No. 1 was adopted.

**REMARKS ORDERED PRINTED**

Representative Keough moved to print his remarks on Amendment No. 4.

The motion prevailed.

**CSSJR 1 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE OTTO: What is the purpose of the language in the constitutional amendment relating to a tax on real property?

REPRESENTATIVE D. BONNEN: This amendment protects against a future legislature imposing a tax directly on the sale of real estate.

OTTO: What is the definition of a transfer tax for purposes of this constitutional amendment?

D. BONNEN: *Black's Law Dictionary* defines a transfer tax to mean a tax upon the passing of the title to property. The intent is to prohibit a tax directly on the transaction that conveys fee simple title to real property, similar to how sales tax works.

OTTO: Would this have any impact on a tax that is based on revenue or business activity related to real property sales?

D. BONNEN: No.

**REMARKS ORDERED PRINTED**

Representative D. Bonnen moved to print remarks between Representative Otto and Representative D. Bonnen.

The motion prevailed.

**CSSJR 1**, as amended, was adopted by (Record 1424): 138 Yeas, 0 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Giddings; Israel; Miles; Moody; Peña; Pickett; Turner, S.; Vo.

Absent — Dukes; Guerra; Romero.

#### STATEMENTS OF VOTE

When Record No. 1424 was taken, I was excused because of important business. I would have voted yes.

Giddings

When Record No. 1424 was taken, I was excused because of important business. I would have voted yes.

Moody

#### GENERAL STATE CALENDAR SENATE BILLS SECOND READING

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

#### SB 983 ON SECOND READING (Schofield - House Sponsor)

**SB 983**, A bill to be entitled An Act relating to restrictions on the assessment of the fee charged for issuance of certain birth records.

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

#### CSSB 158 ON SECOND READING (Fletcher and J. White - House Sponsors)

**CSSB 158**, A bill to be entitled An Act relating to a body worn camera program for certain law enforcement agencies in this state; creating a criminal offense; authorizing a fee.

#### Amendment No. 1

Representative Fletcher offered the following amendment to **CSSB 158**:



Amend **CSSB 158** (house committee printing) in SECTION 1 of the bill, in added Section 1701.661, Occupations Code, by adding the following new subsection, appropriately lettered, to that section and redesignating subsequent subsections of Section 1701.661, Occupations Code, and cross references to those subsections, accordingly:

( ) A recording is confidential and excepted from the requirements of Chapter 552, Government Code, if the recording:

(1) was not required to be made under this subchapter or another law or under a policy adopted by the appropriate law enforcement agency; and

(2) does not relate to a law enforcement purpose.

Amendment No. 1 was adopted.

**CSSB 158**, as amended, was passed to third reading. (Cook recorded voting present, not voting.)

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

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 9:15 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

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

### **LEAVES OF ABSENCE GRANTED**

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

Alonzo on motion of Lozano.

Cook on motion of Lozano.

S. Davis on motion of Lozano.

Geren on motion of Lozano.

Harless on motion of Lozano.

Huberty on motion of Lozano.

Hunter on motion of Lozano.

Johnson on motion of Lozano.

K. King on motion of Lozano.

Larson on motion of Lozano.

Lucio on motion of Lozano.

Price on motion of Lozano.

Riddle on motion of Lozano.

E. Rodriguez on motion of Lozano.

### POSTPONED BUSINESS

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

#### **CSSB 900 ON SECOND READING (G. Bonnen - House Sponsor)**

**CSSB 900**, A bill to be entitled An Act relating to the operation of the Texas Windstorm Insurance Association.

**CSSB 900** was read second time earlier today and was postponed until this time.

#### **CSSB 900 - POINT OF ORDER**

Representative Smithee raised a point of order against further consideration of **CSSB 900** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

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

Representative Smithee raised a point of order against further consideration of **CSSB 900** under Rule 4, Section 32(c)(2) of the House Rules arguing that the bill analysis to **CSSB 900** is materially misleading. The main argument is that the bill analysis systemically and repetitively uses the wrong definition of association by using the definition in current law and not the new definition of Texas Coastal Insurance Association which is set forth in this bill. The point of order is respectfully overruled.

Both the analysis portion of the bill analysis (on page 5 of the analysis, "**CSSB 900** redefines 'association' to mean the Texas Coastal Insurance Association") and the comparison of the original to the substitute (pages 5-25 of the analysis) reflect the definition at issue and the complained of wording changes. The chair has had an opportunity to review the 5,897 words, 686 lines of text, and 164 paragraphs of the house committee report with the 2,443 words, 245 lines, and 52 paragraphs of the bill analysis (the latter figure does not include the side-by-side comparison of the senate version of the bill and the house substitute). The chair is of the opinion the summary complies with the provisions of Rule 4, Section 32(c)(2) of the House Rules.

#### **CSSB 900 - POINT OF ORDER**

Representative Rinaldi raised a point of order against further consideration of **CSSB 900** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

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

Representative Rinaldi raised a point of order against further consideration of **CSSB 900** under Rule 4, Section 32(c)(2) of the House Rules arguing that the bill analysis to **CSSB 900** fails to summarize Section 10 of the bill. The point of order is respectfully overruled.

Section 10 of the bill provides for payment of Texas Wind Insurance Association losses in excess of premium and other revenue from issuance of Class 3 public securities and then from Class 3 member assessments, in that order, if the losses cannot be covered by other available funds (which are listed in the bill by section number). The bill analysis on page 2 states: "The bill adds the assessments to the sequence so that assessments are made after the use of available TWIA reserves and the issuance of Class 1, Class 2, and Class 3 public securities, respectively." In addition to providing a succinct overview of what Sections 5 through 10 of the bill accomplish, the analysis goes on to summarize specific changes made to each of these sections on the following two pages, and the side-by-side comparison of the bill and the committee substitute reproduces Section 10 in its entirety. Having reviewed the bill, the complete bill analysis, and the House Rules, the chair determines that the bill analysis satisfies the requirements of Rule 4, Section 32(c)(2) of the House Rules.

The chair notes that this is the at least the thirtieth point of order raised this session under Rule 4, Section 32(c) of the House Rules, which requires, for each bill or joint resolution except the appropriations bill, a bill analysis. Drafters are tasked with following the mandate to provide a "detailed analysis" of every bill and joint resolution (except for the general appropriations act), to meet members' needs to have their bills heard, sometimes in short order. Representative Rinaldi's point of order is at least the eleventh point of order raised under Rule 4, Section 32(c)(2) of the House Rules. Points of order complaining of flaws in the bill analysis account for over 40 percent of the points of order called so far during this session. Members have regularly asserted that these analyses are incomplete, incorrect, or misleading, e.g., 84 H.J. Reg. 3380 (2015) (Collier point of order on **CSHB 3994**); 84 H.J. Reg. 3369 (2015) (Walle point of order on **CSHB 1798**); 84 H.J. Reg. 3368 (2015) (González point of order on **CSHB 1798**); 84 H.J. Reg. 3327 (2015) (Springer point of order on **CSHB 3113**); 84 H.J. Reg. 2613-2614 (2015) (Martinez point of order on **HB 996**); 84 H.J. Reg. 2543 (2015) (Schaefer point of order on **CSHB 335**); 84 H.J. Reg. 2331 (2015) (Rinaldi point of order on **CSHB 2267**); 84 H.J. Reg. 1993-1994 (2015) (Coleman point of order on **CSHB 1794**); 84 H.J. Reg. 1615-1616 (2015) (González point of order on **HB 1690**); 84 H.J. Reg. 1614-1615 (2015) (Moody point of order on **HB 1690**); 84 H.J. Reg. 1058-1059 (2015) (Simpson point of order on **SB 293**). Oftentimes, these contentions are based on a bill analysis's omission of certain details of the bill or definitions contained therein. On the other end of the spectrum, on at least one recent occasion, a member has asserted that the bill analysis is unhelpful when it restates the bill to such an extent that the analysis does not actually provide any independent analysis. 83 H.J. Reg. 4060 (2013) (M. González point of order on **SB 11**). This embarrassing number of issues (actual or perceived) with bill analyses suggests that the requirements of Rule 4, Section 32(c) of the House Rules may not be meeting the membership's need for a helpful summary of the often complex measures that the house considers, in which case the membership might wish to address this issue in future versions of the rules.

**Amendment No. 1**

Representative G. Bonnen offered the following amendment to **CSSB 900**:

Amend **CSSB 900** (house committee printing) as follows:

(1) On page 1, lines 11-12, strike "Coastal [~~Windstorm~~]" and substitute "Windstorm".

(2) On page 9, lines 9-10, between "any occurrence" and "that results", insert "or series of occurrences".

(3) On page 9, lines 10-11, strike "under this subsection or through reinsurance as described by Section 2210.075".

(4) On page 23, line 8, strike "2210.073" and substitute "2210.0741".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative G. Bonnen offered the following amendment to **CSSB 900**:

Amend **CSSB 900** (house committee printing) as follows:

(1) On page 3, line 10, strike "[~~(b)~~]" and substitute "(a) [~~(b)~~]".

(2) On page 3, between lines 14 and 15, insert the following:

(b) Proceeds of Class 1 public securities issued before the date of any occurrence or series of occurrences that results in insured losses may not be included in available reserves for purposes of this section.

(3) Strike page 3, line 23, through page 5, line 24, and substitute the following:

Sec. 2210.072. PAYMENT FROM CLASS 1 PUBLIC SECURITIES; FINANCIAL INSTRUMENTS. (a) Losses not paid under Section 2210.0715 [~~Section 2210.071(b)~~] shall be paid as provided by this section from the proceeds from Class 1 public securities [~~authorized to be~~] issued in accordance with Subchapter M before, on, or after the date of any occurrence or series of occurrences that results in insured losses. Public securities described by [~~issued under~~] this section must be paid [~~repaid~~] within a period not to exceed 14 years, and may be paid [~~repaid~~] sooner if the board of directors elects to do so and the commissioner approves.

(b) Public securities described by Subsection (a) that are issued before an occurrence or series of occurrences that results in incurred losses:

(1) may be issued on the request of the board of directors with the approval of the commissioner; and

(2) may not, in the aggregate, exceed \$500 million [~~\$1 billion~~] at any one time, regardless of the calendar year or years in which the outstanding public securities were issued.

(b-1) Public securities described by Subsection (a):

(1) shall be issued as necessary in a principal amount not to exceed \$500 million [~~\$1 billion~~] per catastrophe year, in the aggregate, for securities issued during that catastrophe year before the occurrence or series of occurrences that results in incurred losses in that year and securities issued on or after the date of that occurrence or series of occurrences, and regardless of whether for a single occurrence or a series of occurrences; and

(2) subject to the [~~\$1 billion~~] maximum described by Subdivision (1), may be issued, in one or more issuances or tranches, during the calendar year in which the occurrence or series of occurrences occurs or, if the public securities cannot reasonably be issued in that year, during the following calendar year.

(c) If public securities are issued as described by this section, the public securities shall be repaid in the manner prescribed by Subchapter M [~~from association premium revenue~~].

(d) The association may borrow from, or enter into other financing arrangements with, any market source, under which the market source makes interest-bearing loans or other financial instruments to the association to enable the association to pay losses under this section or to obtain public securities under this section. For purposes of this subsection, financial instruments includes commercial paper.

(e) The proceeds of any outstanding public securities described by Subsection (a) that are issued before an occurrence or series of occurrences, together with the proceeds of any outstanding Class 1 public securities issued on or before June 1, 2015, shall be depleted before the proceeds of any securities issued after an occurrence or series of occurrences may be used. This subsection does not prohibit the association from issuing securities after an occurrence or series of occurrences before the proceeds of outstanding public securities issued during a previous catastrophe year have been depleted.

(f) If, under Subsection (e), the proceeds of any outstanding public securities issued during a previous catastrophe year, together with the proceeds of any outstanding Class 1 public securities issued on or before June 1, 2015, must be depleted, those proceeds shall count against the [~~\$1 billion~~] limit on public securities described by this section in the catastrophe year in which the proceeds must be depleted.

(4) On page 9, line 8, strike "proceeds from public" and substitute "the proceeds from Class 3 public".

(5) On page 9, line 16, strike "may" and substitute "shall".

(6) On page 13, add the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Section 2210.355(b), Insurance Code, is amended to read as follows:

(b) In adopting rates under this chapter, the following must be considered:

(1) the past and prospective loss experience within and outside this state of hazards for which insurance is made available through the plan of operation, if any;

(2) expenses of operation, including acquisition costs;

(3) a reasonable margin for profit and contingencies;

(4) payment of public security obligations [~~for Class 1 public securities~~] issued under this chapter, including the additional amount of any debt service coverage determined by the association to be required for the issuance of marketable public securities; and

(5) all other relevant factors, within and outside this state.

(7) On page 15, strike lines 2-13 and substitute the following:

Sec. 2210.453. FUNDING LEVELS; REINSURANCE AND ALTERNATIVE RISK FINANCING MECHANISMS. (a) The association may~~[-~~

~~(1) make payments into the trust fund; and~~

~~(2)] purchase reinsurance or use alternative risk financing mechanisms or both as necessary.~~

(b) The association shall maintain total available loss funding in an amount not less than the probable maximum loss for the association for a catastrophe year with a probability of one in 100. If necessary, the required funding level shall be achieved through the may purchase of reinsurance or the use of alternative financing mechanisms, or both, to operate ~~[that operates]~~ in addition to or in concert with the trust fund, public securities, financial instruments, and assessments authorized by this chapter.

(8) On page 16, strike lines 22-26.

(9) On page 17, line 1, strike "Subdivisions (3-a)" and substitute "Subdivisions (2-a), (3-a)".

(10) On page 17, between lines 2 and 3, insert the following:

(2-a) "Class 1 public security trust fund" means the dedicated trust fund established by the board and held by the Texas Treasury Safekeeping Trust Company into which premium surcharges collected under Section 2210.612 for the purpose of paying Class 1 public securities are deposited.

(11) On page 18, line 14, strike "public security obligation revenue" and substitute "Class 1 public security trust ~~[public security obligation revenue]~~".

(12) On page 19, lines 4-5, strike "public security obligation revenue" and substitute "Class 1 public security trust ~~[public security obligation revenue]~~".

(13) On page 19, line 13, strike "public security obligation revenue" and substitute "Class 1 public security trust ~~[public security obligation revenue]~~".

(14) On page 19, line 20, strike "public security obligation" and substitute "Class 1 public security ~~[obligation]~~".

(15) On page 20, line 1, strike "[Section] 2210.613" and substitute "2210.612, [Section] 2210.613,".

(16) On page 20, line 8, strike "[Section] 2210.613" and substitute "2210.612, [Section] 2210.613,".

(17) On page 20, between lines 21 and 22, insert the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Section 2210.612, Insurance Code, is amended to read as follows:

Sec. 2210.612. PAYMENT OF CLASS 1 PUBLIC SECURITIES. (a) The association shall pay Class 1 public securities issued under Section 2210.072 from:

(1) ~~its~~ net premium and other revenue; and

(2) if net premium and other revenue are not sufficient to pay the securities, a catastrophe area premium surcharge collected in accordance with this section.

(b) On approval by the commissioner, the association shall assess, as provided by this section, a premium surcharge to each policyholder of a policy described by Subsection (c). The premium surcharge must be set in an amount

sufficient to pay, for the duration of the issued public securities, all debt service not already covered by available funds and all related expenses on the public securities.

(c) The premium surcharge under this section shall be assessed on all policyholders of association policies issued under this chapter.

(d) A premium surcharge under this section is a separate charge in addition to the premiums collected and is not subject to premium tax or commissions. Failure by a policyholder to pay the surcharge constitutes failure to pay premium for purposes of policy cancellation.

(e) The association may enter financing arrangements as described by Section 2210.072(d) as necessary to obtain public securities issued under Section 2210.072. Nothing in this subsection shall prevent the authorization and creation of one or more programs for the issuance of commercial paper before the date of an occurrence or series of occurrences that results in insured losses under Section 2210.072(a).

(18) On page 23, line 5, strike "Section 2210.6131" and substitute "Sections 2210.6131 and 2210.6132".

(19) On page 23, following line 27, insert the following:

Sec. 2210.6132. CONTINGENT SOURCE OF PAYMENT FOR CLASS 2 AND CLASS 3 PUBLIC SECURITIES. (a) The commissioner may determine, in consultation with the board and the authority, that:

(1) the authority is unable to issue Class 2 or Class 3 public securities to be payable under Section 2210.613 or 2210.6131, as applicable; or

(2) the issuance of Class 2 or Class 3 public securities to be payable under Section 2210.613 or 2210.6131, as applicable, is financially unreasonable for the association.

(b) If the commissioner makes a determination under Subsection (a), the commissioner shall order the Class 2 or Class 3 public securities, as applicable, to be paid by a premium surcharge assessed by each insurer, the association, and the Texas FAIR Plan Association on all policyholders of policies that are in effect on or after the 180th day after the date the commissioner issues the order. The premium surcharge must be set in an amount sufficient to pay all debt service not already covered by available funds and all related expenses on the public securities.

(c) The premium surcharge under this section shall be assessed on all policyholders of policies that cover insured property that is located in a catastrophe area, including automobiles principally garaged in a catastrophe area. The premium surcharge shall be assessed on each Texas windstorm and hail insurance policy and each property and casualty policy, including an automobile insurance policy, issued for automobiles and other property located in the catastrophe area. A premium surcharge under Subsection (b) applies to:

(1) all policies written under the following lines of insurance:

(A) fire and allied lines;

(B) farm and ranch owners;

(C) residential property insurance;

(D) private passenger automobile liability and physical damage insurance; and

(E) commercial automobile liability and physical damage insurance; and

(2) the property insurance portion of a commercial multiple peril insurance policy.

(20) On page 25, strike line 5 and substitute the following:

(1) Sections 2210.602(5-a), (6), (6-b), (6-c), and (10);

(21) On page 26, add the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Subchapter M, Chapter 2210, Insurance Code, as it existed before the effective date of this Act, is applicable to bond obligations incurred under Chapter 2210, Insurance Code, before the effective date of this Act, and that law is continued in effect for that purpose.

(22) Renumber SECTIONS of the bill appropriately.

(Alonzo, Cook, S. Davis, Geren, Harless, Hunter, Johnson, Lucio, Price, and E. Rodriguez now present)

### **Amendment No. 2 - Point of Order**

Representative Simpson raised a point of order against further consideration of Amendment No. 2.

The point of order was withdrawn.

Amendment No. 2 was adopted.

(Larson now present)

### **Amendment No. 3**

Representatives J. Rodriguez and Gonzales offered the following amendment to **CSSB 900**:

Amend **CSSB 900** (house committee printing) as follows:

(1) On page 10, line 24, between "is amended" and "to", insert "by amending Subsections (b), (c), (d), (e), and (f) and adding Subsection (c-1)".

(2) Strike page 10, line 26, through page 11, line 1.

(3) On page 11, line 20, strike "represent" and substitute "reside in".

(4) On page 11, line 22, strike "200" and substitute "100".

(5) Strike page 12, line 12, through page 13, line 9.

(6) On page 25, between lines 4 and 5, insert the following appropriately numbered subdivision and renumber the subsequent subdivisions accordingly:

( ) Sections 2210.102(g) and (h);

Amendment No. 3 was adopted.

### **Amendment No. 4**

Representative Paul offered the following amendment to **CSSB 900**:

Amend **CSSB 900** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:



SECTION \_\_\_\_\_. Section 2210.258, Insurance Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsections [Subsection] (c) and (d) and Section 2210.2581 and notwithstanding any other provision of this chapter, to be eligible for insurance through the association, all construction, alteration, remodeling, enlargement, and repair of, or addition to, any structure located in the catastrophe area that is begun on or after the effective date of Sections 5 through 49, **HB 4409**, Acts of the 81st Legislature, Regular Session, 2009, must be performed in compliance with the applicable building code standards, as set forth in the plan of operation.

(b) Except as provided by Subsections [Subsection] (c) and (d), the association may not insure a structure described by Subsection (a) until:

(1) the structure has been inspected for compliance with the plan of operation in accordance with Section 2210.251(a); and

(2) a certificate of compliance has been issued for the structure in accordance with Section 2210.251(g).

(d) The association may insure a structure described by Subsection (a) for a policy term not to exceed 30 days if an inspection verification form or other inspection form adopted by the department has been issued for the structure for purposes of providing temporary coverage while an applicant seeks to secure a certificate of compliance for the structure if the structure is otherwise insurable property.

SECTION \_\_\_\_\_. Section 2210.2581, Insurance Code, is amended to read as follows:

Sec. 2210.2581. MANDATORY COMPLIANCE WITH BUILDING STANDARDS; CERTAIN STRUCTURES. Except as provided by Sections [Section] 2210.251(d) and (e) and Section 2210.258(d), and notwithstanding Sections 2210.258(a), (b), and (c) [Section 2210.258] or any other provision of this chapter, on and after December 31, 2015, the association may not issue or renew insurance coverage for a structure unless the structure complies with the applicable building code standards in effect on the date the construction, alteration, remodeling, enlargement, or repair of, or addition to, the structure begins, as set forth in the plan of operation.

### **CSSB 900 - POINT OF ORDER**

Representative Simpson raised a point of order against further consideration of **CSSB 900** under Rule 11, Section 6(c) and Rule 11, Section 8 of the House Rules on the grounds that an amendment was not properly filed.

### **CSSB 1 - HOUSE SPONSORS AUTHORIZED**

On motion of Representative D. Bonnen, Representatives Oliveira, Guerra, Deshotel, and Hughes were authorized as house sponsors to **CSSB 1**.

### **CSSB 900 - (consideration continued)**

### **CSSB 900 - POINT OF ORDER DISPOSITION**

The point of order was withdrawn.

Amendment No. 4 was adopted by (Record 1425): 91 Yeas, 29 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Bernal; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Canales; Capriglione; Coleman; Collier; Craddick; Crownover; Cyrier; Dale; Davis, S.; Davis, Y.; Deshotel; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Frank; Geren; Goldman; Gonzales; Guerra; Guillen; Gutierrez; Harless; Hernandez; Howard; Hunter; Johnson; Keffer; Keough; King, P.; King, S.; King, T.; Klick; Koop; Landgraf; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Parker; Paul; Phelan; Price; Raney; Raymond; Reynolds; Rodriguez, E.; Romero; Rose; Schubert; Sheets; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; VanDeaver; Walle; White, M.; Workman; Wray; Zerwas.

Nays — Anderson, R.; Ashby; Bell; Burrows; Clardy; Darby; Elkins; Frullo; Galindo; Hughes; Isaac; Kacal; Krause; Kuempel; Larson; Laubenberg; Leach; Metcalf; Meyer; Murr; Paddie; Rinaldi; Sanford; Schaefer; Shaheen; Smithee; White, J.; Wu; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Giddings; Israel; Miles; Moody; Peña; Pickett; Turner, S.; Vo.

Absent, Excused, Committee Meeting — Huberty; King, K.; Riddle.

Absent — Anchia; Aycok; Blanco; Button; Cook; Dukes; Dutton; Flynn; González; Herrero; McClendon; Phillips; Rodriguez, J.; Schofield; Stephenson; Stickland; Turner, E.S.; Villalba.

#### STATEMENTS OF VOTE

When Record No. 1425 was taken, I was excused because of important business. I would have voted yes.

Moody

When Record No. 1425 was taken, I was in the house but away from my desk. I would have voted yes.

Stephenson

#### Amendment No. 5

Representative Sheets offered the following amendment to **CSSB 900**:

Amend **CSSB 900** as follows:

1. On page \_\_\_\_, line \_\_\_\_, add the following:

SECTION \_\_\_\_. Chapter 2210, Insurance Code, is amended by adding Subchapter O to read as follows:

SUBCHAPTER O. DEPOPULATION PROGRAM

Sec. 2210.701. DEPOPULATION PROGRAM. (a) The association shall administer, subject to commissioner approval, a depopulation program that encourages the transfer of association policies to insurers through assumption reinsurance.

(b) An insurer authorized to conduct the business of property and casualty insurance in this state may elect to participate in the depopulation program.

Sec. 2210.702. ASSUMPTION REINSURANCE DEPOPULATION. (a) The association shall make available to insurers who elect to participate in the depopulation program association policy information necessary for the insurers to determine whether to reinsure a policy ceded to the insurer by the association. The commissioner by rule shall establish the information that is necessary to provide to an insurer under this subsection.

(b) Reinsurance under this section must be provided as assumption reinsurance by novation and the insurer is legally and contractually responsible for the association policy ceded to the insurer on the effective date of the assumption reinsurance agreement regardless of whether the association continues to provide some services on the policy. The association is not liable under the policy on and after the effective date of the assumption reinsurance agreement. Except as specifically provided in an agreement between the association and the insurer, the insurer shall administer the policy and process, adjust, and pay claims in accordance with the policy.

(c) If an insurer elects to reinsure an association policy under this section, the insurer shall comply with the applicable provisions of Chapters 202 and 493.

Sec. 2210.703. COMPARABLE COVERAGE; PRIVATE MARKET OFFER. An insurer may not offer a policy to an association policyholder under Section 2210.703 unless the policy contains generally comparable coverage and premiums to the association policy as determined by commissioner rule. The premiums for a policy of generally comparable coverage may not exceed 115 percent of the premiums for the association policy. The insurer will offer renewal of the reinsured policy for each of the next 3 years subject to the rate and underwriting guidelines of insurer filed with the Texas Department of Insurance. The provisions of Subchapter L-1 do apply to the policy issued by the insurer issued under the reinsurance agreement.

Sec. 2210.704. CONFIDENTIALITY OF INFORMATION; USE OF POLICYHOLDER'S AGENT. (a) An insurer may use information concerning a specific policy or insured provided by the association under Sections 2210.702(b) and 2210.703(a) only for the purposes of this subchapter and may not use or disclose the information for any other purpose. The insurer must offer the policy through the insurance agent of record for the association policyholder under the prevailing terms, conditions, and commissions of the agent.

(b) The commissioner shall establish the procedure for transferring the reinsured policies by rule. The rule shall provide that the reinsurance agreement includes:

- (1) an offer commencement date of December 1;

(2) a transfer of the earned premium on the reinsured policies to a trust account to be held until the expiration of the opt out period when the earned premium for the final reinsured policies will be transferred to the reinsurer;

(3) a period of not less than 60 days for the agent of record to accept an appointment or other written agreement with the reinsurer;

(4) the opportunity for the policy holder to opt out of the reinsurance agreement on or before May 31;

(5) such other requirements as the commissioner deems necessary for the protection of policyholders and their agents; and

SECTION 2. As soon as practicable after the effective date of this Act, the board of directors of the Texas Windstorm Insurance Association shall propose amendments to the plan of operation of the association and the commissioner of insurance shall adopt rules to implement Subchapter O, Chapter 2210, Insurance Code, as added by this Act.

Amendment No. 5 was withdrawn.

### LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of House Administration business (DPS):

Geren on motion of Harless.

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

Márquez on motion of S. Davis.

### CSSB 900 - (consideration continued)

#### Amendment No. 6

Representatives Capriglione, Frank, Alonzo, Faircloth, Hughes, Goldman, Simmons, Krause, Meyer, and Sanford offered the following amendment to **CSSB 900**:

Amend **CSSB 900** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter J, Chapter 2210, Insurance Code, is amended by adding Section 2210.4521 to read as follows:

Sec. 2210.4521. INVESTMENT OF TRUST FUND BALANCES. (a) The comptroller shall invest in accordance with the investment standard described by Section 404.024(j), Government Code, the portion of the trust fund balance that exceeds the amount of the sufficient balance determined under Subsection (b). The comptroller's investment of that portion of the balance is not subject to any other limitation or other requirement provided by Section 404.024, Government Code.

(b) At least once each 12-month period, the board of directors shall determine a balance for the trust fund that the board considers to be sufficient to meet the cash flow requirements of the fund in funding the payment of insured

losses as provided by Section 2210.452(a). After determining that sufficient balance, the board shall provide notice of the sufficient balance to the comptroller.

(c) Not later than the 30th day after the date the board of directors provides notice of the sufficient balance determined under Subsection (b), the comptroller shall adjust the investment portfolio of trust fund money to ensure that only the portion of the fund that exceeds the sufficient balance is invested as required by Subsection (a).

(d) The comptroller shall include the fair market value of the investment portfolio of the trust fund in calculating the amount in the fund for purposes of this chapter.

### **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. 27).

#### **CSSB 900 - (consideration continued)**

Amendment No. 6 was adopted.

(Riddle now present)

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

Representative Sheets offered the following amendment to **CSSB 900**:

Amend **CSSB 900** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 2210, Insurance Code, is amended by adding Subchapter O to read as follows:

#### SUBCHAPTER O. DEPOPULATION PROGRAM

Sec. 2210.701. DEPOPULATION PROGRAM. (a) The association shall administer, subject to commissioner approval, a depopulation program that encourages the transfer of association policies to insurers through the voluntary market or assumption reinsurance.

(b) An insurer engaged in the business of property and casualty insurance in this state may elect to participate in the depopulation program.

Sec. 2210.702. ASSUMPTION REINSURANCE DEPOPULATION. (a) The association shall make available to insurers who elect to participate in the depopulation program association policy information necessary for the insurers to determine whether to reinsure a policy ceded to the insurer by the association. The commissioner shall by rule establish the information that is necessary to provide to an insurer under this subsection.

(b) If an insurer elects to reinsure a policy under this section, the reinsurance must be provided as assumption reinsurance by novation and the insurer is legally and contractually responsible for the association policy ceded to the insurer on the effective date of the reinsurance agreement regardless of whether the association continues to provide some services on the policy. The

association is not liable under the policy on and after the effective date of the assumption reinsurance agreement. Except as specifically provided in an agreement between the association and the insurer, the insurer shall administer the policy and process, adjust, and pay claims in accordance with the policy.

(c) If an insurer elects to provide reinsurance under this section, the insurer shall comply with the applicable provisions of Chapters 202 and 493.

Sec. 2210.703. RENEWAL OF REINSURED POLICIES; COMPARABLE COVERAGE. (a) An insurer electing to offer a policy under Section 2210.702 shall offer a renewal of that policy to the association policyholder for each of the next three years subject to the insurer's rate and underwriting guidelines as filed under this code.

(b) An insurer may not offer a policy to an association policyholder under this section unless the policy contains generally comparable coverage and premiums to the association policy as determined by commissioner rule. The premiums for a policy of generally comparable coverage may not exceed 115 percent of the premiums for the association policy.

(c) Subchapter L-1 does not apply to a policy renewed under this section.

Sec. 2210.704. CONFIDENTIALITY OF INFORMATION; USE OF POLICYHOLDER'S AGENT. (a) An insurer may use information concerning a specific policy or insured provided by the association under Section 2210.702(a) only for the purposes of this subchapter and may not use or disclose the information for any other purpose.

(b) If an insurer elects to renew a policy for an association policyholder identified from information provided to the insurer under Section 2210.702, the insurer must offer the policy through the insurance agent of record for the association policyholder under the prevailing terms, conditions, and commissions of the agent.

Sec. 2210.705. TRANSFER OF POLICIES. The commissioner shall by rule establish the procedure for the transfer of reinsured policies. The rule must provide that a reinsurance agreement include:

(1) an offer commencement date of December 1;

(2) the opportunity for the policy holder to opt-out of the reinsurance agreement on or before May 31;

(3) a transfer of the earned premium on a reinsured policy to a trust account to be held until the expiration of the opt-out period described by Subdivision (2) when the earned premium for the final reinsured policy will be transferred to the reinsurer;

(4) a period of not less than 60 days for the agent of record to accept an appointment or other written agreement with the reinsurer; and

(5) any other requirements as the commissioner determines necessary for the protection of policyholders and the policyholders' agents.

SECTION \_\_\_\_\_. As soon as practicable after the effective date of this Act, the board of directors of the Texas Windstorm Insurance Association shall propose amendments to the plan of operation of the association and the commissioner of insurance shall adopt rules to implement Subchapter O, Chapter 2210, Insurance Code, as added by this Act.

Amendment No. 7 was adopted.

### **Amendment No. 8**

Representative Smithee offered the following amendment to **CSSB 900**:

Amend **CSSB 900** (house committee printing) as follows:

(1) On page 6, line 11, strike "not".

(2) On page 6, line 12, strike "or tax credit" and substitute:

. If a member of the association attempts to recoup an assessment through a premium surcharge under this subsection, the member must disclose on each policyholder's premium statement the amount of the premium surcharge assessed by the member of the association on the policyholder's policy, the purpose for which it was assessed, and that the assessment was authorized by SB 900, Acts of the 84th Legislature, Regular Session, 2015

(3) On page 7, line 26, strike "not".

(4) On page 7, line 27, strike "or tax credit" and substitute:

. If a member of the association attempts to recoup an assessment through a premium surcharge under this subsection, the member must disclose on each policyholder's premium statement the amount of the premium surcharge assessed by the member of the association on the policyholder's policy, the purpose for which it was assessed, and that the assessment was authorized by SB 900, Acts of the 84th Legislature, Regular Session, 2015

(5) On page 10, line 11, strike "not".

(6) On page 10, line 12, strike "or tax credit" and substitute:

. If a member of the association attempts to recoup an assessment through a premium surcharge under this subsection, the member must disclose on each policyholder's premium statement the amount of the premium surcharge assessed by the member of the association on the policyholder's policy, the purpose for which it was assessed, and that the assessment was authorized by SB 900, Acts of the 84th Legislature, Regular Session, 2015

### **LEAVE OF ABSENCE GRANTED**

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

Harless on motion of Otto.

(Márquez now present)

### **CSSB 900 - (consideration continued)**

Representative G. Bonnen moved to table Amendment No. 8.

The motion to table prevailed by (Record 1426): 75 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Coleman; Collier; Cook; Crownover; Cyrier; Dale; Darby; Davis, Y.; Deshotel; Elkins; Faircloth; Fallon; Farias; Farrar; Flynn; Frank; Goldman; Gonzales; Guerra; Gutierrez; Herrero; Howard; Hunter; Keough; King, P.; King, T.; Klick; Koop; Lozano; Lucio; Márquez; Martinez Fischer; Miller, D.; Minjarez; Morrison; Muñoz; Naishtat; Oliveira; Otto; Parker; Paul; Phelan; Raney; Raymond; Reynolds; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Shaheen; Simmons; Smith; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Villalba; Walle; Wu; Zerwas.

Nays — Allen; Anderson, R.; Ashby; Bell; Bohac; Burrows; Clardy; Craddick; Farney; Fletcher; Frullo; Galindo; González; Hughes; Isaac; Kacal; Keffer; King, S.; Krause; Kuempel; Larson; Laubenberg; Metcalf; Meyer; Miller, R.; Murphy; Murr; Paddie; Phillips; Price; Riddle; Rinaldi; Sanford; Schaefer; Sheets; Sheffield; Simpson; Smithee; Springer; Stickland; Tinderholt; Turner, E.S.; VanDeaver; White, J.; White, M.; Workman; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Giddings; Harless; Israel; Miles; Moody; Peña; Pickett; Turner, S.; Vo.

Absent, Excused, Committee Meeting — Geren; Huberty; King, K.

Absent — Davis, S.; Dukes; Dutton; Guillen; Hernandez; Johnson; Landgraf; Leach; Longoria; Martinez; McClendon; Nevárez; Rodriguez, E.; Spitzer.

### STATEMENT OF VOTE

When Record No. 1426 was taken, I was excused because of important business. I would have voted yes.

Moody

#### Amendment No. 9

Representative Smithee offered the following amendment to **CSSB 900**:

Amend **CSSB 900** (house committee printing) by inserting the following appropriately numbered SECTIONS and renumbering SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Subchapter B-1, Chapter 2210, Insurance Code, is amended by adding Section 2210.077 to read as follows:

Sec. 2210.077. PAYMENT OF LOSSES IN THE EVENT OF INSUFFICIENT FUNDS. The board shall prepare a plan to pay insured losses of the association on a pro rata basis if the association's resources are insufficient to pay all claims in full.

SECTION \_\_\_\_\_. Subchapter E, Chapter 2210, Insurance Code, is amended by adding Section 2210.2035 to read as follows:



Sec. 2210.2035. DISCLOSURE TO POLICYHOLDERS. On the issuance of new or renewal coverage, the association shall provide each policyholder a disclosure:

(1) of the association's financial condition, including, as of the end of the preceding calendar year:

(A) the balance of the catastrophe reserve trust fund;

(B) the amount of reinsurance and alternative risk financing available to the association; and

(C) the association's probable maximum loss for a catastrophe year with a probability of one in 100;

(2) that the Texas Property and Casualty Insurance Guaranty Association does not protect association policies;

(3) that the state is not required to pay any insured losses of the association; and

(4) that all insured losses of the association may not be fully paid, together with a brief summary of how available resources will be allocated pursuant to Section 2210.077.

SECTION \_\_\_\_\_. Section 2210.2035, Insurance Code, as added by this Act, applies only to a policy delivered, issued for delivery, or renewed on or after September 1, 2015.

Representative G. Bonnen moved to table Amendment No. 9.

The motion to table prevailed by (Record 1427): 71 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Alvarado; Anderson, C.; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Coleman; Collier; Cook; Crownover; Cyrier; Dale; Darby; Davis, Y.; Deshotel; Faircloth; Fallon; Farias; Farney; Flynn; Goldman; Guerra; Gutierrez; Hernandez; Herrero; Howard; Hunter; Keough; King, P.; Klick; Koop; Lozano; Lucio; Márquez; Martinez Fischer; Miller, D.; Minjarez; Morrison; Muñoz; Naishtat; Oliveira; Otto; Parker; Paul; Phelan; Raney; Raymond; Reynolds; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Simmons; Smith; Springer; Stephenson; Thompson, E.; Turner, C.; Villalba; Walle; Wray; Wu; Zerwas.

Nays — Allen; Anderson, R.; Ashby; Aycock; Bell; Bohac; Burrows; Clardy; Craddick; Elkins; Farrar; Fletcher; Frank; Frullo; Galindo; González; Guillen; Hughes; Isaac; Kacal; Keffer; King, S.; King, T.; Krause; Landgraf; Larson; Laubenberg; Metcalf; Meyer; Miller, R.; Murphy; Murr; Paddie; Phillips; Price; Riddle; Rinaldi; Schaefer; Sheets; Sheffield; Simpson; Smithee; Spitzer; Stickland; Tinderholt; Turner, E.S.; VanDeaver; White, J.; White, M.; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Giddings; Harless; Israel; Miles; Moody; Peña; Pickett; Turner, S.; Vo.

Absent, Excused, Committee Meeting — Geren; Huberty; King, K.

Absent — Alonzo; Anchia; Davis, S.; Dukes; Dutton; Gonzales; Johnson; Kuempel; Leach; Longoria; Martinez; McClendon; Nevárez; Rodriguez, E.; Thompson, S.; Workman.

### STATEMENTS OF VOTE

When Record No. 1427 was taken, I was excused because of important business. I would have voted yes.

Moody

When Record No. 1427 was taken, I was in the house but away from my desk. I would have voted yes.

Workman

### Amendment No. 10

Representative Smithee offered the following amendment to **CSSB 900**:

Amend **CSSB 900** (house committee report) as follows:

(1) Add the following appropriately numbered SECTION and renumber the subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Sections 2210.355(b), (c), and (i), Insurance Code, are amended to read as follows:

(b) In adopting rates under this chapter, the association must:

(1) comply with the rate standards under Subchapter B, Chapter 2251;

and

(2) consider [following must be considered:

(1) the past and prospective loss experience within and outside this state of hazards for which insurance is made available through the plan of operation, if any;

(2) expenses of operation, including acquisition costs;

(3) a reasonable margin for profit and contingencies;

(4) payment of public security obligations for [Class 1] public securities issued under this chapter, including the additional amount of any debt service coverage determined by the association to be required for the issuance of marketable public securities[; and

(5) all other relevant factors, within and outside this state].

(c) The commissioner must certify that overall rates for coverage under this chapter are actuarially sufficient before the association assesses members under this chapter [Rates must be reasonable, adequate, not unfairly discriminatory, and nonconfiscatory as to any class of insurer].

(i) The association may establish rating territories and may vary rates among the territories [as provided by this subsection. A rating territory that subdivides a county may be used only if the rate for any subdivision in the county is not more than:

(A) five percent higher than the rate used by the association in 2009 in any other subdivision in the county;

(B) six percent higher than the rate used by the association in 2010 in any other subdivision in the county;

~~[(C) seven percent higher than the rate used by the association in 2011 in any other subdivision in the county; and~~

~~[(D) eight percent higher than the rate used by the association in 2012 in any other subdivision in the county.]~~

(2) On page 25, between lines 4 and 5, insert the following appropriately numbered subdivisions and renumber the subsequent subdivisions accordingly:

- ( ) Sections 2210.355(d), (e), (f), and (h);
- ( ) Section 2210.359, Insurance Code;

### **LEAVE OF ABSENCE GRANTED**

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

Nevárez on motion of Collier.

### **CSSB 900 - (consideration continued)**

Representative G. Bonnen moved to table Amendment No. 10.

The motion to table prevailed by (Record 1428): 77 Yeas, 42 Nays, 1 Present, not voting.

Yeas — Alvarado; Anderson, C.; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Button; Canales; Capriglione; Collier; Cook; Crownover; Cyrier; Dale; Darby; Davis, Y.; Deshotel; Faircloth; Fallon; Farias; Farrar; Flynn; Frank; Goldman; Gonzales; Guerra; Gutierrez; Hernandez; Herrero; Howard; Hunter; Keough; King, P.; King, S.; Klick; Koop; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Meyer; Miller, D.; Minjarez; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Otto; Parker; Paul; Phelan; Raney; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Simmons; Smith; Springer; Stephenson; Thompson, E.; Turner, C.; Villalba; Walle; White, M.; Wray; Wu; Zerwas.

Nays — Allen; Anderson, R.; Ashby; Aycock; Bell; Bohac; Burns; Burrows; Clardy; Craddick; Elkins; Farney; Fletcher; Frullo; Galindo; González; Hughes; Isaac; Kacal; King, T.; Krause; Landgraf; Larson; Laubenberg; Metcalf; Miller, R.; Murr; Paddie; Phillips; Price; Rinaldi; Schaefer; Sheets; Sheffield; Simpson; Smithee; Spitzer; Tinderholt; Turner, E.S.; VanDeaver; White, J.; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Giddings; Harless; Israel; Miles; Moody; Nevárez; Peña; Pickett; Turner, S.; Vo.

Absent, Excused, Committee Meeting — Geren; Huberty; King, K.

Absent — Alonzo; Anchia; Coleman; Davis, S.; Dukes; Dutton; Guillen; Johnson; Keffer; Kuempel; Leach; Longoria; McClendon; Raymond; Stickland; Thompson, S.; Workman.

### STATEMENTS OF VOTE

When Record No. 1428 was taken, I was shown voting yes. I intended to vote no.

Cyrier

When Record No. 1428 was taken, I was shown voting yes. I intended to vote no.

S. King

When Record No. 1428 was taken, I was excused because of important business. I would have voted yes.

Moody

When Record No. 1428 was taken, I was shown voting yes. I intended to vote no.

Schubert

When Record No. 1428 was taken, I was in the house but away from my desk. I would have voted yes.

Workman

### 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).

#### **CSSB 900 - (consideration continued)**

##### **Amendment No. 11**

Representative Smithee offered the following amendment to **CSSB 900**:

Amend **CSSB 900** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 2210.202, Insurance Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A property and casualty agent must submit an application for initial insurance coverage on behalf of the applicant on forms prescribed by the association. ~~[The association shall develop a simplified renewal process that allows for the acceptance of an application for renewal coverage, and payment of premiums, from a property and casualty agent or a person insured under this chapter.]~~ An application for initial or renewal coverage must contain:

(1) a statement as to whether the applicant has submitted or will submit the premium in full from personal funds or, if not, to whom a balance is or will be due; and

(2) a statement that the agent acting on behalf of the applicant possesses proof of the declination described by Subsection (a) and proof of flood insurance coverage or unavailability of that coverage as described by Section 2210.203(a-1).

(c) The commissioner shall adopt rules to simplify and modernize the application and renewal process for association policies. The rules adopted under this subsection must include a plan for the association to write and renew association policies without an agent.

SECTION \_\_\_\_\_. Section 2210.203(d), Insurance Code, is amended to read as follows:

(d) The ~~[commissioner, after receiving a recommendation from the board of directors, shall approve a]~~ commission ~~[structure for payment]~~ of an agent who submits an application for coverage to the association on behalf of a person who has an insurable interest in insurable property is 10 percent of the premium amount for a new association policy and seven percent of the premium amount for a renewal of an association policy. ~~[The commission structure adopted by the commissioner must be fair and reasonable, taking into consideration the amount of work performed by an agent in submitting an application to the association and the prevailing commission structure in the private windstorm market.]~~

SECTION \_\_\_\_\_. Section 2210.203(d), Insurance Code, as amended by this Act, applies only to an insurance policy delivered, issued for delivery, or renewed on or after the effective date of this Act. An insurance policy delivered, issued for delivery, or renewed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

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

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

Anchia on motion of C. Turner.

#### **CSSB 900 - (consideration continued)**

Representative G. Bonnen moved to table Amendment No. 11.

The motion to table prevailed by (Record 1429): 70 Yeas, 55 Nays, 4 Present, not voting.

Yeas — Alonzo; Alvarado; Ashby; Bell; Bernal; Bonnen, D.; Bonnen, G.; Burkett; Button; Canales; Capriglione; Clardy; Cook; Crownover; Dale; Darby; Davis, Y.; Deshotel; Faircloth; Fallon; Farrar; Flynn; Goldman; Gonzales; Guerra; Howard; Hunter; Keough; King, P.; King, S.; Klick; Koop; Longoria; Lozano; Lucio; Márquez; Martínez; Metcalf; Meyer; Minjarez; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Raney; Raymond; Reynolds; Rodriguez, E.; Romero; Rose; Sanford; Schubert; Sheets; Simmons; Smith; Springer; Stephenson; Thompson, S.; Turner, C.; Villalba; White, M.; Workman; Wray; Zerwas.

Nays — Allen; Anderson, C.; Anderson, R.; Aycocock; Blanco; Bohac; Burns; Burrows; Coleman; Collier; Craddick; Cyrier; Elkins; Farias; Farney; Fletcher; Frank; Frullo; Galindo; González; Guillen; Gutierrez; Hernandez; Herrero; Hughes; Isaac; Kacal; Keffer; King, T.; Krause; Landgraf; Larson; Laubenberg;

Martinez Fischer; Miller, R.; Murr; Phillips; Price; Riddle; Rinaldi; Rodriguez, J.; Schaefer; Schofield; Shaheen; Sheffield; Simpson; Smithee; Spitzer; Stickland; Tinderholt; Turner, E.S.; VanDeaver; Walle; White, J.; Zedler.

Present, not voting — Mr. Speaker(C); Miller, D.; Thompson, E.; Wu.

Absent, Excused — Anchia; Giddings; Harless; Israel; Miles; Moody; Nevárez; Peña; Pickett; Turner, S.; Vo.

Absent, Excused, Committee Meeting — Geren; Huberty; King, K.

Absent — Davis, S.; Dukes; Dutton; Johnson; Kuempel; Leach; McClendon.

### STATEMENT OF VOTE

When Record No. 1429 was taken, I was excused because of important business. I would have voted no.

Moody

### Amendment No. 12

Representative Smithee offered the following amendment to **CSSB 900**:

Amend **CSSB 900** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 2210, Insurance Code, is amended by adding Section 2210.0125 to read as follows:

Sec. 2210.0125. STANDARDS OF CONDUCT: MEMBERS OF LEGISLATURE AND LEGISLATIVE EMPLOYEES. (a) Except as provided by Subsection (b), a member of the legislature, a legislative employee of a member, or a business that employs or is at least 10 percent owned by a member or legislative employee of a member may not:

(1) contract with the association;

(2) receive funds directly or indirectly from the association; or

(3) participate in litigation in which the association is a party, including by paying or accepting a referral fee.

(b) This section does not prohibit a person described by Subsection (a) from holding an association policy or making a claim under an association policy.

(c) A member of the legislature or a legislative employee of a member commits an offense if the member or employee violates this section. An offense under this subsection is a Class A misdemeanor.

(Huberty and K. King now present)

Representative G. Bonnen moved to table Amendment No. 12.

The motion to table prevailed by (Record 1430): 94 Yeas, 31 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Clardy; Coleman; Collier; Cook; Crownover; Cyrier; Dale; Darby; Davis, Y.; Deshotel; Elkins;

Faircloth; Fallon; Farias; Farrar; Flynn; Frank; Galindo; Goldman; Gonzales; Guerra; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hunter; Isaac; Kacal; Keffer; Keough; King, P.; King, S.; Klick; Koop; Landgraf; Lucio; Márquez; Martínez; Metcalf; Meyer; Minjarez; Morrison; Muñoz; Murphy; Murr; Naishtat; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schubert; Sheets; Sheffield; Simmons; Smith; Spitzer; Stephenson; Thompson, S.; Turner, C.; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anderson, C.; Anderson, R.; Bohac; Burrows; Capriglione; Craddick; Farney; Fletcher; Frullo; González; Hughes; King, K.; Krause; Kuempel; Larson; Laubenberg; Leach; Lozano; Miller, R.; Phillips; Price; Rinaldi; Schaefer; Schofield; Shaheen; Simpson; Smithee; Springer; Tinderholt; Turner, E.S.; VanDeaver.

Present, not voting — Mr. Speaker(C); Miller, D.; Thompson, E.

Absent, Excused — Anchia; Giddings; Harless; Israel; Miles; Moody; Nevárez; Peña; Pickett; Turner, S.; Vo.

Absent, Excused, Committee Meeting — Geren.

Absent — Davis, S.; Dukes; Dutton; Guillen; Johnson; King, T.; Longoria; Martínez Fischer; McClendon; Stickland.

#### STATEMENTS OF VOTE

When Record No. 1430 was taken, I was temporarily out of the house chamber. I would have voted yes.

Martinez Fischer

When Record No. 1430 was taken, I was excused because of important business. I would have voted yes.

Moody

**CSSB 900**, as amended, was passed to third reading by (Record 1431): 80 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anderson, C.; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Coleman; Collier; Cook; Crownover; Cyrier; Dale; Darby; Davis, Y.; Deshotel; Faircloth; Fallon; Fletcher; Frank; Goldman; Gonzales; Guerra; Gutierrez; Herrero; Howard; Huberty; Hunter; Isaac; Keough; King, P.; Klick; Koop; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; Meyer; Miller, D.; Minjarez; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Otto; Parker; Paul; Phelan; Phillips; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Romero; Rose; Sanford; Schofield; Schubert; Sheets; Simmons; Smith; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Villalba; Walle; Workman; Wu; Zerwas.

Nays — Allen; Anderson, R.; Ashby; Aycock; Bell; Burrows; Clardy; Craddick; Elkins; Farias; Farney; Farrar; Flynn; Frullo; Galindo; González; Hughes; Kacal; Keffer; King, K.; King, S.; King, T.; Krause; Kuempel; Landgraf;

Larson; Laubenberg; Metcalf; Miller, R.; Murr; Price; Rinaldi; Rodriguez, J.; Schaefer; Shaheen; Sheffield; Simpson; Smithee; Spitzer; Stickland; Tinderholt; Turner, E.S.; VanDeaver; White, J.; White, M.; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Giddings; Harless; Israel; Miles; Moody; Nevárez; Peña; Pickett; Turner, S.; Vo.

Absent, Excused, Committee Meeting — Geren.

Absent — Davis, S.; Dukes; Dutton; Guillen; Hernandez; Johnson; Leach; Longoria; McClendon; Paddie.

### STATEMENTS OF VOTE

When Record No. 1431 was taken, I was in the house but away from my desk. I would have voted yes.

Longoria

When Record No. 1431 was taken, I was excused because of important business. I would have voted yes.

Moody

### HB 1633 - RETURNED TO SENATE BY THE SPEAKER

Pursuant to the provisions of Rule 13, Section 5A of the House Rules, the speaker returned **HB 1633** with senate amendments to the senate and submitted the following statement:

Pursuant to Rule 13, Section 5A of the House Rules, the house returns, with the permission of the primary author of the bill, **HB 1633** to the senate for further consideration for the following reason:

Amendment No. 1 requires the commission to charge a fee to process a permit to drill an allocation well. The amendment also makes a substantive change in Texas oil and gas law by allowing an allocation well permit holder to allocate production with reasonable probability. It further allows the Railroad Commission to adopt rules to allocate oil and gas production. Further, the amendment has statewide impact on every single oil or gas well, rather than the narrow subject of **HB 1633**, which required the Railroad Commission to adopt rules that required a permit applicant to affirm that their well is located in an easement held by TxDOT or within 50 yards of an easement held by TxDOT. Amendment No. 1 is not germane to the bill and creates an impermissible second subject. Amendment No. 1 is in violation of Rule 11, Section 2 and Rule 8, Section 3 of the House Rules.

### PARLIAMENTARY INQUIRY

REPRESENTATIVE SIMPSON: Did the conference committee on **HB 1**, the appropriations bill, meet this past week?



REPRESENTATIVE OTTO: They sure did. I believe on the dates you mentioned. On Wednesday, we adopted most of Articles I through VIII, but there were still pending items. Then on Thursday, we met late that evening and finished the adoption of those pending items, as well as riders.

SIMPSON: Thank you, Chairman Otto, for all your work on that. When can we expect the conference committee report?

OTTO: The conference committee report will, of course, meet the required layout period. It's also at the printer, so once it comes back it will have to be distributed in the required layout period and then it will come to the floor. I would be guessing if I told you a date it would come to the floor.

SIMPSON: During the conference committee—thank you for doing that in public and taking those votes in public. I was able to watch on the video the first day and then participate in person on the second day, the 21st. I am concerned though—the rules state, Rule 13, Section 9, that no discussions or actions by the conference committee are to be taken on anything outside the bounds. Did we not take some actions and make decisions and adopt those decisions in that conference committee?

OTTO: Representative Simpson, every member will have an opportunity to vote on the motion outside the bounds before that conference committee report is voted on.

SIMPSON: Well, did not the conference committee discuss the items?

OTTO: The conference committee did discuss the items as they are required to do, yes.

SIMPSON: Did they discuss the items outside the bounds? Formally in committee?

OTTO: Formally in committee they made decisions that may result in going outside the bounds.

SIMPSON: Does not Rule 13, Section 9 say that they are prohibited from making formal discussions of items that are prohibited by the jurisdiction for conference committees?

OTTO: I don't have my rule book in front of me. I would have to look and see.

SIMPSON: I believe it does. Not only does it say that they are prohibited from discussing, but it also says that they are prohibited from making decisions without first receiving a resolution, a permission, from the body. Mr. Speaker, is it not the presiding officer's duty to have strict enforcement on Rule 13, Section 9 for conference committee reports that would desire to go outside the bounds?

SPEAKER: Mr. Simpson, we've had this discussion in two previous sessions, and we can't answer your specific questions until the report is returned and distributed.

SIMPSON: The chairman of Appropriations has just told us that they have discussed, and acted on, items that go outside the bounds prior to obtaining permission from this body. Is that not to be strictly forbidden and enforced by the speaker?

SPEAKER: Mr. Simpson, we'll have that discussion when the report's in front of us.

SIMPSON: Have they not already not abided by that rule?

SPEAKER: Mr. Simpson, I'd be happy to have that discussion when the report's in front of us, thank you very much.

### **REMARKS ORDERED PRINTED**

Representative Simpson moved to print remarks between Representative Otto and Representative Simpson and between the speaker and Representative Simpson.

The motion prevailed.

### **SB 394 - HOUSE SPONSOR AUTHORIZED**

On motion of Representative Morrison, Representative Springer was authorized as a house sponsor to **SB 394**.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 11:10 p.m. today, 3W.9, for a formal meeting, to set a calendar.

### **ADJOURNMENT**

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

The motion prevailed.

The house accordingly, at 10:58 p.m., adjourned until 10 a.m. tomorrow.

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### **ADDENDUM**

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### **SIGNED BY THE SPEAKER**

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

#### **House List No. 25**

**HB 194, HB 218, HB 331, HB 388, HB 445, HB 479, HB 481, HB 510, HB 577, HB 648, HB 663, HB 796, HB 819, HB 831, HB 872, HB 909, HB 1050, HB 1054, HB 1061, HB 1140, HB 1186, HB 1300, HB 1348, HB 1386, HB 1421, HB 1436, HB 1550, HB 1558, HB 1598, HB 1605, HB 1643, HB 1657, HB 1709, HB 1716, HB 1736, HB 1762, HB 1794, HB 2000, HB 2025, HB 2027, HB 2079, HB 2100, HB 2216, HB 2296,**

**HB 2358, HB 2366, HB 2424, HB 2540, HB 2599, HB 2612, HB 2708, HB 2771, HB 3028, HB 3091, HB 3132, HB 3187, HB 3220, HB 3315, HB 3333, HB 3724, HB 3738, HB 3742, HB 3823, HB 3996, HB 4149, HCR 80, HCR 95**

**Senate List No. 27**

**SB 169, SB 481, SB 664, SB 667, SB 757, SB 761, SB 790, SB 837, SB 849, SB 917, SB 934, SB 1057, SB 1105, SB 1115, SB 1308, SB 1589, SB 2065, SCR 28, SCR 37, SCR 42**

**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

Sunday, May 24, 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 1633**

Romero, Jr.

SPONSOR: Uresti

Relating to application and notification requirements for a permit to drill an oil or gas well in or near an easement held by the Texas Department of Transportation. (Amended)

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**May 23**

Appropriations - **SB 9, SB 1925**

County Affairs - **SB 1908**

Criminal Jurisprudence - **SB 393, SB 779, SB 1944**

Defense and Veterans' Affairs - **SB 1824**

Economic and Small Business Development - **SB 722**

Environmental Regulation - **SB 957**

General Investigating and Ethics - **SB 1437**

Higher Education - **SB 778, SB 806**

Homeland Security and Public Safety - **SB 1398**

Insurance - **SB 1227**

Investments and Financial Services - **SB 310, SB 1282**

Judiciary and Civil Jurisprudence - **SB 531**

Land and Resource Management - **SB 1376, SB 1812**

Public Education - **SB 13, SB 811, SB 892, SB 1004, SB 1222, SB 1309, SB 1494**

State Affairs - **SB 35, SB 838, SB 1330, SB 1708, SB 1781, SB 1984, SB 2048, SJR 66**

Transportation - **SB 93, SB 1173**

Ways and Means - **SB 279, SB 1009, SJR 20**

#### **ENROLLED**

**May 23 - HB 194, HB 218, HB 331, HB 388, HB 445, HB 479, HB 481, HB 510, HB 577, HB 648, HB 663, HB 796, HB 819, HB 831, HB 872, HB 909, HB 1050, HB 1054, HB 1061, HB 1140, HB 1186, HB 1300, HB 1348, HB 1386, HB 1421, HB 1436, HB 1550, HB 1558, HB 1598, HB 1605, HB 1643, HB 1657, HB 1709, HB 1716, HB 1736, HB 1762, HB 1794, HB 2000, HB 2025, HB 2027, HB 2079, HB 2100, HB 2216, HB 2296, HB 2358, HB 2366, HB 2424, HB 2540, HB 2599, HB 2612, HB 2708, HB 2771, HB 3028, HB 3091, HB 3132, HB 3187, HB 3220, HB 3315, HB 3333, HB 3724, HB 3738, HB 3742, HB 3823, HB 3996, HB 4149, HCR 80, HCR 95**

#### **SIGNED BY THE GOVERNOR**

**May 23 - HB 275, HB 440, HB 505, HB 658, HB 744, HB 903, HB 908, HB 1224, HB 1430, HB 1606, HB 1678, HB 1679, HB 1769, HB 2083, HB 2213, HB 2410, HB 2559, HB 3327, HB 3633, HCR 34, HCR 114**

#### **FILED WITHOUT THE GOVERNOR'S SIGNATURE**

**May 23 - HB 1016**