

HOUSE JOURNAL

EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTY-FOURTH DAY — SATURDAY, MAY 30, 2015

The house met at 10:18 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1735).

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

Absent, Excused — Anderson, C.

The speaker recognized Representative S. Thompson who introduced Reverend John Fields, pastor, First Shiloh Missionary Baptist Church, Houston, who offered the invocation.

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

LEAVE OF ABSENCE GRANTED

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

C. Anderson on motion of S. Thompson.

(Workman in the chair)

MESSAGE FROM THE SENATE

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

HR 3374 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 3374**, suspending the limitations on the conferees for **SB 866**.

HR 3425 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 3425**, suspending the limitations on the conferees for **HB 3123**.

HR 3387 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 3387**, suspending the limitations on the conferees for **SB 55**.

HR 3394 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 3394**, suspending the limitations on the conferees for **HB 189**.

HR 3137 - ADOPTED
(by C. Turner)

Representative C. Turner moved to suspend all necessary rules to take up and consider at this time **HR 3137**.

The motion prevailed.

The following resolution was laid before the house:

HR 3137, Congratulating the girls' track team from Seguin High School in Arlington on winning the Class 5A girls track and field state championship at the 2015 UIL Track & Field State Meet.

HR 3137 was adopted.

On motion of Representative Krause, the names of all the members of the house were added to **HR 3137** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative C. Turner who introduced representatives of the Seguin High School girls' track team.

HR 3419 - ADOPTED
(by S. Thompson)

Representative S. Thompson moved to suspend all necessary rules to take up and consider at this time **HR 3419**.

The motion prevailed.

The following resolution was laid before the house:

HR 3419, In memory of the Honorable Gordon "Doc" Arnold, Jr., of Austin.

HR 3419 was read and was unanimously adopted by a rising vote.

INTRODUCTION OF GUESTS

The chair recognized Representative S. Thompson who introduced family members of the Honorable Gordon "Doc" Arnold, Jr.

RESOLUTIONS ADOPTED

Representative McClendon moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions.

The motion prevailed.

The following resolutions were laid before the house:

HR 3169 (by McClendon and Dukes), Commending Sandy M. Herrera for her service as a McClendon Legislative Scholar in the office of State Representative Dawnna Dukes.

HR 3170 (by McClendon and Rose), Commending Rohit Chandan for his service as a McClendon Legislative Scholar in the office of State Representative Toni Rose.

HR 3171 (by McClendon), Commending Katrina Parkey for her service as a McClendon Legislative Scholar in the office of Speaker Joe Straus.

HR 3172 (by McClendon), Honoring Heather Riddle for her service as a McClendon Scholar in the office of Speaker Joe Straus during the 84th Texas Legislature.

HR 3173 (by McClendon), Honoring Eduardo Zerbe for his service as a McClendon Scholar in the office of State Representative Ruth Jones McClendon during the 84th Texas Legislature.

HR 3174 (by McClendon and Martinez), Honoring Roderick Taylor for his service as a McClendon Scholar in the office of State Representative Armando Martinez during the 84th Texas Legislature.

The resolutions were adopted.

On motion of Representative Leach, the names of all the members of the house were added to **HR 3169**, **HR 3170**, **HR 3171**, **HR 3172**, **HR 3173**, and **HR 3174** as signers thereof.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 33).

LEAVE OF ABSENCE GRANTED

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

Stephenson on motion of Clardy.

(McClendon in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

On motion of Representative Kacal and by unanimous consent, the house agreed to dispense with the reading of the resolutions on the congratulatory calendar, with the understanding that the resolutions will be recorded in the journal.

HR 1350 (by González), Honoring Martha Y. Reyes for her service on the Ysleta ISD Board of Trustees.

HR 1365 (by Canales), Honoring Maria Sandoval for her contributions to the Edinburg Consolidated Independent School District.

HR 2496 (by M. White), Honoring the legal and research divisions of the Texas Legislative Council and expressing appreciation to the agency.

HR 2843 (by Guerra), Congratulating Johnathan Simcha Weisfeld-Hinojosa on his service in the office of State Representative Bobby Guerra as a participant in the Rio Grande Valley Legislative Internship Program.

HR 2845 (by Guerra), Recognizing Professor Glynn Morgan for 52 years of service at The University of Texas—Pan American.

HR 2848 (by Guerra), Recognizing J. J. Avila for his athletic achievements.

HR 2853 (by T. King), Congratulating Allyn Archer of San Antonio on his retirement from Holt Company of Texas.

HR 2857 (by Herrero), Congratulating Celeste Escutia, salutatorian of the Class of 2015 at Collegiate High School in Corpus Christi.

HR 2858 (by Herrero), Congratulating Hannah Bratton, salutatorian of the Class of 2015 at Tuloso-Midway High School in Corpus Christi.

HR 2859 (by Herrero), Congratulating Derek Franklin Flores, salutatorian of the Class of 2015 at Robstown High School.

HR 2860 (by Herrero), Congratulating Marc Christian Carrera Villaceran, salutatorian of the Class of 2015 at Foy H. Moody High School in Corpus Christi.

HR 2861 (by Herrero), Congratulating Ryan Butler, salutatorian of the Class of 2015 at W. B. Ray High School in Corpus Christi.

HR 2862 (by Herrero), Congratulating Kyle Eugene Barton, salutatorian of the Class of 2015 at Banquete High School.

HR 2863 (by J. White), Congratulating Nathan Strong and Carlee Sweeten of Leggett High School on qualifying for the UIL Academic State Meet.

HR 2864 (by Herrero), Congratulating Phillip Galligan, salutatorian of the Class of 2015 at the Harold T. Branch Academy for Career and Technical Education in Corpus Christi.

HR 2865 (by Herrero), Congratulating Lucero Escutia, salutatorian of the Class of 2015 at West Oso High School in Corpus Christi.

HR 2866 (by Herrero), Congratulating Nisha Gupta, salutatorian of the Class of 2015 at Richard King High School in Corpus Christi.

HR 2867 (by Herrero), Congratulating Sofia Isabella Carrillo, salutatorian of the Class of 2015 at Bishop High School.

HR 2868 (by Herrero), Congratulating Victoria L. Wahlen, salutatorian of the Class of 2015 at Calallen High School in Corpus Christi.

HR 2869 (by Herrero), Congratulating Katie Lynn Duncan, salutatorian of the Class of 2015 at Incarnate Word Academy High School in Corpus Christi.

HR 2870 (by Herrero), Congratulating Natalie Juranek, salutatorian of the Class of 2015 at Agua Dulce High School.

HR 2871 (by Herrero), Congratulating Cynthia Cervantes, salutatorian of the Class of 2015 at Roy Miller High School in Corpus Christi.

HR 2872 (by Herrero), Congratulating Amara Hazlewood, salutatorian of the Class of 2015 at Mary Carroll High School in Corpus Christi.

HR 2873 (by Herrero), Congratulating Savino Rojas, valedictorian of the Class of 2015 at Robstown High School.

HR 2874 (by Israel), Congratulating Rebecca Buonavita Posa on her receipt of a Graduate Research Fellowship from the National Science Foundation.

HR 2876 (by Herrero), Congratulating Amy Griffiths, valedictorian of the Class of 2015 at W. B. Ray High School in Corpus Christi.

HR 2877 (by Herrero), Congratulating Regor Marin, valedictorian of the Class of 2015 at Foy H. Moody High School in Corpus Christi.

HR 2878 (by Herrero), Congratulating Jacob Ryan Sanchez, valedictorian of the Class of 2015 at the Harold T. Branch Academy for Career and Technical Education in Corpus Christi.

HR 2879 (by Herrero), Congratulating Olivia Noble, valedictorian of the Class of 2015 at Richard King High School in Corpus Christi.

HR 2880 (by Herrero), Congratulating Katie Elaine Becker, valedictorian of the Class of 2015 at Bishop High School.

HR 2881 (by Herrero), Congratulating Makenzie Wright, valedictorian of the Class of 2015 at Banquete High School.

HR 2882 (by Herrero), Congratulating Justine M. Borchard, valedictorian of the Class of 2015 at Calallen High School in Corpus Christi.

HR 2883 (by Herrero), Congratulating Christina Marie Matl, valedictorian of the Class of 2015 at Incarnate Word Academy High School in Corpus Christi.

HR 2884 (by Herrero), Congratulating Destiny Sanchez, valedictorian of the Class of 2015 at West Oso High School in Corpus Christi.

HR 2885 (by Herrero), Congratulating Savannah Harper, valedictorian of the Class of 2015 at Agua Dulce High School.

HR 2886 (by Herrero), Congratulating Kristina Correa, valedictorian of the Class of 2015 at Tuloso-Midway High School in Corpus Christi.

HR 2887 (by Herrero), Congratulating Julisiana Palermo, valedictorian of the Class of 2015 at Roy Miller High School in Corpus Christi.

HR 2888 (by Herrero), Congratulating Gabrielle Marie Lencioni, valedictorian of the Class of 2015 at Mary Carroll High School in Corpus Christi.

HR 2889 (by Herrero), Congratulating Marisol Martinez, valedictorian of the Class of 2015 at Collegiate High School in Corpus Christi.

HR 2890 (by Herrero), Congratulating Kristina Correa of Tuloso-Midway High School on winning the annual scholarship essay contest of the Optimist Club of Downtown Corpus Christi.

HR 2891 (by Tinderholt), Honoring the AWARE Foundation in Arlington for its support of teachers.

HR 2892 (by C. Anderson), Congratulating Kenneth Kirk Krause of Waco on the occasion of his retirement from the Texas Department of Transportation.

HR 2893 (by J. White), Congratulating Charlotte Lemoine on her selection as Student of the Week at Jasper Junior High School.

HR 2894 (by J. White), Congratulating the Buna High School baseball team on winning the District 23-3A championship.

HR 2895 (by Herrero), Congratulating Dr. Dorothy McClellan on her receipt of a 2015 Platinum Remi Award from the 48th annual WorldFest-Houston International Film Festival.

HR 2896 (by J. White), Congratulating Raegan Padgett of Hardin-Jefferson High School on being named the Wendy's 12Star Athlete of the Week.

HR 2897 (by C. Anderson), Congratulating William and Ruth Martin of Waco on their 35th wedding anniversary.

HR 2898 (by C. Anderson), Honoring James Benjamin Rogers on the occasion of his retirement as director of the W. R. Poage Legislative Library at Baylor University.

HR 2899 (by Lucio), Congratulating the Gonzalez Elementary School Mystical Mustangs on winning the Destination Imagination state championship and qualifying for the Global Finals.

HR 2900 (by J. White), Congratulating FCCLA members from Silsbee High School on their performance at state competition.

HR 2908 (by Price), Congratulating Dr. Paul Matney on his retirement as president of Amarillo College.

HR 2909 (by Price), Congratulating John Bass on his retirement as executive director of Education Service Center Region 16.

HR 2910 (by Price), Congratulating Superintendent Michael Brown on his retirement from Highland Park Independent School District in Amarillo.

HR 2911 (by Price), Commemorating the 50th anniversary and the 2015 season of the outdoor musical drama Texas at Palo Duro Canyon State Park.

HR 2912 (by Price), Commemorating the 75th anniversary of Cal Farley's Boys Ranch.

HR 2913 (by Price), Commemorating the 70th anniversary of Kids, Incorporated, of Amarillo.

HR 2914 (by Price), Congratulating 575 Pizzeria in Amarillo on its dish The Omni being named Best Pizza in America in 2014 by Urbanspoon.

HR 2915 (by Price), Commemorating March 2016 as National Athletic Training Month.

HR 2916 (by Price), Commemorating the 2015 Dogie Days celebration organized by the Dumas Noon Lions Club.

HR 2917 (by Price), Commemorating the 75th anniversary of the attack on Pearl Harbor on December 7, 2016.

HR 2918 (by Price), Commemorating September 16, 2016, as National POW/MIA Recognition Day.

HR 2919 (by Price), Congratulating Pioneer Natural Resources in Amarillo on its receipt of a 2014 Texas Environmental Excellence Award from the Texas Commission on Environmental Quality.

HR 2925 (by Israel), Congratulating Erica Crowder of Windermere Primary School in Pflugerville on winning the 2015 H-E-B Excellence in Education Leadership Award in the elementary school category.

HR 2929 (by Bell), Congratulating Matthew Carlson on his receipt of a Graduate Research Fellowship from the National Science Foundation.

HR 2930 (by Bell), Congratulating Terry Enloe on his appointment as chief of police of the Magnolia Police Department.

HR 2932 (by Johnson), Congratulating Pat Stephens of Dallas on her receipt of an Unsung Hero Award from Eta Phi Beta Sorority.

HR 2933 (by Springer), Congratulating Autumn Boelen and Sheridan Stiteler of Saint Jo High School on their first-place finish in the Friends of the Texas Governor's Mansion 2014-2015 It's Your History Contest.

HR 2934 (by Springer), Congratulating members of the Gold-Burg High School academic social studies team on winning first place at the UIL Region 3-1A Academic Meet.

HR 2935 (by Springer), Commemorating the 100th anniversary of the founding of First Baptist Church of Lorenzo.

HR 2937 (by Coleman), Commending Beverly Kaufman on her service as chair of the Hobby Center for Public Policy advisory board.

HR 2942 (by Huberty), Congratulating Dr. Gary R. Christman of Kingwood on his 70th birthday.

HR 2944 (by J. White), Congratulating students from Kirbyville High School on their performance at the UIL Region 3-3A Academic Meet.

HR 2945 (by J. White), Congratulating Allison Faith, Sheriyar Hyderali, and Orren Smith of Livingston High School on qualifying for the UIL Academic State Meet.

HR 2948 (by Button, Koop, and Leach), Commending Dr. David E. Daniel on his service as president of The University of Texas at Dallas and congratulating him on his appointment as deputy chancellor and chief operating officer of The University of Texas System.

HR 2951 (by Dutton), Honoring Emma Primas of Houston for her contributions to her community.

HR 2952 (by J. White), Recognizing the winners of the 2015 Lumberton Ledger Awards.

HR 2955 (by Raymond), Honoring Chris Traylor on the occasion of his retirement as deputy executive commissioner of the Texas Health and Human Services Commission.

HR 2958 (by C. Anderson), Congratulating students from Reicher Catholic High School in Waco on their performance at the 2015 Texas Association of Private and Parochial Schools 4A academic meet.

HR 2959 (by C. Anderson), Honoring Jason McNamara on his retirement from the Bosqueville ISD Board of Trustees.

HR 2960 (by Tinderholt), Congratulating Becca Buechele on being named the winner of the 2014-2015 AWARE Award of Excellence in the high school category.

HR 2961 (by Tinderholt), Congratulating Jeannie Burt on being named the runner-up for the 2014-2015 AWARE Award of Excellence in the high school category.

HR 2962 (by Tinderholt), Congratulating Ronda Hay on being named the winner of the 2014-2015 AWARE Award of Excellence in the junior high school category.

HR 2963 (by Tinderholt), Congratulating Cathy Roden on being named the runner-up for the 2014-2015 AWARE Award of Excellence in the junior high school category.

HR 2964 (by Tinderholt), Congratulating Tena Phelps on being named the winner of the 2014-2015 AWARE Award of Excellence in the fifth through sixth grade category.

HR 2965 (by Tinderholt), Congratulating Shannon Murton on being named the runner-up for the 2014-2015 AWARE Award of Excellence in the fifth through sixth grade category.

HR 2966 (by Tinderholt), Congratulating Falon Hanson on being named the winner of the 2014-2015 AWARE Award of Excellence in the second through fourth grade category.

HR 2967 (by Tinderholt), Congratulating Lena Hancock on being named the runner-up for the 2014-2015 AWARE Award of Excellence in the second through fourth grade category.

HR 2968 (by Tinderholt), Congratulating Patti Belknap on being named the winner of the 2014-2015 AWARE Award of Excellence in the prekindergarten through first grade category.

HR 2969 (by Tinderholt), Congratulating Stephanie Faulkner on being named the runner-up for the 2014-2015 AWARE Award of Excellence in the prekindergarten through first grade category.

HR 2970 (by C. Anderson), Honoring Louis Moncus on his retirement from the Bosqueville ISD Board of Trustees.

HR 2971 (by C. Anderson), Congratulating Brittany Brewer and Matthew Parsons of Midway High School on their acceptance to the 2015 summer music program at the Boston University Tanglewood Institute.

HR 2972 (by C. Anderson), Congratulating students of the Midway High School Business Professionals of America team on qualifying to compete at the 2015 National Leadership Conference.

HR 2973 (by Springer), Recognizing May 18, 2015, as American Heritage Girls Day at the State Capitol.

HR 2975 (by Schubert), Commending Corey Buscha of La Grange for his service in the U.S. Marine Corps.

HR 2976 (by Schubert), Congratulating Kodi Schroeder of Caldwell on showing the reserve champion winning steer at the 2015 Junior Market Steer Show at the Star of Texas Fair and Rodeo.

HR 2978 (by Metcalf), Commending Angela Storseth for her service as district director in the office of State Representative Will Metcalf.

HR 2979 (by Metcalf), Commending Seth Juergens for his service as chief of staff in the office of State Representative Will Metcalf.

HR 2980 (by Metcalf), Commending Tana Horn for her service as a legislative intern in the district office of State Representative Will Metcalf.

HR 2981 (by Metcalf), Commending Sarah Tillman for her service as an intern in the office of State Representative Will Metcalf.

HR 2982 (by Metcalf), Commending Guadalupe Cuellar for her service as a legislative assistant in the office of State Representative Will Metcalf.

HR 2983 (by Metcalf), Commending Frank Fenlaw on his service as legislative director for Representative Will Metcalf.

HR 2984 (by Schubert), Congratulating Malcom Brown on his athletic accomplishments and on being selected in the first round of the 2015 NFL Draft.

HR 2985 (by Blanco), Congratulating Julie Priego of El Paso on her selection as the 2015 Texas Prevention Specialist of the Year by the Texas Certification Board of Addiction Professionals.

HR 2986 (by Wu), Commending Harrison Humphreys for his service as a legislative intern in the office of State Representative Gene Wu.

HR 2987 (by Wu), Commending Mariah Berry for her service in the office of State Representative Gene Wu during the 84th Legislative Session.

HR 2992 (by Faircloth), Recognizing Hey Mikey's Ice Cream of Galveston.

HR 2994 (by Faircloth), Paying tribute to the life of U.S. Army Sergeant First Class Gary Lamar Collins of Hardin and commemorating the 2015 Concert for Hope.

HR 2995 (by Dale), Recognizing gymnast Maya Bordas of Austin on her participation in the 2015 Women's Junior Olympic Level 9 Western Championships.

HR 2997 (by Herrero), Congratulating Thomas and Sara Hackett of Calallen High School on winning the District 30-5A mixed doubles tennis championship and qualifying for the UIL State Tournament.

HR 2998 (by Murr), Congratulating the Hondo High School FFA homesite judging team on its championship win at the National Land and Range Judging Contest.

HR 2999 (by Murr), Congratulating the Hondo High School FFA land judging team on its reserve championship win at the National Land and Range Judging Contest.

HR 3000 (by Farney), Congratulating Edward and Kay Moraw of Cameron on their 50th wedding anniversary.

HR 3002 (by Bernal), Congratulating Kathy Bieser of International School of the Americas on her selection as a finalist in the Principal Secondary category of the 2015 H-E-B Excellence in Education Awards.

HR 3004 (by Moody), Congratulating Marlene Gallegos of Parkland High School on being named Secondary Teacher of the Year by ESC Region 19.

HR 3005 (by J. White), Commemorating the 50th anniversary of Shady Acres in Newton.

HR 3007 (by Schubert), Congratulating Carol Johnson of La Grange on her retirement as the Fayette County tax assessor-collector.

HR 3009 (by Ashby), Recognizing the Atkinson Candy Company in Lufkin for more than eight decades in operation.

HR 3010 (by C. Anderson), Congratulating Gene and Bobbie Cox of Lorena on their 60th wedding anniversary.

HR 3011 (by C. Anderson), Congratulating Edgar and Rena Luedeker of Waco on their 74th wedding anniversary.

HR 3012 (by C. Anderson), Honoring the Altrusa Club of Waco for its scholarship program.

HR 3014 (by Murr), Congratulating the members of the Ingram FFA agronomy team on winning a state championship at the 2015 State Career Development Event.

HR 3016 (by Bohac), Congratulating Jake Straker of Houston on attaining the rank of Eagle Scout.

HR 3017 (by Bohac), Congratulating Bradley and Lindsay Ann Pepper of Houston on the birth of their son, Bradley Allen Pepper, Jr.

HR 3020 (by Flynn), Congratulating the Greenville High School Robowranglers on their success at the 2015 FIRST Robotics Competition World Championship.

HR 3021 (by Clardy), Congratulating Joseph Watts on his retirement from the Henderson Independent School District.

HR 3023 (by Burrows), Congratulating Nina Lee Green Sinclair of Lubbock on the occasion of her 90th birthday.

HR 3026 (by Martinez Fischer), Commemorating the 50th anniversary of Oliver Wendell Holmes High School in San Antonio.

HR 3027 (by Martinez Fischer), Congratulating William M. Peña for receiving a 2015 Distinguished Alumnus Award from Texas A&M University.

HR 3028 (by Martinez Fischer), Congratulating Ricardo Zamora on his retirement from The University of Texas at San Antonio.

HR 3029 (by Martinez Fischer), Honoring the D. R. Semmes Family YMCA at Tripoint and longtime patron Manuel Vela.

HR 3031 (by Wu), Commending Caitlyn Wan for her service as a policy analyst in the office of State Representative Gene Wu.

HR 3032 (by Wu), Commending Elie Wu for her service as a legislative aide in the office of State Representative Gene Wu.

HR 3033 (by Wu), Commending Andi Gentile for her service as a policy analyst in the office of State Representative Gene Wu.

HR 3034 (by D. Miller), Honoring Carmen Beierle Rittimann for her contributions to Comal County.

HR 3035 (by D. Miller), Commemorating the 30th anniversary of the Gästehaus Schmidt reservation service in Fredericksburg.

HR 3036 (by D. Miller), Congratulating Pat Molak and Mary Jane Nalley on their 40th anniversary as owners of historic Gruene Hall.

HR 3038 (by J. White), Congratulating Grace B. Hudgins of Woodville on her 100th birthday.

HR 3039 (by T. King), Commemorating the 75th anniversary of the founding of the Texas State Soil and Water Conservation Board.

HR 3040 (by Ashby), Commemorating the 60th anniversary of KTRE-TV in Lufkin.

HR 3041 (by Ashby), Congratulating the San Augustine Drug Company for receiving the Texas Treasure Business Award from the Texas Historical Commission.

HR 3042 (by Collier), Recognizing Reverend Jack M. Teeler of Fort Worth for his accomplishments and service.

HR 3045 (by Y. Davis), Honoring Dwaine R. Caraway on his retirement from the Dallas City Council.

HR 3052 was previously adopted.

HR 3055 was previously adopted.

HR 3056 (by Johnson), Commending Democratic Party precinct chair Johnny Jefferson of Precinct 1063 in Dallas County.

HR 3061 (by Herrero), Congratulating the Class of 2015 at Incarnate Word Academy High School on its graduation.

HR 3063 (by Y. Davis), Commending Anga Sanders for serving as a Democratic Party precinct chair in Dallas County.

HR 3065 (by Y. Davis), Commending Amanda Rachelle Johnson for serving as a Democratic Party precinct chair in Dallas County.

HR 3066 (by Y. Davis), Commending Martin Burrell for serving as a Democratic Party precinct chair in Dallas County.

HR 3067 (by Y. Davis), Commending Lester Rummans for serving as a Democratic Party precinct chair in Dallas County.

HR 3068 (by Y. Davis), Commending Lakisha Thomas for serving as a Democratic Party precinct chair in Dallas County.

HR 3069 (by Y. Davis), Commending Kenetra Lavette Malone for serving as a Democratic Party precinct chair in Dallas County.

HR 3070 (by Y. Davis), Commending Susie Jones for serving as a Democratic Party precinct chair in Dallas County.

HR 3071 (by Y. Davis), Commending W. O. Montgomery for serving as a Democratic Party precinct chair in Dallas County.

HR 3072 (by Y. Davis), Commending Robert Smith for serving as a Democratic Party precinct chair in Dallas County.

HR 3073 (by Y. Davis), Commending Frances Rizo for serving as a Democratic Party precinct chair in Dallas County.

HR 3074 (by Y. Davis), Commending Linda Lydia for serving as a Democratic Party precinct chair in Dallas County.

HR 3076 (by Y. Davis), Commending Shirley Edwards-Brown for serving as a Democratic Party precinct chair in Dallas County.

HR 3077 (by Y. Davis), Commending Carla Reynolds-Grogan for serving as a Democratic Party precinct chair in Dallas County.

HR 3078 (by Y. Davis), Commending Tia Finney for serving as a Democratic Party precinct chair in Dallas County.

HR 3079 (by Y. Davis), Commending Betty Pittman for serving as a Democratic Party precinct chair in Dallas County.

HR 3080 (by Y. Davis), Commending Millie Williams for serving as a Democratic Party precinct chair in Dallas County.

HR 3081 (by Y. Davis), Commending Eyvern Edwards for serving as a Democratic Party precinct chair in Dallas County.

HR 3083 (by Y. Davis), Commending Sedonia Heard Kidd for serving as a Democratic Party precinct chair in Dallas County.

HR 3084 (by Y. Davis), Commending Dorothy Whaley for serving as a Democratic Party precinct chair in Dallas County.

HR 3085 (by Y. Davis), Commending George H. Coleman for serving as a Democratic Party precinct chair in Dallas County.

HR 3086 (by Y. Davis), Commending Eli Davis for serving as a Democratic Party precinct chair in Dallas County.

HR 3087 (by Y. Davis), Commending Vivian Hill for serving as a Democratic Party precinct chair in Dallas County.

HR 3088 (by Y. Davis), Commending Barbara Lewis for serving as a Democratic Party precinct chair in Dallas County.

HR 3089 (by Nevárez), Commending Jeanette Lachman for her service as a legislative intern in the office of State Representative Poncho Nevárez.

HR 3090 (by Nevárez), Commending Brianna Menard for her service as a legislative assistant in the office of State Representative Poncho Nevárez.

HR 3091 (by Nevárez), Commending Jose Casillas for his service as a legislative assistant in the office of State Representative Poncho Nevárez.

HR 3092 (by Nevárez), Honoring Carlos De La Peña for his service as a legislative assistant in the office of State Representative Poncho Nevárez.

HR 3093 (by Moody), Honoring Volar Center for Independent Living in El Paso on the anniversary of the signing of the Americans with Disabilities Act.

HR 3094 (by Moody), Congratulating George Valdez Calanche on his retirement from the Texas Department of Criminal Justice.

HR 3095 (by Nevárez), Commending Alice Krieger for her service as an intern in the office of State Representative Poncho Nevárez.

HR 3096 (by Nevárez), Commending Hollyn Dinnes of Austin for her service as a legislative assistant in the office of State Representative Poncho Nevárez.

HR 3097 (by J. White), Congratulating the Chester High School boys' 4 x 400-meter relay team on its seventh-place finish at the 2015 UIL Track & Field State Meet.

HR 3098 (by J. White), Congratulating the Newton High School boys' 4 x 100-meter relay team on its fourth-place finish at the 2015 UIL Track & Field State Meet.

HR 3099 (by J. White), Congratulating Jordan Welborn of Lumberton High School on her second-place finishes in the Class 5A girls' 1,600-meter and 3,200-meter races at the 2015 UIL Track & Field State Meet.

HR 3100 (by J. White), Congratulating Mallory Dotson of Deweyville High School on her third-place finish in the Class 3A girls' discus throw at the 2015 UIL Track & Field State Meet.

HR 3101 (by González), Commemorating the opening of the San Elizario City Hall.

HR 3105 (by Frank), Congratulating Brenna Moore of Midwestern State University on winning the 2015 NCAA Division II Women's Golf Championship.

HR 3106 (by J. White), Congratulating Robert Hunt of Burkeville High School on his participation in the Class 1A shot put event at the 2015 UIL Track & Field State Meet.

HR 3107 (by J. White), Congratulating JaDarius Spikes of Burkeville High School on his success in the Class 1A 200- and 100-meter dashes at the 2015 UIL Track & Field State Meet.

HR 3108 (by J. White), Congratulating the Burkeville High School boys' 4 x 200 meter relay team on their participation at the 2015 UIL Track & Field State Meet.

HR 3109 (by J. White), Congratulating Grayland Arnold of Kountze High School on his silver medal finish in the Class 3A boys' 100-meter dash at the 2015 UIL Track & Field State Meet.

HR 3110 (by Guillen), Congratulating Mariachi Cascabel of Rio Grande City High School on winning Class 5A of the 2015 Texas High School Mariachi Competition.

HR 3111 (by Guillen), Congratulating Mariachi Grulla de Plata of Grulla High School on winning Class 4A of the 2015 Texas High School Mariachi Competition.

HR 3112 (by Guillen), Congratulating Mariachi Cotuleno of Cotulla High School on winning the Class 3A division of the 2015 Texas High School Mariachi Competition.

HR 3113 (by Kacal), Commemorating the ribbon cutting for the historic Bishop Joseph Gomez Building in Waco.

HR 3114 (by Kacal), Congratulating the Bremond High School football team on winning the 2014 UIL 2A Division 2 state championship.

HR 3115 (by Kacal), Congratulating the Mumford High School boys' basketball team on winning the 2014 UIL 1A Division 1 state championship.

HR 3116 (by Huberty), Congratulating Alyssa Lehmann, salutatorian of the Class of 2015 at Summer Creek High School in Humble.

HR 3117 (by Huberty), Congratulating Susan Xu, salutatorian of the Class of 2015 at Kingwood High School.

HR 3118 (by Huberty), Congratulating Britton Carter on graduating as salutatorian of the Class of 2015 at Atascocita High School in Humble.

HR 3119 (by Huberty), Congratulating Olivia Ramsey, valedictorian of the Class of 2015 at Humble High School.

HR 3120 (by Huberty), Congratulating James Scanlon, valedictorian of the Class of 2015 at Atascocita High School.

HR 3121 (by Huberty), Congratulating Kristen Rosenthal for being named the valedictorian of the Kingwood Park High School Class of 2015.

HR 3122 (by Huberty), Congratulating Nicholas Segada, salutatorian of the Class of 2015 at Humble High School.

HR 3123 (by Huberty), Congratulating Michelle Nguyen on being named 2015 valedictorian of Quest Early College High School in Humble.

HR 3124 (by Huberty), Congratulating Dylan Lu, valedictorian of the Kingwood High School Class of 2015.

HR 3125 (by Huberty), Congratulating David Fuss, salutatorian of the Class of 2015 at Kingwood Park High School.

HR 3126 (by Huberty), Congratulating Ryan Zepeda on graduating as valedictorian of the Class of 2015 at Summer Creek High School in Humble.

HR 3127 (by Keough), Honoring Grace School of Theology for its service.

HR 3128 (by Bernal), Commemorating the 85th anniversary of Mount Sacred Heart Catholic School in San Antonio.

HR 3130 (by Paddie), Congratulating Dorothy Craver of Jefferson on her 103rd birthday.

HR 3134 (by J. White), Congratulating Raegan Padgett of Hardin-Jefferson High School on winning the state championship in the Class 4A girls' 200-meter dash at the 2015 UIL Track & Field State Meet.

HR 3135 (by J. White), Congratulating Wreagan Taylor of Hardin-Jefferson High School on placing seventh in the Class 4A girls' 100-meter hurdles at the 2015 UIL Track & Field State Meet.

HR 3136 (by J. White), Congratulating the members of the Hardin-Jefferson High School girls' 4x100-meter and 4x200-meter relay teams on their performance at the 2015 UIL Track & Field State Meet.

HR 3138 (by C. Turner), Congratulating Tonea Marshall of Seguin High School in Arlington on her success at the 2015 UIL Track & Field State Meet.

HR 3140 (by Y. Davis), Commending Frederick Douglas Lewis I for serving as a Democratic Party precinct chair in Dallas County.

HR 3141 (by Y. Davis), Congratulating Keenen Diaz of John A. Dubiski Career High School in Grand Prairie on being accepted into Subiendo: The Academy for Rising Leaders at The University of Texas at Austin.

HR 3142 was previously adopted.

HR 3143 (by Morrison), Commemorating the closing of The Corral restaurant in Victoria.

HR 3145 (by Y. Davis), Commending Jill Anne Brandenburg for serving as a Democratic Party precinct chair in Dallas County.

HR 3146 (by Huberty), Congratulating Michael Kuta, valedictorian of the Class of 2015 at Hargrave High School in Huffman.

HR 3147 (by Alonzo), Commending Gabriela Vilorio for her service as a legislative intern in the office of State Representative Roberto R. Alonzo.

HR 3148 (by Alonzo), Commending Shawn Jamal for his service as a legislative intern in the office of State Representative Roberto R. Alonzo.

HR 3149 (by Alonzo), Commending Deborah Alemu for her service as a sessional staffer in the office of State Representative Roberto R. Alonzo.

HR 3150 (by Alonzo), Honoring Jingyu Liao for her service as a legislative intern in the office of State Representative Roberto R. Alonzo.

HR 3151 (by Alonzo), Commending Timothy Haynes for his service as an intern in the office of State Representative Roberto R. Alonzo.

HR 3152 (by Alonzo), Commending Tina Sohne for her service as a legislative intern in the office of State Representative Roberto R. Alonzo during the 84th Legislative Session.

HR 3154 (by Sheets), Commending Sheffield A. Kadane for his service to the City of Dallas.

HR 3155 (by Sheets), Commending the Honorable John Monaco on his service as mayor of Mesquite.

HR 3157 (by C. Turner), Commending Dr. Robert Cluck for his service as mayor of Arlington.

HR 3158 (by Klick), Congratulating Carolyn Sims on her retirement as precinct administrator for Tarrant County Commissioner Gary Fickes.

HR 3159 (by G. Bonnen), Congratulating Dee Scott on her retirement from the Clear Creek ISD Board of Trustees.

HR 3162 (by Huberty), Congratulating Shelby Russell, salutatorian of the Class of 2015 at Hargrave High School in Huffman.

HR 3166 (by Gutierrez), Congratulating Kathryn Mary Criaco of Houston on her graduation from St. Agnes Academy.

HR 3176 (by Murr), Honoring Llano as a renowned destination for deer hunters.

HR 3178 (by C. Anderson), Congratulating Clint Stearns of McGregor on his graduation from Texas State Technical College.

HR 3179 (by C. Anderson), Congratulating the Robinson High School Symphonic Band on its selection to perform at the 2015 UIL State Wind Ensemble Festival.

HR 3180 (by C. Anderson), Congratulating Dr. Frank Graves, Jr., of McGregor on his graduation from the University of Mary Hardin-Baylor.

HR 3181 (by C. Anderson), Congratulating Baylor University athletic director Ian McCaw on being named a winner of a 2014-2015 Under Armour Athletic Director of the Year Award.

HR 3183 (by C. Anderson), Congratulating June Shipper on her retirement from the Waco Symphony Orchestra.

HR 3185 (by C. Anderson), Congratulating Deanie Parrish and Nancy Parrish on their induction into the Pioneer Hall of Fame by Women in Aviation, International.

HR 3186 (by C. Anderson), Congratulating Brandon Bray on winning the Class 4A pole vault state championship at the 2015 UIL Track & Field State Meet.

HR 3187 (by C. Anderson), Congratulating Tracy Jander of Lorena High School on her performance at the 2015 UIL Track and Field State Meet.

HR 3188 (by C. Anderson), Congratulating Riley Richards of China Spring High School on winning the silver medal in the Class 4A pole vault at the 2015 UIL Track & Field State Meet.

HR 3189 (by C. Anderson), Congratulating Heather Metzgar of Hewitt Elementary School on her selection as the 2014-2015 Region 12 Assistant Principal of the Year by the Texas Elementary Principals and Supervisors Association.

HR 3190 (by Hunter), Recognizing EnviroEd of Corpus Christi for its efforts to develop a free-market nongovernmental solution to environmental problems.

HR 3192 (by González), Congratulating Maria Angeles of Socorro High School on her admission into Subiendo: The Academy for Rising Leaders at The University of Texas at Austin.

HR 3195 (by J. White), Commending Charles McMillon on his graduation from Jasper High School and his service as a senate messenger and intern in the office of State Senator Donna Campbell.

HR 3196 (by C. Anderson), Congratulating Helen Gaylor Lipsey of Waco on her 100th birthday.

HR 3197 (by C. Anderson), Congratulating Steven Moss of Texas State Technical College on the publication of his book, We Could Not Fail: The First African Americans in the Space Program.

HR 3198 (by J. White), Congratulating Shelby Mixon of Woodville High School on her selection as a Wendy's 12Star Athlete of the Week.

HR 3201 (by Peña), Honoring Emily Reyna for her efforts to support individuals with Down syndrome.

HR 3202 (by Meyer), Commending Dallas police officer Damon Cole for his effort to uplift a young boy with cancer.

HR 3203 (by Herrero), Commemorating the 50th annual Nueces County Medical Society Health Fair on August 1, 2015.

HR 3204 (by J. White), Congratulating Tyanna Barlow of Leggett High School on her performance at the 2015 UIL Track and Field State Meet.

HR 3205 (by J. White), Congratulating Ezavier Bacon of Leggett High School on his performance at the 2015 UIL Track and Field State Meet.

HR 3206 (by J. White), Congratulating the members of the Jasper High School boys' relay team on their performance at the 2015 UIL Track and Field State Meet.

HR 3207 (by Hughes), Congratulating Ray and Marie Davis of Winnsboro on their 65th wedding anniversary.

HR 3208 (by Hughes), Congratulating M. L. and Doris Wood of Lone Star on their 70th wedding anniversary.

HR 3214 (by Guillen), Honoring Jesus Gilberto "Chick" Saenz for his career as a special ranger with the Texas and Southwestern Cattle Raisers Association.

HR 3216 (by Kacal), Honoring the Reverend E. Shaun Williams on his installation as pastor of Pleasant Olive Missionary Baptist Church in Waco.

HR 3217 (by Meyer), Congratulating Ronald Joseph Gafford on his retirement from Austin Industries in Dallas.

HR 3218 (by Wu), Commending Phoebe Schirmer for her service as a legislative aide in the office of State Representative Gene Wu during the 84th Legislative Session.

HR 3221 (by Herrero), Congratulating Isaiah Patterson of Foy H. Moody High School in Corpus Christi on winning the bronze medal in the 5A boys' 400-meter dash at the 2015 UIL Track & Field State Meet.

HR 3222 (by C. Anderson), Congratulating Henry Boehm of Vanguard College Preparatory School in Waco on being named a Forty Acres Scholar by The University of Texas Alumni Association.

HR 3223 (by Gutierrez), Congratulating Maryellen Rayner on her graduation from St. Agnes Academy in Houston.

HR 3224 (by Ashby), Congratulating Johnny F. Giles on his retirement from the Lufkin Independent School District.

HR 3225 (by Lucio), Honoring Rick Diaz, anchor and former news director of KRGV-TV news in Weslaco, for his leadership and achievements.

HR 3226 (by Clardy), Congratulating Fred Kniffen on his induction into the ITA Men's Collegiate Tennis Hall of Fame.

HR 3227 (by J. White), Honoring Lonnie B. Grissom, Jr., for his contributions to the logging industry in Tyler County.

HR 3228 (by J. White), Congratulating the Brookeland High School boys' golf team on its performance at the 2015 UIL Class 2A state tournament.

HR 3230 (by Kacal), Commemorating the 50th anniversary of the founding of the Heart of Texas Council of Governments.

HR 3232 (by Israel), Honoring Kyle Edward Kulczyk on earning his master's degree in business administration from Howard Payne University.

HR 3233 (by C. Anderson), Honoring Tinker Kramer on her retirement from Ridgecrest Retirement and Health Care in Waco.

HR 3237 (by Frullo), Honoring Dr. Mike Bennett of All Saints Episcopal School in Lubbock for 50 years of service in education.

HR 3238 (by Frullo), Honoring Glenna Burns of Lubbock for her contributions as an educator and community volunteer.

HR 3240 (by J. White), Congratulating the Woodville High School softball team on a successful 2015 season.

HR 3243 (by Minjarez), Commending Dr. Carla Sizer for establishing a Junior Reserve Officers' Training Corps scholarship fund in memory of her son, U.S. Army Specialist Dane R. Balcon, who died while serving his nation in Iraq.

HR 3244 (by E. Rodriguez), Commending Ashley Alcantara for her service as an aide in the office of State Representative Eddie Rodriguez.

HR 3245 (by Huberty), Congratulating Carsen Meredith Hartung of Humble on her receipt of an Academic All-American award.

HR 3247 was previously adopted.

HR 3248 (by Moody), Commending Daniela Urias for her service as a legislative aide in the district office of State Representative Joe Moody.

HR 3249 (by Moody), Congratulating Daniel Hernandez for his service as an aide in the district office of State Representative Joe Moody.

HR 3250 was previously adopted.

HR 3251 (by Moody), Commending Jane Santa Cruz for her service as a legislative intern in the office of State Representative Joe Moody during the 84th Legislative Session.

HR 3252 was previously adopted.

HR 3253 was previously adopted.

HR 3255 (by E. Rodriguez), Commending Erin Courtney Cusack for her service as an intern in the office of State Representative Eddie Rodriguez.

HR 3258 (by C. Anderson), Congratulating Stefen Alan Barton of Robinson on his graduation from The University of Texas Medical Branch at Galveston.

HR 3261 (by Tinderholt), Congratulating Sandy McNutt on the naming of a new elementary school in the Arlington Independent School District in her honor.

HR 3262 (by Giddings), Congratulating Thomas Dunning of Dallas on his receipt of a 2015 Profiles in Leadership Award.

HR 3264 (by C. Turner), Commending Angel Jenkins for her service as a legislative aide in the office of State Representative Chris Turner.

HR 3265 (by C. Turner), Commending Harriet Sedgwick for her service as a legislative aide in the office of State Representative Chris Turner.

HR 3266 (by C. Turner), Commending Madeleine Bewley for her service as a legislative intern in the office of State Representative Chris Turner.

HR 3267 (by C. Turner), Commending Mary Claire Phillips on her service as a legislative intern in the office of State Representative Chris Turner.

HR 3268 (by C. Turner), Commending Anya Callahan for her service as legislative director in the office of State Representative Chris Turner.

HR 3269 (by C. Turner), Commending Zhuoshi "George" Liu for his service in the office of State Representative Chris Turner as a fellow in the Energy and Environment Law Internship Program of Texas.

HR 3270 (by Anchia), Congratulating Courtney Bartholomew on her selection as the 2014-2015 Teacher of the Year at Smith Elementary School in the Del Valle Independent School District.

HR 3273 (by Y. Davis), Congratulating Grand Prairie city manager Tom Hart on being named Public Administrator of the Year by the North Texas chapter of the American Society for Public Administration.

HR 3274 (by Landgraf), Honoring Jane Sibley of Austin for her civic engagement.

HR 3277 (by Peña), Congratulating Alejandra Zamora on her graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3278 (by Peña), Congratulating Cynthia Maldonado on her graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3279 (by Peña), Congratulating Guadalupe Marin on his graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3280 (by Peña), Congratulating Jaime Rodriguez on his graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3281 (by Peña), Congratulating Jayson Jones on his graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3282 (by Peña), Congratulating Brenda Escobar on her graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3283 (by Peña), Congratulating Brenda Luna on her graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3284 (by Peña), Congratulating Evelyn Montoya on her graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3285 (by Peña), Congratulating Jocelyn Leon on her graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3286 (by Peña), Congratulating Marsella Ramirez on her graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3287 (by Peña), Congratulating Leslie N. Araujo on her graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3288 (by Peña), Congratulating Susana Valdez on her graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3289 (by Peña), Congratulating Angelica Salas on her graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3290 (by Peña), Congratulating Evelyn Aileen Mendez on her graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3291 (by Peña), Congratulating David Olea on his graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3292 (by Peña), Congratulating Alondra Moran on her graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3293 (by Peña), Congratulating Gabriela Zamora on her graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3294 (by Peña), Congratulating Deisy Martinez on her graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3295 (by Peña), Congratulating Angel Salazar on his graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3296 (by Peña), Congratulating Emely Rivera on her graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3297 (by Peña), Congratulating Edward Garza on his graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3298 (by Guerra), Congratulating Johnathan Simcha Weisfeld-Hinojosa on his service in the office of State Representative Bobby Guerra as a participant in the Rio Grande Valley Legislative Internship Program.

SCR 49 (Laubenberg - House Sponsor), Congratulating Dr. G. M. Cox on his retirement as the chief of police of Murphy.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HCR 118 (by Canales), In memory of former Hidalgo County Commissioner Oscar L. Garza, Jr., of Edinburg.

HR 2812 (by Hughes), In memory of James Oscar Dear of Mineola.

HR 2854 (by Naishtat), In memory of Hillary Frances Corgey of Austin.

HR 2855 (by Y. Davis), In memory of Mozelle Blair of Dallas.

HR 2875 (by J. White), In memory of Newton County Judge Ronnie Boyett.

HR 2902 (by Price), In memory of B. T. "Tol" Ware II of Amarillo.

HR 2903 (by Price), In memory of Dumas Independent School District Superintendent Mark Stroebel.

HR 2904 (by Price), In memory of Charles Edward Washburn, Jr., Vonnie Williamson Washburn, and Cheryl Anne Dacus of Borger.

HR 2905 (by Price), In memory of Tracy Wayne Edwards of Dumas.

HR 2906 (by Price), In memory of Mary Lou Roberts of Amarillo.

HR 2907 (by Price), In memory of Joseph James Miller of White Deer.

HR 2920 (by Murr), In memory of Willard Kenneth Jordan of Mason.

HR 2921 (by Murr), In memory of Joel Ayala, Jr., of Kerrville.

HR 2922 (by Murr), In memory of Susan Brance Waggoman of Bandera.

HR 2943 (by Sheffield), In memory of Allen Dwain Place, Sr., of Gatesville.

HR 2946 (by Márquez), In memory of longtime El Paso resident Barry Coleman.

HR 2947 (by Herrero), In memory of Ernestina Cavada of Corpus Christi.

HR 2950 (by Murr), In memory of Bennie M. Hyde of Kerrville.

HR 2954 (by J. White), In memory of the residents of House District 19 who died during the 84th Legislative Session.

HR 2957 (by Hughes), In memory of Albert Edward Baade, Jr., of Tyler.

HR 2993 (by Faircloth), In memory of Annie Mae Charles of Galveston.

HR 3001 (by Craddick), In memory of Joan Cawood Nivens of Midland.

HR 3006 (by Keffer), In memory of Stuart Sinclair Coleman of Brownwood.

HR 3015 (by Bohac), In memory of Laura Aurelia Rietz of Brenham.

HR 3019 (by Guillen), In memory of William B. Wilkerson of Austin.

HR 3022 (by C. Anderson and Hughes), In memory of musician Johnny Gimble of Dripping Springs.

HR 3030 (by Martinez Fischer), In memory of John Silva of San Antonio.

HR 3057 (by Dutton), In memory of Lillie Beatrice Thomas of Houston.

HR 3058 (by Johnson), In memory of baseball legend Ernie Banks.

HR 3062 (by Craddick), In memory of Cathy M. Coughlin of Dallas.

HR 3139 (by Smith), In memory of Gary Wayne Burton of Baytown.

HR 3144 (by Morrison), In memory of Kemper Sam Williams, Jr., former mayor of Victoria.

HR 3153 (by Paddie), In memory of Dr. Warren Henry Hawkins of Marshall.

HR 3165 (by Morrison), In memory of Dr. John Wallace Griffin.

HR 3167 (by Schaefer), In memory of Richard Wayne Kennedy of Tyler.

HR 3168 (by Schaefer and Hughes), In memory of Clifford Charles Baker, Jr., of Tyler.

HR 3177 (by Sanford), In memory of Kenneth Eugene Blackburn of Celina.

HR 3199 (by S. Davis), In memory of Louise W. Ware of Bellaire.

HR 3209 (by Hughes), In memory of former State Representative Gayle Ingram of Quitman.

HR 3210 (by Hughes), In memory of Mary Lynn Hunt of Winnsboro.

HR 3211 (by Hughes), In memory of Joe Earl Brunson of Winnsboro.

HR 3212 (by Farrar), In memory of Ray K. Haley of Houston.

HR 3215 (by Paddie and Hughes), In memory of Douglas Gaylon White of Harleton.

HR 3219 (by Kacal), In memory of former Brazos County judge Arthur Randolph Sims.

HR 3220 (by Herrero), In memory of Mary Virginia Parr of Robstown.

HR 3231 (by Alonzo), In memory of certain constituents of Texas House District 104 and other notable Texans.

HR 3234 (by Y. Davis), In memory of Margaret Ann McCarthy Williams of Duncanville.

HR 3236 (by Kuempel), In memory of Mary Ann Stotzer of Seguin.

HR 3254 (by Moody), In memory of Dick Poe of El Paso.

HR 3263 (by Giddings), In memory of Richard Alan Perkins of Dallas.

The resolutions were unanimously adopted by a rising vote.

(Sheets in the chair)

HCR 132 - ADOPTED

(by Lucio)

Representative Lucio moved to suspend all necessary rules to take up and consider at this time **HCR 132**.

The motion prevailed.

The following resolution was laid before the house:

HCR 132, Designating Brownsville as the official Bicycling Capital of the Rio Grande Valley for a 10-year period beginning in 2015.

HCR 132 was adopted.

HCR 135 - ADOPTED

(by Morrison)

Representative Morrison moved to suspend all necessary rules to take up and consider at this time **HCR 135**.

The motion prevailed.

The following resolution was laid before the house:

HCR 135, In memory of U.S. Army Specialist Kerry Danyluk.

HCR 135 was read and was unanimously adopted by a rising vote.

On motion of Representative R. Miller, the names of all the members of the house were added to **HCR 135** as signers thereof.

(Stephenson now present)

HR 3387 - ADOPTED

(by S. King)

The following privileged resolution was laid before the house:

HR 3387

BE IT RESOLVED by the House of Representatives of the State of Texas, 84th Legislature, Regular Session, 2015, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 55** (the creation of a grant program to support community mental health programs for veterans and their families) to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter which is not included in either the house or senate version of the bill by adding the following text to SECTION 1 of the bill, in added Section 531.0992, Government Code:

(g) The executive commissioner shall use a noncompetitive procurement procedure to select a qualified nonprofit or private entity to administer a pilot program of the grant program established under this section. In selecting the qualified nonprofit or private entity, the executive commissioner must consider the purposes of the program and the duties of the program administrator described in this section.

Explanation: This addition is necessary to allow a pilot program of the grant program to be implemented.

HR 3387 was adopted by (Record 1736): 139 Yeas, 3 Nays, 2 Present, not voting.

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

Nays — Rinaldi; Simpson; Stickland.

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

Absent, Excused — Anderson, C.

Absent — Bell; Dukes; Laubenberg; McClendon; Simmons.

STATEMENTS OF VOTE

When Record No. 1736 was taken, my vote failed to register. I would have voted yes.

Bell

When Record No. 1736 was taken, I was in the house but away from my desk. I would have voted yes.

Laubenberg

When Record No. 1736 was taken, I was absent because of a meeting in the Capitol. I would have voted yes.

Simmons

SB 55 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative S. King submitted the conference committee report on **SB 55**.

Representative S. King moved to adopt the conference committee report on **SB 55**.

The motion to adopt the conference committee report on **SB 55** prevailed by (Record 1737): 136 Yeas, 7 Nays, 2 Present, not voting.

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

Nays — Krause; Rinaldi; Schaefer; Simpson; Stickland; Tinderholt; White, M.

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

Absent, Excused — Anderson, C.

Absent — Dukes; Laubenberg; McClendon; Phelan.

STATEMENTS OF VOTE

When Record No. 1737 was taken, I was in the house but away from my desk. I would have voted yes.

Laubenberg

When Record No. 1737 was taken, I was in the house but away from my desk. I would have voted yes.

Phelan

SB 207 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Gonzales submitted the conference committee report on **SB 207**.

Representative Gonzales moved to adopt the conference committee report on **SB 207**.

The motion to adopt the conference committee report on **SB 207** prevailed by (Record 1738): 144 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Anderson, C.

Absent — Dukes; Geren; Laubenberg.

STATEMENT OF VOTE

When Record No. 1738 was taken, I was in the house but away from my desk. I would have voted yes.

Laubenberg

SB 632 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Button, Representatives Ashby, Johnson, C. Anderson, and Faircloth were authorized as house sponsors to **SB 632**.

HR 3394 - ADOPTED

(by S. Thompson)

The following privileged resolution was laid before the house:

HR 3394

BE IT RESOLVED by the House of Representatives of the State of Texas, 84th Legislature, Regular Session, 2015, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the

conference committee appointed to resolve the differences on **HB 189** (the statute of limitations for a suit for personal injury arising from certain sexual assault offenses) to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter which is not included in either the house or senate version of the bill by adding the following new SECTIONS to the bill:

SECTION 1. Section 16.0045, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 16.0045. ~~[FIVE YEAR]~~ LIMITATIONS PERIOD FOR CLAIMS ARISING FROM CERTAIN OFFENSES. (a) A person must bring suit for personal injury not later than 15 ~~[five]~~ years after the day the cause of action accrues if the injury arises as a result of conduct that violates:

(1) Section 22.011(a)(2) ~~[22.011]~~, Penal Code (sexual assault of a child);

(2) Section 22.021(a)(1)(B) ~~[22.021]~~, Penal Code (aggravated sexual assault of a child);

(3) Section 21.02, Penal Code (continuous sexual abuse of young child or children);

(4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or Section 20A.02(a)(8), Penal Code, involving an activity described by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct with a child trafficked in the manner described by Section 20A.02(a)(7) [20A.02], Penal Code (certain sexual trafficking of a child [persons]); ~~[or]~~

(5) Section 43.05(a)(2) ~~[43.05]~~, Penal Code (compelling prostitution by a child); or

(6) Section 21.11, Penal Code (indecenty with a child).

(b) A person must bring suit for personal injury not later than five years after the day the cause of action accrues if the injury arises as a result of conduct that violates:

(1) Section 22.011(a)(1), Penal Code (sexual assault);

(2) Section 22.021(a)(1)(A), Penal Code (aggravated sexual assault);

(3) Section 20A.02, Penal Code (trafficking of persons), other than conduct described by Subsection (a)(4); or

(4) Section 43.05(a)(1), Penal Code (compelling prostitution).

(c) In an action for injury resulting in death arising as a result of conduct described by Subsection (a) or (b), the cause of action accrues on the death of the injured person.

(d) A ~~[(e) The]~~ limitations period under this section is tolled for a suit on the filing of a petition by any person in an appropriate court alleging that the identity of the defendant in the suit is unknown and designating the unknown defendant as "John or Jane Doe." The person filing the petition shall proceed with due diligence to discover the identity of the defendant and amend the petition by substituting the real name of the defendant for "John or Jane Doe" not later than the 30th day after the date that the defendant is identified to the plaintiff. The limitations period begins running again on the date that the petition is amended.

SECTION 3. Section 16.0045, Civil Practice and Remedies Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law applicable to the cause of action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Explanation: This addition is necessary to change the statute of limitations for a suit for personal injury arising from certain offenses constituting sexual abuse of a child.

HR 3394 was adopted by (Record 1739): 133 Yeas, 12 Nays, 2 Present, not voting.

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

Nays — Bell; Fallon; Krause; Rinaldi; Sanford; Schaefer; Simpson; Stickland; Tinderholt; Turner, E.S.; White, M.; Zedler.

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

Absent, Excused — Anderson, C.

Absent — Dukes; Laubenberg.

STATEMENT OF VOTE

When Record No. 1739 was taken, I was in the house but away from my desk. I would have voted yes.

Laubenberg

HB 189 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative S. Thompson submitted the following conference committee report on **HB 189**:

Austin, Texas, May 28, 2015

The Honorable Dan Patrick

President of the Senate

The Honorable Joe Straus

Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 189** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

V. Taylor

Huffman

Kolkhorst

Menéndez

Perry

S. Thompson

Bohac

Clardy

Sheets

On the part of the senate

On the part of the house

HB 189, A bill to be entitled An Act relating to the statute of limitations for a suit for personal injury arising from certain offense constituting sexual abuse of a child or for certain sexual assault offenses.

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

SECTION 1. Section 16.0045, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 16.0045. ~~[FIVE-YEAR]~~ LIMITATIONS PERIOD FOR CLAIMS ARISING FROM CERTAIN OFFENSES. (a) A person must bring suit for personal injury not later than 15 ~~[five]~~ years after the day the cause of action accrues if the injury arises as a result of conduct that violates:

(1) Section 22.011(a)(2) ~~[22.011]~~, Penal Code (sexual assault of a child);

(2) Section 22.021(a)(1)(B) ~~[22.021]~~, Penal Code (aggravated sexual assault of a child);

(3) Section 21.02, Penal Code (continuous sexual abuse of young child or children);

(4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or Section 20A.02(a)(8), Penal Code, involving an activity described by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct with a child trafficked in the manner described by Section 20A.02(a)(7) ~~[20A.02]~~, Penal Code (certain sexual trafficking of a child ~~[persons]~~); ~~[or]~~

(5) Section 43.05(a)(2) ~~[43.05]~~, Penal Code (compelling prostitution by a child); or

(6) Section 21.11, Penal Code (indecent with a child).

(b) A person must bring suit for personal injury not later than five years after the day the cause of action accrues if the injury arises as a result of conduct that violates:

(1) Section 22.011(a)(1), Penal Code (sexual assault);

(2) Section 22.021(a)(1)(A), Penal Code (aggravated sexual assault);

(3) Section 20A.02, Penal Code (trafficking of persons), other than conduct described by Subsection (a)(4); or

(4) Section 43.05(a)(1), Penal Code (compelling prostitution).

(c) In an action for injury resulting in death arising as a result of conduct described by Subsection (a) or (b), the cause of action accrues on the death of the injured person.

(d) A ~~(e) The~~ limitations period under this section is tolled for a suit on the filing of a petition by any person in an appropriate court alleging that the identity of the defendant in the suit is unknown and designating the unknown defendant as "John or Jane Doe." The person filing the petition shall proceed with due diligence to discover the identity of the defendant and amend the petition by substituting the real name of the defendant for "John or Jane Doe" not later than the 30th day after the date that the defendant is identified to the plaintiff. The limitations period begins running again on the date that the petition is amended.

SECTION 2. Article 12.01, Code of Criminal Procedure, is amended to read as follows:

Art. 12.01. FELONIES. Except as provided in Article 12.03, felony indictments may be presented within these limits, and not afterward:

(1) no limitation:

(A) murder and manslaughter;

(B) sexual assault under Section 22.011(a)(2), Penal Code, or aggravated sexual assault under Section 22.021(a)(1)(B), Penal Code;

(C) sexual assault, if:

(i) during the investigation of the offense biological matter is collected and subjected to forensic DNA testing and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained; or

(ii) probable cause exists to believe that the defendant has committed the same or a similar sexual offense against five or more victims;

(D) continuous sexual abuse of young child or children under Section 21.02, Penal Code;

(E) indecency with a child under Section 21.11, Penal Code;

(F) an offense involving leaving the scene of an accident under Section 550.021, Transportation Code, if the accident resulted in the death of a person;

(G) trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code; or

(H) continuous trafficking of persons under Section 20A.03, Penal Code;

(2) ten years from the date of the commission of the offense:

(A) theft of any estate, real, personal or mixed, by an executor, administrator, guardian or trustee, with intent to defraud any creditor, heir, legatee, ward, distributee, beneficiary or settlor of a trust interested in such estate;

(B) theft by a public servant of government property over which he exercises control in his official capacity;

(C) forgery or the uttering, using or passing of forged instruments;

(D) injury to an elderly or disabled individual punishable as a felony of the first degree under Section 22.04, Penal Code;

(E) sexual assault, except as provided by Subdivision (1);

- (F) arson;
 - (G) trafficking of persons under Section 20A.02(a)(1), (2), (3), or (4), Penal Code; or
 - (H) compelling prostitution under Section 43.05(a)(1), Penal Code;
 - (3) seven years from the date of the commission of the offense:
 - (A) misapplication of fiduciary property or property of a financial institution;
 - (B) securing execution of document by deception;
 - (C) a felony violation under Chapter 162, Tax Code;
 - (D) false statement to obtain property or credit under Section 32.32, Penal Code;
 - (E) money laundering;
 - (F) credit card or debit card abuse under Section 32.31, Penal Code;
 - (G) fraudulent use or possession of identifying information under Section 32.51, Penal Code;
 - (H) Medicaid fraud under Section 35A.02, Penal Code; or
 - (I) bigamy under Section 25.01, Penal Code, except as provided by Subdivision (6);
 - (4) five years from the date of the commission of the offense:
 - (A) theft or robbery;
 - (B) except as provided by Subdivision (5), kidnapping or burglary;
 - (C) injury to an elderly or disabled individual that is not punishable as a felony of the first degree under Section 22.04, Penal Code;
 - (D) abandoning or endangering a child; or
 - (E) insurance fraud;
 - (5) if the investigation of the offense shows that the victim is younger than 17 years of age at the time the offense is committed, 20 years from the 18th birthday of the victim of one of the following offenses:
 - (A) sexual performance by a child under Section 43.25, Penal Code;
 - (B) aggravated kidnapping under Section 20.04(a)(4), Penal Code, if the defendant committed the offense with the intent to violate or abuse the victim sexually; or
 - (C) burglary under Section 30.02, Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with the intent to commit an offense described by Subdivision (1)(B) or (D) of this article or Paragraph (B) of this subdivision;
 - (6) ten years from the 18th birthday of the victim of the offense:
 - (A) trafficking of persons under Section 20A.02(a)(5) or (6), Penal Code;
 - (B) injury to a child under Section 22.04, Penal Code;
 - (C) compelling prostitution under Section 43.05(a)(2), Penal Code;
- or

(D) bigamy under Section 25.01, Penal Code, if the investigation of the offense shows that the person, other than the legal spouse of the defendant, whom the defendant marries or purports to marry or with whom the defendant lives under the appearance of being married is younger than 18 years of age at the time the offense is committed; or

(7) three years from the date of the commission of the offense: all other felonies.

SECTION 3. Section 16.0045, Civil Practice and Remedies Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law applicable to the cause of action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. Article 12.01, Code of Criminal Procedure, as amended by this Act, does not apply to an offense if the prosecution of that offense becomes barred by limitation before the effective date of this Act. The prosecution of that offense remains barred as if this Act had not taken effect.

SECTION 5. This Act takes effect September 1, 2015.

Representative S. Thompson moved to adopt the conference committee report on **HB 189**.

The motion to adopt the conference committee report on **HB 189** prevailed by (Record 1740): 140 Yeas, 5 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Anderson, C.

Absent — Dukes; Laubenberg.

STATEMENTS OF VOTE

When Record No. 1740 was taken, I was in the house but away from my desk. I would have voted yes.

Laubenberg

When Record No. 1740 was taken, I was shown voting yes. I intended to vote no.

Metcalf

HB 311 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Nevárez submitted the following conference committee report on **HB 311**:

Austin, Texas, May 27, 2015

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 311** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Lucio

Eltife

Uresti

L. Taylor

Rodriguez

On the part of the senate

Bernal

Lozano

González

Schubert

Canales

On the part of the house

HB 311, A bill to be entitled An Act relating to an executory contract for the conveyance of real property; providing a civil penalty.

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

SECTION 1. Section 5.062(e), Property Code, is amended to read as follows:

(e) Sections 5.066, 5.067, 5.071, 5.075, 5.079, 5.081, and 5.082 do not apply to an executory contract described by Subsection (a)(2).

SECTION 2. Section 5.064, Property Code, is amended to read as follows:

Sec. 5.064. SELLER'S REMEDIES ON DEFAULT. A seller may enforce the remedy of rescission or of forfeiture and acceleration against a purchaser in default under an executory contract for conveyance of real property only if:

(1) the seller notifies the purchaser of:

(A) the seller's intent to enforce a remedy under this section; and

(B) the purchaser's right to cure the default within the 30-day period described by Section 5.065;

(2) the purchaser fails to cure the default within the 30-day period described by Section 5.065; ~~and~~

(3) Section 5.066 does not apply; and

(4) the contract has not been recorded in the county in which the property is located.

SECTION 3. Section 5.066(a), Property Code, is amended to read as follows:

(a) If a purchaser defaults after the purchaser has paid 40 percent or more of the amount due or the equivalent of 48 monthly payments under the executory contract or, regardless of the amount the purchaser has paid, the executory contract has been recorded, the seller is granted the power to sell, through a trustee designated by the seller, the purchaser's interest in the property as provided by this section. The seller may not enforce the remedy of rescission or of forfeiture and acceleration after the contract has been recorded.

SECTION 4. Section 5.070, Property Code, is amended by adding Subsection (d) to read as follows:

(d) If the executory contract is recorded, the seller is not required to continue insuring the property.

SECTION 5. Section 5.076, Property Code, is amended by adding Subsection (e) to read as follows:

(e) A seller who violates this section is liable to the purchaser in the same manner and for the same amount as a seller who violates Section 5.079 is liable to a purchaser, except the damages may not exceed \$500 for each calendar year of noncompliance. This subsection does not limit or affect any other rights or remedies a purchaser has under other law.

SECTION 6. Section 5.077, Property Code, is amended by adding Subsection (e) to read as follows:

(e) The requirements of this section continue to apply after a purchaser obtains title to the property by conversion or any other process.

SECTION 7. Section 5.079(a), Property Code, is amended to read as follows:

(a) A recorded executory contract shall be the same as a deed with a vendor's lien. The vendor's lien is for the amount of the unpaid contract price, less any lawful deductions, and may be enforced by foreclosure sale under Section 5.066 or by judicial foreclosure. A general warranty is implied unless otherwise limited by the recorded executory contract. If an executory contract has not been recorded or converted under Section 5.081, the [The] seller shall transfer recorded, legal title of the property covered by the executory contract to the purchaser not later than the 30th day after the date the seller receives the purchaser's final payment due under the contract.

SECTION 8. Section 5.081, Property Code, is amended by amending Subsection (a) and adding Subsection (h) to read as follows:

(a) A purchaser, at any time and without paying penalties or charges of any kind, is entitled to convert the purchaser's interest in property under an executory contract into recorded, legal title in accordance with this section, regardless of whether the seller has recorded the executory contract.

(h) This section may not be construed to limit the purchaser's interest in the property established by other law, if any, or any other rights of the purchaser under this subchapter.

SECTION 9. (a) The changes in law made by this Act to Sections 5.064 and 5.066, Property Code, apply only to a default that occurs on or after the effective date of this Act. A default that occurred before the effective date of this Act is governed by the law in effect on the date the default occurred, and that law is continued in effect for that purpose.

(b) Sections 5.079 and 5.081, Property Code, as amended by this Act, apply to an executory contract entered into before, on, or after the effective date of this Act.

(c) The changes in law made by this Act to Sections 5.070 and 5.076, Property Code, apply to an executory contract entered into on or after the effective date of this Act. An executory contract entered into before the effective date of this Act is governed by the law in effect on the date the contract was entered into, and that law is continued in effect for that purpose.

(d) The changes in law made by this Act to Section 5.077, Property Code, apply to an executory contract that is converted to transfer legal title on or after the effective date of this Act. An executory contract that is converted to transfer legal title before the effective date of this Act is governed by the law in effect on the date the contract was entered into, and that law is continued in effect for that purpose.

SECTION 10. This Act takes effect September 1, 2015.

Representative Nevárez moved to adopt the conference committee report on **HB 311**.

The motion to adopt the conference committee report on **HB 311** prevailed by (Record 1741): 131 Yeas, 11 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; 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.; Koop; Kuempel; Landgraf; Larson; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; White, J.; White, M.; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Cook; Fallon; Klick; Krause; Phillips; Rinaldi; Schaefer; Stickland; Tinderholt; Zedler.

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

Absent, Excused — Anderson, C.

Absent — Dukes; Faircloth; Laubenberg; Walle.

STATEMENT OF VOTE

When Record No. 1741 was taken, I was in the house but away from my desk. I would have voted yes.

Laubenberg

SB 652 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Farney submitted the conference committee report on **SB 652**.

Representative Farney moved to adopt the conference committee report on **SB 652**.

The motion to adopt the conference committee report on **SB 652** prevailed by (Record 1742): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Anderson, C.

Absent — Dukes; Paddie.

SB 202 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Raymond submitted the conference committee report on **SB 202**.

Representative Raymond moved to adopt the conference committee report on **SB 202**.

The motion to adopt the conference committee report on **SB 202** prevailed by (Record 1743): 146 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Anderson, C.

Absent — Smith.

STATEMENT OF VOTE

When Record No. 1743 was taken, I was temporarily out of the house chamber. I would have voted yes.

Smith

MESSAGE FROM THE SENATE

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

SB 1750 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Murphy submitted the conference committee report on **SB 1750**.

Representative Murphy moved to adopt the conference committee report on **SB 1750**.

The motion to adopt the conference committee report on **SB 1750** prevailed by (Record 1744): 139 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; 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; Elkins; Faircloth;

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

Nays — Craddick; Phillips; Rinaldi; Shaheen.

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

Absent, Excused — Anderson, C.

Absent — Dukes; Huberty; Klick; Schofield.

STATEMENTS OF VOTE

When Record No. 1744 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

When Record No. 1744 was taken, I was in the house but away from my desk. I would have voted yes.

Klick

SB 1367 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Villalba submitted the conference committee report on **SB 1367**.

Representative Villalba moved to adopt the conference committee report on **SB 1367**.

The motion to adopt the conference committee report on **SB 1367** prevailed by (Record 1745): 142 Yeas, 1 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; 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; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; 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; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Murr.

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

Absent, Excused — Anderson, C.

Absent — Dukes; Huberty; Klick.

STATEMENT OF VOTE

When Record No. 1745 was taken, I was shown voting yes. I intended to vote no.

Goldman

HR 3374 - ADOPTED (by G. Bonnen)

The following privileged resolution was laid before the house:

HR 3374

BE IT RESOLVED by the House of Representatives of the State of Texas, 84th Legislature, Regular Session, 2015, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 866** (the regulation of amusement redemption machine game rooms in certain counties) to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter which is not included in either the house or senate version of the bill by adding the following new SECTIONS to the bill:

SECTION 11. Section 234.131(2), Local Government Code, as added by Chapter 1284 (**HB 2123**), Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

(2) "Game room" means a for-profit business located in a building or place that contains six or more:

(A) amusement redemption machines; or

(B) electronic, electromechanical, or mechanical contrivances that, for consideration, afford a player the opportunity to obtain a prize or thing of value, the award of which is determined solely or partially by chance, regardless of whether the contrivance is designed, made, or adopted solely for bona fide amusement purposes.

SECTION 3. Sections 234.136(a) and (b), Local Government Code, as added by Chapter 1284 (**HB 2123**), Acts of the 83rd Legislature, Regular Session, 2013, are amended to read as follows:

(a) A peace officer or county employee may inspect a business in the county to determine the number of amusement redemption machines or machines described by Section 234.131(2)(B) subject to regulation under this subchapter that are located on the premises of the business.

(b) A peace officer or county employee may inspect any business in which six or more amusement redemption machines or machines described by Section 234.131(2)(B) are located to determine whether the business is in compliance with this subchapter or regulations adopted under this subchapter.

Explanation: This addition is necessary to ensure that authorized counties can regulate game rooms that operate amusement machines for which prizes exceed the value otherwise allowed by law to promote the public health, safety, and welfare.

HR 3374 was adopted by (Record 1746): 126 Yeas, 15 Nays, 2 Present, not voting.

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

Nays — Anderson, R.; Ashby; Cook; Elkins; Fallon; Krause; Phillips; Rinaldi; Sanford; Schaefer; Simpson; Stephenson; Tinderholt; Turner, E.S.; White, M.

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

Absent, Excused — Anderson, C.

Absent — Dukes; Huberty; Klick; Laubenberg; Stickland; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1746 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

When Record No. 1746 was taken, I was in the house but away from my desk. I would have voted yes.

Klick

When Record No. 1746 was taken, I was in the house but away from my desk. I would have voted yes.

Laubenberg

When Record No. 1746 was taken, I was in the house but away from my desk. I would have voted no.

Stickland

SB 866 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative G. Bonnen submitted the conference committee report on **SB 866**.

Representative G. Bonnen moved to adopt the conference committee report on **SB 866**.

The motion to adopt the conference committee report on **SB 866** prevailed by (Record 1747): 118 Yeas, 25 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burrows; Button; Canales; Clardy; Coleman; Collier; Craddick; Crownover; 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; Hernandez; Herrero; Howard; Hughes; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Koop; Kuempel; Larson; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Ashby; Bell; Burns; Capriglione; Cook; Cyrier; Fallon; Harless; Hunter; Krause; Landgraf; Leach; Metcalf; Murr; Phillips; Rinaldi; Sanford; Schaefer; Stephenson; Stickland; Tinderholt; Turner, E.S.; White, M.; Zedler.

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

Absent, Excused — Anderson, C.

Absent — Dukes; Huberty; Klick; Laubenberg.

STATEMENTS OF VOTE

When Record No. 1747 was taken, I was shown voting yes. I intended to vote no.

Button

When Record No. 1747 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

When Record No. 1747 was taken, I was in the house but away from my desk. I would have voted no.

Klick

When Record No. 1747 was taken, I was in the house but away from my desk. I would have voted yes.

Laubenberg

When Record No. 1747 was taken, I was shown voting yes. I intended to vote no.

Smithee

When Record No. 1747 was taken, I was shown voting no. I intended to vote yes.

Zedler

RESOLUTIONS ADOPTED

Representative Harless moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions.

The motion prevailed.

The following resolutions were laid before the house:

HR 3229 (by Fletcher), Commemorating the 20th anniversary of Los Carnales/La Familia Motorcycle Club.

HR 3235 (by Kacal), Commemorating the 150th anniversary of the abolition of slavery in Texas and the 2015 Juneteenth celebration in Limestone County.

HR 3257 (by Vo), Commemorating the 97th Republic Day in Azerbaijan on May 28, 2015.

HR 3299 (by K. King), Congratulating retired U.S. Marine Corps Lieutenant Colonel Roy Holland Elrod on his 96th birthday.

HR 3301 (by K. King), Congratulating doubles teams from Tulia High School on their championship wins at the 2015 University Interscholastic League Tennis State Tournament.

HR 3302 (by K. King), Congratulating the Canadian High School boys' 4x400-meter relay team members on their silver-medal finish at the 2015 UIL Track & Field State Meet.

HR 3303 (by K. King), Congratulating Clarendon College on graduating its first class of registered nurses.

HR 3304 (by Hughes), Congratulating Wayland and Bobbie Voyles of Mineola on their 60th wedding anniversary.

HR 3305 (by Hughes), Congratulating Jacky Mayfield on his induction into the East Texas Coaches Association Hall of Honor.

HR 3307 (by Peña), Congratulating Vianey Espinoza on her graduation from Pasadena Early College High School as a member of the Class of 2015.

HR 3308 (by J. Rodriguez), Congratulating Edgewood ISD on earning a Performance Excellence Program Achievement Award from the Texas Association of School Business Officials.

HR 3309 (by J. Rodriguez), Congratulating the Memorial High School Band in San Antonio on earning a 2015 SupportMusic Merit Award from the NAMM Foundation.

HR 3310 (by Y. Davis), Commending Darrell Williams II on his graduation from the Thurgood Marshall School of Law at Texas Southern University.

HR 3313 (by K. King), Congratulating Mollie Mounsey and Stetson Chadwick of Follett High School on their outstanding performances at the 2015 UIL Track & Field State Meet.

HR 3317 (by Martinez Fischer), Commemorating the 60th anniversary of Univision 41 in San Antonio.

HR 3318 (by Paul), Congratulating Annika Kailyn Gunderson on graduating Summa Cum Laude from Clear Falls High School.

HR 3320 (by Harless), Congratulating Keith Markuson on his retirement as director of the Klein High School Orchestra.

HR 3321 (by Rose), Congratulating Naomi Cox Andrews on her selection as the 2015 Thurgood Marshall School of Law Alumnus of the Year.

HR 3322 (by Herrero), Commemorating the 2015 Cottonfest in Robstown.

HR 3323 (by Herrero), Celebrating the opening of The Outlets at Corpus Christi Bay in Robstown.

HR 3324 (by Herrero), Congratulating Darlene Miller on her graduation from Hardin-Simmons University.

HR 3325 (by Crownover), Congratulating Kaska Watson on earning a master of public health degree in epidemiology from The University of Texas at Austin.

HR 3326 (by Peña), Commending Rachel Hernandez for her service as a legislative aide in the office of State Representative Gilbert Peña.

HR 3327 (by Peña), Commending Katherine Smart for her service as a legislative aide in the office of State Representative Gilbert Peña.

HR 3328 (by Peña), Honoring Robert Guerra for his service as a legislative intern in the office of State Representative Gilbert Peña.

HR 3329 (by Meyer), Congratulating Kelly Bentley on her selection as the 2015-2016 Teacher of the Year at Hyer Elementary School in Dallas.

HR 3330 (by Meyer), Congratulating Chandler Carter and Elizabeth Porter of Highland Park High School on winning the 2015 UIL Class 6A girls' doubles tennis state championship.

HR 3331 (by Naishtat), Commending Emily Willis for her service as a legislative intern in the office of State Representative Elliott Naishtat.

HR 3332 (by Fallon), Congratulating The Colony High School on its successful drama season.

HR 3333 (by Nevárez), Commending Nathaniel Rubio for his service as a legislative assistant in the office of State Representative Poncho Nevárez.

HR 3335 (by C. Anderson), Commending local, state, and federal law enforcement officers for their swift and forceful response to the incident in Waco on May 17, 2015.

HR 3336 (by E. Thompson), Congratulating Walter and Carole Wright of Pearland on their 50th wedding anniversary.

HR 3338 (by Wu), Congratulating Brian J. Fischer on his receipt of a 2015 President's Award from the Houston Bar Association.

HR 3339 (by Wu), Congratulating Judge Michael Schneider of the 315th District Court on his receipt of a 2015 President's Award from the Houston Bar Association.

The resolutions were adopted.

RESOLUTIONS ADOPTED

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

The motion prevailed.

The following resolutions were laid before the house:

HR 3259 (by C. Anderson), In memory of Gerald W. Bolfiging of Waco.

HR 3306 (by Hughes), In memory of the Reverend Lonnie Charles Bell, Sr., of Pittsburg.

HR 3312 (by Price), In memory of Dr. Winfred Moore of Amarillo.

HR 3319 (by Morrison), In memory of Waylan J. Brannan, Sr., of Victoria.

HR 3337 (by Hughes), In memory of Robert Russell Dunavant.

HR 3340 (by Hughes), In memory of Pauline Conner Wright of Baytown.

HR 3341 (by Hughes), In memory of Frances Correne Henson Parker of Sulphur Springs.

HR 3342 (by Hughes), In memory of Pauline Counts Hargrove of Mount Pleasant.

HR 3343 (by Hughes), In memory of Donald Glen Banks of Mount Pleasant.

HR 3344 (by Hughes), In memory of Raymond Luther Roy of Mount Pleasant.

HR 3345 (by Hughes), In memory of Sue Roberts Steed of Mount Pleasant.

The resolutions were unanimously adopted by a rising vote.

RESOLUTIONS ADOPTED

Representative Guillen moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions.

The motion prevailed.

The following resolutions were laid before the house:

HR 3346 (by Hughes), Honoring Jose and Guadalupe Banda of Mount Pleasant on their 60th wedding anniversary.

HR 3347 (by Hughes), Congratulating David and Gloria Duncan of Mount Pleasant on their 50th wedding anniversary.

HR 3352 (by Sanford), Commending the Baylor University chapter of Zeta Tau Alpha for its philanthropy and recognizing its newly initiated members.

HR 3354 (by Price), Recognizing September 27, 2015, as Gold Star Mother's Day.

HR 3355 (by Price), Congratulating Dr. Jack Thompson on his retirement from the Amarillo ISD Board of Trustees.

HR 3356 (by Price), Commending Julia Tisch for her service as a student intern in the office of State Representative Four Price.

HR 3357 (by Herrero), Congratulating the Class of 2015 at Solomon M. Coles High School and Education Center on its graduation.

HR 3359 (by Herrero), Commemorating the opening of the new Robstown City Hall building.

HR 3362 (by Flynn), Congratulating the Greenville Middle School Gigabots teams on winning the 2015 CREATE U.S. Open Robotics Championship - VEX middle school division.

HR 3368 (by Lozano), Recognizing May 10 through 16, 2015, as National Hospital Week and honoring Care Regional Medical Center in Aransas Pass.

HR 3369 (by Lozano), Commemorating the 2015 Labor Day Fest BBQ Cook-off in Mathis.

HR 3373 (by González), Congratulating Jasmine Gonzalez of El Dorado High School in El Paso on her admission into Subiendo: The Academy for Rising Leaders at The University of Texas at Austin.

HR 3376 (by González), Congratulating Vianey Rueda of San Elizario High School on her selection as a 2015 Gates Millennium Scholar.

HR 3377 (by Farias), Honoring Oliver C. Dack of Bexar County for 40 years of community service.

HR 3378 (by E. Rodriguez), Commending Sergeant Adam Johnson of the Austin Police Department for stopping a shooting rampage in downtown Austin.

HR 3380 (by G. Bonnen), Honoring Theodore Wellington Jones of League City for his service during World War II.

HR 3386 (by Otto), Honoring the participants in the Sam Houston State University 2015 Austin Internship Program.

HR 3388 (by Minjarez), Congratulating Robert Scott Bartlett of San Antonio on his graduation from the Texas School for the Deaf.

HR 3389 (by Klick), Congratulating Deanna Zimmerman on her retirement from the office of State Representative Bill Zedler.

HR 3390 (by E. Rodriguez), Honoring the members of Minorities in Government Auditing Services.

HR 3391 (by Paddie), Congratulating Joy Smith Jones of Marshall on the occasion of her 90th birthday.

HR 3393 (by Rinaldi), Honoring the BAPS Shri Swaminarayan Mandir in Irving.

HR 3396 (by Nevárez), Commending Isaiah Carter for his service as a legislative intern in the office of State Representative Poncho Nevárez.

HR 3397 (by Huberty), Congratulating James Gasper of Galveston on his 80th birthday.

HR 3399 (by Márquez), Commending Capitol Nurse Tim Flynn for his service to the legislators and state employees of the Capitol Complex.

HR 3400 (by Márquez), Honoring the staff of the Texas Legislative Council.

HR 3401 (by Gutierrez), Commending Marcos Madrigal for his service as a legislative aide in the office of State Representative Roland Gutierrez.

HR 3402 (by Kacal), Commending Dr. Emma Y. Lee for her service to the city of Kosse.

HR 3403 (by Reynolds), Honoring the Missouri City Juneteenth Celebration Foundation.

HR 3405 (by Ashby), Commending the staff of the office of the House Journal Clerk.

HR 3406 (by Ashby), Congratulating the Normangee High School boys' golf team on winning the 2015 UIL Class 2A state championship.

HR 3407 (by Geren), Honoring the house sergeant-at-arms and his staff.

HR 3408 (by Geren), Commending the House Business Office.

HR 3409 (by C. Anderson), Recognizing the honorees at the 2014 Crawford Fall Sports Banquet.

HR 3410 (by J. White), Congratulating the Livingston High School percussion trio on their 5A first division rating at the 2015 UIL State Solo-Ensemble Contest.

HR 3411 (by Paddie), Commending the officers and staff of Region VII of the Texas Department of Public Safety for their work in protecting the Capitol Complex in Austin.

HR 3412 (by Vo), Commending the Chief Clerk's Office.

The resolutions were adopted.

RESOLUTIONS ADOPTED

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

The motion prevailed.

The following resolutions were laid before the house:

HR 3358 (by Herrero), In memory of longtime Corpus Christi resident Jane Chapman Owen.

HR 3364 (by Moody), In memory of Joe Monsivais of El Paso.

HR 3370 (by E. Rodriguez), In memory of Andrew Reyes Ramirez of Austin.

HR 3379 (by Guerra), In memory of Nelson Reyes Salinas, governmental affairs manager for the Texas Association of Business and former legislative staff member.

HR 3392 (by Rinaldi), In memory of Betty Lanfer of Coppel.

HR 3398 (by D. Bonnen), In memory of Joseph Timothy Ros of Ashwood.

The resolutions were unanimously adopted by a rising vote.

RESOLUTIONS ADOPTED

Representative Murr moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions.

The motion prevailed.

The following resolutions were laid before the house:

HR 3414 (by Burkett), Commemorating the one-year anniversary of Restoring Lives Bible Fellowship Church in Garland.

HR 3415 (by D. Miller), Congratulating Chase Whiting of Fredericksburg High School on her success in the Class 4A 300- and 100-meter hurdles at the 2015 UIL Track & Field State Meet.

HR 3417 (by K. King), Commending the House Research Organization for its work during the 84th Legislative Session.

HR 3420 (by Alonzo), Paying tribute to the life of author and literary icon Gloria Anzaldúa.

HR 3422 (by Alonzo), Honoring the House Committee Coordinator's Office.

HR 3423 (by Allen), Commending the House Research Organization for its work during the 84th Legislative Session.

HR 3427 (by Blanco), Congratulating Jose and Nellie Balderrama on their 65th anniversary.

HR 3429 (by Price), Commending Audrey Claire Rhyneron for her service as a student intern in the office of State Representative Four Price.

HR 3431 (by Smithee), Congratulating Bryan Polanco on being named salutatorian of the Class of 2015 at Caprock High School.

HR 3432 (by Smithee), Congratulating Seanpaul Mark Renteria on being named valedictorian of the Class of 2015 at Caprock High School.

HR 3433 (by Smithee), Congratulating Taylor Chase Bentley on being named salutatorian of the Class of 2015 at Amarillo High School.

HR 3434 (by Smithee), Congratulating Christopher David Wilhelm on being named valedictorian of the Class of 2015 at Amarillo High School.

HR 3435 (by Johnson), Commending Democratic Party precinct chair Barbara Rosenberg of Precinct 1076 in Dallas County.

HR 3436 (by Guerra), Commending Rick Diaz for his contributions to KRGV-TV and to the people of the Rio Grande Valley on the occasion of his retirement.

HR 3438 (by Gutierrez), Commending Arnold R. Alaniz II for his service as legislative director in the office of State Representative Roland Gutierrez.

HR 3440 (by Fletcher), Congratulating Colton L. Buckley of Gatesville on the conclusion of his term as the student regent on the board of regents of The Texas A&M University System.

HR 3441 (by Guillen), Congratulating the H. Yturria Land & Cattle Co. for receiving a Lone Star Land Steward Award from the Texas Parks and Wildlife Department.

HR 3442 (by Guillen), Commemorating the 50th anniversary of Coastal Bend College.

HR 3443 (by Gutierrez), Congratulating Rodrigo Solloa on his graduation from The University of Texas at Austin and commending him for his service as a legislative aide in the office of State Representative Roland Gutierrez.

HR 3444 (by Guillen), Congratulating the members of the Tilden FFA ag mechanics team on being named grand champions at the 2015 San Angelo, San Antonio, and Houston Agricultural Mechanics Shows.

HR 3445 (by Y. Davis), Congratulating Jessie M. Hopkins on her selection as the Carver Heights Baptist Church Woman of the Year.

HR 3446 (by Meyer), Honoring Ron Haddock of Dallas for his volunteer service to the American Heart Association.

HR 3447 (by Guillen), Commending Jimmy Magel for his service on the Pleasanton City Council.

HR 3448 (by Villalba), Honoring Michael Blair for his service as legislative director in the office of State Representative Jason Villalba.

HR 3449 (by Hughes), Congratulating Texas singer and songwriter Kacey Musgraves on her achievements.

HR 3450 (by Hughes), Congratulating Miranda Lambert on her four wins at the 2015 Academy of Country Music Awards.

HR 3452 (by Hughes), Honoring Kenneth Threlkeld of Tyler for his 50 years in the insurance business and for his civic leadership.

HR 3454 (by Hughes), Congratulating David J. Maland of Tyler on his retirement as clerk of the United States District Court for the Eastern District of Texas.

The resolutions were adopted.

RESOLUTIONS ADOPTED

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

The motion prevailed.

The following resolutions were laid before the house:

HR 3416 (by Phillips), In memory of Bonnie Sue Pierson of Austin.

HR 3418 (by Krause), In memory of Victor D. Puente, Sr., of Fort Worth.

HR 3424 (by Hughes), In memory of Janell Horton of Mount Pleasant.

HR 3426 (by S. Turner), In memory of Robert Wayne "Bob" Strauser of Austin.

HR 3428 (by Price), In memory of Dr. B. Leigh Browning of Amarillo.

HR 3451 (by Hughes), In memory of Mary Katherine Scott of Mineola.

HR 3453 (by Hughes), In memory of Peggy Attaway Shelton Lunsford of Pittsburg, Texas.

HR 3455 (by Hughes), In memory of Marion T. Pearson.

HR 3456 (by Hughes), In memory of Daniel E. Banda of Mount Pleasant.

The resolutions were unanimously adopted by a rising vote.

(Speaker in the chair)

HB 1690 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative P. King submitted the following conference committee report on **HB 1690**:

Austin, Texas, May 28, 2015

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1690** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Huffman
Creighton
Nelson
Nichols

P. King
Kuempel
D. Bonnen
S. Davis

On the part of the senate

On the part of the house

HB 1690, A bill to be entitled An Act relating to the investigation and prosecution of offenses against public administration, including ethics offenses.

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

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. PUBLIC INTEGRITY UNIT

Sec. 411.0251. DEFINITIONS. In this subchapter:

(1) "Offense" means a prohibited act for which state law imposes a criminal or civil penalty.

(2) "Prosecuting attorney" means a district attorney, criminal district attorney, or county attorney.

(3) "State agency" means a department, commission, board, office, council, authority, or other agency in the executive branch of state government that is created by the constitution or a statute of this state, including a university system or institution of higher education as defined by Section 61.003, Education Code.

(4) "State employee" means an individual, other than a state officer, who is employed by:

(A) a state agency;

(B) the Supreme Court of Texas, the Court of Criminal Appeals of Texas, a court of appeals, or the Texas Judicial Council; or

(C) either house of the legislature or a legislative agency, council, or committee, including the Legislative Budget Board, the Texas Legislative Council, the State Auditor's Office, and the Legislative Reference Library.

(5) "State officer" means an elected officer, an appointed officer, a salaried appointed officer, an appointed officer of a major state agency, or the executive head of a state agency.

Sec. 411.0252. OFFENSES AGAINST PUBLIC ADMINISTRATION. For purposes of this subchapter, the following are offenses against public administration:

(1) an offense under Title 8, Penal Code, committed by a state officer or a state employee in connection with the powers and duties of the state office or state employment;

(2) an offense under Chapter 301, 302, 571, 572, or 2004 committed by a state officer or a state employee in connection with the powers and duties of the state office or state employment or by a candidate for state office;

(3) an offense under Chapter 573 committed by a state officer in connection with the powers and duties of the state office; and

(4) an offense under Title 15, Election Code, committed in connection with:

(A) a campaign for or the holding of state office; or

(B) an election on a proposed constitutional amendment.

Sec. 411.0253. PUBLIC INTEGRITY UNIT. (a) The Texas Rangers division of the department shall establish and support a public integrity unit.

(b) On receiving a formal or informal complaint regarding an offense against public administration or on request of a prosecuting attorney or law enforcement agency, the public integrity unit may perform an initial investigation into whether a person has committed an offense against public administration.

(c) The Texas Rangers have authority to investigate an offense against public administration, any lesser included offense, and any other offense arising from conduct that constitutes an offense against public administration.

(d) If an initial investigation by the public integrity unit demonstrates a reasonable suspicion that an offense against public administration occurred, the matter shall be referred to the prosecuting attorney of the county in which venue is proper under Section 411.0256 or Chapter 13, Code of Criminal Procedure, as applicable.

(e) The public integrity unit shall, on request of the prosecuting attorney described by Subsection (d), assist the attorney in the investigation of an offense against public administration.

Sec. 411.0254. NOTIFICATION REGARDING DISPOSITION OF CASE. The prosecuting attorney shall notify the public integrity unit of:

(1) the termination of a case investigated by the public integrity unit; or

(2) the results of the final disposition of a case investigated by the public integrity unit, including the final adjudication or entry of a plea.

Sec. 411.0255. RECUSAL OF PROSECUTING ATTORNEY; SELECTION OF PROSECUTING ATTORNEY BY PRESIDING JUDGE OF ADMINISTRATIVE JUDICIAL REGION. (a) In this section, "judges" means the presiding judges of the administrative judicial regions.

(b) A prosecuting attorney may request that the court with jurisdiction over the complaint permit the attorney to recuse himself or herself for good cause in a case investigated under this subchapter, and on submitting the notice of recusal, the attorney is disqualified.

(c) Following the recusal of a prosecuting attorney under Subsection (b), the judges shall appoint a prosecuting attorney from another county in that administrative judicial region by majority vote. A prosecuting attorney selected under this subsection has the authority to represent the state in the prosecution of the offense.

(d) The prosecutor selected under this section may pursue a waiver to extend the statute of limitations by no more than two years. If the waiver adds less than two years to limitations, the prosecutor may pursue a successive waiver for good cause shown to the court, providing that the total time of all waivers does not exceed two years.

Sec. 411.0256. VENUE. Notwithstanding Chapter 13, Code of Criminal Procedure, or other law, if the defendant is a natural person, venue for prosecution of an offense against public administration and lesser included offenses arising from the same transaction is the county in which the defendant resided at the time the offense was committed.

Sec. 411.0257. RESIDENCE. For the purposes of this subchapter, a person resides in the county where that person:

(1) claims a residence homestead under Chapter 41, Property Code, if that person is a member of the legislature;

(2) claimed to be a resident before being subject to residency requirements under Article IV, Texas Constitution, if that person is a member of the executive branch of this state;

(3) claims a residence homestead under Chapter 41, Property Code, if that person is a justice on the supreme court or judge on the court of criminal appeals; or

(4) otherwise claims residence if no other provision of this section applies.

Sec. 411.0258. COOPERATION OF STATE AGENCIES AND LOCAL LAW ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a state agency or local law enforcement agency shall cooperate with the public integrity unit and prosecuting attorney by providing resources and information requested by the unit as necessary to carry out the purposes of this subchapter.

(b) Information disclosed under this section is confidential and not subject to disclosure under Chapter 552.

Sec. 411.0259. SUBPOENAS. (a) In connection with an investigation of an alleged offense against public administration, the public integrity unit may issue a subpoena to compel the production, for inspection or copying, of relevant evidence that is in this state.

(b) A subpoena may be served personally or by certified mail.

(c) If a person fails to comply with a subpoena, the public integrity unit, acting through the general counsel of the department, may file suit to enforce the subpoena in a district court in this state. On finding that good cause exists for issuing the subpoena, the court shall order the person to comply with the subpoena. The court may punish a person who fails to obey the court order.

SECTION 2. Chapter 41, Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. PAYMENTS FOR PUBLIC INTEGRITY PROSECUTIONS

Sec. 41.351. DEFINITIONS. In this subchapter:

(1) "Offense against public administration" means an offense described by Section 411.0252.

(2) "Prosecuting attorney" means a county attorney, district attorney, or criminal district attorney.

Sec. 41.352. PAYMENT FOR EXTRAORDINARY COSTS OF PROSECUTION. The comptroller shall pay from funds appropriated to the comptroller's judiciary section, from appropriations made specifically for enforcement of this section, reasonable amounts incurred by a prosecuting attorney for extraordinary costs of prosecution of an offense against public administration.

SECTION 3. Sections 301.027(b) and (c), Government Code, are amended to read as follows:

(b) If the president of the senate or speaker receives a report or statement of facts as provided by Subsection (a), the president of the senate or speaker shall certify the statement of facts to the appropriate prosecuting [Travis County district] attorney as provided under Section 411.0253(d) under the seal of the senate or house of representatives, as appropriate.

(c) The prosecuting [Travis County district] attorney to whom a statement of facts is certified under Subsection (a) or the prosecutor selected under Section 411.0255, if applicable, shall bring the matter before the grand jury for action. If the grand jury returns an indictment, the prosecuting [district] attorney shall prosecute the indictment.

SECTION 4. Section 411.022, Government Code, is amended by adding Subsection (c) to read as follows:

(c) An officer of the Texas Rangers has the authority to investigate offenses against public administration prosecuted under Subchapter B-1.

SECTION 5. (a) Not later than three months after the effective date of this Act, the Department of Public Safety shall establish the public integrity unit under Subchapter B-1, Chapter 411, Government Code, as added by this Act.

(b) Subchapter B-1, Chapter 411, Government Code, as added by this Act, applies only to the investigation and prosecution of an offense under Subchapter B-1, Chapter 411, Government Code, committed on or after the date that the Department of Public Safety establishes the public integrity unit. For purposes of this subsection, an offense is committed if any element of the offense occurs before the date described by this subsection.

(c) The prosecution of an offense committed before the date described in Subsection (b) of this section is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 6. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 7. This Act takes effect September 1, 2015.

HB 1690 - REMARKS

REPRESENTATIVE S. TURNER: I rise to speak in opposition to **HB 1690**, dealing with the Public Integrity Unit. Let me just start off by saying that the Public Integrity Unit, of course, has always been an agency of contention for a long time—in terms of where it was located, the fact that the prosecutions were taking place here in Travis County. But with few exceptions they have done an outstanding job in doing their jobs, in doing their jobs well. And a small percentage of their cases really only deal with public elected officials anyway. Most of their cases deal with other matters, and there's been no issue with that at all. What we are doing in **HB 1690**, we are dismantling the Public Integrity Unit as it has been configured for a long, long time. Let me tell you what my concerns are, and then I'll take my seat.

One, now we are creating a Public Integrity Unit within DPS. I argued yesterday that we were turning DPS into a super mega agency, and we are doing just that. DPS is continuing to grow. There will be more FTEs with DPS. The cost of the appropriation will continue to increase to DPS. So DPS is now becoming a super agency, and it will continue to grow and grow and grow. That's number one.

Number two, I find it very difficult, even as a lawyer, for DPS—which is a part of the executive branch—to be investigating cases that may fall within the executive branch. I just think that creates a major, major conflict, even greater than what people perceive as a conflict right now with the Public Integrity Unit being housed in Travis County. So putting these cases within the executive branch within DPS, I think, is a serious mistake.

Thirdly, the statewide elected officials—in terms of the venue section—will be tried in the county of the resident at the time the offense is committed. And this isn't whether you're republican or democrat; it doesn't even matter. Politics will change. Politics is fluid. But we just had a bill on the floor where there will be a constitutional amendment going to the voters in November allowing statewide elected officials to live anywhere they want to live in the State of Texas. They can establish their own residence. Well, that directly goes to what we're setting up as **HB 1690**, because if a statewide elected official can live in Harris County or live in Hidalgo County or live in Bexar County or live in Dallas County, that is where the investigations will occur. You cannot separate these two from what we are doing in **HB 1690**. And so I think we are making a huge, huge mistake there.

And then, number four. There was an amendment placed on Representative Phil King's bill in the house—in fact, the amendment that I put in place—that said if you have multiple state employees that are being investigated that you would keep all of them in the same venue, that we would not force the prosecutors to set up cases all over the State of Texas. For example, if you had one employee living in Travis, one employee living in Harris County, one living in Dallas, but they were part of the same transaction, they would still be investigated in the same venue in Travis County. We put that on the house side. Under this bill coming from the conference committee report, if you've got three employees, and they live in three different counties, then the litigation and the trials would take place in three different counties even though they are a part of the same transaction. That doesn't make any sense. It's not cost-efficient. It doesn't lend itself to judicial efficiency. It simply doesn't make sense.

What we are doing in **HB 1690**, for whatever reason—if we want to say that we don't want people investigated, if we want to say that people can commit crimes, but we want them to go free, then fine. Let's just say that. But to put forth **HB 1690** and to give some sort of impression to the people in the State of Texas that we are not handling cases that involve elected officials or state employees or state staff or people of the executive committee differently than normal Texans are treated, I think that is just absurd. We are creating different standards for people who are up here that people back in our counties and our districts do not have. **HB 1690** is bad policy. It, quite frankly, just doesn't make any sense based on substantive reasons and based on the merits. Now, politically, that's one thing. **HB 1690** is a political bill. **HB 1690** is not a bill for justice and equity and fairness. It is a political document. That's all it is, and that's what we're voting on. And for that—this is not the sort of legacy I want to leave behind, and I will gladly vote no on **HB 1690**.

REPRESENTATIVE NAISHTAT: Sylvester, you were saying that a relatively small percentage of cases that are prosecuted by the Public Integrity Unit deal with elected officials.

S. TURNER: It's a small percentage, but we're making changes because of that small percentage.

NAISHTAT: What are some of the areas where the Public Integrity Unit has an outstanding record in prosecuting that have nothing to do—

S. TURNER: Like on insurance, motor fuel type cases—in those cases, they have an outstanding record. They do an excellent job. No one questions that. No one has ever questioned that.

NAISHTAT: And have they not developed an extensive amount of experience in prosecuting those cases?

S. TURNER: They have a high level of expertise. And now we're shifting cases back to the agencies or others whose expertise may not nearly be as great, and they may have to call on those in Travis County for assistance in handling those cases.

NAISHTAT: And ultimately, because of what you've been describing will happen, it will probably end up costing the people of Texas and the state a lot more money than we spend now prosecuting these cases.

S. TURNER: Representative Naishtat, two things can happen. It will either cost more because expertise is not there. Or two, we simply will not investigate and prosecute those cases. It's going to be one or the other. This bill, I think, runs the risk of forcing us simply to ignore cases that should be investigated and prosecuted, because we are decentralizing the agency, and we are placing it in places where there is no expertise. And, quite frankly, the resources are not going to be there in order to investigate them. Or we are putting them in places where it becomes very difficult for the executive branch to be investigating cases that fall within the purview of the executive branch. And then we're putting it with an agency like DPS that we have already turned into a mega agency, and now we're turning it into a super agency.

DPS cannot be all things to all people. It cannot take care of driver's licenses, border security, now Public Integrity Unit, and all the other things that we have given to them. Why not give TEA to DPS? Why not give all of these other matters that we do to DPS? If DPS is now the love of everyone's life—that we don't care how big it becomes—then let's just keep rolling things into DPS, and let them do the job for all of us. There was a time when people were afraid of big government. And there was a time in the Texas House when we were concerned about agencies becoming too big. That time has now passed us, and now we're willing to create these mega agencies to do everything when it would be very difficult for any of us to get any sort of control or demand any sort of accountability. That's my concern. You cannot have DPS doing everything for all people and serving all purposes.

NAISHTAT: Well, you have very legitimate concerns.

REPRESENTATIVE GIDDINGS: Representative Turner, a few days ago on this house floor we were talking about recording of legislators and that kind of thing. And someone got up to the microphone with an amendment to change the provision of the law that we were passing—the bill that we were passing—because they said we were creating a special class for legislators. Does this bill create a special class?

S. TURNER: It is creating a special class. No question about that. We are handling ourselves and those who are either state elected officials or elected officials or public officials—we're handling ourselves differently than the rest of Texans will have to experience if they are accused of committing any sort of crime.

GIDDINGS: So we often talk in this legislature about special classes. We also talk about accountability. Do you believe that **HB 1690** will result in less accountability because state officers and state employees will give defendants a home field advantage?

S. TURNER: No question about that.

GIDDINGS: And in some cases, it's going to cost a lot more money, because if witnesses are in one place, and the trial is in some other place—are we then going to have these witnesses be required to travel to wherever this prosecution is going to take place?

S. TURNER: Let me give you an example. I carried a bill on the floor dealing with civil sex offenders. We changed the way those cases are being handled. We now force those cases to go back to the counties in which these people reside. A part of what we did—we also said that these counties can then tap into additional grant funding because they may not have the expertise to handle these particular cases. We did that then. We're doing now in **HB 1690** a similar thing. And now we're forcing counties where people reside to be responsible for handling those cases where they may not have the expertise. It will cost more for them to get up to speed. They're going to have to tap into more resources. And if they don't have the resources in order to get the expertise, then they are not going to investigate these cases even though there may be a considerable amount of merit to these cases.

GIDDINGS: So one of two things is going to happen. We're going to have to pay a lot of money, or they are going to refuse to do it.

S. TURNER: That is correct.

GIDDINGS: In fact, I think what we're doing here is setting up a system of cronyism in terms of—

S. TURNER: We are providing a disincentive for investigation of these types of claims. And if that's the intent, fine. People need to say that. If we don't want these types of claims or cases investigated, then we're doing a pretty good job in **HB 1690**, because **HB 1690** sets up a disincentive.

GIDDINGS: And is there a good possibility that from a small town, the prosecutor and the defendant might know each other?

S. TURNER: I think that is subject to happen whether it's a small town or a large town.

REPRESENTATIVE GUTIERREZ: Colleagues, I want to be very brief with you, because I know that we all want to get on with our Saturday afternoon. When we discussed this bill a couple of weeks ago, we discussed the idea of who was doing the investigating, and I think that Chairman Turner made it very clear that DPS was doing the investigating. When I asked Representative King who was doing the investigating—a few months ago, six weeks ago—I said, can a local law enforcement do the investigating? He said, sure. But if you look at this bill, it says that if a state agency other than the Texas Rangers has primary responsibility for investigation of a complaint, the Texas Rangers shall provide assistance if assistance is requested by the state. I don't know what other state agency they're talking about. So when the City of San Antonio Police Department wants to investigate public integrity issues, then this bill is saying that they can't, and that's not what was told to us six weeks ago. That's not what was told to us six weeks ago. So if my Tea Party DA, let's say, wants to investigate a

republican—because that'll happen one day. You're going to find yourselves with a Tea Party DA. You're going to find yourselves—I remember a day in Potter County when I had a democrat DA and a republican judge fighting it out. Politics is politics. Well, just hold on, because this is political, and one day that Tea Party DA might think you did something wrong. I know you all are going to vote for this, but you might want to watch out for those unintended consequences. And this political bill—this bill seeking to find a problem that doesn't exist—is going to have some unintended consequences that are going to cause problems for a lot of innocent legislators. Legislators that did nothing wrong but for the fact that a party—if you want to call the Tea Party a party—a lot of people that are out of control and sick with power will go out and try to diminish and tarnish the lives of those around you. And this is the vehicle by which it will happen. So if you want that to happen, go ahead and vote yes on this.

REPRESENTATIVE P. KING: This has really been a very collaborative effort. We've actually even worked very closely with Gregg Cox over at the Public Integrity Unit. It's a very good bill, and I would just ask for your adoption of the conferees' report.

REPRESENTATIVE SIMPSON: Can you explain to this body what we're doing with respect to state employees? Are we treating them with a special class, like ourselves, where they can only be prosecuted in the county of their residence when they commit crimes of the nature that are in this bill?

P. KING: Page 3, lines 3 through 7 of the bill says: on receiving a formal or informal complaint regarding an offense against public administration. Again, we're only talking about crimes of public administration.

SIMPSON: But if you commit a crime of public administration here or on the border, no matter where it is, it's in the county of residence?

P. KING: I'm trying to answer your question if you'll just allow me to, please. On the request of the prosecuting attorney or any law enforcement agency, the Public Integrity Unit may perform an initial investigation into whether the person has committed an offense. So the reason we said "may" is because we have state agencies that already do their own investigations. We have law enforcement agencies that already do their own investigations, which has worked seamlessly for 100-plus years in Texas. For example, we have our OIGs. And what we didn't want and the Rangers didn't want and the departments didn't want—nobody wanted for all of a sudden the Texas Rangers to be doing every single investigation. All we wanted them doing was taking over those unique, high-profile investigations that had been done statewide by a single elected official in a single county in the State of Texas. So what you're going to see is the OIG and TDI or in the comptroller's office—they're going to keep doing what they've been doing. The Fort Worth Police Department, if they have a bribery case, they're going to continue to investigate and handle it. Now, if the Rangers do the investigation, if they find reasonable suspicion, then they'll take that case to the prosecuting attorney in the county where the defendant resides, which for—if they're a state employee working in Travis County, it's probably Travis

County. And Travis County gets to continue to do those prosecutions like they always have. If it was—I don't want to name names—but if it was, say, for the director of DPS, he would be prosecuted in Travis County. The director of another agency residing in Travis County would be prosecuted in Travis County.

SIMPSON: Mr. King, what about crimes against public administration—of bribery or of official oppression—that elected officials such as ourselves or our employees in our offices may commit here in Austin or on a trip to the border or somewhere else in the state? For you and me, will they only be prosecuted if they're from Parker County or from Gregg County? Is that the venue only and not the place where the crime was committed?

P. KING: Well, first off, where's the crime committed? Let's pretend that David Simpson goes to Dallas and takes a bribe. I know that would never happen, but let's pretend that Representative Simpson went to Dallas County and took a bribe. When you did that crime in Dallas County, it wasn't a crime against the citizens of Dallas County. It was a crime against the people of Texas, as you are a state official. You then would be prosecuted in front of and by the people that put you in office, that put you in that position of a state official.

SIMPSON: Is that how other normal citizens here in the State of Texas—

P. KING: There are numerous venue requirements that—

SIMPSON: I think we're creating a special class for us and for our elected employees, and I will oppose this bill.

P. KING: If you go to the Code of Criminal Procedure, in the venue section there are numerous different ways that venue is set, and in many cases it is where the defendant resides.

GUTIERREZ: Representative King, I just wanted to get some questions set aside for legislative intent. When we were here six weeks ago, you said that other law enforcement agencies could indeed undertake these investigations on the local level. In the bill itself it says, "if a state agency other than the Texas Rangers." So my question is—

P. KING: I'm sorry, where are you reading in the bill?

GUTIERREZ: I'm reading page 3, line 9. So my question to you is this: Is my Bexar County Sheriff's Office considered another state agency that could perform these investigations?

P. KING: The Bexar County—

GUTIERREZ: Any county sheriff's office—is that another state agency that is allowed to perform these investigations should they want to?

P. KING: Certainly, they can. They can perform any public integrity investigation.

GUTIERREZ: Okay, I wanted to make sure that that's the case. The San Antonio Police Department or the Houston Police Department—is that considered another state agency for purposes of what you intend to do with this legislation?

P. KING: If a public official commits a bribe and San Antonio PD wants to investigate it and handle it, they absolutely can.

GUTIERREZ: Okay, so you are not limiting, in any way, investigations by any other entity, as long as it's—

P. KING: That's why it says "may" in line 6.

GUTIERREZ: I know that, but on line 9 it says that "if a state agency other than the Texas Rangers"—

P. KING: I think you may have an old copy of the bill. Are you on—

GUTIERREZ: I'm looking at the senate amendments.

P. KING: Well, if you would look at the final conference committee report, the bill text—I think you're reading an old copy there.

GUTIERREZ: Okay, and that's fine if I'm reading an old copy as long as we're clear that a local law enforcement agency can do these investigations, and we are not bound and limited by DPS.

P. KING: No question at all, absolutely.

GUTIERREZ: And you understand that I'm still voting no for this bill, and we've discussed why. But I want to make it very clear that this is in no way limiting the investigation solely to DPS.

P. KING: I appreciate you asking the question, because there shouldn't be any confusion to that at all.

Representative P. King moved to adopt the conference committee report on **HB 1690**.

The motion to adopt the conference committee report on **HB 1690** prevailed by (Record 1748): 96 Yeas, 51 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Israel; Johnson; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent — Dukes.

REMARKS ORDERED PRINTED

Representative Wu moved to print all remarks on **HB 1690**.

The motion prevailed.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

ADDRESS BY REPRESENTATIVE PICKETT ON A MATTER OF PERSONAL PRIVILEGE

The chair recognized Representative Pickett who addressed the house on a matter of personal privilege, speaking as follows:

Don't worry, nothing too bad, not at all. In fact, I just want to take the time to do some background on transportation and where we're at. I know we're real busy right now, and there may not even be the questions asked about **SJR 5** later that are as important as some of the stuff I'd like to lay out. I was asked, actually yesterday, because of something that happened late. I killed my own bill yesterday, if you hadn't heard. I called a point of order on **HB 13**, and some of the members that have been tracking these things thought that that may have jeopardized **SJR 5**. And so I wanted to let them know that it does not in any shape or form, not a bit.

HB 13 left this house as a companion to **SJR 5**, and we held **HB 13** out there during all the negotiations. If we got to a point where we felt it was necessary to put in general law what we wouldn't put in the constitution, we would keep **HB 13** for that. I did have a gentleman's agreement, though, that **HB 13** would live and come back over, because there were some good things in there that you had passed on to the senate, and I had hoped that they would have stayed in. But once I filed the committee report on **SJR 5**, **HB 13** was pretty much canned. A poison pill was added to that bill, and that discussion needed to happen at a different time and place. There was an amendment there about red light cameras. And as a chairman, I try to keep myself balanced about the bills that we hear, especially if I haven't made any public comment, and I try not to. And I will tell you personally right now, there is a version possibly ending red light cameras that I—me—could support. That's not something the senate sent over. That's not something the senate really wanted to have a conversation about, and that's too bad, but that's another issue.

So yesterday, when **HB 13** became eligible, there could have been a possibility, of course, for two things to happen. I could have stood up here and said, it's a nongermane amendment; let's send it back. But I think there would have been some members in this body who would have liked to have objected to that and say, let's have a vote on concurring. And there's two sides that are very passionate about that: I want them; I don't want them. And both of those groups out there were working fervently for the last few days for a resolution. And so I decided to put it out of its misery yesterday so everybody could sleep better tonight. It's dead for the session. So I'm a little disappointed, though, that the senate let that even go on.

Now, Mr. Simmons passed a pretty important bill yesterday, **HB 20**, and he should be congratulated for that. And some of **HB 13** is in there. Some of **HB 13** is in **HB 20**, so that's good. But let me tell you what's not in **HB 20** that was in **HB 13**. We worry about additional monies going to an agency that some of us have not had a lot of confidence in over the last several years. **HB 13** directed the agency to take a look at their funding formulas. We haven't done that for a while. Last session, we had a lot of discussions about energy sector roads. They weren't included and aren't included, and that needed to be part of the process. So that's not in **HB 20**, and it's no longer **HB 13**.

One of the things extremely important to a lot of people who watch TxDOT very closely—over the last couple of years there have been some projects approved around the state that are extremely questionable. We have a 1,300 to 1,400-page document where things are put in, and hundreds of millions of dollars and billions of dollars get moved around with almost no member of the public knowing what's going on. In **HB 13** it said, you, TxDOT Commission, if you're going to do that, you need to let the public know at least 30 days before you take that action, at a public meeting, and pull it out by itself and say, we're going to move billions of dollars around. So what do you think about that? And that had another purpose—employer, employee. If an employer tells an employee, you will do this, and you will put that in that document, and that employee tries to do the right thing and say, I really don't want to do that, **HB 13** gave that employee the ability to tell an employer: I can't do that; it needs to be taken to the public. That was in **HB 13**. We no longer have that.

So what do we have? We have a new chairman over at the commission. Those of you who are freshmen may know a little bit about him, but the rest of us know Tryon Lewis. Judge Lewis is a very, very good choice in my opinion. The governor didn't ask me, but after the governor made the appointment, I sent him a note saying, you made a good choice. And he's going to be an excellent leader, I think, over at the Texas Department of Transportation. So Chairman Lewis and I did sit down over the last couple of days, and we took **HB 13**—because I will admit to you that there isn't anything in **HB 13** that Tryon Lewis and company over there cannot do. By rule, Mr. Lewis can bring up to his body—let's take a look at the funding formulas. He can do that without **HB 13**. I sat Tryon down, and he looked at some of the issues that have happened over the last couple of years. And I said, Tryon, what do you think about the idea of these big major changes being done at the last minute with no discussion, with no discussion

allowed? He said, that's not right. I said, Tryon, would you consider it—you don't have to make any solid promises to me—would you consider doing some of those changes? He said, absolutely, we're going to take a look at it. So he's going to do that. But what we could have gone home with is—I'm hoping **SJR 5** passes and passes big. We need it. It's important. The bill is good, but I also wanted to go home and tell my constituents that we didn't just give them a whole bunch more money without any other criteria. So that's where that sits.

General Weber, I know you're listening today. John Barton, I know you're listening today. The general sat here while we did the appropriations process. And I want to try to help with some of the relationships in this room. You rural folks have a very good relationship with your district engineer. Those of you who are involved in the MPO process may have. The rest of you don't even know your district engineer. General Weber—I love giving generals orders—by Monday, general, I would like a letter sent to every member of the legislature with the name and personal contact of their district engineer so that you can build that relationship. And I believe he will do that. And again, back as the new chair, I think he is going to develop the talents of the members that he has right now. We have a new member, Mr. Bruce Bugg, so some new blood. Tryon is the new chairman. You've got Victor Vandergriff as a commissioner. I think he is one of the most intelligent people, period. I think he's one of the smartest persons I've ever met. Then you've got Jeff Moseley who's got this background in public service. He needs to be utilized. And then you've got Jeff Austin, the happy banker. How many of you know Jeff Austin? The guy is a great guy. He needs to be let loose. He needs to be given some more authority over some of the financing over there. And just like a sports analogy, coaches put people where their talents suit them best. I think Tryon can draw that out of the three commissioners that are still there. I think he can put them where they're best needed, and I believe that's going to happen. Now, this is more positive than negative—in fact, very little negative. It's going to be very positive.

On to **SJR 5** for a moment. The speaker may not have realized it, but he lent me two of his most talented employees. He let me have Andrew Blifford and Brady Franks. He lent them to me. They're not my staff; they're speaker's staff. We went through countless rungs—and this is in the middle of all the appropriations process that Chairman Otto had them running to. So when they left their offices, I got a little bit of time with them. So they were really, really stressed and working all crazy hours. Now, leading up to where we are today—and **SJR 5**, in just a moment. I don't think it's something that today a lot of accolades for getting this to the floor are due, unless you go back two years. We're here because of the public telling us. Eighty percent said Prop 1 was important, so we're riding off of the initiative of that success. But I will tell you, two years ago it took us three special sessions, eight attempts, to get 100 people here. So those that worked on this—like Chairman Larry Phillips, Chairman Darby, Representative Harless—do you have any idea what these people have been doing the last several years? Chairman Darby brought something to this floor, which took a lot of courage, to get people to talk about it. Donna Howard stood up in the Democratic Caucus pushing for Prop 1 last session. Lyle Larson

has been filing bills to end diversions for many years. So we're here because there are people working behind the scenes trying to make transportation extremely important and on everybody's mind.

So what, so far, has happened? And I want to recap, because, again, we were pretty rowdy when the appropriations bill happened. Mr. Otto and company did the best they could, and you're going to wind up with something better than we had before. There was some additional general revenue that was originally in the bill that had left. The senate had some, and because we're spending like drunken sailors, they kind of had to reduce some of that and look at the reality coming in a couple of years. So there's not necessarily additional cash, but there is. What Larry Gonzales did on his subcommittee, with Mr. Otto's support, is they did end the transfers out of Fund 6 that we call diversions. They're legal. They're appropriate by the constitution, but this Appropriations Committee limited those. That's \$1.2 billion in round numbers that is a direct increase to TxDOT and their budget. So you can go home and automatically say \$1.2 billion is going to be inputted into the system.

You also did some other things that you need to take credit for. You passed **HB 122**. It went to the senate; they passed it. It's waiting for the governor's signature. What was that? Some of us from both sides of the aisle are conservative. We have three sources that we've been borrowing money from for transportation. I recommended that we turn off one of those sources because it's a revolving credit card. The other two sources have dollar specific in statute that we can't go above, but this revolving fund has been abused, in my opinion, and you have said, let's turn it off. Let's hold tight and not increase the debt. In the budget that you passed this session you will not be increasing the debt for transportation and, again, that's to Mr. Otto and company's help. You also did something else. There's a lot of people that are into this—it's now toll roads. All of a sudden we need to stop them. Well, I'm not a big fan, but you can't just do it overnight. We don't even know how much that would cost to do. You passed another bill out of here that went to the senate, that the senate has passed, that's waiting for the governor's signature, that says, TxDOT, you will inventory everything that we have. Look at any low hanging fruit. If there's something that can go away, make a recommendation, and you come back to the legislature with a plan. You tell us what it's going to cost because nobody knows. We've never actually done it. So if we're going to end toll roads, instead of just putting forward a bill that says end them, wouldn't you like to know what that costs and how long it would take to do? It would be hard just to pass something just automatically like that. So there's so many things to date—to date—that you've done that you can go home and take credit for. So with that, Mr. Speaker, I'd like to back off from the mic for a moment and hope that you would lay out **SJR 5**.

HR 3385 - ADOPTED
(by Pickett)

The following privileged resolution was laid before the house:

HR 3385

BE IT RESOLVED by the House of Representatives of the State of Texas, 84th Legislature, Regular Session, 2015, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SJR 5** (proposing a constitutional amendment dedicating a portion of the revenue derived from the state sales and use tax and the tax imposed on the sale, use, or rental of a motor vehicle to the state highway fund) to consider and take action on the following matter:

House Rule 13, Section 9(a)(1), is suspended to permit the committee to change text not in disagreement in proposed SECTION 3 of the resolution to read as follows:

This proposed constitutional amendment shall be submitted to the voters at an election to be held November 3, 2015.

Explanation: This change is necessary to provide that the election on the proposed constitutional amendment will be held on November 3, 2015.

HR 3385 was adopted by (Record 1749): 146 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Simpson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent — Dukes.

SJR 5 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Pickett submitted the conference committee report on **SJR 5**.

SJR 5 - REMARKS

REPRESENTATIVE PICKETT: If you'll pull up on your screens, you can actually pull up the FAS system. And if you'll look under documents, I think it is, house documents—I put a recap up there so that you could follow along with me. I just got a text from the Department of Motor Vehicles. They just said that they are saving **HB 13** as a license plate for me. I thought you'd like to know that. Okay, let me lay this out, and I hope there's questions, because I want us all to be clear so that when we're done here and if we're successful in this, you have something that you can tell your constituents. Not everybody gets everything that they wanted—the bill that went out of here, the bill that came over from the senate—but I think we have a really good mixture of what we can proudly vote for and ask the public for their support. What **SJR 5** says is that out of general sales tax, and this is general sales tax, not motor vehicle sales tax, because this is a broader base—everybody who uses transportation infrastructure participates in sales tax. We also have a base of \$28 billion in this constitutional amendment to help with the concerns of Mr. Otto and others that if we should tank and the economy drops, there will be a dollar for dollar match. So we must be at \$28 billion before we can transfer anything into the highway fund. It'll be up to \$2.5 billion. So if it's \$30 billion in two years, we'll transfer \$2 billion. If it's \$32 billion, we will transfer \$2.5 billion. We will not transfer the difference; we'll just transfer up to \$2.5 billion. That's the first part of this bill.

Now, here's where the senate wanted to see a growth factor a little different than what we proposed. The senate is saying out of the motor vehicle sales tax and rental fees, that once we're over \$5 billion collected there, 35 percent over that \$5 billion—so whatever the number is—you hit \$5 billion, and then once you go over \$5 billion, 35 percent of that will be dedicated to Fund 6. The difference here is we're recommending that this does not start for two more years. The \$2.5 billion would happen—if the public accepts this, it would begin next session. And with the numbers that we're anticipating, it looks like it will be a solid \$2.5 billion starting after this is successful. The 35 percent would start in 2020. Now, we have a couple of other provisions here. On the \$2.5 billion, the bill says for 15 years, and then after the 15 years, by majority vote, we can extend in 10-year periods. And we need to come back and discuss this. We can't just take this off the table and not discuss it anymore. We haven't done anything with the gas tax since '91. So we're saying, we come back each 10 years and proactively continue it, and that will be the same on the 35 percent. We're saying, go out 10 years on that and then—again, with a majority vote—you can extend it 10. And the way we set this up, members, we will be discussing this because we offset it. There will be a discussion no less than every five years, which is a good idea.

Now, one more provision that was put in this in case things really, really, really go bad—by a two-thirds vote of the house and senate, we could reduce either one of those numbers, either one of those transfers, by 50 percent. So if two-thirds say we really need the money for something else, we can reduce the \$2.5 billion to \$1.25 billion. By two-thirds vote we can reduce that 35 percent. Whatever the dollar amount is, we can reduce that by 50 percent. So that's the

belt and suspenders in case we have something really, really terrible happen. And I mentioned the things that complement this bill with **HB 20** and those other things. And before I take any questions, I also want to thank the governor's office. They lent some staff, too—Steven Albright, Chuy Gonzalez, and Daniel Hodge, as well. It was refreshing to have them involved.

REPRESENTATIVE HOWARD: I have to say that your personal privilege speech was one of the best descriptions I've had of an issue, and I really, really appreciate your taking the time to give us the big perspective, because, as you know, there are so many things going on. It's very hard to keep up with all of the different issues. So that was extremely helpful, and I'm very appreciative. And I also intend to vote for this bill. I think you've done a great job, but I do want to ask a few questions about it. You chose \$28 billion as the cutoff point before we would start taking funds for TxDOT out of the sales tax. And why did you choose \$28 billion?

PICKETT: Two reasons. One, when the dollar number that we were talking about was trying to get to \$3 billion in both versions, the house got there quicker. We wanted \$3 billion quickly. The senate had several steps, but they wanted to get to \$3 billion also. We looked at the biennial revenue estimates that we're going to start in two years and subtracted that back, and we got \$28 billion. We also looked at what the current collections are and figured we did need to start in today's here and now and time. And, frankly, when you get two and four years out, if it drops below \$28 billion, it does need to probably be pulled back because lots of other things will be hurting at that time. So that's why we came up with the \$28 billion.

HOWARD: So this is based on the oft-repeated need of TxDOT to have four to five billion more dollars per year to maintain current levels of congestion, is what keeps being said. Is that what you are talking about?

PICKETT: It wasn't the only driving factor. We are trying to get as close to that. If you take the Prop 1 money, which in this current budget is \$1.2 billion a year—

HOWARD: I'm sorry, it's what now?

PICKETT: \$1.2 billion a year just started in this budget. If you take the \$1.2 billion, and you add in round numbers of about \$3 billion, we're going to be at about \$4.2 billion without growth. So we're going to be there between the four and five billion dollar number in just a matter of a couple of years.

HOWARD: And so this doesn't start until the next biennium, what you're proposing now?

PICKETT: That's correct.

HOWARD: But that would help in the event that, for one thing, we don't have as much to transfer from the Prop 1 with the change in the volatility of the severance taxes that we've been using.

PICKETT: Yes, ma'am. And on top of that, we're estimating conservatively, which we should. When that growth factor goes into play, it will grow between \$70 million and \$100 million a year besides. So there will be continued growth as long as the economy grows as well, which is different than proposals in the past.

HOWARD: And how did you come up with the 35 percent above \$5 billion for the vehicle sales?

PICKETT: Purely negotiation on doing runs—just looking at what 50 percent was, looking at two percent of general sales, looking at 40 percent. It was a number just after countless times of running what we thought was acceptable to both bodies and still had growth. So it wasn't scientific. It was more of what we thought we could live with and what was fair and what everybody thought that will work. That's as best as I can get to.

HOWARD: Okay, well, I did notice in the BRE when I was looking for some information here—since about 1988, it was stated that the GR tax collections have been about 50 percent of the sales taxes that have made up our GR tax collections. And that it's estimated in this next biennium that we are voting on—16th, 17th biennium—that it will actually be 63 percent of the share. So certainly the sales tax revenue is anticipated to increase significantly above what it's been.

PICKETT: You're correct.

HOWARD: And your concern has been that we have not set aside a certain amount of sustainable funding for transportation, and this is a way to address that. Is that correct?

PICKETT: Yes, ma'am. That is correct.

HOWARD: Again, as I say, I totally support what you're doing. At the same time that we're doing this, we've also been making some reductions this session in some of our tax revenue, specifically with the tax cuts for property taxes and franchise taxes, which as I guess you know, do you not, that that goes to paying for public schools?

PICKETT: Yes ma'am. And, Ms. Howard, we ran scenarios like that ourselves. I actually did several of the sky's falling scenarios. We ran them on the sales tax. We did them on the motor vehicle sales tax. So in the negotiations, this is why we wound up where we are. None of us believed that it's always going to be great, so we ran those, and we came up with this to live through some of that—and that's also why the suspenders.

REMARKS ORDERED PRINTED

Representative Zedler moved to print all remarks on **SJR 5** and remarks by Representative Pickett.

The motion prevailed.

Representative Pickett moved to adopt the conference committee report on **SJR 5**.

The motion to adopt the conference committee report on **SJR 5** prevailed by (Record 1750): 142 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; 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; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; 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; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Dutton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent — Burrows; Dukes; Elkins; Johnson; Miles.

STATEMENT OF VOTE

When Record No. 1750 was taken, my vote failed to register. I would have voted yes.

Burrows

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

(Simmons in the chair)

RESOLUTIONS ADOPTED

Representative S. Thompson moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions.

The motion prevailed.

The following resolutions were laid before the house:

HR 3381 (by S. Thompson), Commending Alex Gamez, Jr., for his service as a legislative intern in the office of State Representative Senfronia Thompson.

HR 3382 (by S. Thompson), Commending Sharda Womack for her service in the office of State Representative Senfronia Thompson as a participant in the Texas Legislative Internship Program.

HR 3383 (by S. Thompson), Commending Jessica Rodriguez for her service as a legislative intern in the office of State Representative Senfronia Thompson.

The resolutions were adopted.

HCR 144 - ADOPTED
(by R. Anderson)

The following privileged resolution was laid before the house:

HCR 144

WHEREAS, **HB 2404** 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 2404** in SECTION 5 of the bill by striking the effective date of September 1, 2015, and substituting the effective date of January 1, 2016.

HCR 144 was adopted by (Record 1751): 145 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Simpson.

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

Absent, Excused — Anderson, C.

Absent — Dukes.

**HB 2206 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2206, A bill to be entitled An Act relating to transfer of the oversight of the Texas State Cemetery to the State Preservation Board.

Representative Crownover moved to discharge the conferees and concur in the senate amendments to **HB 2206**.

The motion to discharge the conferees and concur in the senate amendments to **HB 2206** prevailed by (Record 1752): 144 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Anderson, C.

Absent — Bonnen, D.; Dukes; McClendon.

STATEMENT OF VOTE

When Record No. 1752 was taken, I was shown voting yes. I intended to vote no.

Craddick

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 2206** (house engrossment) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Subchapter F, Chapter 2165, Government Code, is amended by adding Section 2165.2565 to read as follows:

Sec. 2165.2565. STATE CEMETERY PRESERVATION TRUST FUND.

(a) The State Cemetery preservation trust fund is created as a trust fund outside the state treasury to be held with the comptroller in trust. The State Preservation Board shall administer the fund as trustee on behalf of the people of this state.

The fund consists of money:

(1) transferred or appropriated to the fund; and

(2) received by the State Cemetery Committee under Section 2165.256(s) and deposited to the fund by the State Preservation Board for the committee.

(b) The interest received from investment of money in the fund shall be credited to the fund.

(c) Money in the fund may be used only to:

(1) maintain, renovate, make major repairs or capital improvements to, or preserve the State Cemetery, as determined by the State Preservation Board; or

(2) acquire land in close proximity to the State Cemetery for expansion of the cemetery.

SECTION _____. Notwithstanding Section 222.002, Transportation Code, or any other law, as soon as practicable after the sale of property that is the subject of Section 2165.256(b-1), Government Code, as that section existed immediately before the effective date of this Act, the comptroller of public accounts shall transfer from the state highway fund to the State Cemetery preservation trust fund, as created by this Act, an amount of money equal to the portion of the proceeds attributable to the sale of that property that is required to be deposited by the Texas Department of Transportation in a subaccount in the state highway fund for use by the State Preservation Board for the State Cemetery Committee under the terms of a memorandum of understanding entered into between the department and the State Cemetery Committee.

SECTION _____. To the extent of any conflict, this Act controls over another Act of the 84th Legislature, Regular Session, 2015, that is enacted and becomes law, relating to the creation of the State Cemetery preservation trust fund.

Senate Amendment No. 2 (Senate Floor Amendment No. 1)

Amend Committee Amendment No. 1 to **HB 2206** (senate committee report), on page 1, line 24, between "Board" and "shall", insert ", in consultation with the State Cemetery Committee,".

**HB 786 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 786, A bill to be entitled An Act relating to the right of a public employee to express breast milk in the workplace.

Representative Walle moved to discharge the conferees and concur in the senate amendments to **HB 786**.

The motion to discharge the conferees and concur in the senate amendments to **HB 786** prevailed by (Record 1753): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Anderson, C.

Absent — Dukes; Flynn; McClendon; Zedler.

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

Amend **HB 786** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 619.004(2), Government Code (page 1, line 50), between "a" and "bathroom", insert "multiple user".

(2) In SECTION 1 of the bill, following added Section 619.005, Government Code (page 1, between lines 56 and 57) insert the following:

Sec. 619.006. NO CAUSE OF ACTION CREATED. This chapter does not create a private or state cause of action against a public employer.

HB 2398 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative J. White submitted the following conference committee report on **HB 2398**:

Austin, Texas, May 28, 2015

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2398** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Whitmire
Huffman
West
Nichols
Nelson

J. White
Dutton
Price
Wu

On the part of the senate

On the part of the house

HB 2398, A bill to be entitled An Act relating to court jurisdiction and procedures relating to truancy; establishing judicial donation trust funds; providing criminal penalties; imposing a court cost.

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

SECTION 1. Article 4.14(g), Code of Criminal Procedure, is amended to read as follows:

(g) A municipality may enter into an agreement with a contiguous municipality or a municipality with boundaries that are within one-half mile of the municipality seeking to enter into the agreement to establish concurrent jurisdiction of the municipal courts in the municipalities and provide original jurisdiction to a municipal court in which a case is brought as if the municipal court were located in the municipality in which the case arose, for:

(1) all cases in which either municipality has jurisdiction under Subsection (a); and

(2) cases that arise under Section 821.022, Health and Safety Code~~;~~ ~~or Section 25.094, Education Code~~].

SECTION 2. Articles 45.0216(f) and (g), Code of Criminal Procedure, are amended to read as follows:

(f) The court shall order the conviction, together with all complaints, verdicts, sentences, and prosecutorial and law enforcement records, and any other documents relating to the offense, expunged from the person's record if the court finds that:

(1) for a person applying for the expunction of a conviction for an offense described by Section 8.07(a)(4) or (5), Penal Code, the person was not convicted of any other offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child; and

(2) for a person applying for the expunction of a conviction for an offense described by Section 43.261, Penal Code, the person was not found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(7) [~~51.03(b)(8)~~], Family Code, while the person was a child.

(g) This article does not apply to any offense otherwise covered by:

(1) Chapter 106, Alcoholic Beverage Code; or

(2) Chapter 161, Health and Safety Code~~;~~ ~~or~~

~~(3) Section 25.094, Education Code~~].

SECTION 3. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Articles 45.0531 and 45.0541 to read as follows:

Art. 45.0531. DISMISSAL OF PARENT CONTRIBUTING TO NONATTENDANCE CHARGE. Notwithstanding any other law, a county, justice, or municipal court, at the court's discretion, may dismiss a charge against a defendant alleging the defendant committed an offense under Section 25.093, Education Code, if the court finds that a dismissal would be in the interest of justice because:

- (1) there is a low likelihood of recidivism by the defendant; or
- (2) sufficient justification exists for the failure to attend school.

Art. 45.0541. EXPUNCTION OF FAILURE TO ATTEND SCHOOL RECORDS. (a) In this article, "truancy offense" means an offense committed under the former Section 25.094, Education Code.

(b) An individual who has been convicted of a truancy offense or has had a complaint for a truancy offense dismissed is entitled to have the conviction or complaint and records relating to the conviction or complaint expunged.

(c) Regardless of whether the individual has filed a petition for expunction, the court in which the individual was convicted or a complaint for a truancy offense was filed shall order the conviction, complaints, verdicts, sentences, and other documents relating to the offense, including any documents in the possession of a school district or law enforcement agency, to be expunged from the individual's record. After entry of the order, the individual is released from all disabilities resulting from the conviction or complaint, and the conviction or complaint may not be shown or made known for any purpose.

SECTION 4. Article 45.056(a), Code of Criminal Procedure, as amended by Chapters 1213 (**SB 1419**) and 1407 (**SB 393**), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a) On approval of the commissioners court, city council, school district board of trustees, juvenile board, or other appropriate authority, a county court, justice court, municipal court, school district, juvenile probation department, or other appropriate governmental entity may:

(1) employ a case manager to provide services in cases involving juvenile offenders who are before a court consistent with the court's statutory powers or referred to a court by a school administrator or designee for misconduct that would otherwise be within the court's statutory powers prior to a case being filed, with the consent of the juvenile and the juvenile's parents or guardians;

(2) employ one or more juvenile case managers who:

(A) shall assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases; and

(B) may provide:

(i) prevention services to a child considered at risk of entering the juvenile justice system; and

(ii) intervention services to juveniles engaged in misconduct before cases are filed, excluding traffic offenses; or

(3) agree in accordance with Chapter 791, Government Code, with any appropriate governmental entity to jointly employ a case manager or to jointly contribute to the costs of a case manager employed by one governmental entity to provide services described by Subdivisions (1) and (2).

SECTION 5. Article 102.014(d), Code of Criminal Procedure, is amended to read as follows:

(d) A person convicted of an offense under Section 25.093 [~~or 25.094~~], Education Code, shall pay as taxable court costs \$20 in addition to other taxable court costs. The additional court costs under this subsection shall be collected in the same manner that other fines and taxable court costs in the case are collected.

SECTION 6. (a) Section 7.111(a), Education Code, as amended by Chapters 339 (**HB 2058**) and 1217 (**SB 1536**), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted to read as follows:

(a) The board shall provide for the administration of high school equivalency examinations.

(b) Section 7.111(a-1), Education Code, is amended to conform to the amendment of Section 7.111(a), Education Code, by Chapter 1217 (**SB 1536**), Acts of the 83rd Legislature, Regular Session, 2013, and is further amended to read as follows:

(a-1) A person who does not have a high school diploma may take the examination in accordance with rules adopted by the board if the person is:

- (1) over 17 years of age;
- (2) 16 years of age or older and:

(A) is enrolled in a Job Corps training program under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.), and its subsequent amendments;

(B) a public agency providing supervision of the person or having custody of the person under a court order recommends that the person take the examination; or

(C) is enrolled in the Texas Military Department's [adjutant general's department's] Seaborne Challenge Corps; or

(3) required to take the examination under a court order issued under Section 65.103(a)(3), Family Code.

SECTION 7. Section 25.085, Education Code, is amended by amending Subsections (b), (e), and (f) and adding Subsections (g) and (h) to read as follows:

(b) Unless specifically exempted by Section 25.086, a child who is at least six years of age, or who is younger than six years of age and has previously been enrolled in first grade, and who has not yet reached the child's 19th [~~18th~~] birthday shall attend school.

(e) A person who voluntarily enrolls in school or voluntarily attends school after the person's 19th [~~18th~~] birthday shall attend school each school day for the entire period the program of instruction is offered. A school district may revoke for the remainder of the school year the enrollment of a person who has more than five absences in a semester that are not excused under Section 25.087, except a school district may not revoke the enrollment of a person under this

subsection on a day on which the person is physically present at school. A person whose enrollment is revoked under this subsection may be considered an unauthorized person on school district grounds for purposes of Section 37.107.

(f) The board of trustees of a school district may adopt a policy requiring a person described by Subsection (e) who is under 21 years of age to attend school until the end of the school year. Section 65.003(a), Family Code, does not apply [25.094 applies] to a person subject to a policy adopted under this subsection. Sections 25.093 and 25.095 do not apply to the parent of a person subject to a policy adopted under this subsection.

(g) After the third unexcused absence of a person described by Subsection (e), a school district shall issue a warning letter to the person that states the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester.

(h) As an alternative to revoking a person's enrollment under Subsection (e), a school district may impose a behavior improvement plan described by Section 25.0915(a-1)(1).

SECTION 8. Sections 25.091(a) and (b), Education Code, are amended to read as follows:

(a) A peace officer serving as an attendance officer has the following powers and duties concerning enforcement of compulsory school attendance requirements:

(1) to investigate each case of a violation of compulsory school attendance requirements referred to the peace officer;

(2) to enforce compulsory school attendance requirements by:

(A) applying truancy prevention measures adopted under Section 25.0915 to the student; and

(B) if the truancy prevention measures fail to meaningfully address the student's conduct:

(i) referring the student to a truancy court [~~juvenile court or filing a complaint against the student in a county, justice, or municipal court~~] if the student has unexcused absences for the amount of time specified under Section 65.003(a) [25.094 or under Section 51.03(b)(2)], Family Code; or

(ii) filing a complaint in a county, justice, or municipal court against a parent who violates Section 25.093;

(3) to serve court-ordered legal process;

(4) to review school attendance records for compliance by each student investigated by the officer;

(5) to maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board of trustees of a school district, or the commissioner, to provide a record to the individual or entity requesting the record; and

(6) to make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that a peace officer may not enter a residence without the permission of the parent of a

student required under this subchapter to attend school or of the tenant or owner of the residence except to lawfully serve court-ordered legal process on the parent~~;~~ ~~and~~

~~[(7) to take a student into custody with the permission of the student's parent or in obedience to a court ordered legal process].~~

(b) An attendance officer employed by a school district who is not commissioned as a peace officer has the following powers and duties with respect to enforcement of compulsory school attendance requirements:

(1) to investigate each case of a violation of the compulsory school attendance requirements referred to the attendance officer;

(2) to enforce compulsory school attendance requirements by:

(A) applying truancy prevention measures adopted under Section 25.0915 to the student; and

(B) if the truancy prevention measures fail to meaningfully address the student's conduct:

(i) referring the student to a truancy court ~~[juvenile court or filing a complaint against the student in a county, justice, or municipal court]~~ if the student has unexcused absences for the amount of time specified under Section 65.003(a) ~~[25.094 or under Section 51.03(b)(2)]~~, Family Code; and

(ii) filing a complaint in a county, justice, or municipal court against a parent who violates Section 25.093;

(3) to monitor school attendance compliance by each student investigated by the officer;

(4) to maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board of trustees of a school district, or the commissioner, to provide a record to the individual or entity requesting the record;

(5) to make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that the attendance officer may not enter a residence without permission of the parent or of the owner or tenant of the residence; and

(6) at the request of a parent, to escort a student from any location to a school campus to ensure the student's compliance with compulsory school attendance requirements~~;~~ ~~and~~

~~[(7) if the attendance officer has or is informed of a court ordered legal process directing that a student be taken into custody and the school district employing the officer does not employ its own police department, to contact the sheriff, constable, or any peace officer to request that the student be taken into custody and processed according to the legal process].~~

SECTION 9. Section 25.0915, Education Code, is amended to read as follows:

Sec. 25.0915. TRUANCY PREVENTION MEASURES~~;~~ ~~REFERRAL AND FILING REQUIREMENT].~~ (a) A school district shall adopt truancy prevention measures designed to:

(1) address student conduct related to truancy in the school setting before the student engages in conduct described by Section 65.003(a), Family Code; and

(2) minimize the need for referrals to truancy [juvenile] court for conduct described by Section 65.003(a) [51.03(b)(2)], Family Code; and

[3] minimize the filing of complaints in county, justice, and municipal courts alleging a violation of Section 25.094].

(a-1) As a truancy prevention measure under Subsection (a), a school district shall take one or more of the following actions:

(1) impose:

(A) a behavior improvement plan on the student that must be signed by an employee of the school, that the school district has made a good faith effort to have signed by the student and the student's parent or guardian, and that includes:

(i) a specific description of the behavior that is required or prohibited for the student;

(ii) the period for which the plan will be effective, not to exceed 45 school days after the date the contract becomes effective; or

(iii) the penalties for additional absences, including additional disciplinary action or the referral of the student to a truancy court; or

(B) school-based community service; or

(2) refer the student to counseling, mediation, mentoring, a teen court program, community-based services, or other in-school or out-of-school services aimed at addressing the student's truancy.

(a-2) A referral made under Subsection (a-1)(2) may include participation by the child's parent or guardian if necessary.

(a-3) A school district shall offer additional counseling to a student and may not refer the student to truancy court if the school determines that the student's truancy is the result of:

(1) pregnancy;

(2) being in the state foster program;

(3) homelessness; or

(4) being the principal income earner for the student's family.

(a-4) If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described by Section 25.0951(a), the school district shall initiate truancy prevention measures under this section on the student.

(b) Each referral to truancy [juvenile] court for conduct described by Section 65.003(a) [51.03(b)(2)], Family Code, [or complaint filed in county, justice, or municipal court alleging a violation by a student of Section 25.094] must:

(1) be accompanied by a statement from the student's school certifying that:

(A) the school applied the truancy prevention measures adopted under Subsection (a) or (a-4) to the student; and

(B) the truancy prevention measures failed to meaningfully address the student's school attendance; and

(2) specify whether the student is eligible for or receives special education services under Subchapter A, Chapter 29.

(c) A truancy court shall dismiss a petition filed by a truant conduct prosecutor under Section 65.054, Family Code, if the court determines that the school district's referral:

~~(1) does [complaint or referral made by a school district under this section that is] not comply [made in compliance] with Subsection (b);~~

~~(2) does not satisfy the elements required for truant conduct;~~

~~(3) is not timely filed, unless the school district delayed the referral under Section 25.0951(d); or~~

~~(4) is otherwise substantively defective.~~

(d) Except as provided by Subsection (e), a school district shall employ a truancy prevention facilitator or juvenile case manager to implement the truancy prevention measures required by this section and any other effective truancy prevention measures as determined by the school district or campus. At least annually, the truancy prevention facilitator shall meet to discuss effective truancy prevention measures with a case manager or other individual designated by a truancy court to provide services to students of the school district in truancy cases.

(e) Instead of employing a truancy prevention facilitator, a school district may designate an existing district employee or juvenile case manager to implement the truancy prevention measures required by this section and any other effective truancy prevention measures as determined by the school district or campus.

(f) The agency shall adopt rules:

(1) creating minimum standards for truancy prevention measures adopted by a school district under this section; and

(2) establishing a set of best practices for truancy prevention measures.

(g) The agency shall adopt rules to provide for sanctions for a school district found to be not in compliance with this section.

SECTION 10. Section 25.0916, Education Code, is amended by amending Subsections (a), (c), (f), (h), and (i) and adding Subsection (c-1) to read as follows:

(a) This section applies only to a county with two or more courts hearing truancy cases and two or more school districts~~[-~~

~~(1) with a population greater than 1.5 million; and~~

~~(2) that includes at least:~~

~~[(A) 15 school districts with the majority of district territory in the county; and~~

~~[(B) one school district with a student enrollment of 50,000 or more and an annual dropout rate spanning grades 9-12 of at least five percent, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education].~~

(c) Unless the county has already adopted a uniform truancy policy under this section, not ~~[Not]~~ later than January ~~[September]~~ 1, 2016 ~~[2013]~~, the county judge or the county judge's designee and the mayor of the municipality in the county with the greatest population or the mayor's designee shall each appoint one member to serve on the committee as a representative of each of the following:

- (1) a juvenile ~~[district]~~ court;
- (2) a municipal court;
- (3) the office of a justice of the peace;
- (4) the superintendent or designee of an independent school district;
- (5) an open-enrollment charter school, if one exists in the county;
- (6) the office of the prosecutor with original truancy jurisdiction in the county ~~[district attorney]~~; and
- (7) the general public.

(c-1) In addition to the members listed in Subsection (c), the chief juvenile probation officer or the officer's designee serves on the committee. The county judge or the county judge's designee and the mayor of the municipality in the county with the greatest population or the mayor's designee may make additional appointments as needed.

(f) Unless a county has already adopted a uniform truancy policy under this section, not ~~[Not]~~ later than May ~~[September]~~ 1, 2016 ~~[2014]~~, the committee shall recommend:

- (1) a uniform process for filing truancy cases with truancy courts ~~[the judicial system]~~;
- (2) uniform administrative procedures;
- (3) uniform deadlines for processing truancy cases;
- (4) a local plan with strategies to address truancy, including effective prevention, intervention, and diversion methods to reduce truancy and referrals to a truancy ~~[county, justice, or municipal]~~ court;
- (5) a system for tracking truancy information and sharing truancy information among school districts, ~~[and]~~ open-enrollment charter schools, truancy courts, juvenile courts, and juvenile probation departments in the county; and

(6) any changes to statutes or state agency rules the committee determines are necessary to address truancy.

(h) The committee's presiding officer shall issue a report not later than December 1, 2017 ~~[2015]~~, to the county judge and mayor of the municipality with the greatest population in the county on the implementation of the recommendations and compliance with state truancy laws by a school district located in the county.

(i) This section expires January 1, 2018 ~~[2016]~~.

SECTION 11. Section 25.093, Education Code, is amended by amending Subsections (a) and (c) and adding Subsection (c-1) to read as follows:

(a) If a warning is issued as required by Section 25.095(a), the parent with criminal negligence fails to require the child to attend school as required by law, and the child has absences for the amount of time specified under Section 65.003(a), Family Code ~~[25.094]~~, the parent commits an offense.

(c) An offense under Subsection (a) is a ~~[Class C]~~ misdemeanor, punishable by fine only, in an amount not to exceed:

(1) \$100 for a first offense;

(2) \$200 for a second offense;

(3) \$300 for a third offense;

(4) \$400 for a fourth offense; or

(5) \$500 for a fifth or subsequent offense.

(c-1) Each day the child remains out of school may constitute a separate offense. Two or more offenses under Subsection (a) may be consolidated and prosecuted in a single action. If the court orders deferred disposition under Article 45.051, Code of Criminal Procedure, the court may require the defendant to provide personal services to a charitable or educational institution as a condition of the deferral.

SECTION 12. Sections 25.095(a), (b), and (c), Education Code, are amended to read as follows:

(a) A school district or open-enrollment charter school shall notify a student's parent in writing at the beginning of the school year that if the student is absent from school on 10 or more days or parts of days within a six-month period in the same school year ~~[or on three or more days or parts of days within a four week period]~~:

(1) the student's parent is subject to prosecution under Section 25.093; and

(2) the student is subject to ~~[prosecution under Section 25.094 or to] referral to a truancy [juvenile] court [in a county with a population of less than 100,000] for truant conduct under Section 65.003(a), Family Code [that violates that section].~~

(b) A school district shall notify a student's parent if the student has been absent from school, without excuse under Section 25.087, on three days or parts of days within a four-week period. The notice must:

(1) inform the parent that:

(A) it is the parent's duty to monitor the student's school attendance and require the student to attend school; and

(B) the student ~~[parent]~~ is subject to truancy prevention measures [prosecution] under Section 25.0915 [25.093]; and

(2) request a conference between school officials and the parent to discuss the absences.

(c) The fact that a parent did not receive a notice under Subsection (a) or (b) does not create a defense ~~[to prosecution]~~ under Section 25.093 or under Section 65.003(a), Family Code [25.094].

SECTION 13. Section 25.0951, Education Code, is amended to read as follows:

Sec. 25.0951. SCHOOL DISTRICT COMPLAINT OR REFERRAL FOR FAILURE TO ATTEND SCHOOL. (a) If a student fails to attend school without excuse on 10 or more days or parts of days within a six-month period in the same school year, a school district shall within 10 school days of the student's 10th absence~~+~~

~~(1) file a complaint against the student or the student's parent or both in a county, justice, or municipal court for an offense under Section 25.093 or 25.094, as appropriate, or refer the student to a juvenile court in a county with a population of less than 100,000 for conduct that violates Section 25.094; or~~

~~(2) refer the student to a truancy [juvenile] court for truant conduct [indicating a need for supervision] under Section 65.003(a) [51.03(b)(2)], Family Code.~~

(b) If a student fails to attend school without excuse as specified by Subsection (a), a school district may file a complaint against the student's parent in a county, justice, or municipal court for an offense under Section 25.093 if the school district provides evidence of the parent's criminal negligence [If a student fails to attend school without excuse on three or more days or parts of days within a four week period but does not fail to attend school for the time described by Subsection (a), the school district may:

~~(1) file a complaint against the student or the student's parent or both in a county, justice, or municipal court for an offense under Section 25.093 or 25.094, as appropriate, or refer the student to a juvenile court in a county with a population of less than 100,000 for conduct that violates Section 25.094; or~~

~~(2) refer the student to a juvenile court for conduct indicating a need for supervision under Section 51.03(b)(2), Family Code].~~

~~(c)~~ In this subsection [section], "parent" includes a person standing in parental relation.

(c) ~~(d)~~ A court shall dismiss a complaint ~~[or referral]~~ made by a school district under Subsection (b) ~~[under this section]~~ that:

(1) does [is] not comply [made in compliance] with this section;

(2) does not allege the elements required for the offense;

(3) is not timely filed, unless the school district delayed the referral under Subsection (d); or

(4) is otherwise substantively defective.

(d) Notwithstanding Subsection (a), a school district may delay a referral of a student for truant conduct, or may choose to not refer a student for truant conduct, if the school district:

(1) is applying truancy prevention measures to the student under Section 25.0915; and

(2) determines that the truancy prevention measures are succeeding and it is in the best interest of the student that a referral be delayed or not be made.

SECTION 14. Section 25.0952, Education Code, is amended to read as follows:

Sec. 25.0952. PROCEDURES APPLICABLE TO PARENT CONTRIBUTING TO NONATTENDANCE OFFENSE [~~SCHOOL ATTENDANCE RELATED OFFENSES~~]. In a proceeding based on a complaint under Section 25.093 [~~or 25.094~~], the court shall, except as otherwise provided by this chapter, use the procedures and exercise the powers authorized by Chapter 45, Code of Criminal Procedure.

SECTION 15. Section 29.087(d), Education Code, is amended to read as follows:

(d) A student is eligible to participate in a program authorized by this section if:

(1) the student has been ordered by a court under Section 65.103, Family Code [~~Article 45.054, Code of Criminal Procedure, as added by Chapter 1514, Acts of the 77th Legislature, Regular Session, 2001~~], or by the Texas Juvenile Justice Department [~~Youth Commission~~] to:

(A) participate in a preparatory class for the high school equivalency examination; or

(B) take the high school equivalency examination administered under Section 7.111; or

(2) the following conditions are satisfied:

(A) the student is at least 16 years of age at the beginning of the school year or semester;

(B) the student is a student at risk of dropping out of school, as defined by Section 29.081;

(C) the student and the student's parent or guardian agree in writing to the student's participation;

(D) at least two school years have elapsed since the student first enrolled in ninth grade and the student has accumulated less than one third of the credits required to graduate under the minimum graduation requirements of the district or school; and

(E) any other conditions specified by the commissioner.

SECTION 16. Section 33.051(2), Education Code, is amended to read as follows:

(2) "Missing child" means a child whose whereabouts are unknown to the legal custodian of the child and:

(A) the circumstances of whose absence indicate that the child did not voluntarily leave the care and control of the custodian and that the taking of the child was not authorized by law; or

(B) the child has engaged in conduct indicating a need for supervision under Section 51.03(b)(2) [~~51.03(b)(3)~~], Family Code.

SECTION 17. Section 51.02(15), Family Code, is amended to read as follows:

(15) "Status offender" means a child who is accused, adjudicated, or convicted for conduct that would not, under state law, be a crime if committed by an adult, including:

(A) [~~truancy under Section 51.03(b)(2);~~

~~(B)~~ running away from home under Section 51.03(b)(2) ~~[51.03(b)(3)]~~;

(B) ~~(C)~~ a fineable only offense under Section 51.03(b)(1) transferred to the juvenile court under Section 51.08(b), but only if the conduct constituting the offense would not have been criminal if engaged in by an adult;

~~(D) failure to attend school under Section 25.094, Education Code;~~

(C) ~~(E)~~ a violation of standards of student conduct as described by Section 51.03(b)(4) ~~[51.03(b)(5)]~~;

(D) ~~(F)~~ a violation of a juvenile curfew ordinance or order;

(E) ~~(G)~~ a violation of a provision of the Alcoholic Beverage Code applicable to minors only; or

(F) ~~(H)~~ a violation of any other fineable only offense under Section 8.07(a)(4) or (5), Penal Code, but only if the conduct constituting the offense would not have been criminal if engaged in by an adult.

SECTION 18. Sections 51.03(a), (b), (e), and (f), Family Code, are amended to read as follows:

(a) Delinquent conduct is:

(1) conduct, other than a traffic offense, that violates a penal law of this state or of the United States punishable by imprisonment or by confinement in jail;

(2) conduct that violates a lawful order of a court under circumstances that would constitute contempt of that court in:

(A) a justice or municipal court; ~~(F)~~

(B) a county court for conduct punishable only by a fine; or

(C) a truancy court;

(3) conduct that violates Section 49.04, 49.05, 49.06, 49.07, or 49.08, Penal Code; or

(4) conduct that violates Section 106.041, Alcoholic Beverage Code, relating to driving under the influence of alcohol by a minor (third or subsequent offense).

(b) Conduct indicating a need for supervision is:

(1) subject to Subsection (f), conduct, other than a traffic offense, that violates:

(A) the penal laws of this state of the grade of misdemeanor that are punishable by fine only; or

(B) the penal ordinances of any political subdivision of this state;

(2) ~~[the absence of a child on 10 or more days or parts of days within a six month period in the same school year or on three or more days or parts of days within a four week period from school;~~

~~(3)~~ the voluntary absence of a child from the child's home without the consent of the child's parent or guardian for a substantial length of time or without intent to return;

(3) ~~(4)~~ conduct prohibited by city ordinance or by state law involving the inhalation of the fumes or vapors of paint and other protective coatings or glue and other adhesives and the volatile chemicals itemized in Section 485.001, Health and Safety Code;

(4) ~~(5)~~ an act that violates a school district's previously communicated written standards of student conduct for which the child has been expelled under Section 37.007(c), Education Code;

(5) ~~(6)~~ conduct that violates a reasonable and lawful order of a court entered under Section 264.305;

(6) ~~(7)~~ notwithstanding Subsection (a)(1), conduct described by Section 43.02(a)(1) or (2), Penal Code; or

(7) ~~(8)~~ notwithstanding Subsection (a)(1), conduct that violates Section 43.261, Penal Code.

(e) For the purposes of Subsection (b)(2) ~~(b)(3)~~, "child" does not include a person who is married, divorced, or widowed.

(f) Conduct ~~[Except as provided by Subsection (g), conduct]~~ described under Subsection (b)(1) does not constitute conduct indicating a need for supervision unless the child has been referred to the juvenile court under Section 51.08(b).

SECTION 19. Section 51.13(e), Family Code, is amended to read as follows:

(e) A finding that a child engaged in conduct indicating a need for supervision as described by Section 51.03(b)(7) ~~[51.03(b)(8)]~~ is a conviction only for the purposes of Sections 43.261(c) and (d), Penal Code.

SECTION 20. Section 54.0404(a), Family Code, is amended to read as follows:

(a) If a child is found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(7) ~~[51.03(b)(8)]~~, the juvenile court may enter an order requiring the child to attend and successfully complete an educational program described by Section 37.218, Education Code, or another equivalent educational program.

SECTION 21. Section 54.05(b), Family Code, is amended to read as follows:

(b) Except for a commitment to the Texas Juvenile Justice Department or to a post-adjudication secure correctional facility under Section 54.04011 ~~—a disposition under Section 54.0402,~~ or a placement on determinate sentence probation under Section 54.04(q), all dispositions automatically terminate when the child reaches the child's 18th birthday.

SECTION 22. Section 58.0022, Family Code, is amended to read as follows:

Sec. 58.0022. FINGERPRINTS OR PHOTOGRAPHS TO IDENTIFY RUNAWAYS. A law enforcement officer who takes a child into custody with probable cause to believe that the child has engaged in conduct indicating a need for supervision as described by Section 51.03(b)(2) ~~[51.03(b)(3)]~~ and who after reasonable effort is unable to determine the identity of the child, may fingerprint or photograph the child to establish the child's identity. On determination of the

child's identity or that the child cannot be identified by the fingerprints or photographs, the law enforcement officer shall immediately destroy all copies of the fingerprint records or photographs of the child.

SECTION 23. Section 58.003(c-3), Family Code, is amended to read as follows:

(c-3) Notwithstanding Subsections (a) and (c) and subject to Subsection (b), a juvenile court, on the court's own motion and without a hearing, shall order the sealing of records concerning a child found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(6) [~~51.03(b)(7)~~] or taken into custody to determine whether the child engaged in conduct indicating a need for supervision described by Section 51.03(b)(6) [~~51.03(b)(7)~~]. This subsection applies only to records related to conduct indicating a need for supervision described by Section 51.03(b)(6) [~~51.03(b)(7)~~].

SECTION 24. Section 58.106(a), Family Code, is amended to read as follows:

(a) Except as otherwise provided by this section, information contained in the juvenile justice information system is confidential information for the use of the department and may not be disseminated by the department except:

(1) with the permission of the juvenile offender, to military personnel of this state or the United States;

(2) to a person or entity to which the department may grant access to adult criminal history records as provided by Section 411.083, Government Code;

(3) to a juvenile justice agency;

(4) to the Texas Juvenile Justice Department [~~Youth Commission and the Texas Juvenile Probation Commission~~] for analytical purposes;

(5) to the office of independent ombudsman of the Texas Juvenile Justice Department [~~Youth Commission~~]; and

(6) to a county, justice, or municipal court exercising jurisdiction over a juvenile [~~, including a court exercising jurisdiction over a juvenile under Section 54.021~~].

SECTION 25. Section 59.003(a), Family Code, is amended to read as follows:

(a) Subject to Subsection (e), after a child's first commission of delinquent conduct or conduct indicating a need for supervision, the probation department or prosecuting attorney may, or the juvenile court may, in a disposition hearing under Section 54.04 or a modification hearing under Section 54.05, assign a child one of the following sanction levels according to the child's conduct:

(1) for conduct indicating a need for supervision, other than conduct described in Section 51.03(b)(3) or (4) [~~51.03(b)(4) or (5)~~] or a Class A or B misdemeanor, the sanction level is one;

(2) for conduct indicating a need for supervision under Section 51.03(b)(3) or (4) [~~51.03(b)(4) or (5)~~] or a Class A or B misdemeanor, other than a misdemeanor involving the use or possession of a firearm, or for delinquent conduct under Section 51.03(a)(2), the sanction level is two;

(3) for a misdemeanor involving the use or possession of a firearm or for a state jail felony or a felony of the third degree, the sanction level is three;

(4) for a felony of the second degree, the sanction level is four;

(5) for a felony of the first degree, other than a felony involving the use of a deadly weapon or causing serious bodily injury, the sanction level is five;

(6) for a felony of the first degree involving the use of a deadly weapon or causing serious bodily injury, for an aggravated controlled substance felony, or for a capital felony, the sanction level is six; or

(7) for a felony of the first degree involving the use of a deadly weapon or causing serious bodily injury, for an aggravated controlled substance felony, or for a capital felony, if the petition has been approved by a grand jury under Section 53.045, or if a petition to transfer the child to criminal court has been filed under Section 54.02, the sanction level is seven.

SECTION 26. Section 61.002(a), Family Code, is amended to read as follows:

(a) Except as provided by Subsection (b), this chapter applies to a proceeding to enter a juvenile court order:

(1) for payment of probation fees under Section 54.061;

(2) for restitution under Sections 54.041(b) and 54.048;

(3) for payment of graffiti eradication fees under Section 54.0461;

(4) for community service under Section 54.044(b);

(5) for payment of costs of court under Section 54.0411 or other provisions of law;

(6) requiring the person to refrain from doing any act injurious to the welfare of the child under Section 54.041(a)(1);

(7) enjoining contact between the person and the child who is the subject of a proceeding under Section 54.041(a)(2);

(8) ordering a person living in the same household with the child to participate in counseling under Section 54.041(a)(3);

(9) ~~requiring a parent or guardian of a child found to be truant to participate in an available program addressing truancy under Section 54.041(f);~~

~~[(10)]~~ requiring a parent or other eligible person to pay reasonable attorney's fees for representing the child under Section 51.10(e);

(10) ~~[(11)]~~ requiring the parent or other eligible person to reimburse the county for payments the county has made to an attorney appointed to represent the child under Section 51.10(j);

(11) ~~[(12)]~~ requiring payment of deferred prosecution supervision fees under Section 53.03(d);

(12) ~~[(13)]~~ requiring a parent or other eligible person to attend a court hearing under Section 51.115;

(13) ~~[(14)]~~ requiring a parent or other eligible person to act or refrain from acting to aid the child in complying with conditions of release from detention under Section 54.01(r);

(14) [(15)] requiring a parent or other eligible person to act or refrain from acting under any law imposing an obligation of action or omission on a parent or other eligible person because of the parent's or person's relation to the child who is the subject of a proceeding under this title;

(15) [(16)] for payment of fees under Section 54.0462; or

(16) [(17)] for payment of the cost of attending an educational program under Section 54.0404.

SECTION 27. The Family Code is amended by adding Title 3A to read as follows:

TITLE 3A. TRUANCY COURT PROCEEDINGS
CHAPTER 65. TRUANCY COURT PROCEEDINGS
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 65.001. SCOPE AND PURPOSE. (a) This chapter details the procedures and proceedings in cases involving allegations of truant conduct.

(b) The purpose of this chapter is to encourage school attendance by creating simple civil judicial procedures through which children are held accountable for excessive school absences.

(c) The best interest of the child is the primary consideration in adjudicating truant conduct of the child.

Sec. 65.002. DEFINITIONS. In this chapter:

(1) "Child" means a person who is 12 years of age or older and younger than 19 years of age.

(2) "Juvenile court" means a court designated under Section 51.04 to exercise jurisdiction over proceedings under Title 3.

(3) "Qualified telephone interpreter" means a telephone service that employs licensed court interpreters, as defined by Section 157.001, Government Code.

(4) "Truancy court" means a court designated under Section 65.004 to exercise jurisdiction over cases involving allegations of truant conduct.

Sec. 65.003. TRUANT CONDUCT. (a) A child engages in truant conduct if the child is required to attend school under Section 25.085, Education Code, and fails to attend school on 10 or more days or parts of days within a six-month period in the same school year.

(b) Truant conduct may be prosecuted only as a civil case in a truancy court.

(c) It is an affirmative defense to an allegation of truant conduct that one or more of the absences required to be proven have been excused by a school official or by the court or that one or more of the absences were involuntary, but only if there is an insufficient number of unexcused or voluntary absences remaining to constitute truant conduct. The burden is on the child to show by a preponderance of the evidence that the absence has been or should be excused or that the absence was involuntary. A decision by the court to excuse an absence for purposes of this subsection does not affect the ability of the school district to determine whether to excuse the absence for another purpose.

Sec. 65.004. TRUANCY COURTS; JURISDICTION. (a) The following are designated as truancy courts:

(1) in a county with a population of 1.75 million or more, the constitutional county court;

(2) justice courts; and

(3) municipal courts.

(b) A truancy court has exclusive original jurisdiction over cases involving allegations of truant conduct.

(c) A municipality may enter into an agreement with a contiguous municipality or a municipality with boundaries that are within one-half mile of the municipality seeking to enter into the agreement to establish concurrent jurisdiction of the municipal courts in the municipalities and provide original jurisdiction to a municipal court in which a truancy case is brought as if the municipal court were located in the municipality in which the case arose.

(d) A truancy court retains jurisdiction over a person, without regard to the age of the person, who was referred to the court under Section 65.051 for engaging in truant conduct before the person's 19th birthday, until final disposition of the case.

Sec. 65.005. COURT SESSIONS. A truancy court is considered to be in session at all times.

Sec. 65.006. VENUE. Venue for a proceeding under this chapter is the county in which the school in which the child is enrolled is located or the county in which the child resides.

Sec. 65.007. RIGHT TO JURY TRIAL. (a) A child alleged to have engaged in truant conduct is entitled to a jury trial.

(b) The number of jurors in a case involving an allegation of truant conduct is six. The state and the child are each entitled to three peremptory challenges.

(c) There is no jury fee for a trial under this chapter.

Sec. 65.008. WAIVER OF RIGHTS. A right granted to a child by this chapter or by the constitution or laws of this state or the United States is waived in proceedings under this chapter if:

(1) the right is one that may be waived;

(2) the child and the child's parent or guardian are informed of the right, understand the right, understand the possible consequences of waiving the right, and understand that waiver of the right is not required;

(3) the child signs the waiver;

(4) the child's parent or guardian signs the waiver; and

(5) the child's attorney signs the waiver, if the child is represented by counsel.

Sec. 65.009. EFFECT OF ADJUDICATION. (a) An adjudication of a child as having engaged in truant conduct is not a conviction of crime. An order of adjudication does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application or appointment.

(b) The adjudication of a child as having engaged in truant conduct may not be used in any subsequent court proceedings, other than for the purposes of determining an appropriate remedial action under this chapter or in an appeal under this chapter.

Sec. 65.010. BURDEN OF PROOF. A court or jury may not return a finding that a child has engaged in truant conduct unless the state has proved the conduct beyond a reasonable doubt.

Sec. 65.011. APPLICABLE STATUTES REGARDING DISCOVERY. Discovery in a proceeding under this chapter is governed by Chapter 39, Code of Criminal Procedure, other than Articles 39.14(i) and (j).

Sec. 65.012. PROCEDURAL RULES. The supreme court may promulgate rules of procedure applicable to proceedings under this chapter, including guidelines applicable to the informal disposition of truancy cases.

Sec. 65.013. INTERPRETERS. (a) When on the motion for appointment of an interpreter by a party or on the motion of the court, in any proceeding under this chapter, the court determines that the child, the child's parent or guardian, or a witness does not understand and speak English, an interpreter must be sworn to interpret for the person. Articles 38.30(a), (b), and (c), Code of Criminal Procedure, apply in a proceeding under this chapter. A qualified telephone interpreter may be sworn to provide interpretation services if an interpreter is not available to appear in person before the court.

(b) In any proceeding under this chapter, if a party notifies the court that the child, the child's parent or guardian, or a witness is deaf, the court shall appoint a qualified interpreter to interpret the proceedings in any language, including sign language, that the deaf person can understand. Articles 38.31(d), (e), (f), and (g), Code of Criminal Procedure, apply in a proceeding under this chapter.

Sec. 65.014. SIGNATURES. Any requirement under this chapter that a document be signed or that a document contain a person's signature, including the signature of a judge or a clerk of the court, is satisfied if the document contains the signature of the person as captured on an electronic device or as a digital signature.

Sec. 65.015. PUBLIC ACCESS TO COURT HEARINGS. (a) Except as provided by Subsection (b), a truancy court shall open a hearing under this chapter to the public unless the court, for good cause shown, determines that the public should be excluded.

(b) The court may prohibit a person from personally attending a hearing if the person is expected to testify at the hearing and the court determines that the person's testimony would be materially affected if the person hears other testimony at the hearing.

Sec. 65.016. RECORDING OF PROCEEDINGS. (a) The proceedings in a truancy court that is not a court of record may not be recorded.

(b) The proceedings in a truancy court that is a court of record must be recorded by stenographic notes or by electronic, mechanical, or other appropriate means.

Sec. 65.017. JUVENILE CASE MANAGERS. A truancy court may employ a juvenile case manager in accordance with Article 45.056, Code of Criminal Procedure, to provide services to children who have been referred to the truancy court or who are in jeopardy of being referred to the truancy court.

SUBCHAPTER B. INITIAL PROCEDURES

Sec. 65.051. INITIAL REFERRAL TO TRUANCY COURT. When a truancy court receives a referral under Section 25.0915, Education Code, and the court is not required to dismiss the referral under that section, the court shall forward the referral to a truant conduct prosecutor who serves the court.

Sec. 65.052. TRUANT CONDUCT PROSECUTOR. In a justice or municipal court or a constitutional county court that is designated as a truancy court, the attorney who represents the state in criminal matters in that court shall serve as the truant conduct prosecutor.

Sec. 65.053. REVIEW BY PROSECUTOR. (a) The truant conduct prosecutor shall promptly review the facts described in a referral received under Section 65.051.

(b) The prosecutor may, in the prosecutor's discretion, determine whether to file a petition with the truancy court requesting an adjudication of the child for truant conduct. If the prosecutor decides not to file a petition requesting an adjudication, the prosecutor shall inform the truancy court and the school district of the decision.

(c) The prosecutor may not file a petition for an adjudication of a child for truant conduct if the referral was not made in compliance with Section 25.0915, Education Code.

Sec. 65.054. STATE'S PETITION. (a) A petition for an adjudication of a child for truant conduct initiates an action of the state against a child who has allegedly engaged in truant conduct.

(b) The proceedings shall be styled "In the matter of _____, Child," identifying the child by the child's initials only.

(c) The petition may be on information and belief.

(d) The petition must state:

(1) with reasonable particularity the time, place, and manner of the acts alleged to constitute truant conduct;

(2) the name, age, and residence address, if known, of the child who is the subject of the petition;

(3) the names and residence addresses, if known, of at least one parent, guardian, or custodian of the child and of the child's spouse, if any; and

(4) if the child's parent, guardian, or custodian does not reside or cannot be found in the state, or if their places of residence are unknown, the name and residence address of any known adult relative residing in the county or, if there is none, the name and residence address of the known adult relative residing nearest to the location of the court.

(e) Filing fees may not be charged for the filing of the state's petition.

Sec. 65.055. LIMITATIONS PERIOD. A petition may not be filed after the 45th day after the date of the last absence giving rise to the act of truant conduct.

Sec. 65.056. HEARING DATE. (a) After the petition has been filed, the truancy court shall set a date and time for an adjudication hearing.

(b) The hearing may not be held on or before the 10th day after the date the petition is filed.

Sec. 65.057. SUMMONS. (a) After setting the date and time of an adjudication hearing, the truancy court shall direct the issuance of a summons to:

- (1) the child named in the petition;
- (2) the child's parent, guardian, or custodian;
- (3) the child's guardian ad litem, if any; and
- (4) any other person who appears to the court to be a proper or necessary party to the proceeding.

(b) The summons must require the persons served to appear before the court at the place, date, and time of the adjudication hearing to answer the allegations of the petition. A copy of the petition must accompany the summons. If a person, other than the child, required to appear under this section fails to attend a hearing, the truancy court may proceed with the hearing.

(c) The truancy court may endorse on the summons an order directing the person having the physical custody or control of the child to bring the child to the hearing.

(d) A party, other than the child, may waive service of summons by written stipulation or by voluntary appearance at the hearing.

Sec. 65.058. SERVICE OF SUMMONS. (a) If a person to be served with a summons is in this state and can be found, the summons shall be served on the person personally or by registered or certified mail, return receipt requested, at least five days before the date of the adjudication hearing.

(b) Service of the summons may be made by any suitable person under the direction of the court.

Sec. 65.059. REPRESENTATION BY ATTORNEY. (a) A child may be represented by an attorney in a case under this chapter. Representation by an attorney is not required.

(b) A child is not entitled to have an attorney appointed to represent the child, but the court may appoint an attorney if the court determines it is in the best interest of the child.

(c) The court may order a child's parent or other responsible person to pay for the cost of an attorney appointed under this section if the court determines that the person has sufficient financial resources.

Sec. 65.060. CHILD'S ANSWER. After the petition has been filed, the child may answer, orally or in writing, the petition at or before the commencement of the hearing. If the child does not answer, a general denial of the alleged truant conduct is assumed.

Sec. 65.061. GUARDIAN AD LITEM. (a) If a child appears before the truancy court without a parent or guardian, or it appears to the court that the child's parent or guardian is incapable or unwilling to make decisions in the best interest of the child with respect to proceedings under this chapter, the court may appoint a guardian ad litem to protect the interests of the child in the proceedings.

(b) An attorney for a child may also be the child's guardian ad litem. A law enforcement officer, probation officer, or other employee of the truancy court may not be appointed as a guardian ad litem.

(c) The court may order a child's parent or other person responsible to support the child to reimburse the county or municipality for the cost of the guardian ad litem. The court may issue the order only after determining that the parent or other responsible person has sufficient financial resources to offset the cost of the child's guardian ad litem wholly or partly.

Sec. 65.062. ATTENDANCE AT HEARING. (a) The child must be personally present at the adjudication hearing. The truancy court may not proceed with the adjudication hearing in the absence of the child.

(b) A parent or guardian of a child and any court-appointed guardian ad litem of a child is required to attend the adjudication hearing.

(c) Subsection (b) does not apply to:

(1) a person for whom, for good cause shown, the court excuses attendance;

(2) a person who is not a resident of this state; or

(3) a parent of a child for whom a managing conservator has been appointed and the parent is not a conservator of the child.

Sec. 65.063. RIGHT TO REEMPLOYMENT. (a) An employer may not terminate the employment of a permanent employee because the employee is required under Section 65.062(b) to attend a hearing.

(b) Notwithstanding any other law, an employee whose employment is terminated in violation of this section is entitled to return to the same employment that the employee held when notified of the hearing if the employee, as soon as practical after the hearing, gives the employer actual notice that the employee intends to return.

(c) A person who is injured because of a violation of this section is entitled to:

(1) reinstatement to the person's former position;

(2) damages not to exceed an amount equal to six times the amount of monthly compensation received by the person on the date of the hearing; and

(3) reasonable attorney's fees in an amount approved by the court.

(d) It is a defense to an action brought under this section that the employer's circumstances changed while the employee attended the hearing and caused reemployment to be impossible or unreasonable. To establish a defense under this subsection, an employer must prove that the termination of employment was because of circumstances other than the employee's attendance at the hearing.

Sec. 65.064. SUBPOENA OF WITNESS. A witness may be subpoenaed in accordance with the procedures for the subpoena of a witness under the Code of Criminal Procedure.

Sec. 65.065. CHILD ALLEGED TO BE MENTALLY ILL. (a) A party may make a motion requesting that a petition alleging a child to have engaged in truant conduct be dismissed because the child has a mental illness, as defined by Section 571.003, Health and Safety Code. In response to the motion, the truancy court shall temporarily stay the proceedings to determine whether probable cause exists to believe the child has a mental illness. In making a determination, the court may:

(1) consider the motion, supporting documents, professional statements of counsel, and witness testimony; and

(2) observe the child.

(b) If the court determines that probable cause exists to believe that the child has a mental illness, the court shall dismiss the petition. If the court determines that evidence does not exist to support a finding that the child has a mental illness, the court shall dissolve the stay and continue with the truancy court proceedings.

SUBCHAPTER C. ADJUDICATION HEARING AND REMEDIES

Sec. 65.101. ADJUDICATION HEARING; JUDGMENT. (a) A child may be found to have engaged in truant conduct only after an adjudication hearing conducted in accordance with the provisions of this chapter.

(b) At the beginning of the adjudication hearing, the judge of the truancy court shall explain to the child and the child's parent, guardian, or guardian ad litem:

(1) the allegations made against the child;

(2) the nature and possible consequences of the proceedings;

(3) the child's privilege against self-incrimination;

(4) the child's right to trial and to confrontation of witnesses;

(5) the child's right to representation by an attorney if the child is not already represented; and

(6) the child's right to a jury trial.

(c) Trial is by jury unless jury is waived in accordance with Section 65.008. Jury verdicts under this chapter must be unanimous.

(d) The Texas Rules of Evidence do not apply in a truancy proceeding under this chapter except:

(1) when the judge hearing the case determines that a particular rule of evidence applicable to criminal cases must be followed to ensure that the proceedings are fair to all parties; or

(2) as otherwise provided by this chapter.

(e) A child alleged to have engaged in truant conduct need not be a witness against nor otherwise incriminate himself or herself. An extrajudicial statement of the child that was obtained in violation of the constitution of this state or the United States may not be used in an adjudication hearing. A statement made by the child out of court is insufficient to support a finding of truant conduct unless it is corroborated wholly or partly by other evidence.

(f) At the conclusion of the adjudication hearing, the court or jury shall find whether the child has engaged in truant conduct. The finding must be based on competent evidence admitted at the hearing. The child shall be presumed to have not engaged in truant conduct and no finding that a child has engaged in truant conduct may be returned unless the state has proved the conduct beyond a reasonable doubt. In all jury cases the jury will be instructed that the burden is on the state to prove that a child has engaged in truant conduct beyond a reasonable doubt.

(g) If the court or jury finds that the child did not engage in truant conduct, the court shall dismiss the case with prejudice.

(h) If the court or jury finds that the child did engage in truant conduct, the court shall proceed to issue a judgment finding the child has engaged in truant conduct and order the remedies the court finds appropriate under Section 65.103. The jury is not involved in ordering remedies for a child who has been adjudicated as having engaged in truant conduct.

Sec. 65.102. REMEDIAL ACTIONS. (a) The truancy court shall determine and order appropriate remedial actions in regard to a child who has been found to have engaged in truant conduct.

(b) The truancy court shall orally pronounce the court's remedial actions in the child's presence and enter those actions in a written order.

(c) After pronouncing the court's remedial actions, the court shall advise the child and the child's parent, guardian, or guardian ad litem of:

(1) the child's right to appeal, as detailed in Subchapter D; and

(2) the procedures for the sealing of the child's records under Section 65.201.

Sec. 65.103. REMEDIAL ORDER. (a) A truancy court may enter a remedial order requiring a child who has been found to have engaged in truant conduct to:

(1) attend school without unexcused absences;

(2) attend a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code, if the court determines that the individual is unlikely to do well in a formal classroom environment due to the individual's age;

(3) if the child is at least 16 years of age, take the high school equivalency examination administered under Section 7.111, Education Code, if that is in the best interest of the child;

(4) attend a nonprofit, community-based special program that the court determines to be in the best interest of the child, including:

(A) an alcohol and drug abuse program;

(B) a rehabilitation program;

(C) a counseling program, including a self-improvement program;

(D) a program that provides training in self-esteem and leadership;

(E) a work and job skills training program;

(F) a program that provides training in parenting, including parental responsibility;

(G) a program that provides training in manners;

(H) a program that provides training in violence avoidance;

(I) a program that provides sensitivity training; and

(J) a program that provides training in advocacy and mentoring;

(5) complete not more than 50 hours of community service on a project acceptable to the court; and

(6) participate for a specified number of hours in a tutorial program covering the academic subjects in which the child is enrolled that are provided by the school the child attends.

(b) A truancy court may not order a child who has been found to have engaged in truant conduct to:

(1) attend a juvenile justice alternative education program, a boot camp, or a for-profit truancy class; or

(2) perform more than 16 hours of community service per week under this section.

(c) In addition to any other order authorized by this section, a truancy court may order the Department of Public Safety to suspend the driver's license or permit of a child who has been found to have engaged in truant conduct. If the child does not have a driver's license or permit, the court may order the Department of Public Safety to deny the issuance of a license or permit to the child. The period of the license or permit suspension or the order that the issuance of a license or permit be denied may not extend beyond the maximum time period that a remedial order is effective as provided by Section 65.104.

Sec. 65.104. MAXIMUM TIME REMEDIAL ORDER IS EFFECTIVE. A truancy court's remedial order under Section 65.103 is effective until the later of:

(1) the date specified by the court in the order, which may not be later than the 180th day after the date the order is entered; or

(2) the last day of the school year in which the order was entered.

Sec. 65.105. ORDERS AFFECTING PARENTS AND OTHERS. (a) If a child has been found to have engaged in truant conduct, the truancy court may:

(1) order the child and the child's parent to attend a class for students at risk of dropping out of school that is designed for both the child and the child's parent;

(2) order any person found by the court to have, by a wilful act or omission, contributed to, caused, or encouraged the child's truant conduct to do any act that the court determines to be reasonable and necessary for the welfare of the child or to refrain from doing any act that the court determines to be injurious to the child's welfare;

(3) enjoin all contact between the child and a person who is found to be a contributing cause of the child's truant conduct, unless that person is related to the child within the third degree by consanguinity or affinity, in which case the court may contact the Department of Family and Protective Services, if necessary;

(4) after notice to, and a hearing with, all persons affected, order any person living in the same household with the child to participate in social or psychological counseling to assist in the child's rehabilitation;

(5) order the child's parent or other person responsible for the child's support to pay all or part of the reasonable costs of treatment programs in which the child is ordered to participate if the court finds the child's parent or person responsible for the child's support is able to pay the costs;

(6) order the child's parent to attend a program for parents of students with unexcused absences that provides instruction designed to assist those parents in identifying problems that contribute to the child's unexcused absences and in developing strategies for resolving those problems; and

(7) order the child's parent to perform not more than 50 hours of community service with the child.

(b) A person subject to an order proposed under Subsection (a) is entitled to a hearing before the order is entered by the court.

(c) On a finding by the court that a child's parents have made a reasonable good faith effort to prevent the child from engaging in truant conduct and that, despite the parents' efforts, the child continues to engage in truant conduct, the court shall waive any requirement for community service that may be imposed on a parent under this section.

Sec. 65.106. LIABILITY FOR CLAIMS ARISING FROM COMMUNITY SERVICE. (a) A municipality or county that establishes a program to assist children and their parents in rendering community service under this subchapter may purchase an insurance policy protecting the municipality or county against a claim brought by a person other than the child or the child's parent for a cause of action that arises from an act of the child or parent while rendering the community service. The municipality or county is not liable for the claim to the extent that damages are recoverable under a contract of insurance or under a plan of self-insurance authorized by statute.

(b) The liability of the municipality or county for a claim that arises from an action of the child or the child's parent while rendering community service may not exceed \$100,000 to a single person and \$300,000 for a single occurrence in the case of personal injury or death, and \$10,000 for a single occurrence of property damage. Liability may not extend to punitive or exemplary damages.

(c) This section does not waive a defense, immunity, or jurisdictional bar available to the municipality or county or its officers or employees, nor shall this section be construed to waive, repeal, or modify any provision of Chapter 101, Civil Practice and Remedies Code.

Sec. 65.107. COURT COST. (a) If a child is found to have engaged in truant conduct, the truancy court, after giving the child, parent, or other person responsible for the child's support a reasonable opportunity to be heard, shall order the child, parent, or other person, if financially able to do so, to pay a court cost of \$50 to the clerk of the court.

(b) The court's order to pay the \$50 court cost is not effective unless the order is reduced to writing and signed by the judge. The written order to pay the court cost may be part of the court's order detailing the remedial actions in the case.

(c) The clerk of the court shall keep a record of the court costs collected under this section and shall forward the funds to the county treasurer, municipal treasurer, or person fulfilling the role of a county treasurer or municipal treasurer, as appropriate.

(d) The court costs collected under this section shall be deposited in a special account that can be used only to offset the cost of the operations of the truancy court.

Sec. 65.108. HEARING TO MODIFY REMEDY. (a) A truancy court may hold a hearing to modify any remedy imposed by the court. A remedy may only be modified during the period the order is effective under Section 65.104.

(b) There is no right to a jury at a hearing under this section.

(c) A hearing to modify a remedy imposed by the court shall be held on the petition of the state, the court, or the child and the child's parent, guardian, guardian ad litem, or attorney. Reasonable notice of a hearing to modify disposition shall be given to all parties.

(d) Notwithstanding any other law, in considering a motion to modify a remedy imposed by the court, the truancy court may consider a written report from a school district official or employee, juvenile case manager, or professional consultant in addition to the testimony of witnesses. The court shall provide the attorney for the child and the prosecuting attorney with access to all written matters to be considered by the court. The court may order counsel not to reveal items to the child or to the child's parent, guardian, or guardian ad litem if the disclosure would materially harm the treatment and rehabilitation of the child or would substantially decrease the likelihood of receiving information from the same or similar sources in the future.

(e) The truancy court shall pronounce in court, in the presence of the child, the court's changes to the remedy, if any. The court shall specifically state the new remedy and the court's reasons for modifying the remedy in a written order. The court shall furnish a copy of the order to the child.

Sec. 65.109. MOTION FOR NEW TRIAL. The order of a truancy court may be challenged by filing a motion for new trial. Rules 505.3(c) and (e), Texas Rules of Civil Procedure, apply to a motion for new trial.

SUBCHAPTER D. APPEAL

Sec. 65.151. RIGHT TO APPEAL. (a) The child, the child's parent or guardian, or the state may appeal any order of a truancy court. A person subject to an order entered under Section 65.105 may appeal that order.

(b) An appeal from a truancy court shall be to a juvenile court. The case must be tried de novo in the juvenile court. This chapter applies to the de novo trial in the juvenile court. On appeal, the judgment of the truancy court is vacated.

(c) A judgment of a juvenile court in a trial conducted under Subsection (b) may be appealed in the same manner as an appeal under Chapter 56.

Sec. 65.152. GOVERNING LAW. Rule 506, Texas Rules of Civil Procedure, applies to the appeal of an order of a truancy court to a juvenile court in the same manner as the rule applies to an appeal of a judgment of a justice court to a county court, except an appeal bond is not required.

Sec. 65.153. COUNSEL ON APPEAL. (a) A child may be represented by counsel on appeal.

(b) If the child and the child's parent, guardian, or guardian ad litem request an appeal, the attorney who represented the child before the truancy court, if any, shall file a notice of appeal with the court that will hear the appeal and inform that court whether that attorney will handle the appeal.

(c) An appeal serves to vacate the order of the truancy court.

SUBCHAPTER E. RECORDS

Sec. 65.201. SEALING OF RECORDS. (a) A child who has been found to have engaged in truant conduct may apply, on or after the child's 18th birthday, to the truancy court that made the finding to seal the records relating to the allegation and finding of truant conduct held by:

- (1) the court;
- (2) the truant conduct prosecutor; and
- (3) the school district.

(b) The application must include the following information or an explanation of why one or more of the following is not included:

- (1) the child's:
 - (A) full name;
 - (B) sex;
 - (C) race or ethnicity;
 - (D) date of birth;
 - (E) driver's license or identification card number; and
 - (F) social security number;
- (2) the dates on which the truant conduct was alleged to have occurred;

and

(3) if known, the cause number assigned to the petition and the court and county in which the petition was filed.

(c) The truancy court shall order that the records be sealed after determining the child complied with the remedies ordered by the court in the case.

(d) All index references to the records of the truancy court that are ordered sealed shall be deleted not later than the 30th day after the date of the sealing order.

(e) A truancy court, clerk of the court, truant conduct prosecutor, or school district shall reply to a request for information concerning a child's sealed truant conduct case that no record exists with respect to the child.

(f) Inspection of the sealed records may be permitted by an order of the truancy court on the petition of the person who is the subject of the records and only by those persons named in the order.

(g) A person whose records have been sealed under this section is not required in any proceeding or in any application for employment, information, or licensing to state that the person has been the subject of a proceeding under this chapter. Any statement that the person has never been found to have engaged in truant conduct may not be held against the person in any criminal or civil proceeding.

(h) On or after the fifth anniversary of a child's 16th birthday, on the motion of the child or on the truancy court's own motion, the truancy court may order the destruction of the child's records that have been sealed under this section if the child has not been convicted of a felony.

Sec. 65.202. CONFIDENTIALITY OF RECORDS. Records and files created under this chapter may be disclosed only to:

- (1) the judge of the truancy court, the truant conduct prosecutor, and the staff of the judge and prosecutor;
- (2) the child or an attorney for the child;
- (3) a governmental agency if the disclosure is required or authorized by

law;

(4) a person or entity to whom the child is referred for treatment or services if the agency or institution disclosing the information has entered into a written confidentiality agreement with the person or entity regarding the protection of the disclosed information;

(5) the Texas Department of Criminal Justice and the Texas Juvenile Justice Department for the purpose of maintaining statistical records of recidivism and for diagnosis and classification;

(6) the agency; or

(7) with leave of the truancy court, any other person, agency, or institution having a legitimate interest in the proceeding or in the work of the court.

Sec. 65.203. DESTRUCTION OF CERTAIN RECORDS. A truancy court shall order the destruction of records relating to allegations of truant conduct that are held by the court or by the prosecutor if a prosecutor decides not to file a petition for an adjudication of truant conduct after a review of the referral under Section 65.053.

SUBCHAPTER F. ENFORCEMENT OF ORDERS

Sec. 65.251. FAILURE TO OBEY TRUANCY COURT ORDER; CHILD IN CONTEMPT OF COURT. (a) If a child fails to obey an order issued by a truancy court under Section 65.103(a) or a child is in direct contempt of court, the truancy court, after providing notice and an opportunity for a hearing, may hold the child in contempt of court and order either or both of the following:

(1) that the child pay a fine not to exceed \$100; or

(2) that the Department of Public Safety suspend the child's driver's license or permit or, if the child does not have a license or permit, order that the Department of Public Safety deny the issuance of a license or permit to the child until the child fully complies with the court's orders.

(b) If a child fails to obey an order issued by a truancy court under Section 65.103(a) or a child is in direct contempt of court and the child has failed to obey an order or has been found in direct contempt of court on two or more previous occasions, the truancy court, after providing notice and an opportunity for a hearing, may refer the child to the juvenile probation department as a request for truancy intervention, unless the child failed to obey the truancy court order or was in direct contempt of court while 17 years of age or older.

(c) On referral of the child to the juvenile probation department, the truancy court shall provide to the juvenile probation department:

(1) documentation of all truancy prevention measures taken by the originating school district;

(2) documentation of all truancy orders for each of the child's previous truancy referrals, including:

(A) court remedies and documentation of the child's failure to comply with the truancy court's orders, if applicable, demonstrating all interventions that were exhausted by the truancy court; and

(B) documentation describing the child's direct contempt of court, if applicable;

(3) the name, birth date, and last known address of the child and the school in which the child is enrolled; and

(4) the name and last known address of the child's parent or guardian.

(d) The juvenile probation department may, on review of information provided under Subsection (c):

(1) offer further remedies related to the local plan for truancy intervention strategies adopted under Section 25.0916, Education Code; or

(2) refer the child to a juvenile court for a hearing to be conducted under Section 65.252.

(e) A truancy court may not order the confinement of a child for the child's failure to obey an order of the court issued under Section 65.103(a).

Sec. 65.252. PROCEEDINGS IN JUVENILE COURT. (a) After a referral by the local juvenile probation department, the juvenile court prosecutor shall determine if probable cause exists to believe that the child engaged in direct contempt of court or failed to obey an order of the truancy court under circumstances that would constitute contempt of court. On a finding that probable cause exists, the prosecutor shall determine whether to request an adjudication. Not later than the 20th day after the date the juvenile court receives a request for adjudication from the prosecutor, the juvenile court shall conduct a hearing to determine if the child engaged in conduct that constitutes contempt of the order issued by the truancy court or engaged in direct contempt of court.

(b) If the juvenile court finds that the child engaged in conduct that constitutes contempt of the order issued by the truancy court or direct contempt of court, the juvenile court shall:

(1) enter an order requiring the child to comply with the truancy court's order;

(2) forward a copy of the order to the truancy court within five days;
and

(3) admonish the child, orally and in writing, of the consequences of subsequent referrals to the juvenile court, including:

(A) a possible charge of delinquent conduct for contempt of the truancy court's order or direct contempt of court; and

(B) a possible detention hearing.

(c) If the juvenile court prosecutor finds that probable cause does not exist to believe that the child engaged in direct contempt or in conduct that constitutes contempt of the order issued by the truancy court, or if the juvenile probation department finds that extenuating circumstances caused the original truancy referral, the juvenile court shall enter an order requiring the child's continued compliance with the truancy court's order and notify the truancy court not later than the fifth day after the date the order is entered.

(d) This section does not limit the discretion of a juvenile prosecutor or juvenile court to prosecute a child for conduct under Section 51.03.

Sec. 65.253. PARENT OR OTHER PERSON IN CONTEMPT OF COURT. (a) A truancy court may enforce the following orders by contempt:

(1) an order that a parent of a child, guardian of a child, or any court-appointed guardian ad litem of a child attend an adjudication hearing under Section 65.062(b);

(2) an order requiring a person other than a child to take a particular action under Section 65.105(a);

(3) an order that a child's parent, or other person responsible to support the child, reimburse the municipality or county for the cost of the guardian ad litem appointed for the child under Section 65.061(c); and

(4) an order that a parent, or person other than the child, pay the \$50 court cost under Section 65.107.

(b) A truancy court may find a parent or person other than the child in direct contempt of the court.

(c) The penalty for a finding of contempt under Subsection (a) or (b) is a fine in an amount not to exceed \$100.

(d) In addition to the assessment of a fine under Subsection (c), direct contempt of the truancy court by a parent or person other than the child is punishable by:

(1) confinement in jail for a maximum of three days;

(2) a maximum of 40 hours of community service; or

(3) both confinement and community service.

Sec. 65.254. WRIT OF ATTACHMENT. A truancy court may issue a writ of attachment for a person who violates an order entered under Section 65.057(c). The writ of attachment is executed in the same manner as in a criminal proceeding as provided by Chapter 24, Code of Criminal Procedure.

Sec. 65.255. ENTRY OF TRUANCY COURT ORDER AGAINST PARENT OR OTHER ELIGIBLE PERSON. (a) The truancy court shall:

(1) provide notice to a person who is the subject of a proposed truancy court order under Section 65.253; and

(2) provide a sufficient opportunity for the person to be heard regarding the proposed order.

(b) A truancy court order under Section 65.253 must be in writing and a copy promptly furnished to the parent or other eligible person.

(c) The truancy court may require the parent or other eligible person to provide suitable identification to be included in the court's file. Suitable identification includes fingerprints, a driver's license number, a social security number, or similar indicia of identity.

Sec. 65.256. APPEAL. (a) The parent or other eligible person against whom a final truancy court order has been entered under Section 65.253 may appeal as provided by law from judgments entered by a justice court in civil cases.

(b) Rule 506, Texas Rules of Civil Procedure, applies to an appeal under this section, except an appeal bond is not required.

(c) The pendency of an appeal initiated under this section does not abate or otherwise affect the proceedings in the truancy court involving the child.

Sec. 65.257. MOTION FOR ENFORCEMENT. (a) The state may initiate enforcement of a truancy court order under Section 65.253 against a parent or person other than the child by filing a written motion. In ordinary and concise language, the motion must:

(1) identify the provision of the order allegedly violated and sought to be enforced;

(2) state specifically and factually the manner of the person's alleged noncompliance;

(3) state the relief requested; and

(4) contain the signature of the party filing the motion.

(b) The state must allege the particular violation by the person of the truancy court order that the state had a reasonable basis for believing the person was violating when the motion was filed.

(c) The truancy court may also initiate enforcement of an order under this section on its own motion.

Sec. 65.258. NOTICE AND APPEARANCE. (a) On the filing of a motion for enforcement, the truancy court shall by written notice set the date, time, and place of the hearing and order the person against whom enforcement is sought to appear and respond to the motion.

(b) The notice must be given by personal service or by certified mail, return receipt requested, on or before the 10th day before the date of the hearing on the motion. The notice must include a copy of the motion for enforcement. Personal service must comply with the Code of Criminal Procedure.

(c) If a person moves to strike or specially excepts to the motion for enforcement, the truancy court shall rule on the exception or motion to strike before the court hears evidence on the motion for enforcement. If an exception is sustained, the court shall give the movant an opportunity to replead and continue the hearing to a designated date and time without the requirement of additional service.

(d) If a person who has been personally served with notice to appear at the hearing does not appear, the truancy court may not hold the person in contempt, but may issue a warrant for the arrest of the person.

Sec. 65.259. CONDUCT OF ENFORCEMENT HEARING. (a) The movant must prove beyond a reasonable doubt that the person against whom enforcement is sought engaged in conduct constituting contempt of a reasonable and lawful court order as alleged in the motion for enforcement.

(b) The person against whom enforcement is sought has a privilege not to be called as a witness or otherwise to incriminate himself or herself.

(c) The truancy court shall conduct the enforcement hearing without a jury.

(d) The truancy court shall include in the court's judgment:

(1) findings for each violation alleged in the motion for enforcement;

and

(2) the punishment, if any, to be imposed.

(e) If the person against whom enforcement is sought was not represented by counsel during any previous court proceeding involving a motion for enforcement, the person may, through counsel, raise any defense or affirmative

defense to the proceeding that could have been asserted in the previous court proceeding that was not asserted because the person was not represented by counsel.

(f) It is an affirmative defense to enforcement of a truancy court order under Section 65.253 that the court did not provide the parent or other eligible person with due process of law in the proceeding in which the court entered the order.

SECTION 28. Section 264.304(c), Family Code, is amended to read as follows:

(c) The court shall determine that the child is an at-risk child if the court finds that the child has engaged in the following conduct:

(1) conduct, other than a traffic offense and except as provided by Subsection (d), that violates:

(A) the penal laws of this state; or

(B) the penal ordinances of any political subdivision of this state;

(2) the unexcused voluntary absence of the child on 10 or more days or parts of days within a six-month period [~~or three or more days or parts of days within a four week period~~] from school without the consent of the child's parent, managing conservator, or guardian;

(3) the voluntary absence of the child from the child's home without the consent of the child's parent, managing conservator, or guardian for a substantial length of time or without intent to return;

(4) conduct that violates the laws of this state prohibiting driving while intoxicated or under the influence of intoxicating liquor (first or second offense) or driving while under the influence of any narcotic drug or of any other drug to a degree that renders the child incapable of safely driving a vehicle (first or second offense); or

(5) conduct that evidences a clear and substantial intent to engage in any behavior described by Subdivisions (1)-(4).

SECTION 29. Section 26.045(d), Government Code, is amended to read as follows:

(d) A county court in a county with a population of 1.75 million or more has original jurisdiction over cases alleging a violation of Section 25.093 [~~or 25.094~~], Education Code, or alleging truant conduct under Section 65.003(a), Family Code.

SECTION 30. Section 29.003(i), Government Code, is amended to read as follows:

(i) A municipality may enter into an agreement with a contiguous municipality or a municipality with boundaries that are within one-half mile of the municipality seeking to enter into the agreement to establish concurrent jurisdiction of the municipal courts in the municipalities and provide original jurisdiction to a municipal court in which a case is brought as if the municipal court were located in the municipality in which the case arose, for:

(1) all cases in which either municipality has jurisdiction under Subsection (a); and

(2) cases that arise under Section 821.022, Health and Safety Code, or Section 65.003(a) [~~25.094~~], Family [~~Education~~] Code.

SECTION 31. Subtitle B, Title 2, Government Code, is amended by adding Chapter 36 to read as follows:

CHAPTER 36. JUDICIAL DONATION TRUST FUNDS

Sec. 36.001. ESTABLISHMENT OF TRUST FUNDS. (a) The governing body of a municipality or the commissioners court of a county may establish a judicial donation trust fund as a separate account held outside the municipal or county treasury to be used in accordance with this chapter.

(b) The governing body of a municipality or the commissioners court of a county may accept a gift, grant, donation, or other consideration from a public or private source that is designated for the judicial donation trust fund.

(c) Money received under Subsection (b) shall be deposited in the judicial donation trust fund and may only be disbursed in accordance with this chapter.

(d) Interest and income from the assets of the judicial donation trust fund shall be credited to and deposited in the trust fund.

Sec. 36.002. PROCEDURES AND ELIGIBILITY. The governing body of a municipality or the commissioners court of a county shall:

(1) adopt the procedures necessary to receive and disburse money from the judicial donation trust fund under this chapter; and

(2) establish eligibility requirements for disbursement of money under this chapter to assist needy children or families who appear before a county, justice, or municipal court for a criminal offense or truant conduct, as applicable, by providing money for resources and services that eliminate barriers to school attendance or that seek to prevent criminal behavior.

Sec. 36.003. USE OF FUNDS IN ACCOUNT. (a) The judge of a county, justice, or municipal court, in accordance with Section 36.002, may award money from a judicial donation trust fund established under Section 36.001 to eligible children or families who appear before the court for a truancy or curfew violation or in another misdemeanor offense proceeding before the court.

(b) A judge of a county, justice, or municipal court may order the municipal or county treasurer to issue payment from the judicial donation trust fund for money awarded under this section.

SECTION 32. Section 54.1172(a), Government Code, is amended to read as follows:

(a) The county judge may appoint one or more part-time or full-time magistrates to hear a matter alleging a violation of Section 25.093 [~~or 25.094~~], Education Code, or alleging truant conduct under Section 65.003(a), Family Code.

SECTION 33. Section 54.1952(a), Government Code, is amended to read as follows:

(a) The county judge may appoint one or more part-time or full-time magistrates to hear a matter alleging a violation of Section 25.093 [~~or 25.094~~], Education Code, or alleging truant conduct under Section 65.003(a), Family Code, referred to the magistrate by a court having jurisdiction over the matter.

SECTION 34. Section 54.1955, Government Code, is amended to read as follows:

Sec. 54.1955. POWERS. (a) Except as limited by an order of the county judge, a magistrate appointed under this subchapter may:

- (1) conduct hearings;
- (2) hear evidence;
- (3) issue summons for the appearance of witnesses;
- (4) examine witnesses;
- (5) swear witnesses for hearings;
- (6) recommend rulings or orders or a judgment in a case;
- (7) regulate proceedings in a hearing;

(8) accept a plea of guilty or nolo contendere in a case alleging a violation of Section 25.093 [~~or 25.094~~], Education Code, and assess a fine or court costs or order community service in satisfaction of a fine or costs in accordance with Article 45.049, Code of Criminal Procedure;

(9) for a violation of Section 25.093, Education Code, enter an order suspending a sentence or deferring a final disposition that includes at least one of the requirements listed in Article 45.051, Code of Criminal Procedure;

(10) for an uncontested adjudication of truant conduct under Section 65.003, Family Code, accept a plea to the petition or a stipulation of evidence, and take any other action authorized under Chapter 65, Family Code; and

(11) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the referral order, including the entry of an order that includes at least one of the remedial options [~~requirements~~] in Section 65.103, Family Code [~~Article 45.054, Code of Criminal Procedure; and~~

~~[(11) if the magistrate finds that a child as defined by Article 45.058, Code of Criminal Procedure, has violated an order under Article 45.054, Code of Criminal Procedure, proceed as authorized by Article 45.050, Code of Criminal Procedure].~~

(b) With respect to an issue of law or fact the ruling on which could result in the dismissal of a prosecution under Section 25.093 [~~or 25.094~~], Education Code, or a case of truant conduct under Section 65.003, Family Code, a magistrate may not rule on the issue but may make findings, conclusions, and recommendations on the issue.

SECTION 35. Section 54.1956, Government Code, is amended to read as follows:

Sec. 54.1956. NOT GUILTY PLEA ENTERED OR DENIAL OF ALLEGED CONDUCT. (a) On entry of a not guilty plea for a violation of Section 25.093, Education Code, the magistrate shall refer the case back to the referring court for all further pretrial proceedings and a full trial on the merits before the court or a jury.

(b) On denial by a child of truant conduct, as defined by Section 65.003(a), Family Code, the magistrate shall refer the case to the appropriate truancy court for adjudication.

SECTION 36. Section 71.0352, Government Code, is amended to read as follows:

Sec. 71.0352. JUVENILE DATA [~~DATE~~]: JUSTICE, MUNICIPAL, AND TRUANCY [~~JUVENILE~~] COURTS. As a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System:

(1) a justice court, [~~and~~] municipal court, or truancy court [~~courts~~] shall report the number of cases filed for [~~the following offenses~~]:

(A) truant conduct under Section 65.003(a), Family Code [~~failure to attend school under Section 25.094, Education Code~~];

(B) the offense of parent contributing to nonattendance under Section 25.093, Education Code; and

(C) a violation of a local daytime curfew ordinance adopted under Section 341.905 or 351.903, Local Government Code; and

(2) in cases in which a child fails to obey an order of a justice court, [~~or~~] municipal court, or truancy court under circumstances that would constitute contempt of court, the justice court, [~~or~~] municipal court, or truancy court shall report the number of incidents in which the child is:

(A) referred to the appropriate juvenile court for delinquent conduct as provided by Article 45.050(c)(1), Code of Criminal Procedure, or [~~and~~] Section 65.251 [~~51.03(a)(2)~~], Family Code; or

(B) held in contempt, fined, or denied driving privileges as provided by Article 45.050(c)(2), Code of Criminal Procedure, or Section 65.251, Family Code.

SECTION 37. Section 102.021, Government Code, is amended to read as follows:

Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE. A person convicted of an offense shall pay the following under the Code of Criminal Procedure, in addition to all other costs:

(1) court cost on conviction of any offense, other than a conviction of an offense relating to a pedestrian or the parking of a motor vehicle (Art. 102.0045, Code of Criminal Procedure) . . . \$4;

(2) a fee for services of prosecutor (Art. 102.008, Code of Criminal Procedure) . . . \$25;

(3) fees for services of peace officer:

(A) issuing a written notice to appear in court for certain violations (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(B) executing or processing an issued arrest warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal Procedure) . . . \$50;

(C) summoning a witness (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(D) serving a writ not otherwise listed (Art. 102.011, Code of Criminal Procedure) . . . \$35;

(E) taking and approving a bond and, if necessary, returning the bond to courthouse (Art. 102.011, Code of Criminal Procedure) . . . \$10;

(F) commitment or release (Art. 102.011, Code of Criminal Procedure) . . . \$5;

- (G) summoning a jury (Art. 102.011, Code of Criminal Procedure) . . . \$5;
- (H) attendance of a prisoner in habeas corpus case if prisoner has been remanded to custody or held to bail (Art. 102.011, Code of Criminal Procedure) . . . \$8 each day;
- (I) mileage for certain services performed (Art. 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and
- (J) services of a sheriff or constable who serves process and attends examining trial in certain cases (Art. 102.011, Code of Criminal Procedure) . . . not to exceed \$5;
- (4) services of a peace officer in conveying a witness outside the county (Art. 102.011, Code of Criminal Procedure) . . . \$10 per day or part of a day, plus actual necessary travel expenses;
- (5) overtime of peace officer for time spent testifying in the trial or traveling to or from testifying in the trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;
- (6) court costs on an offense relating to rules of the road, when offense occurs within a school crossing zone (Art. 102.014, Code of Criminal Procedure) . . . \$25;
- (7) court costs on an offense of passing a school bus (Art. 102.014, Code of Criminal Procedure) . . . \$25;
- (8) court costs on an offense of parent contributing to student nonattendance [~~truancy or contributing to truancy~~] (Art. 102.014, Code of Criminal Procedure) . . . \$20;
- (9) cost for visual recording of intoxication arrest before conviction (Art. 102.018, Code of Criminal Procedure) . . . \$15;
- (10) cost of certain evaluations (Art. 102.018, Code of Criminal Procedure) . . . actual cost;
- (11) additional costs attendant to certain intoxication convictions under Chapter 49, Penal Code, for emergency medical services, trauma facilities, and trauma care systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;
- (12) additional costs attendant to certain child sexual assault and related convictions, for child abuse prevention programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;
- (13) court cost for DNA testing for certain felonies (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;
- (14) court cost for DNA testing for the offense of public lewdness or indecent exposure (Art. 102.020(a)(2), Code of Criminal Procedure) . . . \$50;
- (15) court cost for DNA testing for certain felonies (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;
- (16) if required by the court, a restitution fee for costs incurred in collecting restitution installments and for the compensation to victims of crime fund (Art. 42.037, Code of Criminal Procedure) . . . \$12;
- (17) if directed by the justice of the peace or municipal court judge hearing the case, court costs on conviction in a criminal action (Art. 45.041, Code of Criminal Procedure) . . . part or all of the costs as directed by the judge; and

(18) costs attendant to convictions under Chapter 49, Penal Code, and under Chapter 481, Health and Safety Code, to help fund drug court programs established under Chapter 122, 123, 124, or 125, Government Code, or former law (Art. 102.0178, Code of Criminal Procedure) . . . \$60.

SECTION 38. Section 103.021, Government Code, is amended to read as follows:

Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Code of Criminal Procedure if ordered by the court or otherwise required:

(1) a personal bond fee (Art. 17.42, Code of Criminal Procedure) . . . the greater of \$20 or three percent of the amount of the bail fixed for the accused;

(2) cost of electronic monitoring as a condition of release on personal bond (Art. 17.43, Code of Criminal Procedure) . . . actual cost;

(3) a fee for verification of and monitoring of motor vehicle ignition interlock (Art. 17.441, Code of Criminal Procedure) . . . not to exceed \$10;

(3-a) costs associated with operating a global positioning monitoring system as a condition of release on bond (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs, subject to a determination of indigency;

(3-b) costs associated with providing a defendant's victim with an electronic receptor device as a condition of the defendant's release on bond (Art. 17.49(b)(3), Code of Criminal Procedure) . . . actual costs, subject to a determination of indigency;

(4) repayment of reward paid by a crime stoppers organization on conviction of a felony (Art. 37.073, Code of Criminal Procedure) . . . amount ordered;

(5) reimbursement to general revenue fund for payments made to victim of an offense as condition of community supervision (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50 for a misdemeanor offense or \$100 for a felony offense;

(6) payment to a crime stoppers organization as condition of community supervision (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50;

(7) children's advocacy center fee (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50;

(8) family violence center fee (Art. 42.12, Code of Criminal Procedure) . . . \$100;

(9) community supervision fee (Art. 42.12, Code of Criminal Procedure) . . . not less than \$25 or more than \$60 per month;

(10) additional community supervision fee for certain offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per month;

(11) for certain financially able sex offenders as a condition of community supervision, the costs of treatment, specialized supervision, or rehabilitation (Art. 42.12, Code of Criminal Procedure) . . . all or part of the reasonable and necessary costs of the treatment, supervision, or rehabilitation as determined by the judge;

(12) fee for failure to appear for trial in a justice or municipal court if a jury trial is not waived (Art. 45.026, Code of Criminal Procedure) . . . costs incurred for impaneling the jury;

(13) costs of certain testing, assessments, or programs during a deferral period (Art. 45.051, Code of Criminal Procedure) . . . amount ordered;

(14) special expense on dismissal of certain misdemeanor complaints (Art. 45.051, Code of Criminal Procedure) . . . not to exceed amount of fine assessed;

(15) an additional fee:

(A) for a copy of the defendant's driving record to be requested from the Department of Public Safety by the judge (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal to the sum of the fee established by Section 521.048, Transportation Code, and the state electronic Internet portal fee;

(B) as an administrative fee for requesting a driving safety course or a course under the motorcycle operator training and safety program for certain traffic offenses to cover the cost of administering the article (Art. 45.0511(f)(1), Code of Criminal Procedure) . . . not to exceed \$10; or

(C) for requesting a driving safety course or a course under the motorcycle operator training and safety program before the final disposition of the case (Art. 45.0511(f)(2), Code of Criminal Procedure) . . . not to exceed the maximum amount of the fine for the offense committed by the defendant;

(16) a request fee for teen court program (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the court ordering the fee is located in the Texas-Louisiana border region, but otherwise not to exceed \$10;

(17) a fee to cover costs of required duties of teen court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the court ordering the fee is located in the Texas-Louisiana border region, but otherwise \$10;

(18) a mileage fee for officer performing certain services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per mile;

(19) certified mailing of notice of hearing date (Art. 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

(20) certified mailing of certified copies of an order of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2, plus postage;

(20-a) a fee to defray the cost of notifying state agencies of orders of expungement (Art. 45.0216, Code of Criminal Procedure) . . . \$30 per application;

~~[(20-b) a fee to defray the cost of notifying state agencies of orders of expunction (Art. 45.055, Code of Criminal Procedure) . . . \$30 per application;]~~

(21) sight orders:

(A) if the face amount of the check or sight order does not exceed \$10 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$10;

(B) if the face amount of the check or sight order is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$15;

(C) if the face amount of the check or sight order is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$30;

(D) if the face amount of the check or sight order is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$50; and

(E) if the face amount of the check or sight order is greater than \$500 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$75;

(22) fees for a pretrial intervention program:

(A) a supervision fee (Art. 102.012(a), Code of Criminal Procedure) . . . \$60 a month plus expenses; and

(B) a district attorney, criminal district attorney, or county attorney administrative fee (Art. 102.0121, Code of Criminal Procedure) . . . not to exceed \$500;

(23) parking fee violations for child safety fund in municipalities with populations:

(A) greater than 850,000 (Art. 102.014, Code of Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

(B) less than 850,000 (Art. 102.014, Code of Criminal Procedure) . . . not to exceed \$5;

(24) an administrative fee for collection of fines, fees, restitution, or other costs (Art. 102.072, Code of Criminal Procedure) . . . not to exceed \$2 for each transaction; and

(25) a collection fee, if authorized by the commissioners court of a county or the governing body of a municipality, for certain debts and accounts receivable, including unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30 percent of an amount more than 60 days past due.

SECTION 39. Subchapter B, Chapter 103, Government Code, is amended by adding Section 103.035 to read as follows:

Sec. 103.035. ADDITIONAL COSTS IN TRUANCY CASES: FAMILY CODE. A party to a truancy case in a truancy court shall pay court costs of \$50 under Section 65.107, Family Code, if ordered by the truancy court.

SECTION 40. Section 81.032, Local Government Code, is amended to read as follows:

Sec. 81.032. ACCEPTANCE OF DONATIONS AND BEQUESTS. The commissioners court may accept a gift, grant, donation, bequest, or devise of money or other property on behalf of the county, including a donation under Chapter 36, Government Code, for the purpose of performing a function conferred by law on the county or a county officer.

SECTION 41. The following laws are repealed:

(1) Articles 45.054 and 45.055, Code of Criminal Procedure;

(2) Sections 25.094 and 25.0916(d), Education Code; and

(3) Sections 51.03(d), (e-1), and (g), 51.04(h), 51.08(e), 54.021, 54.0402, 54.041(f) and (g), and 54.05(a-1), Family Code.

SECTION 42. The changes in law made by this Act apply only to an offense committed or conduct that occurs on or after the effective date of this Act. An offense committed or conduct that occurs before the effective date of this Act is governed by the law in effect on the date the offense was committed or the conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed or conduct occurs before the effective date of this Act if any element of the offense or conduct occurs before that date.

SECTION 43. To the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 44. This Act takes effect September 1, 2015.

HB 2398 - POINT OF ORDER

Representative Sanford raised a point of order against further consideration of **HB 2398** under Rule 11, Section 3 of the House Rules on the grounds that the senate amendments would change the original purpose of the bill.

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

Representative Sanford raised a point of order against further consideration of **HB 2398** pursuant to Rule 11, Section 3 of the House Rules on the grounds that the lengthy amendment added by the senate changes the original purpose of the bill. The point of order was respectfully overruled.

HB 2398 left the house with four sections that addressed truancy. Among other things, the bill permitted the governing body of a municipality or the commissioners court of a county to establish a trust fund to be used to assist needy children in accordance with the bill's provisions, required the governing body of a municipality or the commissioners court to set eligibility requirements for disbursement of money to assist needy children or families who appear in court for criminal offenses by providing money for resources that eliminate barriers to school attendance, provided for dismissal of a charge against a parent contributing to nonattendance or failure to attend school, and provided for expunction of truancy records. In short, **HB 2398** was an omnibus bill aimed at addressing truancy. The conference committee report added a variety of other provisions, including some that changed truancy from a criminal to a civil offense, all of which related to how to address truancy. Because the amendments to **HB 2398** were all aimed at addressing the issue of truancy, the amendments did not impermissibly change the original purpose of the bill. See 83 H.J. Reg. 2442-2443 (2013) (Walle point of order on **CSHB 972**).

Representative J. White moved to adopt the conference committee report on **HB 2398**.

The motion to adopt the conference committee report on **HB 2398** prevailed by (Record 1754): 118 Yeas, 27 Nays, 2 Present, not voting.

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

Nays — Anderson, R.; Bell; Bonnen, D.; Bonnen, G.; Dale; Dutton; Goldman; Hunter; Keffer; Keough; Krause; Laubenberg; Leach; Metcalf; Murr; Phelan; Sanford; Shaheen; Sheets; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; Villalba; Zedler.

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

Absent, Excused — Anderson, C.

Absent — Dukes; Parker.

STATEMENTS OF VOTE

When Record No. 1754 was taken, I was shown voting no. I intended to vote yes.

R. Anderson

When Record No. 1754 was taken, I was shown voting yes. I intended to vote no.

Burns

When Record No. 1754 was taken, I was shown voting yes. I intended to vote no.

Button

When Record No. 1754 was taken, I was shown voting yes. I intended to vote no.

Kuempel

When Record No. 1754 was taken, I was shown voting yes. I intended to vote no.

D. Miller

When Record No. 1754 was taken, I was shown voting no. I intended to vote yes.

Sheets

When Record No. 1754 was taken, I was shown voting no. I intended to vote yes.

Tinderholt

RESOLUTIONS ADOPTED

Representative Canales moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions.

The motion prevailed.

The following resolutions were laid before the house:

HR 3132 (by Canales, Muñoz, and Guerra), Honoring Jacqueline Sandoval for her participation in the Rio Grande Valley Legislative Internship Program.

HR 3133 (by Canales, Muñoz, and Guerra), Honoring Lesley Andrea Marin for her participation in the Rio Grande Valley Legislative Internship Program.

HR 3275 (by Canales, Muñoz, and Guerra), Honoring Carlos Aguayo for his participation in the Rio Grande Valley Legislative Internship Program.

HR 3276 (by Canales, Muñoz, and Guerra), Honoring Shauna Miller for her participation in the Rio Grande Valley Legislative Internship Program.

The resolutions were adopted.

HR 2843 - PREVIOUSLY ADOPTED (by Guerra and Muñoz)

The chair laid out the following previously adopted resolution:

HR 2843, Congratulating Johnathan Simcha Weisfeld-Hinojosa on his service in the office of State Representative Bobby Guerra as a participant in the Rio Grande Valley Legislative Internship Program.

SB 459 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Alvarado submitted the conference committee report on **SB 459**.

Representative Alvarado moved to adopt the conference committee report on **SB 459**.

The motion to adopt the conference committee report on **SB 459** prevailed (by Record 1755): 95 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bernal; Blanco; Bohac; Burkett; Capriglione; Clardy; Coleman; Collier; Crownover; Dale; Darby; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Koop; Kuempel; Larson; Longoria;

Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Miles; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Smith; Smithee; Stephenson; Thompson, S.; Turner, C.; Turner, S.; Villalba; Vo; Walle; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Ashby; Bell; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Canales; Craddick; Cyrier; Fallon; Goldman; Huberty; Hughes; Hunter; Keough; Klick; Krause; Landgraf; Laubenberg; Leach; Metcalf; Meyer; Miller, D.; Miller, R.; Murr; Parker; Paul; Peña; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Simpson; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; White, J.; White, M.

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

Absent, Excused — Anderson, C.

Absent — Cook; Davis, S.; Dukes; Phillips.

STATEMENTS OF VOTE

When Record No. 1755 was taken, I was shown voting no. I intended to vote yes.

Canales

When Record No. 1755 was taken, I was shown voting yes. I intended to vote no.

Capriglione

When Record No. 1755 was taken, I was shown voting yes. I intended to vote no.

Elkins

When Record No. 1755 was taken, I was shown voting yes. I intended to vote no.

Flynn

When Record No. 1755 was taken, I was shown voting yes. I intended to vote no.

Frank

When Record No. 1755 was taken, I was shown voting yes. I intended to vote no.

Isaac

When Record No. 1755 was taken, I was in the house but away from my desk. I would have voted no.

Phillips

When Record No. 1755 was taken, I was shown voting yes. I intended to vote no.

Wray

When Record No. 1755 was taken, I was shown voting yes. I intended to vote no.

Zedler

SB 1316 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Alvarado, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1316**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1316**: Alvarado, chair; Bernal, Johnson, Koop, and Elkins.

HR 3466 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 3466**, suspending the limitations on the conferees for **SB 1191**.

HR 3395 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 3395**, suspending the limitations on the conferees for **HB 2645**.

HR 3430 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 3430**, suspending the limitations on the conferees for **SB 1465**.

HR 3439 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 3439**, suspending the limitations on the conferees for **HB 2968**.

HR 3437 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 3437**, suspending the limitations on the conferees for **SB 1882**.

HR 3467 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 3467**, suspending the limitations on the conferees for **SB 11**.

HR 3475 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 3475**, suspending the limitations on the conferees for **HB 2641**.

PARLIAMENTARY INQUIRY

REPRESENTATIVE TINDERHOLT: I want to understand Rule 13, Section 9 and what all these privileged resolutions mean. Because what I feel like is happening—and correct me if I'm wrong—I feel like we're asking for permission after these things have been talked about outside the bounds. Is this asking for permission to do these things? Is that what these resolutions are?

CHAIR (Simmons in the chair): Yes. It's granting the permission to conferees that have done this already. This is the custom of the house as we discussed yesterday, and that is what we're asking to be done.

TINDERHOLT: Well, I have real concern with that, and I'm not going to make a big deal out of it, but I would like the fact that I think that this is wrong placed in the journal—reduced to writing and put in the journal. Because the way the rules read right now is that we're supposed to give them permission to talk outside the bounds and then they go do it. But it seems like what's happening quite frequently is they're talking outside the bounds and then they come and ask for permission. I disagree with that, and I respectfully request that that be put in writing and put into the journal.

REMARKS ORDERED PRINTED

Representative Tinderholt moved to print remarks between the chair and Representative Tinderholt.

The motion prevailed.

PROVIDING FOR RECESS

At 2:46 p.m., Representative S. Thompson moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the signing of bills and resolutions, and the receipt of messages from the senate, the house recess until 2 p.m. tomorrow in memory of the Honorable Gordon "Doc" Arnold, Jr., of Austin.

The motion prevailed.

(G. Bonnen in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 5).

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. 32).

(Geren in the chair)

RECESS

In accordance with a previous motion, the house, at 1:33 p.m. Sunday, May 31, recessed until 2 p.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 33

HB 1, HB 2, HB 11, HB 48, HB 114, HB 263, HB 281, HB 324, HB 781, HB 870, HB 885, HB 1094, HB 1363, HB 1438, HB 1738, HB 1832, HB 1887, HB 1888, HB 1927, HB 2070, HB 2131, HB 2280, HB 2439, HB 2573, HB 2574, HB 2588, HB 2590, HB 2630, HB 2896, HB 2965, HB 3311, HB 3576, HB 3666, HB 3777, HB 3781, HB 4025, HB 4037, HCR 128, HCR 136, HCR 141

Senate List No. 32

SB 27, SB 37, SB 57, SB 58, SB 59, SB 107, SB 147, SB 158, SB 168, SB 183, SB 189, SB 195, SB 200, SB 239, SB 267, SB 304, SB 382, SB 386, SB 394, SB 453, SB 530, SB 550, SB 610, SB 631, SB 638, SB 674, SB 735, SB 752, SB 760, SB 791, SB 806, SB 813, SB 818, SB 821, SB 830, SB 833, SB 873, SB 876, SB 900, SB 965, SB 996, SB 1001, SB 1002, SB 1060, SB 1132, SB 1162, SB 1168, SB 1171, SB 1174, SB 1189, SB 1196, SB 1227, SB 1228, SB 1237, SB 1259, SB 1304, SB 1305, SB 1307, SB 1313, SB 1315, SB 1362, SB 1385, SB 1394, SB 1436, SB 1453, SB 1455, SB 1461, SB 1468, SB 1494, SB 1512, SB 1540, SB 1543, SB 1560, SB 1664, SB 1707, SB 1716, SB 1726, SB 1743, SB 1831, SB 1852, SB 1853, SB 1881, SB 1899, SB 1908, SB 1940, SB 1978, SB 1982, SB 2007, SB 2008, SB 2009, SB 2013, SB 2019, SB 2025, SB 2026, SB 2037, SB 2041, SB 2044, SB 2057, SB 2062, SB 2064, SB 2074, SB 2075

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

Saturday, May 30, 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 CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 206 (31 Yeas, 0 Nays)

SB 496 (30 Yeas, 1 Nay)

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 15

Senate Conferees: Eltife - Chair/Hancock/Huffman/Nelson/Uresti

HB 18

Senate Conferees: Perry - Chair/Bettencourt/Garcia/Seliger/Taylor, Larry

HB 991

Senate Conferees: Huffines - Chair/Estes/Hinojosa/Nichols/Perry

HB 1396

Senate Conferees: Burton - Chair/Hinojosa/Huffman/Perry/Whitmire

HB 1490

Senate Conferees: Whitmire - Chair/Huffman/Nelson/Nichols/West

HB 1842

Senate Conferees: Taylor, Larry - Chair/Bettencourt/Campbell/Huffines/Rodríguez

HB 2162

Senate Conferees: Campbell - Chair/Nelson/Nichols/Schwertner/Watson

HB 2206

Senate Conferees: Hancock - Chair/Eltife/Nelson/Watson/Whitmire

HB 2291

Senate Conferees: Perry - Chair/Burton/Creighton/Huffman/Whitmire

HB 3474

Senate Conferees: Schwertner - Chair/Bettencourt/Perry/Taylor, Van/Uresti

HB 4175

Senate Conferees: Taylor, Larry - Chair/Campbell/Creighton/Garcia/Kolkhorst

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Saturday, May 30, 2015 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 137 Hughes SPONSOR: Eltife
In memory of the Honorable Leo Berman of Tyler.

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 6
Senate Conferees: Hinojosa - Chair/Eltife/Hancock/Nelson/Nichols

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 1690 (20 Yeas, 11 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Saturday, May 30, 2015 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

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

SB 108 (31 Yeas, 0 Nays)

SB 142 (30 Yeas, 1 Nay)

SB 287	(31 Yeas, 0 Nays)
SB 630	(31 Yeas, 0 Nays)
SB 740	(31 Yeas, 0 Nays)
SB 825	(31 Yeas, 0 Nays)
SB 907	(31 Yeas, 0 Nays)
SB 995	(31 Yeas, 0 Nays)
SB 1004	(31 Yeas, 0 Nays)
SB 1034	(30 Yeas, 1 Nay)
SB 1073	(31 Yeas, 0 Nays)
SB 1309	(30 Yeas, 1 Nay)
SB 1317	(31 Yeas, 0 Nays)
SB 1364	(31 Yeas, 0 Nays)
SB 1369	(30 Yeas, 1 Nay)
SB 1459	(31 Yeas, 0 Nays)
SB 1510	(31 Yeas, 0 Nays)
SB 1624	(20 Yeas, 11 Nays)
SB 1812	(31 Yeas, 0 Nays)
SB 1824	(31 Yeas, 0 Nays)
SB 1867	(31 Yeas, 0 Nays)
SB 1913	(31 Yeas, 0 Nays)
SB 1928	(31 Yeas, 0 Nays)
SB 2002	(30 Yeas, 1 Nay)

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 928

Senate Conferees: Hinojosa - Chair/Campbell/Kolkhorst/Perry/Taylor, Larry

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Saturday, May 30, 2015 - 4

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 GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 603

Senate Conferees: Garcia - Chair/Creighton/Huffman/Perry/Whitmire

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 5

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Saturday, May 30, 2015 - 5

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:

HCR 134 Darby SPONSOR: Seliger
Instructing the enrolling clerk of the house to make corrections in H.B. No. 3078.

HCR 135 Morrison SPONSOR: Kolkhorst
In memory of U.S. Army Specialist Kerry Danyluk.

HCR 139 Larson SPONSOR: Perry
Instructing the enrolling clerk of the house to make corrections in H.B. No. 30.

HCR 142 Kacal SPONSOR: Fraser
Recalling H.B. 1926 from the Senate for further consideration.

SCR 51 Hinojosa
Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1356.

THE SENATE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 1926

The Senate returns H.B. 1926 to the House of Representatives for further consideration pursuant to HCR 142.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 29

International Trade and Intergovernmental Affairs - **HCR 140**

ENROLLED

May 29 - HB 1, HB 2, HB 11, HB 114, HB 263, HB 324, HB 1363, HB 1438, HB 1832, HB 1887, HB 2070, HB 2131, HB 2280, HB 2574, HB 2588, HB 2965, HB 3175, HB 3311, HB 3576, HB 3777, HB 4025, HCR 128

SENT TO THE GOVERNOR

May 29 - HB 168, HB 207, HB 229, HB 257, HB 262, HB 307, HB 326, HB 480, HB 504, HB 518, HB 634, HB 644, HB 710, HB 771, HB 790, HB 825, HB 884, HB 905, HB 906, HB 1015, HB 1026, HB 1038, HB 1074, HB 1083, HB 1128, HB 1237, HB 1277, HB 1278, HB 1286, HB 1287, HB 1329, HB 1337, HB 1360, HB 1394, HB 1431, HB 1449, HB 1455, HB 1514, HB 1535, HB 1549, HB 1551, HB 1595, HB 1617, HB 1628, HB 1640, HB 1661, HB 1670, HB 1702, HB 1733, HB 1781, HB 1793, HB 1807, HB 1846, HB 1855, HB 1879, HB 1908, HB 1914, HB 1924, HB 2031, HB 2055, HB 2063, HB 2067, HB 2108, HB 2121, HB 2134, HB 2232, HB 2251, HB 2290, HB 2299, HB 2300, HB 2313, HB 2372, HB 2390, HB 2407, HB 2472, HB 2499, HB 2528, HB 2547, HB 2549, HB 2558, HB 2589, HB 2598, HB 2629, HB 2634, HB 2646, HB 2647, HB 2655, HB 2660, HB 2680, HB 2706, HB 2763, HB 2775, HB 2827, HB 2828, HB 2851, HB 2945, HB 2946, HB 3002, HB 3074, HB 3092, HB 3264, HB 3283, HB 3316, HB 3357, HB 3373, HB 3374, HB 3404, HB 3438, HB 3439, HB 3517, HB 3547, HB 3595, HB 3629, HB 3685, HB 3707, HB 3710, HB 3748, HB 3772, HB 3982, HB 4030, HB 4046, HB 4133, HB 4134, HB 4148, HB 4174, HB 4183, HB 4199, HB 4207, HCR 35, HCR 46, HCR 62, HCR 76, HCR 77, HCR 81, HCR 85, HCR 93, HCR 94, HCR 130

SIGNED BY THE GOVERNOR

May 29 - HB 39, HB 495, HB 511, HB 705, HB 789, HB 834, HB 931, HB 941, HB 1148, HB 1246, HB 1388, HB 1546, HB 1933, HB 1964, HB 2154, HB 2208, HB 2394, HB 2476, HB 2491, HB 2878, HB 2894, HB 3185

