

# HOUSE JOURNAL

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EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-SECOND DAY — MONDAY, MAY 18, 2015

The house met at 1:03 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1163).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; 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; 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; 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 — Harless; Laubenberg; Murphy.

Absent — Spitzer.

The speaker recognized Representative Guerra who introduced Dr. Claudio J. Kogan, rabbi, Temple Emanuel, McAllen, who offered the invocation as follows:

Eloheinu Ve Elohey Avoteinu, our God and God of our ancestors, God of compassion, God of justice, God of peace, we ask for your blessings for this great State of Texas, for its government, for its leaders and advisers, and for all who exercise rightful authority. Bless all state representatives and grant them the ability to lead with the true understanding of your vision so that they may administer all affairs of state fairly, that peace and security, happiness and prosperity, and justice and freedom will forever abide in our midst. Let us, O God, remember where we came from so that we may never forget our destination.

Elohai Rahamamim, God of compassion, on my second anniversary as an American citizen, we ask for your blessings, O God Almighty, to remind every American legislator that the commandment of loving the widow, the orphan, and the stranger appears in our bibles at least 36 times. After all, our Texas ancestors were immigrants and strangers as well. May we always remember when we discuss immigration, education, health care, and minimum wage that we are in some way or another the children of immigrants whose voices were once silenced by tyranny and inequality and that our ability to take part in the political process of this great nation, from casting a ballot to holding an office, is a sacred gift. Creator of all flesh, may citizens of all races and creeds celebrate our ability to participate in this project of democracy forging a common bond and true harmony to banish hatred and bigotry and to safeguard the ideals and free institutions that are the pride and glory of the United States of America. Amen.

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

### **LEAVES OF ABSENCE GRANTED**

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

Laubenberg on motion of Flynn.

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

Harless on motion of Geren.

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

Murphy on motion of M. White.

(Spitzer now present)

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Dale who presented Dr. Daniel A. Steffy of Cedar Park as the "Doctor for the Day."

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

(Price in the chair)

### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Elkins requested permission for the Committee on Government Transparency and Operation to meet while the house is in session, at 1:30 p.m., in 1W.14, to consider **SB 1455**, **SB 1638**, and **SB 1877**.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Government Transparency and Operation, 1:30 p.m. today, 1W.14, for a formal meeting, to consider **SB 1455**, **SB 1638**, and **SB 1877**.

### **RESOLUTIONS ADOPTED**

Representative Giddings 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 2837** (by Giddings), Congratulating Richard Knight, Jr., of Dallas on his receipt of a 2015 Profiles in Leadership Award.

**HR 2838** (by Giddings), Honoring Regina Montoya on her receipt of a 2015 Profiles in Leadership Award.

**HR 2839** (by Giddings), Congratulating Pete Schenkel of Dallas on his receipt of a 2015 Profiles in Leadership Award.

**HR 2840** (by Giddings), Congratulating James A. Washington of Dallas on his receipt of a 2015 Profiles in Leadership Award.

**HR 2841** (by Giddings and Button), Congratulating Dr. Charles Ku on his receipt of a 2015 Profiles in Leadership Award.

The resolutions were adopted.

On motion of Representatives Button, Leach, R. Anderson, Meyer, and Sheets, the names of all the members of the house were added to **HR 2837**, **HR 2838**, **HR 2839**, **HR 2840**, and **HR 2841** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Giddings who introduced recipients of the 2015 Profiles in Leadership Award.

### **LEAVE OF ABSENCE GRANTED**

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

Reynolds on motion of Y. Davis.

### **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).

### **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. 20).

**HR 2836 - ADOPTED**  
**(by Giddings)**

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 2836**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2836**, Congratulating Amber Moffitt on her selection as a semifinalist in the 2015 American School Counselor Association Counselor of the Year competition.

**HR 2836** was adopted.

**INTRODUCTION OF GUEST**

The chair recognized Representative Giddings who introduced Amber Moffitt.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Coleman requested permission for the Committee on County Affairs to meet while the house is in session, at 2 p.m. today, in 3W.9, to consider **SCR 39** and pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

County Affairs, 2 p.m. today, 3W.9, for a formal meeting, to consider **SCR 39** and pending business.

**HR 2498 - ADOPTED**  
**(by Sheets and Burkett)**

Representative Sheets moved to suspend all necessary rules to take up and consider at this time **HR 2498**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2498**, Commending Officers Ryan Nielson and Autumn Soto of the Mesquite Police Department and private citizen Zachary Shipman for rescuing a driver from a burning car.

**HR 2498** was adopted.

On motion of Representative Rose, the names of all the members of the house were added to **HR 2498** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Sheets who introduced Ryan Nielson, Autumn Soto, and members of their families.

**HR 2036 - ADOPTED**  
**(by Gonzales)**

Representative Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 2036**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2036**, Commemorating the 25th anniversary of the Autism Society of Central Texas.

**HR 2036** was adopted.

**HR 1720 - PREVIOUSLY ADOPTED**  
**(by Anchia)**

The chair laid out the following previously adopted resolution:

**HR 1720**, Recognizing May 18, 2015, as Texas Promotores and Community Health Workers Day at the State Capitol.

**INTRODUCTION OF GUESTS**

The chair recognized Representative González who introduced participants in Texas Promotores and Community Health Workers Day.

**LEAVE OF ABSENCE GRANTED**

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

Phelan on motion of Metcalf.

**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. 22).

**HR 612 - PREVIOUSLY ADOPTED**  
**(by K. King)**

The chair laid out the following previously adopted resolution:

**HR 612**, Congratulating the Canadian High School football team on winning the 2014 UIL 2A Division 1 state championship.

**INTRODUCTION OF GUESTS**

The chair recognized Representative K. King who introduced representatives of the Canadian High School football team.

**PROVIDING FOR A CONGRATULATORY  
AND MEMORIAL CALENDAR**

Representative Kacal moved to set a congratulatory and memorial calendar for 10 a.m. Thursday, May 21.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Rules and Resolutions, upon recess today, 3W.9, for a formal meeting, to set a calendar.

**HR 2042 - ADOPTED  
(by K. King)**

Representative K. King moved to suspend all necessary rules to take up and consider at this time **HR 2042**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2042**, Congratulating the Canadian High School boys' basketball team on winning the 2015 UIL 2A state championship.

**HR 2042** was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative K. King who introduced representatives of the Canadian High School boys' basketball team.

**HR 1281 - PREVIOUSLY ADOPTED  
(by Guillen)**

The chair laid out the following previously adopted resolution:

**HR 1281**, Congratulating Mariachi Cascabel of Rio Grande City High School for winning Class 5A of the 2015 Texas High School Mariachi Competition.

**HR 1283 - PREVIOUSLY ADOPTED  
(by Guillen)**

The chair laid out the following previously adopted resolution:

**HR 1283**, Congratulating Mariachi Cotuleno of Cotulla High School for winning Class 3A of the 2015 Texas High School Mariachi Competition.

**HR 1284 - PREVIOUSLY ADOPTED  
(by Guillen)**

The chair laid out the following previously adopted resolution:

**HR 1284**, Congratulating Mariachi Grulla de Plata of Grulla High School for winning Class 4A of the 2015 Texas High School Mariachi Competition.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Human Services, upon recess today, Desk 12, for a formal meeting, to consider **SB 207**, **SB 1496**, **SB 1560**, **SB 1580**, **SB 1881**, and pending business.

### LEAVE OF ABSENCE GRANTED

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

Otto on motion of Geren.

(Speaker in the chair)

### GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

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

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

**SB 498** was passed by (Record 1164): 106 Yeas, 29 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Canales; Capriglione; Clardy; Coleman; Craddick; Crownover; Cyrier; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; Guerra; Guillen; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Israel; Kacal; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Kuempel; Landgraf; Longoria; Lozano; Lucio; Márquez; Martinez; Metcalf; Meyer; Miles; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murr; Naishtat; Oliveira; Paddie; Parker; Peña; Pickett; Price; Raney; Raymond; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Sheets; Sheffield; Simmons; Smith; Spitzer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Vo; White, J.; White, M.; Wray; Wu; Zerwas.

Nays — Bell; Burrows; Button; Collier; Cook; Dale; Flynn; González; Isaac; Krause; Larson; Leach; Martinez Fischer; Miller, D.; Nevárez; Paul; Phillips; Rinaldi; Shaheen; Simpson; Smithee; Springer; Stickland; Tinderholt; Turner, E.S.; Villalba; Walle; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Harless; Laubenberg; Murphy; Phelan; Reynolds.

Absent, Excused, Committee Meeting — Otto.

Absent — Bohac; Dukes; Fletcher; Gutierrez; Johnson; Keffer; Keough; McClendon.

**STATEMENTS OF VOTE**

When Record No. 1164 was taken, I was in the house but away from my desk. I would have voted yes.

Bohac

When Record No. 1164 was taken, I was shown voting no. I intended to vote yes.

Cook

When Record No. 1164 was taken, I was in the house but away from my desk. I would have voted yes.

Fletcher

When Record No. 1164 was taken, I was shown voting yes. I intended to vote no.

Gonzales

When Record No. 1164 was taken, I was in the house but away from my desk. I would have voted yes.

Gutierrez

When Record No. 1164 was taken, I was in the house but away from my desk. I would have voted yes.

Johnson

When Record No. 1164 was taken, I was in the house but away from my desk. I would have voted yes.

Keffer

When Record No. 1164 was taken, I was in the house but away from my desk. I would have voted yes.

Keough

When Record No. 1164 was taken, I was shown voting no. I intended to vote yes.

D. Miller

When Record No. 1164 was taken, I was shown voting no. I intended to vote yes.

Paul

When Record No. 1164 was taken, I was shown voting yes. I intended to vote no.

J. Rodriguez

When Record No. 1164 was taken, I was shown voting yes. I intended to vote no.

Schaefer



**SB 481 ON THIRD READING**  
**(Smithee - House Sponsor)**

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

**LEAVE OF ABSENCE GRANTED**

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

Bernal on motion of Pickett.

**SB 481 - (consideration continued)**

**SB 481** was passed by (Record 1165): 137 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; 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; 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; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Pickett; Price; Raney; Raymond; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler.

Nays — Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bernal; Harless; Laubenberg; Murphy; Phelan; Reynolds.

Absent, Excused, Committee Meeting — Otto.

Absent — Bohac; Dukes; McClendon; Phillips.

**STATEMENT OF VOTE**

When Record No. 1165 was taken, I was in the house but away from my desk. I would have voted yes.

Bohac

**SB 686 ON THIRD READING**  
**(Clardy - House Sponsor)**

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

**SB 686** was passed by (Record 1166): 79 Yeas, 57 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Blanco; Bohac; Canales; Clardy; Coleman; Collier; Cook; Crownover; Dale; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farney; Fletcher; Frullo; Galindo; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hunter; Israel; Keffer; King, K.; King, T.; Klick; Koop; Kuempel; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Meyer; Miles; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Paddie; Peña; Pickett; Raney; Raymond; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schubert; Sheets; Sheffield; Stephenson; Thompson, S.; Turner, C.; Turner, S.; Villalba; Vo; Walle; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Craddick; Cyrier; Darby; Elkins; Fallon; Flynn; Frank; Geren; Goldman; Hughes; Isaac; Kacal; Keough; King, P.; Krause; Landgraf; Larson; Leach; Metcalf; Miller, D.; Murr; Parker; Paul; Phillips; Price; Rinaldi; Schaefer; Schofield; Shaheen; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; White, J.; White, M.; Workman; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bernal; Harless; Laubenberg; Murphy; Phelan; Reynolds.

Absent, Excused, Committee Meeting — Otto.

Absent — Alonzo; Dukes; Farrar; Johnson; King, S.; McClendon.

**STATEMENTS OF VOTE**

When Record No. 1166 was taken, I was shown voting yes. I intended to vote no.

Bohac

When Record No. 1166 was taken, I was shown voting yes. I intended to vote no.

Fletcher

When Record No. 1166 was taken, I was shown voting yes. I intended to vote no.

Kuempel

When Record No. 1166 was taken, I was shown voting no. I intended to vote yes.

Price

**SB 652 ON THIRD READING**  
**(Farney, Simmons, Oliveira, et al. - House Sponsors)**

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

**SB 652** was passed by (Record 1167): 138 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; 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; 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; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Blanco; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bernal; Harless; Laubenberg; Murphy; Phelan; Reynolds.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; McClendon.

**STATEMENT OF VOTE**

When Record No. 1167 was taken, I was shown voting yes. I intended to vote no.

Hunter

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

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

**Amendment No. 1**

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

Amend **SB 746** on third reading in the SECTION of the bill that was designated as SECTION 37 in the house committee printing as follows:

(1) In Subsection (a), strike "The changes in law" and substitute "Except as provided by Subsection (a-1) of this section, the changes in law".

(2) Between Subsections (a) and (b), insert the following:

(a-1) The jurisdiction of a district court, the representation of the state by the civil division of the special prosecution unit, and the representation of a respondent by the Office of State Counsel for Offenders or other court-appointed counsel in any civil commitment trial, any review of a petition for release, or any biennial review under Chapter 841, Health and Safety Code, that is pending on the effective date of this Act remain unaffected by this Act until the conclusion of that proceeding.

Amendment No. 1 was adopted.

**Amendment No. 2**

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

Amend **SB 746** on third reading as follows:

(1) Strike the SECTION of the bill that was designated as SECTION 24 in the house committee printing and renumber subsequent SECTIONS of the bill accordingly.

(2) In the SECTION of the bill that was designated as SECTION 36 in the house committee printing, in Subdivision (2), strike "841.005".

Amendment No. 2 was adopted.

**Amendment No. 3**

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

Amend **SB 746** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 841, Health and Safety Code, is amended by adding Section 841.042 to read as follows:

Sec. 841.042. ASSISTANCE FROM SPECIAL PROSECUTION UNIT. On request of the attorney representing the state, the special prosecution unit shall provide legal, financial, and technical assistance to the attorney for a civil commitment proceeding conducted under this chapter.

Amendment No. 3 was adopted.

**Amendment No. 4**

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

Amend **SB 746** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 841.061(a), Health and Safety Code, is amended to read as follows:

(a) The [Not later than the 270th day after the date a petition is served on the person under Section 841.041, the] judge shall conduct a trial to determine whether the person is a sexually violent predator:

(1) not later than the 270th day after the date a petition is served on the person under Section 841.041; and

(2) not later than the person's sentence discharge date.

SECTION \_\_\_\_\_. Section 841.063, Health and Safety Code, is amended to read as follows:

Sec. 841.063. CONTINUANCE. (a) Except as provided by Subsection (b), the [The] judge may continue a trial or hearing conducted under this chapter if the person is not substantially prejudiced by the continuance and:

(1) on the request of either party and a showing of good cause; or

(2) on the judge's own motion in the due administration of justice.

(b) The judge may not continue a trial conducted under this chapter to a date occurring later than the person's sentence discharge date.

Amendment No. 4 was adopted.

**SB 746**, as amended, was passed by (Record 1168): 137 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; 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; 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; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Pickett; Price; Raney; Raymond; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Dale; Phillips; Thompson, E.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bernal; Harless; Laubenberg; Murphy; Phelan; Reynolds.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; McClendon.

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

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

**SB 2034** was passed by (Record 1169): 123 Yeas, 15 Nays, 2 Present, not voting.

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

Nays — Fallon; Fletcher; Flynn; Isaac; Krause; Leach; Murr; Rinaldi; Sanford; Schaefer; Schofield; Stickland; Tinderholt; Turner, E.S.; Zedler.

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

Absent, Excused — Bernal; Harless; Laubenberg; Murphy; Phelan; Reynolds.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Dutton; McClendon.

**STATEMENTS OF VOTE**

When Record No. 1169 was taken, I was shown voting yes. I intended to vote no.

Cyrier

When Record No. 1169 was taken, I was shown voting yes. I intended to vote no.

Keough

**SB 837 ON THIRD READING  
(Workman - House Sponsor)**

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

**SB 837** was passed by (Record 1170): 94 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Blanco; Burns; Canales; Coleman; Collier; Craddick; Crownover; Cyrier; Dale; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farney; Farrar; Fletcher; Frullo; Galindo; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hunter; Israel; Johnson; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Meyer; Miles; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Pickett; Price; Raney; Raymond; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Sheets; Sheffield; Smith; Smithee; Stephenson; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Vo; Walle; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Ashby; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burrows; Button; Clardy; Cook; Darby; Elkins; Faircloth; Fallon; Flynn; Frank; Geren; Goldman; Hughes; Isaac; Kacal; Keough; Leach; Metcalf; Miller, D.; Murr; Phillips; Rinaldi; Sanford; Schaefer; Shaheen; Simmons; Simpson; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; Villalba; White, J.; White, M.; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bernal; Harless; Laubenberg; Murphy; Phelan; Reynolds.

Absent, Excused, Committee Meeting — Otto.

Absent — Anderson, C.; Burkett; Capriglione; Dukes; McClendon.

#### **STATEMENTS OF VOTE**

When Record No. 1170 was taken, I was in the house but away from my desk. I would have voted yes.

Burkett

When Record No. 1170 was taken, I was in the house but away from my desk. I would have voted yes.

Capriglione

When Record No. 1170 was taken, I was shown voting no. I intended to vote yes.

Geren

When Record No. 1170 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 1170 was taken, I was shown voting yes. I intended to vote no.

Parker

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

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

**Amendment No. 1**

Representative Alvarado offered the following amendment to **SB 459**:

Amend **SB 459** on third reading in SECTION 1 of the bill, as follows:

(1) Strike proposed Section 470.002, Government Code (page 1, lines 13-17), and substitute the following:

Sec. 470.002. ESTABLISHMENT. The Advisory Council on Cultural Affairs is established in the office of the governor to advise the office on the benefits to this state from the economic, social, legal, and political contributions of this state's culturally diverse population.

(2) In proposed Section 470.003(c), Government Code (page 2, lines 6-7), strike "achieve geographic representation of the Hispanic population from all areas of the" and substitute "select individuals who reflect the cultural diversity of this".

(3) Strike proposed Section 470.006, Government Code (page 2, line 16, through page 5, line 12), and substitute the following:

Sec. 470.006. DUTIES. The council shall study:

(1) the manner in which this state's culturally diverse population positively affects this state's import and export of goods, strengthens international trade, and promotes economic opportunity for residents of this state; and

(2) any other related matter of importance to the council or the governor.

(4) Strike proposed Section 470.007(b), Government Code (page 5, lines 17-23), and substitute the following:

(b) The council shall include in the report recommendations concerning policy and statutory changes to promote and further cultural diversity and its benefits in this state.

Amendment No. 1 was adopted.

**SB 459**, as amended, was passed by (Record 1171): 104 Yeas, 33 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Blanco; Bohac; Burkett; Burrows; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Crownover; Dale; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hunter; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Koop; Kuempel; Landgraf; Larson;



Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Pickett; Price; Raney; Raymond; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheets; Simmons; Smith; Stephenson; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bell; Bonnen, D.; Bonnen, G.; Burns; Button; Craddick; Cyrier; Darby; Fallon; Frank; Goldman; Hughes; Keough; Klick; Krause; Leach; Paul; Peña; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Simpson; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; White, J.; White, M.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bernal; Harless; Laubenberg; Murphy; Phelan; Reynolds.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Isaac; Phillips; Schubert; Sheffield.

#### STATEMENTS OF VOTE

When Record No. 1171 was taken, I was shown voting yes. I intended to vote no.

Capriglione

When Record No. 1171 was taken, my vote failed to register. I would have voted no.

Isaac

When Record No. 1171 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1171 was taken, my vote failed to register. I would have voted no.

Schubert

When Record No. 1171 was taken, I was shown voting no. I intended to vote yes.

Springer

#### SB 653 ON THIRD READING (Oliveira - House Sponsor)

**SB 653**, A bill to be entitled An Act relating to increasing the amount of burial benefits required to be paid by an insurance carrier under the workers' compensation system.

**SB 653** was passed by (Record 1172): 138 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Ashby; Aycock; Bell; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; 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; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phillips; Pickett; Price; Raney; Raymond; Riddle; 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 — Rinaldi.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bernal; Harless; Laubenberg; Murphy; Phelan; Reynolds.

Absent, Excused, Committee Meeting — Otto.

Absent — Anderson, C.; Canales; Dukes.

### STATEMENT OF VOTE

When Record No. 1172 was taken, I was in the house but away from my desk. I would have voted yes.

C. Anderson

### SB 1057 ON THIRD READING (Herrero - House Sponsor)

**SB 1057**, A bill to be entitled An Act relating to the provision of funding for indigent defense services.

**SB 1057** was passed by (Record 1173): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; 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; 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; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bernal; Harless; Laubenberg; Murphy; Phelan; Reynolds.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Márquez; Smith.

### STATEMENT OF VOTE

When Record No. 1173 was taken, my vote failed to register. I would have voted yes.

Márquez

### SB 934 ON THIRD READING (Farney - House Sponsor)

**SB 934**, A bill to be entitled An Act relating to providing training academies for public school teachers who provide mathematics instruction to students in kindergarten through grade three.

**SB 934** was passed by (Record 1174): 130 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; 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; 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; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Krause; Leach; Murr; Rinaldi; Sanford; Schaefer; Shaheen; Spitzer; Stickland; Tinderholt; Turner, E.S.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bernal; Harless; Laubenberg; Murphy; Phelan; Reynolds.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes.

### STATEMENT OF VOTE

When Record No. 1174 was taken, I was shown voting yes. I intended to vote no.

Keough

### POSTPONED BUSINESS

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

#### SB 876 ON SECOND READING (Fruzzo - House Sponsor)

**SB 876**, A bill to be entitled An Act relating to the licensing of insurance agents and adjusters; providing a penalty.

**SB 876** was read second time on May 14 and was postponed until 12:25 a.m. May 15.

#### Amendment No. 1

Representative Sheets offered the following amendment to **SB 876**:

Amend **SB 876** by adding the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. Section 4153.055, Insurance Code, is amended to read as follows:

Sec. 4153.055. EXEMPTIONS FROM EXAMINATION AND CONTINUING EDUCATION REQUIREMENT. (a) An applicant is not required to take an examination to obtain a risk manager's license if the applicant holds the designation of:

(1) chartered property casualty underwriter (CPCU) from the American Institute for Chartered Property Casualty Underwriters;

(2) certified insurance counselor (CIC) from the national Society of Certified Insurance Counselors; ~~or~~

(3) associate in risk management (ARM) from the Insurance Institute of America; or

(4) Certified Risk Manager (CRM) from The National Alliance for Insurance Education & Research.

(b) A license holder who has held a designation described by Subsection (a)(2), (3), or (4) for a period of not less than 30 years is exempt from continuing education requirements established under this title.

Amendment No. 1 was adopted.

**SB 876**, as amended, was passed to third reading.

**SB 455 ON SECOND READING**  
**(Schofield - House Sponsor)**

**SB 455**, A bill to be entitled An Act relating to special three-judge district courts convened to hear certain cases.

**SB 455** was read second time on May 13 and was postponed until 4:59 a.m. May 15.

(Kuempel in the chair)

**Amendment No. 1**

Representatives Gutierrez and Nevárez offered the following amendment to **SB 455**:

Amend **SB 455** (house committee printing) on page 2, between lines 16 and 17, by inserting the following:

(a-1) One of the judges or justices appointed under Subsection (a) must be a judge or justice of a court with jurisdiction in Travis County.

Representative Schofield moved to table Amendment No. 1.

The motion to table prevailed by (Record 1175): 88 Yeas, 48 Nays, 3 Present, not voting.

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

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

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

Absent, Excused — Bernal; Harless; Laubenberg; Murphy; Phelan; Reynolds.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Geren; King, S.; Krause.

**Amendment No. 2**

Representatives Nevárez and Dutton offered the following amendment to **SB 455**:

Amend **SB 455** (house committee printing) on page 4 of the bill, between lines 15 and 16, insert the following:

(c) If a case before the three-judge district court is appealed to the supreme court, the chief justice of the supreme court shall recuse himself or herself.

**SB 455 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE COLLIER: Representative Schofield, I want to ask you a couple of questions. One of them is about the Supreme Court setting the appeals process.

REPRESENTATIVE SCHOFIELD: That's not really what this amendment does.

COLLIER: I know, but I can ask you any question about your bill right now.

SCHOFIELD: Well, we're on the amendment right now. I'll be up here on the bill at the end.

COLLIER: Well, it can be about this amendment, too, because the amendment says that the Supreme Court justice needs to recuse himself or herself from the proceedings if it goes to appeal, right?

SCHOFIELD: If appealed to the chief justice of the Supreme Court, yes.

COLLIER: Then the chief justice is part of the board or committee that designs the appeals process? In your bill?

SCHOFIELD: Yes, as he is in all of the rules of civil procedure and everything that we do now.

COLLIER: So what is the process going to be?

SCHOFIELD: Under the bill, the Supreme Court is authorized to set the rules that will involve the operations of the three-judge panel and also the appeal process.

COLLIER: Okay, so have you talked to them to see what that process would be?

SCHOFIELD: I presume they'll use the same process they always use.

COLLIER: And what is that?

SCHOFIELD: I think typically they gather a committee and go over ideas, and eventually the Supreme Court adopts whatever rules they are going to adopt. Due to the separation of powers, I've never been involved in that process.

COLLIER: So then I want to know about actions by—if you're on page 5, Section 22A.006, action by judge or justice with the unanimous consent of the three judges sitting on a special three-judge district court, a judge or justice of the court may independently—what if they're not unanimous? What happens with that?

SCHOFIELD: Again, I'm on the amendment—

COLLIER: I know, but I'm not. I directed you to the page and line I was on, so let's go there.

SCHOFIELD: Well, you directed me to a page I don't have. You directed me to page 5 and the bill only has four pages.

COLLIER: Okay, so Section 22A.006, is that still there? You see that?

SCHOFIELD: Yes.

COLLIER: Okay, so what if they're not unanimous? The panel?

SCHOFIELD: What if who's not unanimous?

COLLIER: It says with the unanimous consent of the three judges sitting on a special three-judge district court. What happens when they're not unanimous?

SCHOFIELD: I don't believe that section's in the bill anymore.

COLLIER: Oh, it's not? It's been removed?

SCHOFIELD: The entire section on discretionary proceedings is no longer in the bill.

COLLIER: Okay, then let's go to the section about challenges to the financial. What kind of challenges is it your intent that the attorney general may petition for a three-judge panel for?

SCHOFIELD: Again, these are challenges to the school finance system.

COLLIER: I know, but that's pretty broad. So I want to know how far reaching or how small can the challenge be?

SCHOFIELD: I'm glad you asked that. The bill refers to challenges to the finance and operations of the state's public school finance system. It's not about a lawsuit saying that a local school district is mishandling their money or something of that nature. This is a lawsuit involving the challenges to the finances or operations of the state's public school finance system as where we're required to provide under the constitution.

COLLIER: And so what would that be? Give me some examples.

SCHOFIELD: The examples would be the Edgewood cases.

COLLIER: Anything else?

SCHOFIELD: Those are the biggest examples I can think of.

COLLIER: So only one case you can think of that you need to create a whole—

SCHOFIELD: It's not one. It's been, I think, six Edgewood cases and West Orange-Cove and several other cases.

COLLIER: So it's just that case that talks about how we fund our public school system?

SCHOFIELD: Yes.

COLLIER: And you're not talking about smaller state challenges to the public school finance system?

SCHOFIELD: Again, we're talking about—and I think the language is pretty paired down—it's a claim that challenges the finances or operations of the state's public school system.

COLLIER: It seems pretty open-ended. I really would appreciate to know your intent behind what that includes. I'm just trying to get ahold of what you mean by the challenges to the state's public finance.

SCHOFIELD: Since 1984, we've had a series of challenges to the way the state finances public schools and the way that the legislature finances public schools under the constitutional requirement that we generally diffuse knowledge through a system of public, free schools. Those are the types of cases that I would anticipate, but the law will be how the judges interpret it. I believe that a challenge to the finances or operations of the state's public school system only involves challenges to the entire state system, not a challenge, as I said, to the individual finances of a local school district that's perhaps having either financial problems or mismanagement. That wouldn't be the state's system.

COLLIER: So you only mean for the statewide system—you're not talking about smaller challenges?

SCHOFIELD: That's correct. Again, these are cases in which the state is a defendant. If the state is not a defendant, this bill does not apply. So if you sue your local school district on a claim that they shouldn't be closing down a school or something like that—if the state is not a defendant, **SB 455** would not apply.

COLLIER: And so these three judges, they actually go to the location or where the suit originated.

SCHOFIELD: That's correct. One of them would, of course, already be there. The other two would travel there.

COLLIER: And the state is going to pay for the travel?

SCHOFIELD: Yes.

COLLIER: And the state will pay for their lodgings and their meals?

SCHOFIELD: Yes.

COLLIER: And the actual place where they stay? I mean facility use? Will the state reimburse the local counties and the communities for the cost?

SCHOFIELD: Yes. Under the bill it would come out of the Office of Court Administration. The fiscal note for my bill listed it at \$29,500 in a year in which there actually was a suit. If there isn't a suit, it would be zero.

COLLIER: So the local entities will be reimbursed?

SCHOFIELD: Yes.

Representative Schofield moved to table Amendment No. 2.

The motion to table prevailed by (Record 1176): 89 Yeas, 51 Nays, 2 Present, not voting.



Yeas — Anderson, C.; Anderson, R.; Ashby; Aycocock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; Klick; Koop; Krause; Landgraf; Larson; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murr; Paddie; Parker; Paul; Peña; Phillips; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; 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; 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; Pickett; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Smith; Smithee; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

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

Absent, Excused — Bernal; Harless; Laubenberg; Murphy; Phelan; Reynolds.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes.

### STATEMENT OF VOTE

When Record No. 1176 was taken, I was shown voting no. I intended to vote yes.

Smithee

### SB 455 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE S. TURNER: I want to go back to the first page on these two areas where the attorney general will petition the Supreme Court on the challenges, the finances, or operation of this state's public school system. Now, I understand that you are referring to the Edgewood cases and the big cases, but with all due respect, Representative Schofield, that's not what this bill does. This bill says where there are challenges involving the finances or operation of the state's public school system. That's very broad.

SCHOFIELD: But it also only applies to cases in which the state, state officer, or state agency is the defendant.

S. TURNER: And where do you say that?

SCHOFIELD: Right above it. I'll read it to you—the attorney general may petition the chief justice of the Supreme Court, et cetera, in any suit filed in a district court of this state in which the state or a state officer or agency is a defendant in a claim that challenges finance or operations.

S. TURNER: But a state officer—that could be a superintendent or board of trustee; they're all state personnel.

SCHOFIELD: They're not state officers.

S. TURNER: You don't characterize them as being—it's a state school system. They are the agents of a state school system.

SCHOFIELD: I think you'd have a hard time sustaining a claim for a three-judge panel in a case against a local superintendent on the grounds that the superintendent is a state official.

S. TURNER: I would agree that you should not be able to get a three-judge district panel, but the way the bill is currently reading—it says in any suit filed in a district court in this state in which this state or a state officer or agency is a defendant. Well, an agency of the state is a school district. That's a school district. This is a statewide public school system.

SCHOFIELD: I don't think we've ever had a case in which a court has held that an ISD is a state agency.

S. TURNER: But it is. You have to admit that your school system, in your district, whether you represent one district or whether you represent four or six—I'm not quite familiar with your district—but your district is a part of the state school system. Isn't that right?

SCHOFIELD: I'm not that far west of you, but I am just outside the Houston city limits. So I appreciate that you haven't spent too much time out there.

S. TURNER: But your school districts are a part of the state school system, right?

SCHOFIELD: No. They're created by the legislature under its constitutional prerogative to create school districts, but no, I do not believe that that makes them a state agency. And I don't think that in any suit against—as far as I'm aware—against any ISD that they've ever been determined a state agency.

S. TURNER: But I'm going to differ with you because we have a statewide school system. When you look at your bill, just on its face, a state officer or agency is a defendant.

SCHOFIELD: I should point out that that's why the bill gives the OAG discretion in determining whether or not to apply for the three-judge panel. There are other states and the federal government in which they say a suit will automatically result in a three-judge panel under certain types of suits—Kansas' does. My thinking was, there needs to be a gatekeeper who will determine no, this is not the kind of suit we're talking about. A suit against an independent school district is not going to have the attorney general running to the Supreme Court and asking for a three-judge panel.

S. TURNER: I understand what you're saying, Representative Schofield, but that's not in your bill.

SCHOFIELD: Actually, it is, because my bill only applies to the state, state agency, or state officer.

S. TURNER: Representative Schofield, your bill does not provide a rationale under which the attorney general can petition the Supreme Court chief justice to create this three-district panel. There is no rationale for the AG to look at that says we meet these criteria and, therefore, we are requesting the appointment of this three-judge panel.

SCHOFIELD: Actually, there is.

S. TURNER: Where?

SCHOFIELD: The criteria in the bill is that the suit be against the state, a state officer, or state agency and that it involve either challenges to the finances or operations of the state's public school system or involving the apportionment of districts for certain types of offices.

S. TURNER: Representative Schofield, I understand what you're saying, but that is not what your bill says.

SCHOFIELD: It's exactly what my bill says.

S. TURNER: Under your bill, a school district would be impacted. A school district is a part of the state system, the state educational system.

SCHOFIELD: A school district is not a state agency.

S. TURNER: A school district is not a state agency?

SCHOFIELD: No.

S. TURNER: Then what is it?

SCHOFIELD: It's a school district. It's an independent school district created by the state, but it's not a state agency.

S. TURNER: Is it a part of the state? When you talk about rationale number one—

SCHOFIELD: When somebody sues a school district, they don't get the state as a defendant. If you sue a school district over an injury that occurs on school grounds, you don't get the State of Texas as a defendant.

S. TURNER: When you talk about the operations of the state's public school system, what are you referring to? What are you referring to then?

SCHOFIELD: The operations of the entire system over which we are required as a legislature to provide an efficient education in a system of public free schools, by the constitution.

S. TURNER: That goes directly to our school districts, Representative Schofield. If you minus out the school districts, you don't have a school system.

SCHOFIELD: Mr. Turner, let me state this very clearly. School districts are not state agencies; they are political subdivisions. The City of Houston may have a charter that we've granted them. That does not make them a state agency. They are a political subdivision.

S. TURNER: Representative Schofield, the whole system is political. Your bill, in all due respect, is political because it's trying to achieve a desired political result. So you can call it however you want to call it, but it is what it is.

SCHOFIELD: No, actually, what it is is an attempt to make sure that the voters in more than just one county have some say over the judge who is going to set the record on which their school finance system or their redistricting is going to be decided.

S. TURNER: Let me ask you this: under your bill, must the justice of the Supreme Court set out rules?

SCHOFIELD: No. They are enabled to; they are not required to. You said must they. No, they don't have to.

S. TURNER: And why don't they have to? You indicated earlier, I think to Representative Collier, that there have to be certain rules put in place by the Supreme Court in order for this bill to take effect.

SCHOFIELD: No, I did not say that. The bill takes effect upon being passed and signed by the governor.

S. TURNER: In order for it to be implemented. In order for the appellate process to be implemented.

SCHOFIELD: Not necessarily. I would presume that they would, but no, you could—if the Supreme Court didn't enact any rules at all and an appropriate case arose, the attorney general could apply to the chief justice for a panel. Under the absolute letter of the black letter of this statute, the chief justice would have to appoint one, and if they didn't set upon any separate rules they would have to figure out their own way.

S. TURNER: Did anybody on the Supreme Court ask you to bring this bill?

SCHOFIELD: They did not. I would not impose upon them.

S. TURNER: Did the attorney general ask you to bring this bill?

SCHOFIELD: He did not.

S. TURNER: Did the Texas Bar Association ask you to bring this bill?

SCHOFIELD: I would never consult the Texas Bar Association before filing a bill.

S. TURNER: Did anybody with the judiciary ask you to bring this bill?

SCHOFIELD: The judiciary did not ask to bring this bill.

S. TURNER: Did the school superintendents, anyone, ask you to bring this bill?

SCHOFIELD: The school superintendents did not. I'll tell you why I brought it, and I've been very plain about why I brought it.

S. TURNER: Then why do you want to change the whole judicial setup?

SCHOFIELD: We're not changing the judicial setup. All we're changing—we're not changing the venue—all we are changing is that once a suit is filed, people outside just one county will have the opportunity—

S. TURNER: For school finance issues and apportionment. Representative Schofield, I respect you highly, but you are trying to achieve a desired result, and it does not work.

### SB 455 - POINT OF ORDER

Representative Moody raised a point of order against further consideration of **SB 455** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the bill analysis is incorrect.

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

Representative Moody raised a point of order against further consideration of **SB 455** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the bill analysis fails to properly identify rulemaking authority delegated by the bill. The point of order is respectfully overruled.

Specifically, Representative Moody argues that the portion of the bill analysis of **SB 455** that notes that Section 1 of the bill is an express grant of rulemaking authority is incorrect. He observes that Section 22.004 of the Government Code gives the Supreme Court of Texas existing "full rulemaking authority in the practice and procedure in civil actions." Tex. Govt Code § 22.004(a); see Tex. Govt Code § 22.004(b), (c). Representative Moody could also have noted the courts existing authority in Article V, Section 1 and Article V, Section 3 to the Texas Constitution to exercise "the judicial power" of the state. In any event, he contends any express rulemaking authority mentioned in Section 1 of the bill is not a delegation of new authority because it is subsumed in the existing grant of legislative (or constitutional) authority.

The point of order is overruled for several reasons. First, Section 1, which twice says "the supreme court may adopt rules" for various aspects of special three-judge district courts, constitutes an express grant of new, independent rulemaking authority under Rule 4, Section 32(c)(3) of the House Rules. See 84 H.J. Reg. 3387 (2015) (C. Turner point of order on **HB 3994**); 84 H.J. Reg. 2782 (2015) (Tinderholt point of order on **HB 3512**); 84 H.J. Reg. 3515-3516 (2015) (Burrows point of order on **HB 1891**); 83 H.J. Reg. 3001 (2013) (Morrison point of order on **CSHB 2996**); 83 H.J. Reg. 874-875 (2013) (Y. Davis point of order on **HB 1600**); 79 H.J. Reg. 2934 (2005) (Martinez Fischer point of order on **CSHB 846**) ("The purpose of [Rule 4, Section 32(c)(3)] is to enable members to make informed decisions about the types of powers that they are authorizing agencies to exercise.").

Second, the power to delegate rulemaking authority belongs to the legislature, not to the courts, and the chair does not believe the legislature ever would indefinitely yield by statute the power to grant rulemaking authority to its sister branch, particularly where the legislature is considering a measure that creates an entirely new type of court. Here, consistent with past legislative

practice, the bill both creates a new entity and delegates rulemaking authority to ensure that the entity will have appropriate guidelines for operating. Finally, the chair notes that when the legislature mandates or permits rulemaking authority, the Supreme Court has responded to this delegation of authority, whether out of obligation or comity, by promulgating appropriate rules. By expressly granting new and independent rulemaking authority in **SB 455**, the legislature is providing clear guidance to the court in how the court might proceed without the risk of encroaching on legislative powers. Having reviewed the bill, the analysis, the rules, and precedents related to the delegation of rulemaking authority, the chair determines that **SB 455**'s bill analysis correctly reflects the rulemaking authority delegated by the bill.

**SB 455** was passed to third reading by (Record 1177): 91 Yeas, 49 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; 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; Pickett; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

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

Absent, Excused — Bernal; Harless; Laubenberg; Murphy; Phelan; Reynolds.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes.

### **PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS**

The chair laid before the house and had read the following proclamation by the governor:

TO THE MEMBERS OF THE SENATE AND HOUSE OF  
REPRESENTATIVES OF THE EIGHTY-FOURTH TEXAS LEGISLATURE,  
REGULAR SESSION:

Pursuant to Article IV, Sections 14 and 15 of the Texas Constitution, I, Greg Abbott, governor of Texas, do hereby disapprove and veto **HCR 84** from the 84th Texas Legislature, Regular Session, due to the following objections:

I agree with the legislature's statements, expressed in **HCR 84**, regarding the importance of good mental health for all Texans. However, Article III, Section 30 of the Texas Constitution requires all laws to be passed as bills. New law cannot be made by concurrent resolution. Because **HCR 84** purports to direct the actions of state agencies in the manner of a law, it goes beyond the proper bounds of a concurrent resolution.

Since you remain gathered in regular session and continue to conduct formal business, I am delivering this disapproval message directly to you along with the official enrolled copy of the concurrent resolution.

Respectfully submitted,  
Greg Abbott  
Governor of Texas

Austin, Texas  
May 18, 2015

### **REMARKS ORDERED PRINTED**

Representative Collier moved to print remarks between Representative Schofield and Representative Collier and between Representative S. Turner and Representative Schofield on **SB 455**.

The motion prevailed.

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

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

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

Representative Phillips moved to postpone consideration of **SB 1173** until 6 a.m. Wednesday, May 20.

The motion prevailed.

**SB 206 ON THIRD READING**  
**(Burkett and Raymond - House Sponsors)**

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

**SB 206** was read third time on May 15, an amendment was offered and disposed of, and **SB 206** was postponed until 1:10 p.m. May 15.

**Amendment No. 2**

Representative Frank offered the following amendment to **SB 206**:

Amend **SB 206** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill as appropriate:

SECTION \_\_\_\_\_. Subchapter I, Chapter 264, Family Code, is amended by adding Section 264.761 to read as follows:

Sec. 264.761. STUDY OF PROGRAM. (a) The department shall study the effectiveness of the relative and other designated caregiver placement program created by this subchapter and make recommendations to the legislature for improving the program. The recommended improvements must be designed to minimize the number of placements for each child, maximize efficiency in the distribution of any monetary or other assistance for which caregivers qualify, facilitate a safe and permanent exit from the managing conservatorship of the department in as timely a fashion as possible, and assist caregivers in obtaining the verification necessary to qualify for foster care maintenance reimbursement. The recommendations may include increases in the amount of assistance and the identification of automated or other processes designed to speed the payment of assistance.

(b) The department shall report its findings and recommendations to the legislature not later than January 1, 2017.

(c) This section expires September 1, 2017.

Amendment No. 2 was adopted.

**Amendment No. 3**

Representatives Hughes and Frank offered the following amendment to **SB 206**:

Amend **SB 206** on third reading as follows:

(1) Strike amended Section 263.401(a), Family Code, (page 37, line 26, through page 38, line 6, house committee printing) and substitute the following:



(a) Unless the court has commenced the trial on the merits or granted an extension under Subsection (b) or (b-1), on the first Monday after the first anniversary of the date the court rendered a temporary order appointing the department as temporary managing conservator, the court's jurisdiction in ~~[court shall dismiss]~~ the suit affecting the parent-child relationship filed by the department that requests termination of the parent-child relationship or requests that the department be named conservator of the child is terminated and the suit is automatically dismissed without a court order.

(2) In the SECTION of the bill repealing provisions of law (page 85, between lines 5 and 6, house committee printing), insert the following appropriately numbered subdivision to that SECTION and renumber the subsequent subdivisions of that SECTION as appropriate:

( ) Section 263.402(b), Family Code;

(Phelan now present)

The vote of the house was taken on the adoption of Amendment No. 3 and the vote was announced yeas 89, nays 48.

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 4 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

#### **LEAVES OF ABSENCE GRANTED**

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

Cook on motion of Lozano.

S. Davis on motion of Lozano.

Geren on motion of Lozano.

Huberty on motion of Lozano.

Hunter on motion of Lozano.

Johnson on motion of Lozano.

K. King on motion of Lozano.

Larson on motion of Lozano.

Price on motion of Lozano.

Riddle on motion of Lozano.

E. Rodriguez on motion of Lozano.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 4 p.m. today, 3W.9, for a formal meeting, to set a calendar.

#### **SB 206 - (consideration continued)**

A verification of the vote was requested and was granted.

(Cook, S. Davis, Geren, Huberty, Hunter, Johnson, K. King, Larson, Price, Riddle, and E. Rodriguez now present)

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 1178): 88 Yeas, 39 Nays, 2 Present, not voting.

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

Nays — Allen; Alvarado; Anchia; Blanco; Canales; Coleman; Collier; Davis, S.; Davis, Y.; Deshotel; Farias; Galindo; Giddings; González; Guerra; Guillen; Gutierrez; Howard; Israel; Johnson; Longoria; Martinez; McClendon; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Pickett; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wu.

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

Absent, Excused — Bernal; Harless; Laubenberg; Murphy; Reynolds.

Absent, Excused, Committee Meeting — Otto.

Absent — Alonzo; Dukes; Dutton; Farney; Farrar; Hernandez; Herrero; King, T.; Larson; Lucio; Márquez; Martinez Fischer; Miles; Oliveira; Tinderholt.

The chair stated that Amendment No. 3 was adopted by the above vote.

(Murphy now present)

### **LEAVES OF ABSENCE GRANTED**

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

Márquez on motion of Moody.

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

Herrero on motion of Walle.

The following member was granted leave of absence for the remainder of today because of illness in the family:

Tinderholt on motion of Stickland.

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

Martinez Fischer on motion of J. Rodriguez.

Oliveira on motion of Canales.

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

Hernandez on motion of Walle.

**SB 206 - (consideration continued)**

**Amendment No. 4**

Representative Sanford offered the following amendment to **SB 206**:

Amend **SB 206** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subtitle D, Title 2, Human Resources Code, is amended by adding Chapter 45 to read as follows:

CHAPTER 45. PROTECTION OF RIGHTS OF CONSCIENCE FOR  
CHILD WELFARE SERVICES PROVIDERS

Sec. 45.001. DEFINITIONS. In this chapter:

(1) "Adverse action" means any action that directly or indirectly adversely affects the person against whom the adverse action is taken, places the person in a worse position than the person was in before the adverse action was taken, or is likely to deter a reasonable person from acting or refusing to act. An adverse action includes:

(A) denying an application for, refusing to renew, or canceling funding;

(B) declining to enter into, refusing to renew, or canceling a contract;

(C) declining to issue, refusing to renew, or canceling a license;

(D) terminating, suspending, demoting, or reassigning a person;

and

(E) limiting the ability of a person to engage in child welfare services.

(2) "Child welfare services" means social services provided to or on behalf of children, including:

(A) assisting abused or neglected children;

(B) counseling children or parents;

(C) promoting foster parenting;

(D) providing foster homes, residential care, group homes, or temporary group shelters for children;

(E) recruiting foster parents;

(F) placing children in foster homes;

(G) licensing foster homes;

(H) promoting adoption or recruiting adoptive parents;

(I) assisting adoptions or supporting adoptive families;

(J) performing or assisting home studies;

(K) assisting kinship guardianships or kinship caregivers;

(L) providing family preservation services;

(M) providing family support services; and

(N) providing temporary family reunification services.

(3) "Child welfare services provider" means a person that provides, seeks to provide, or applies for or receives a contract, subcontract, grant, subgrant, or cooperative agreement to provide child welfare services. The person is not required to be engaged exclusively in child welfare services to be a child welfare services provider.

(4) "Department" means the Department of Family and Protective Services.

Sec. 45.002. APPLICABILITY. (a) This chapter applies to a rule, order, decision, practice, or other exercise of authority by the department.

(b) This chapter applies to an act of the department, in the exercise of governmental authority, granting or refusing to grant a government benefit to a child welfare services provider.

Sec. 45.003. CHILD WELFARE SERVICES PROVIDERS PROTECTED. The department or any person that contracts with this state or operates under department authority to refer or place children for child welfare services may not discriminate or take any adverse action against a child welfare services provider on the basis, wholly or partly, that the provider:

(1) has declined or will decline to provide, facilitate, or refer a person for child welfare services that conflict with, or under circumstances that conflict with, the provider's sincerely held religious beliefs;

(2) provides or intends to provide children under the control, care, guardianship, or direction of the child welfare services provider with a religious education, including through placing the children in a private or parochial school or otherwise providing a religious education in accordance with the laws of this state; or

(3) has declined or will decline to provide, facilitate, or refer a person for abortions, contraceptives, or drugs, devices, or services that are potentially abortion-inducing.

Sec. 45.004. PRIVATE RIGHT OF ACTION. A child welfare services provider may assert an actual or threatened violation of this chapter as a claim or defense in a judicial or administrative proceeding and obtain the relief specified in Section 45.005.

Sec. 45.005. REMEDIES. A child welfare services provider who successfully asserts a claim or defense under this chapter is entitled to recover:

(1) declaratory relief;

(2) injunctive relief to prevent the threatened or continued adverse action or effects of the action on the child welfare services provider;

(3) compensatory damages for pecuniary and nonpecuniary losses;

(4) punitive damages; and

(5) reasonable attorney's fees, court costs, and other reasonable expenses.

Sec. 45.006. TWO-YEAR LIMITATIONS PERIOD. A child welfare services provider must bring an action to assert a claim for damages under this chapter not later than the second anniversary of the date the provider actually knew of the violation of this chapter.

Sec. 45.007. IMMUNITY WAIVED. (a) Sovereign, governmental, and qualified immunity to suit and from liability are waived and abolished to the extent of liability created by Section 45.005, and a claimant may sue the department or department official for damages allowed by that section.

(b) Notwithstanding Subsection (a), this chapter does not waive or abolish sovereign immunity to suit and from liability under the Eleventh Amendment to the United States Constitution.

Sec. 45.008. EFFECT ON RIGHTS; CONSTRUCTION OF LAW. (a) This chapter may not be construed to authorize the department to burden a person's free exercise of religion.

(b) The protections of religious freedom afforded by this chapter are in addition to the protections provided under federal or state law and the constitutions of this state and the United States.

(c) This chapter may not be construed to supersede any law of this state that is equally as protective of religious beliefs as, or more protective of religious beliefs than, this chapter.

(d) This chapter may not be considered to narrow the meaning or application of any other law protecting religious beliefs.

(e) This chapter may not be construed in a manner that allows a person to decline intake of a child into a welfare services program funded by this state.

(f) This chapter may not be construed to prevent law enforcement officers from exercising duties imposed on the officers under the Family Code and the Penal Code.

(g) This chapter may not be construed to allow a child welfare services provider to deprive a minor of the rights, including the right to medical care, provided by applicable provisions of Chapter 42 and of Chapter 263, Family Code.

Sec. 45.009. INTERPRETATION. This chapter shall be liberally construed to effectuate its remedial and deterrent purposes.

### **LEAVES OF ABSENCE GRANTED**

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

Farrar on motion of Allen.

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

Galindo on motion of Longoria.

Riddle on motion of Workman.

### **SB 206 - (consideration continued)**

(Farrar now present)

### **Amendment No. 4 - Point of Order**

Representative Moody raised a point of order against further consideration of Amendment No. 4 under Rule 11, Section 6(g) and Rule 11, Section 6(i)(3) of the House Rules on the grounds that the amendment was improperly filed.

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

Representative Moody raised a point of order against further consideration of Amendment No. 4 to **SB 206** under Rule 11, Section 6(i)(3) of the House Rules on the grounds that the amendment offered on third reading by Representative Sanford ("the Sanford amendment") was not posted on the Internet in accordance with Rule 11, Section 6(i)(3) of the House Rules. The point of order is sustained, and, because an amendment offending Rule 11, Section 6(i)(3) of the House Rules had already been added to the bill, the bill is also out of order.

Rule 11, Section 6(i)(3) of the House Rules requires the Committee on House Administration to ensure that "members of the public using the system available on the Internet may view any amendment required to be provided to the chief clerk under Rule 11, Section 6(e), (g), and (h) at least 10 hours prior to the time the calendar on which the bill or resolution to be amended is eligible for consideration." **SB 206** would extend the Department of Family and Protective Services; as such, it is a sunset bill, the amendments to which are subject to Rule 11, Section 6(g) of the House Rules, which requires 10 copies of any amendment to be provided to the chief clerk and be "available in the chief clerk's office at least 24 hours prior to the time the calendar on which the bill or resolution to be amended is eligible for consideration." Because **SB 206** is a sunset bill, the Sanford amendment was subject to the 24-hour layout rule under Section 6(g) and the Internet posting requirement of Section 6(i)(3). Representative Moody correctly observes that the Sanford amendment was not posted on the Internet before it was laid before the house. House members also pointed out that the amendment that had been offered by Representative Hughes and adopted immediately prior to consideration of the Sanford amendment also was not posted on the Internet, nor were either of these amendments filed 24 hours prior to the time the calendar on which **SB 206** was eligible for consideration.

Notably, this point of order had the potential to impact every third reading amendment offered on any sunset bill since the adoption of Rule 11, Section 6 of the House Rules in its current form. The house's typical practice is to consider bills on third reading the day after those bills are passed on second reading. As a result, the calendar on which a measure on third reading is eligible for consideration will almost always fall within 24 hours of when the measure has passed second reading. This means that usually there are not 24 hours between readings during which a third reading amendment could lay out. Under strict enforcement of the rule, members would be required to file amendments for third reading before a measure passes second reading, and the chief clerk would be required to post all amendments to which Section 6(i)(3) applies to the Internet at least 10 hours before a calendar containing the measure to be amended is eligible for consideration. Whether out of consideration for fellow members or recognition of the reality that important measures may require adjustment after second reading or some other reason entirely, no member in this session or past sessions has raised a point of order against consideration of sunset bill

amendments on third reading under Rule 11, Section 6(g) or Section 6(i)(3) of the House Rules. But having been presented with the point, the chair, out of respect for the membership, which has repeatedly adopted this rule, is compelled to sustain the point of order as to both the Sanford amendment and the infected bill. See Rule 1, Section 9 of the House Rules; see also 75 H.J. Reg. 3809-3810 (1997) (Wohlgemuth point of order on **SB 1500**). The timing issues raised by Rule 11, Section 6 of the House Rules, and particularly Subsections (g) and (i)(3), are matters the membership may wish to revisit in considering future versions of the rules.

**SB 206** was returned to the Committee on Human Services.

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

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

**SB 268** was read second time on May 12 and was postponed until 6 a.m. today.

Representative Anchia moved to postpone consideration of **SB 268** until 6 a.m. tomorrow.

The motion prevailed.

**SB 1697 ON SECOND READING**  
**(Smithee, Elkins, Fallon, and Rinaldi - House Sponsors)**

**SB 1697**, A bill to be entitled An Act relating to the confidentiality of certain information regarding procedures and substances used in the execution of a convict.

**SB 1697** was read second time on May 14 and was postponed until 9 a.m. today.

**SB 1697** was passed to third reading.

**CSSB 20 ON SECOND READING**  
**(Price, Cook, Raymond, and Kuempel - House Sponsors)**

**CSSB 20**, A bill to be entitled An Act relating to state agency contracting; authorizing fees; creating an offense.

**CSSB 20** was read second time on May 13 and was postponed until 10 a.m. today.

**Amendment No. 1**

Representative Price offered the following amendment to **CSSB 20**:

Amend **CSSB 20** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Notwithstanding any law amended or added by this Act, the changes in law made by this Act do not apply to an institution of higher education or university system as those terms are defined by Section 61.003, Education Code.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Price offered the following amendment to **CSSB 20**:

Amend **CSSB 20** (house committee report) as follows:

(1) Strike page 10, line 16, through page 11, line 13.

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

SECTION \_\_\_\_\_. Section 2157.068, Government Code, is amended by adding Subsections (e-1) and (e-2) to read as follows:

(e-1) A state agency contracting to purchase a commodity item shall use the list maintained as required by Subsection (e) as follows:

(1) for a contract with a value of \$50,000 or less, the agency may directly award the contract to a vendor included on the list without submission of a request for pricing to other vendors on the list;

(2) for a contract with a value of more than \$50,000 but not more than \$150,000, the agency must submit a request for pricing to at least three vendors included on the list in the category to which the contract relates; and

(3) for a contract with a value of more than \$150,000 but not more than \$1 million, the agency must submit a request for pricing to at least six vendors included on the list in the category to which the contract relates or all vendors on the schedule if the category has fewer than six vendors.

(e-2) A state agency may not enter into a contract to purchase a commodity item if the value of the contract exceeds \$1 million.

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative Price offered the following amendment to **CSSB 20**:

Amend **CSSB 20** (house committee report) as follows:

(1) Strike page 3, line 22, through page 4, line 8.

(2) Strike page 19, lines 7-10.

(3) Renumber the SECTIONS of the bill accordingly.

(Hernandez now present)

Amendment No. 3 was adopted.

**Amendment No. 4**

Representative Price offered the following amendment to **CSSB 20**:

Amend **CSSB 20** (house committee report) as follows:

(1) On page 8, strike lines 11-13 and substitute the following:



(5) repeated unfavorable performance reviews under Section 2155.089 or repeated unfavorable classifications received by the vendor under Section 2262.055 after considering the following factors:

(A) the severity of the substandard performance by the vendor;

(B) the impact to the state of the substandard performance;

(C) any recommendations by a contracting state agency that provides an unfavorable performance review;

(D) whether debarment of the vendor is in the best interest of the state; and

(E) any other factor that the comptroller considers relevant, as specified by comptroller rule.

(2) On page 8, line 14, strike "shall" and insert "may".

(3) On page 8, line 18, between "state" and the underlined period, insert "for unsatisfactory vendor performance during the preceding three years".

(4) On page 17, lines 7-9, strike "The procedures described by Subsections (a)(2) and (3) must be approved by the comptroller and be included in the agency's handbook."

(5) On page 17, between lines 11 and 12, insert the following:

(c) Each state agency shall post on the agency's Internet website the procedures described by Subsections (a)(2) and (3) and submit to the comptroller a link to the web page that includes the procedures. The comptroller shall post on the comptroller's Internet website the web page link submitted by each state agency.

(b) On page 18, strike lines 21-23 and substitute the following: in the tracking system. The comptroller by rule shall establish the manner in which the rating scale established under Subsection (b) affects a vendor's eligibility for state contracts and the grades on the scale that disqualify a vendor from state contracting.

Amendment No. 4 was adopted.

#### **Amendment No. 5**

Representative Wu offered the following amendment to **CSSB 20**:

Amend **CSSB 20** (house committee report) as follows:

(1) On page 7, line 2, strike "and".

(2) On page 7, strike line 4 and substitute the following:  
monitoring the contract and vendor performance under the contract;

(9) a justification for each change order, contract amendment, contract renewal or extension, or other proposed action that would result in an increase in the monetary value of a contract with an initial value exceeding \$10 million; and

(10) additional supporting documentation and justification for a change order, contract amendment, contract renewal or extension, or other proposed action of a contract described by Subdivision (9) that would result in an increase in the contract's monetary value by more than 20 percent.

Amendment No. 5 was adopted.

**Amendment No. 6**

Representative Raymond offered the following amendment to **CSSB 20**:

Amend **CSSB 20** (house committee printing) as follows:

(1) On page 13, line 15, between "MONITORING" and the underlined period, insert "; PROHIBITED CONTACTS".

(2) On page 14, between lines 13 and 14, insert the following appropriately lettered subsections in proposed Section 2261.252, Government Code, and reletter other subsections of that section and cross-references to those subsections accordingly:

( ) In renewing or considering a rebid for a contract for the purchase of goods or services from a private vendor, a state agency shall give priority consideration to the private vendor's performance under previous state contracts.

( ) A state agency may not enter into a contract for the purchase of goods or services from a private vendor that has an unresolved lawsuit with another state agency regarding a contract exceeding \$5 million in value unless the contracting state agency submits a written notification to the governor, lieutenant governor, and speaker of the house of representatives not later than the 30th day before the date the contract is signed.

Amendment No. 6 was adopted.

**Amendment No. 7**

Representative Dutton offered the following amendment to **CSSB 20**:

Amend **CSSB 20** as follows:

(1) On page 16, SECTION 14, Subchapter Z, Sec. 2261.254, Government Code, by adding new Subsection (f) and (g):

(f) Each state agency may not enter into a contract for the purchase of goods or services with a contractor if a contractor has an unresolved lawsuit or dispute with any state agency, unless the state agency informs the legislature in writing of its intention to contract 30 days prior to contract award.

(g) Each state agency shall give priority consideration to performance measures when renewing or rebidding any contract under this section.

Amendment No. 7 was withdrawn.

**Amendment No. 8**

Representative Keffer offered the following amendment to **CSSB 20**:

Amend **CSSB 20** (house committee report) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 2003, Government Code, is amended by adding Section 2003.0495 to read as follows:

Sec. 2003.0495. CERTAIN GAS UTILITY RATEMAKING HEARINGS.  
(a) In this section, "railroad commission" means the Railroad Commission of Texas.

(b) The railroad commission shall contract with the office to have the utility division perform contested case hearings for contested cases related to ratemaking proceedings involving a municipal gas utility matter.

(c) For the purposes of the contract required by this section, the railroad commission shall develop and execute a statement of work to initiate services under the contract, as defined by Section 2157.0685, and is subject the requirements of that section.

(d) The office shall conduct all contested case hearings governed by railroad commission rules that:

(1) are related to ratemaking procedures;

(2) were proposed by the railroad commission after January 1, 2014;

and

(3) become effective on or after September 1, 2015.

(e) This section does not affect the jurisdiction or authority of the railroad commission in relation to a contested case hearing that is not subject to a rule or policy governing ratemaking proceedings, discovery limitations, alignment of parties, reimbursement of a municipality's reasonable cost of participating in ratemaking proceedings, or collection of rate case expenses from ratepayers of gas utilities described by Subsection (d).

(f) The railroad commission by rule shall require the gas utility that is a party to a proceeding under this section to pay for the costs associated with the contested case as provided by Section 103.022, Utilities Code.

(g) The comptroller, in conjunction with the office of the governor, shall evaluate the benefits of consolidating all contested utility matters within the office. The comptroller shall report these findings in the report required under Section 403.03057.

Amendment No. 8 was adopted.

### **Amendment No. 9**

Representative S. Davis offered the following amendment to **CSSB 20**:

Amend **CSSB 20** (house committee printing) as follows:

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

SECTION \_\_\_\_\_. Section 305.0041(a), Government Code, is amended to read as follows:

(a) A person is not required to register under this chapter in accordance with Section 305.003(a)(2) solely because the person receives or is entitled to receive compensation or reimbursement to:

(1) communicate as an employee of a vendor of a product or service to a member of the executive branch concerning state agency purchasing decisions that do not exceed 10 million dollars involving a product, service, or service provider or negotiations regarding such decisions;

(2) communicate as an employee of a vendor of a product or service to a member of the executive branch concerning state agency purchasing decisions that exceed 10 million dollars involving a product, service, or service provider or negotiations regarding such decisions if the compensation for the communication is not totally or partially contingent on the outcome of any administrative action;

~~(3) [communicate in a capacity other than as an employee of a vendor of a product or service to a member of the executive branch concerning state agency purchasing decisions involving a product, service, or service provider or negotiations regarding such decisions if the compensation for the communication is not totally or partially contingent on the outcome of any administrative action];~~

~~[(4)]~~ communicate as a member of an advisory committee or task force if the person is appointed to serve in that capacity by a member of the legislative or executive branch; or

(4) ~~[(5)]~~ communicate as a member of a board, task force, or advisory committee on which a member of the legislative or executive branch also serves.

SECTION \_\_\_\_\_. A person who is required to register under Chapter 305, Government Code, solely as a result of the change in law made by this Act to Section 305.0041(a), Government Code, is not required to register under that chapter before January 1, 2016.

(2) In SECTION 22 of the bill, in the repealer (page 18, line 27), strike "Section 2155.502(d), Government Code, is" and substitute "Sections 305.022(c-1) and (c-3) and 2155.502(d), Government Code, are".

Amendment No. 9 was adopted.

### **Amendment No. 10**

Representative Workman offered the following amendment to **CSSB 20**:

Amend **CSSB 20** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly.

SECTION \_\_\_\_\_. Section 114.002, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 114.002. **APPLICABILITY**. This chapter applies only to a claim for breach of a written contract for engineering, architectural, or construction services or for materials related to engineering, architectural, or construction services brought by a party to the written contract~~[, in which the amount in controversy is not less than \$250,000, excluding penalties, costs, expenses, prejudgment interest, and attorney's fees].~~

SECTION \_\_\_\_\_. Section 114.003, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 114.003. **WAIVER OF IMMUNITY TO SUIT FOR CERTAIN CLAIMS**. A state agency that is authorized by statute or the constitution to enter into a contract and that enters into a contract subject to this chapter waives sovereign immunity to suit for the purpose of adjudicating a claim for breach ~~[of an express provision]~~ of the contract, subject to the terms and conditions of this chapter.

SECTION \_\_\_\_\_. Section 114.004, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 114.004. LIMITATIONS ON ADJUDICATION AWARDS. (a) The total amount of money awarded in an adjudication brought against a state agency for breach ~~[of an express provision]~~ of a contract subject to this chapter is limited to the following:

(1) the balance due and owed by the state agency under the contract as it may have been amended, including any amount owed as compensation for the increased cost to perform the work as a direct result of owner-caused delays or acceleration ~~[if the contract expressly provides for that compensation];~~

(2) the amount owed for ~~[written]~~ change orders or additional work the contractor is directed to perform by a state agency in connection with the contract;

(3) reasonable and necessary attorney's fees that are equitable and just ~~[based on an hourly rate that are equitable and just if the contract expressly provides that recovery of attorney's fees is available to all parties to the contract];~~ and

(4) interest at the rate specified by the contract or, if a rate is not specified, the rate for postjudgment interest under Section 304.003(c), Finance Code, but not to exceed 10 percent.

(b) Damages awarded in an adjudication brought against a state agency arising under a contract subject to this chapter may not include:

(1) consequential damages, except as expressly allowed under Subsection (a)(1);

(2) exemplary damages; or

(3) damages for unabsorbed home office overhead.

SECTION \_\_\_\_\_. Chapter 114, Civil Practice and Remedies Code, as amended by this Act, applies only to a claim arising under a contract executed on or after the effective date of this Act. A claim that arises under a contract executed before the effective date of this Act is governed by the law applicable to the claim immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 10 was adopted by (Record 1179): 105 Yeas, 26 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Elkins; Faircloth; Fallon; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; Guerra; Guillen; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Leach; Longoria; Lozano; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Murr; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Rinaldi; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield;

Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Alonzo; Anchia; Blanco; Coleman; Collier; Deshotel; Farias; González; Gutierrez; Hernandez; Howard; Israel; Lucio; Martinez; Minjarez; Moody; Naishtat; Nevárez; Rodriguez, E.; Rodriguez, J.; Rose; Simpson; Turner, C.; Vo; Walle; Wu.

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

Absent, Excused — Bernal; Galindo; Harless; Herrero; Laubenberg; Márquez; Martinez Fischer; Oliveira; Reynolds; Riddle; Tinderholt.

Absent, Excused, Committee Meeting — Otto.

Absent — Anderson, C.; Dukes; Dutton; Miles; Thompson, S.

### STATEMENT OF VOTE

When Record No. 1179 was taken, I was in the house but away from my desk. I would have voted yes.

C. Anderson

### COMMITTEE GRANTED PERMISSION TO MEET

Representative T. King requested permission for the Committee on Agriculture and Livestock to meet while the house is in session, at 5:45 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Agriculture and Livestock, 5:45 p.m. today, 3W.9, for a formal meeting, to consider pending business.

### CSSB 20 - (consideration continued)

#### Amendment No. 11

Representative P. King offered the following amendment to **CSSB 20**:

Amend **CSSB 20** by adding the following appropriately numbered SECTION to the bill and by renumbering the other SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.954 to read as follows:

Sec. 51.954. DISCLOSURE OF SPONSORS OF CONTRACTED RESEARCH IN PUBLIC COMMUNICATIONS. (a) In any public communication the content of which is based on the results of sponsored research, a faculty member or other employee or appointee of an institution of higher education who conducted or participated in conducting the research shall conspicuously disclose the identity of each sponsor of the research.

(b) In this section:

(1) "Institution of higher education" has the meaning assigned by Section 61.003.

(2) "Public communication" means oral or written communication intended for public consumption or distribution, including:

(A) testimony in a public administrative, legislative, regulatory, or judicial proceeding;

(B) printed matter including a magazine, journal, newsletter, newspaper, pamphlet, or report; or

(C) posting of information on a website or similar Internet host for information.

(3) "Sponsor" means an entity that contracts for or provides money or materials for research.

(4) "Sponsored research" means research:

(A) that is conducted under a contract with, or that is conducted under a grant awarded by and pursuant to a written agreement with, an individual or entity other than the institution conducting the research; and

(B) in which payments received or the value of materials received under that contract or grant, or under a combination of more than one such contract or grant, constitutes at least 50 percent of the cost of conducting the research.

Amendment No. 11 was adopted.

### **Amendment No. 12**

Representative Craddick offered the following amendment to **CSSB 20**:

Amend **CSSB 20** by inserting the following appropriately numbered SECTIONS and renumbering SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Subtitle E, Title 10, Government Code, is amended by adding Chapter 2207 to read as follows:

#### CHAPTER 2207. REAL PROPERTY CONTRACTS

Sec. 2207.001. APPLICABILITY OF CHAPTER. This chapter applies only to a written contract entered into by the state, including a subdivision of the state, that states the essential terms of an agreement relating to the transfer of real property to or from the state or subdivision of the state.

Sec. 2207.002. WAIVER OF SOVEREIGN OR GOVERNMENTAL IMMUNITY. A contract to which this chapter applies waives sovereign or governmental immunity from suit to the extent of liability created by this chapter for the purpose of adjudicating a claim for breach of the contract.

Sec. 2207.003. DAMAGES AND OTHER RELIEF. (a) In a suit against the state or a subdivision of the state for breach of a contract to which this chapter applies, the claimant may be awarded, in addition to actual damages authorized by this section, specific performance or injunctive relief.

(b) In a suit against the state or a subdivision of the state for breach of a contract to which this chapter applies, a money judgment against the state or subdivision of the state may include only:

(1) the balance due and owed by the state or subdivision of the state under the contract as it may have been amended, including any amount owed to compensate the claimant for the increased cost to perform under the terms of the contract as a direct result of an act, omission, or failure to act by the state or subdivision of the state;

(2) reasonable and necessary attorney's fees the award of which is equitable and just;

(3) all consequential damages resulting from the breach of contract; and

(4) any interest provided by law, including, if applicable, interest under Chapter 2251.

(c) Damages awarded in an action under this section may not include exemplary damages.

SECTION \_\_\_\_\_. Notwithstanding any other provision of this Act, Chapter 2207, Government Code, as added by this Act, applies to a claim that arises under a contract entered into before the effective date of this Act only if sovereign or governmental immunity from suit has not been waived with respect to the claim before the effective date of this Act. A claim that arises under a contract entered into before the effective date of this Act with respect to which sovereign or governmental immunity from suit has been waived before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 12 was adopted.

### **CSSB 20 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE CLARDY: I wanted to ask you some questions about Section 6 of the bill and the new requirements about solicitations and contracting, specifically within the enterprise resource planning. Is it correct that that pertains only to contract data?

REPRESENTATIVE PRICE: Yes, that's correct.

CLARDY: And just to be clear, it does not apply to implementation of new purchasing functions under the CAPPS system, is that right?

PRICE: That's right, there's no procurement through the CAPPS system.

CLARDY: Okay, I just wanted to understand the bill and be clear of its intent.

### **REMARKS ORDERED PRINTED**

Representative Clardy moved to print remarks between Representative Price and Representative Clardy.

The motion prevailed.

**CSSB 20**, as amended, was passed to third reading.

### **CSSB 1282 ON SECOND READING (Parker - House Sponsor)**

**CSSB 1282**, A bill to be entitled An Act relating to the regulation of consumer credit transactions and the regulatory authority of the Office of Consumer Credit Commissioner.



**CSSB 1282** was read second time on May 11 and was postponed until 12 p.m. today.

Representative Parker moved to postpone consideration of **CSSB 1282** until 8 a.m. Wednesday, May 20.

The motion prevailed.

**SB 461 ON SECOND READING**  
**(Parker - House Sponsor)**

**SB 461**, A bill to be entitled An Act relating to false or misleading packaging, labeling, or advertising of certain abusable synthetic substances; providing civil penalties; creating a criminal offense.

**SB 461** was read second time on May 12 and was postponed until 12 p.m. today.

**Amendment No. 1**

Representative Simpson offered the following amendment to **SB 461**:

Amend **SB 461** on page 1, line 10, between "means" and "substance" by striking "a" and substituting "an artificial".

**SB 461 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE SIMPSON: I just wanted to follow up. We've had some private conversations and talked to Senator Perry. I just wanted to affirm that the intent of the substances here are man-made. Is that not correct?

REPRESENTATIVE PARKER: Yes. Representative Simpson, I'm happy to clarify that for legislative intent. We're talking about man-made, synthetic substances—that is correct.

SIMPSON: We're not talking about a plant?

PARKER: That is correct. We're talking exclusively about synthetic chemicals that would be man-made.

SIMPSON: So something artificial?

PARKER: That is correct.

**REMARKS ORDERED PRINTED**

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

The motion prevailed.

**LEAVE OF ABSENCE GRANTED**

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

Ashby on motion of Geren.

**SB 461 - (consideration continued)**

REPRESENTATIVE PHILLIPS: Representative Parker, I'm not sure I understand what you just told him, because it's got to be man-made. What substance are you talking about that didn't derive from some kind of natural ingredients to become man-made? That's my concern about limiting to what he just said. Because if you take three things and you put those things together and three of those things were man-made—and now you've put something together that didn't exist before. I just want to make sure that that would be illegal under your bill.

PARKER: No, it still would be illegal. This bill is specifically dealing with synthetics. Obviously, the representative would like to know that we're not going after increasing penalties, so to speak, with regard to marijuana usage. We are specifically going after synthetics with this labeling bill.

PHILLIPS: But you know some of these synthetics are being sold like incense.

PARKER: That's right.

PHILLIPS: But there are things in there that may be of natural origin that are modified or changed, and that's my concern with your answer to him. I want to make sure that those things—we've had several young people lose their life because they've gotten some of these things that were sold in a store as being alternatives to marijuana. And it's really messed with their mind.

PARKER: That's exactly why I'm carrying the bill; I'm very concerned with this issue. We've had children all across the State of Texas that have lost their lives, that have been horribly impacted. I've met with some of those families that have lost a child who's experienced this just one time. And so because of the fact that these individuals are going around and they are creating new substances all the time and changing the different mix—that's the reason why we are specifically, with this bill, going after labeling. So as to address that issue. I think legislatively we are in alignment, Representative Phillips, and the intent, I think, is clear.

**REMARKS ORDERED PRINTED**

Representative Phillips moved to print remarks between Representative Parker and Representative Phillips.

The motion prevailed.

Amendment No. 1 was withdrawn.

**LEAVE OF ABSENCE GRANTED**

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

Cyrier on motion of Schubert.

**SB 459 - HOUSE SPONSOR AUTHORIZED**

On motion of Representative Anchia, Representative Alonzo was authorized as a house sponsor to **SB 459**.

**SB 461 - (consideration continued)**

**SB 461** was passed to third reading.

(Cyrier now present)

**GENERAL STATE CALENDAR  
SENATE BILLS  
SECOND READING**

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

**SB 55 ON SECOND READING  
(S. King - House Sponsor)**

**SB 55**, A bill to be entitled An Act relating to the creation of a grant program to support community mental health programs for veterans with mental illness.

**Amendment No. 1**

Representative S. King offered the following amendment to **SB 55**:

Amend **SB 55** (house committee printing) at the bottom of page 1 by adding the following new appropriately lettered subsections and relettering subsequent subsections of Section 531.0992, Government Code, accordingly:

( ) The private entity that supports and administers the grant program shall obtain or secure contributions to the grant program in an amount of money or other consideration at least equal in value to the amount of money awarded to grant recipients by the commission under the grant program. The money or other consideration obtained or secured by the private entity may, as determined by the executive commissioner, include cash or in-kind contributions from private contributors or local governments but may not include state or federal funds.

( ) Money appropriated to, or obtained by, the commission for the grant program must be disbursed directly to grant recipients by the commission, as authorized by the executive commissioner. Money or other consideration obtained or secured by the private entity must be disbursed or provided directly to grant recipients by the private entity, private contributors, or local governments, as authorized by the executive commissioner.

( ) All grants awarded under the grant program must be used for the sole purpose of supporting community programs that provide mental health care services and treatment to veterans and their families and that coordinate mental health care services for veterans and their families with other transition support services.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative S. King offered the following amendment to **SB 55**:

Amend **SB 55** (house committee printing) as follows:

(1) On page 1, line 8, between "VETERANS" and the underlined period, insert "AND THEIR FAMILIES".

(2) On page 1, lines 11 and 12, strike "with mental illness" and substitute "and their families".

(3) At the bottom of page 1, add the following new appropriately lettered subsections and reletter subsequent subsections of Section 531.0992, Government Code, accordingly:

( ) The executive commissioner by rule shall develop:

(1) eligibility criteria for nonprofit and governmental entities to receive grants under the grant program;

(2) acceptable uses for grants, which must include treatment and service coordination supports that address the mental health needs of veterans and their families; and

(3) reporting requirements for grant recipients.

( ) The commission shall select grant recipients based on the submission of applications or proposals by nonprofit and governmental entities. The executive commissioner shall develop criteria for the evaluation of those applications or proposals and the selection of grant recipients. The selection criteria must:

(1) evaluate and score:

(A) fiscal controls for the project;

(B) project effectiveness;

(C) project cost; and

(D) an applicant's previous experience with grants and contracts;

(2) address the possibility of and method for making multiple awards;

and

(3) include other factors that the executive commissioner considers relevant.

( ) The executive commissioner by rule shall establish the qualifications and selection process for the private entity that supports and administers the grant program. The selection process must be open and competitive.

(4) On page 2, line 3, strike "September 1, 2015" and substitute "immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015".

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative S. King offered the following amendment to **SB 55**:

Amend **SB 55** (house committee printing) on page 1 by striking lines 13 through 24 and substituting the following:

(b) The commission shall enter into an agreement with a qualified nonprofit or private entity to serve as the administrator of the grant program. The duties of the administrator must include assisting, supporting, and advising the commission in fulfilling the commission's responsibilities with respect to the grant program. The administrator may advise the commission on:

(1) designing, developing, implementing, and managing the program;

- (2) determining criteria for local community collaboration and the types of services and deliveries eligible for grants;
- (3) eligibility requirements for grant recipients;
- (4) designing and managing the competitive bidding processes for applications or proposals and the evaluation and selection of grant recipients;
- (5) contractual requirements for grant recipients;
- (6) grant requisites and mechanisms;
- (7) roles and responsibilities of grant recipients;
- (8) reporting requirements for grant recipients;
- (9) support and technical capabilities;
- (10) requisite timelines and deadlines for the program;
- (11) evaluation of the program and grant recipients; and
- (12) requirements for reporting on the program to policy makers.

Amendment No. 3 was adopted.

**SB 55**, as amended, was passed to third reading.

### **SB 339 ON SECOND READING**

**(Klick, Zerwas, Zedler, Coleman, Sheffield, et al. - House Sponsors)**

**SB 339**, A bill to be entitled An Act relating to the medical use of low-THC cannabis and the regulation of related organizations and individuals; requiring a dispensing organization to obtain a license to dispense low-THC cannabis and any employee of a dispensing organization to obtain a registration; authorizing fees.

### **SB 339 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE SIMMONS: You know, two of my children had seizures when they were younger, and we were able to get those under control through medication. So I empathize a little bit with these families that have this. Would you explain again, though, the specific type of seizure that this is going to be used for? I'm not sure I understand exactly what that type of seizure is.

REPRESENTATIVE KLICK: Intractable epilepsy. Those are patients that have tried two pharmaceutical products and they're still not well controlled. Many of these children, particularly with Dravet and Lennox-Gastaut, have some hundreds of seizures each and every day. The families must carry rescue medications, oxygen, pulse oximeter. Some of the meds that they have to give in the event that they have a seizure or multiple seizures that do not end are things like Valium. These are very dangerous. These children—

SIMMONS: My mom, oddly enough, at age 70 began having seizures, and while she doesn't have them very often, they have not been able to be controlled yet by medication. So I understand where we're coming from. I, though, I think like a lot of members of this house, are concerned a little bit about the camel's nose under the tent. I am firmly against legalizing marijuana at this stage. I'm firmly against legalizing just normal—what one might think—normal medical marijuana. And so help us understand how this can prevent—because Colorado,

in some ways, started similar to what we're doing, is what some of the information I've heard; maybe not. So explain to me how you think we can keep this in the box so that we don't promote the moving on down the road.

KLICK: We have a very narrowly drafted bill, and I share your desire to not become a state where we have legalized recreational use or a broader medical statute. Our legislation is very narrowly focused to just one condition, intractable epilepsy.

SIMMONS: So it's not for multiple sclerosis, which I know in some cases people swear by marijuana to help them with that as well. But this is not for that—it's not for cancer or anything like that? It's for this one specific issue?

KLICK: It is for intractable epilepsy, and you have to have the recommendation of two either neurologists or epileptologists.

SIMMONS: And tell me again, how would it be administered? Is this an oil? I remember we went to something in the interim where the people spoke about it.

KLICK: It is administered orally. It is not smoked. In fact, the law that we are trying to pass prohibits it from being smoked.

SIMMONS: This bill also includes licensing of the people that are dispensing it. Is that correct?

KLICK: That's correct.

SIMMONS: So there is a state license and oversight?

KLICK: The oversight would be by DPS.

SIMMONS: It'll be by DPS—so the license and they'll pay a fee for the license and what have you, correct?

KLICK: That's correct. The licensing fee will pay for the program.

(Speaker in the chair)

#### **REMARKS ORDERED PRINTED**

Representative Simmons moved to print remarks between Representative Klick and Representative Simmons.

The motion prevailed.

REPRESENTATIVE GONZALES: Is this the medical marijuana bill?

KLICK: I would say it is a CBD bill.

GONZALES: Does your bill allow for legally smoking marijuana?

KLICK: Absolutely not. It's just orally.

GONZALES: So there is no leaf to smoke, no edibles to consume, no brownies, no gummy bears, no lollipops. Is that correct?

KLICK: That is correct.

GONZALES: In fact, your bill is for the oil only, correct?

KLICK: That is correct.

GONZALES: With the quantities we're talking about, there is no euphoric high. Is that right?

KLICK: No, there is not. That's why we've restricted the THC levels.

GONZALES: And this bill only applies to patients with intractable epilepsy, correct?

KLICK: That is correct.

GONZALES: And in your bill, intractable epilepsy is defined as a seizure disorder in which the patient's seizures have been treated by two or more appropriately chosen and maximally titrated antiepileptic drugs that have failed to control the seizures. Correct?

KLICK: That is correct.

GONZALES: So we're not talking about some bogus prescriptions for stress or glaucoma. This is not that, correct?

KLICK: That is correct.

GONZALES: The oil can only be prescribed by the patient's licensed epileptologist or neurologist, correct?

KLICK: That is a requirement, yes.

GONZALES: And after the licensed epileptologist or neurologist prescribes it, a second epileptologist or neurologist must concur with the prescription, correct?

KLICK: That is correct.

GONZALES: The manufacturing and distribution process is tightly controlled by DPS. Is that correct?

KLICK: Absolutely.

GONZALES: DPS has licensing approval and continuing oversight. Is that correct?

KLICK: Correct. Yes, they do.

GONZALES: Specifically, DPS will issue a license to an organization to cultivate, process, and dispense low-THC cannabis. Is that correct?

KLICK: That is correct.

GONZALES: And finally, Ms. Klick, DPS will also register directors, managers, and employees of each dispensing organization. Is that correct?

KLICK: That is correct.

### **REMARKS ORDERED PRINTED**

Representative Gonzales moved to print remarks between Representative Klick and Representative Gonzales.

The motion prevailed.

**Amendment No. 1**

Representative Moody offered the following amendment to **SB 339**:

Amend **SB 339** (house committee printing) as follows:

(1) In added Section 487.001, Health and Safety Code (page 1, lines 12 through 22), add the following appropriately numbered subdivisions and renumber subsequent subdivisions of that section accordingly:

( ) "Adequate supply" means:

(A) if the department has not specified a different amount by rule, an amount of low-THC cannabis that does not exceed:

(i) 2.5 ounces of low-THC cannabis;

(ii) 20 fluid ounces of a liquid or oil infused with low-THC cannabis; or

(iii) 16 ounces of an edible product infused with low-THC cannabis; or

(B) the amounts determined by department rule, for each form of low-THC cannabis approved by the department, to be not more than reasonably necessary to ensure the uninterrupted availability of low-THC cannabis for a period of 30 days.

( ) "Caregiver" means an individual who:

(A) is 21 years of age or older and is designated by a person for whom low-THC cannabis is recommended under Chapter 169, Occupations Code, or is the parent of a minor for whom low-THC cannabis is recommended under Chapter 169, Occupations Code;

(B) has significant responsibility for managing the well-being of a person for whom low-THC cannabis is recommended under Chapter 169, Occupations Code; and

(C) has been approved by the department and registered as a caregiver on the compassionate-use registry.

(2) Strike page 2, line 22 through page 3, line 1, and substitute the following:

recommending physician for a patient under Section 169.004, Occupations Code, the name and date of birth of the patient, and, if applicable, the name of the patient's caregiver; and

(2) a record of each amount of low-THC cannabis dispensed by a dispensing organization to a registered patient or caregiver.

(3) On page 3, strike lines 4 through 8 and substitute the following: physician from registering as the recommending physician for a single patient;

(2) is accessible to law enforcement agencies and dispensing organizations for the purpose of verifying whether a patient is one for whom low-THC cannabis is recommended and the amount of low-THC cannabis that has been dispensed to the patient;

(4) On page 3, strike line 12 and substitute the following:

low-THC cannabis is recommended under Chapter 169, Occupations Code; and

(4) requires each patient to annually submit a new or renewed recommendation obtained under Chapter 169, Occupations Code, to maintain the patient's registration.



(5) On page 5, line 5, strike "prescribed" and substitute "recommended".

(6) Strike page 6, line 18 through page 7, line 6, and substitute the following:

Sec. 487.107. DUTIES RELATING TO DISPENSING LOW-THC CANNABIS. (a) Before dispensing low-THC cannabis to a patient for whom the low-THC cannabis is recommended under Chapter 169, Occupations Code, or to the patient's caregiver, as applicable, the dispensing organization must verify that:

(1) the patient or caregiver is listed on the compassionate-use registry established under Section 487.054; and

(2) the amount of low-THC cannabis dispensed to the patient or caregiver would not cause the patient to receive more than an adequate supply of low-THC cannabis.

(b) After dispensing low-THC cannabis to a patient for whom low-THC cannabis is recommended under Chapter 169, Occupations Code, or to the patient's caregiver, as applicable, the dispensing organization shall record in the

(7) On page 10, strike lines 14 through 16 and substitute the following: cannabis is recommended under Chapter 169, Occupations Code, or the patient's caregiver, and the patient has been issued, within the preceding 12 months, a recommendation from a physician qualified to recommend low-THC cannabis under that chapter;

(8) In added Section 481.111(f), Health and Safety Code (page 11, lines 1 through 5), add the following appropriately numbered subdivision and renumber subsequent subdivisions of that subsection accordingly:

( ) "Caregiver" has the meaning assigned by Section 487.001.

(9) On page 11, line 8, strike "PRESCRIBE" and substitute "RECOMMEND".

(10) Strike page 11, line 26 through page 12, line 1, and substitute the following:

administration other than by smoking of an amount of low-THC cannabis that does not exceed an adequate supply by a person for whom low-THC cannabis is recommended under this chapter.

(11) On page 12, strike lines 4 through 8 and substitute the following:

Sec. 169.002. PHYSICIAN QUALIFIED TO RECOMMEND LOW-THC CANNABIS. (a) Only a physician qualified as provided by this section may recommend low-THC cannabis in accordance with this chapter.

(b) A physician is qualified to recommend low-THC cannabis

(12) Strike page 12, line 25 through page 14, line 10, and substitute the following:

Sec. 169.003. RECOMMENDATION OF LOW-THC CANNABIS. A physician described by Section 169.002 may recommend low-THC cannabis to alleviate a patient's seizures if:

(1) the patient is a permanent resident of the state;

(2) the physician complies with the registration requirements of Section 169.004; and

(3) the physician certifies to the department that:

(A) the patient is diagnosed with intractable epilepsy;

(B) the physician determines the risk of the medical use of low-THC cannabis by the patient is reasonable in light of the potential benefit for the patient; and

(C) for a patient younger than 18 years of age, a second physician qualified to recommend low-THC cannabis under Section 169.002 has concurred with the determination under Paragraph B, and the second physician's concurrence is recorded in the patient's medical record.

Sec. 169.004. RECOMMENDING PHYSICIAN REGISTRATION. Before a physician qualified to recommend low-THC cannabis under Section 169.002 may recommend or renew a recommendation for low-THC cannabis for a patient under this chapter, the physician must register as the recommending physician for that patient in the compassionate-use registry maintained by the department under Section 487.054, Health and Safety Code. The physician's registration must indicate:

- (1) the physician's name; and
- (2) the patient's name and date of birth.

Sec. 169.005. PATIENT TREATMENT PLAN. A physician described by Section 169.002 who recommends low-THC cannabis for a patient's medical use under this chapter, if the patient chooses to use low-THC cannabis, must maintain a patient treatment plan that includes:

- (1) a plan for monitoring the patient's symptoms; and
- (2) a plan for monitoring indicators of tolerance for or reaction to low-THC cannabis.

Representative Klick moved to table Amendment No. 1.

The motion to table prevailed by (Record 1180): 99 Yeas, 32 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Blanco; Collier; Dale; Davis, Y.; Farias; Farrar; Giddings; González; Gutierrez; Hernandez; Israel; Johnson; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Naishtat; Nevárez; Rodriguez, J.; Rose; Simpson; Stickland; Turner, C.; Turner, S.; Walle; Wu.

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

Absent, Excused — Bernal; Galindo; Harless; Herrero; Laubenberg; Márquez; Martínez Fischer; Oliveira; Reynolds; Riddle; Tinderholt.

Absent, Excused, Committee Meeting — Ashby; Otto.

Absent — Dukes; Dutton; McClendon; Miles.

### STATEMENT OF VOTE

When Record No. 1180 was taken, I was shown voting present, not voting. I intended to vote no.

Romero

### Amendment No. 2

Representative Moody offered the following amendment to **SB 339**:

Amend **SB 339** (house committee report) as follows:

(1) On page 1, line 20, between "prescribed" and "under", insert "recommended".

(2) On page 2, strike lines 22-25 and substitute the following:  
prescriber, or as the recommending physician, for a patient under Section 169.004, Occupations Code, the name and date of birth of the patient, the dosage prescribed or recommended, the means of administration, and the total amount of low-THC cannabis required to fill the patient's prescription or meet the patient's needs under a physician recommendation.

(3) On page 3, line 1, between "prescription" and the underlined period, insert "or a physician recommendation".

(4) On page 3, line 4, between "prescriber" and "for", insert "or recommending physician".

(5) On page 3, strike lines 7-8 and substitute the following:  
patient is one for whom low-THC cannabis is prescribed or recommended and whether the patient's prescriptions have been filled or the patient's needs have been met under a physician recommendation.

(6) On page 3, line 9, between "prescribe" and "low-THC", insert "or recommend".

(7) On page 3, line 12, between "prescribed" and "under", insert "or recommended".

(8) On page 5, line 5, between "prescribed" and "under", insert "or recommended".

(9) On page 6, line 18, strike "PRESCRIPTION" and substitute "UNDER A PRESCRIPTION OR PHYSICIAN RECOMMENDATION".

(10) On page 6, line 20, between "prescribed" and "under", insert "or recommended".

(11) On page 6, line 21, following "prescription", insert "or written physician recommendation".

(12) On page 6, line 27, between "prescription" and the underlined semicolon, insert "or meet the patient's needs under a physician recommendation".

(13) On page 7, line 5, between "prescribed" and "under", insert "or recommended".

(14) On page 10, line 14, between "prescribed" and "under", insert "or recommended".

(15) On page 10, line 16, between "prescription" and "from", insert "or a written physician recommendation".

(16) On page 11, line 8, between "TO" and "CERTAIN", insert "OR RECOMMEND LOW-THC CANNABIS FOR".

(17) On page 11, line 26, between "prescribed" and "amount", insert "or recommended".

(18) On page 12, line 1, between "prescribed" and "under", insert "or recommended".

(19) On page 12, line 4, between "PRESCRIBE" and "LOW-THC", insert "OR RECOMMEND".

(20) On page 12, line 6, between "prescribe" and "low-THC", insert "or recommend".

(21) On page 12, line 8, between "prescribe" and "low-THC", insert "or recommend".

(22) On page 12, line 25, between "OF" and "LOW-THC", insert "OR RECOMMENDATION FOR".

(23) On page 12, line 26, between "prescribe" and "low-THC", insert "or recommend".

(24) On page 13, line 10, following "prescribe", insert "or recommend".

(25) On page 13, strike line 14 and substitute the following:

Sec. 169.004. REGISTRATION FOR PHYSICIANS PRESCRIBING OR RECOMMENDING LOW-THC CANNABIS.

(26) On page 13, line 15, between "prescribe" and "low-THC", insert "or recommend".

(27) On page 13, line 16, strike "prescribe or renew a prescription for" and substitute "prescribe, renew a prescription for, or recommend".

(28) On page 13, line 18, between "prescriber" and "for", insert "or recommending physician".

(29) On page 13, line 24, between "prescribed to" and "the patient", insert "or recommended for".

(30) On page 14, line 1, between "prescription" and the underlined period, insert "or meet the patient's needs under a physician recommendation".

(31) On page 14, line 3, between "prescribes" and "low-THC", insert "or recommends".

Representative Klick moved to table Amendment No. 2.

The motion to table prevailed by (Record 1181): 98 Yeas, 33 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Cook; Craddick; Crownover; Cyrier; Darby; Davis, S.; Davis, Y.; Elkins; Faircloth; Fallon; Farias; Farney; Flynn; Frank; Frullo; Geren; Giddings;

Goldman; Gonzales; Howard; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Murr; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Rinaldi; Rodriguez, E.; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Blanco; Collier; Dale; Deshotel; Farrar; Fletcher; González; Guerra; Gutierrez; Hernandez; Israel; Johnson; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Naishtat; Nevárez; Rodriguez, J.; Romero; Rose; Simpson; Stickland; Turner, C.; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bernal; Galindo; Harless; Herrero; Laubenberg; Márquez; Martinez Fischer; Oliveira; Reynolds; Riddle; Tinderholt.

Absent, Excused, Committee Meeting — Ashby; Otto.

Absent — Dukes; Dutton; Guillen; McClendon; Miles.

### **SB 339 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE KEOUGH: I have to tell you that as I listen to the stories and I think about the little kids—all of this stuff is heartbreaking to me. There's so many different emotions that go on in this whole deal. I've talked with you, Representative Klick, but I've experienced some things since I've been here in the house. The first is this: I get visited by a group of people, [texasnorml.org](http://texasnorml.org), Texas NORML. They come to my office; they're pushing medical marijuana. Do you know that it wasn't four minutes—I said to them you've proven what I've just said. In four minutes we've gone from medical marijuana to the legalization of marijuana. And do you know what they said to me? It's all part of the same picture. This is what they did with their fingers—it's all part of the same picture. Now I know that you're saying this is not part of that, but the fact of the matter is, you've got marijuana involved here. Here is what they say on their—they have a website by the way—most of us have been visited by them. Did you know that they are a national organization for the reform of marijuana laws—dedicated to reforming marijuana laws?

REPRESENTATIVE ZERWAS: I hear you, Representative Keough, but I don't see how that is reference to what we are talking about here.

KEOUGH: Did you know that on their website they have a section for activists in their training and a training guide for activists?

ZERWAS: People that are probably supporting legalization of marijuana—the medical marijuana of which this has nothing to do with that, they probably do. Most organizations that have a very strong, passionate advocacy group out there have a website, and they have all of that stuff on there. You can go to any advocacy group, and they're going to have the same things that you're talking about there.

KEOUGH: That's the very thing I'm talking about, doctor. It's the very thing I'm saying. The only way to change the marijuana laws, they say, all of these organizations, is through legislation. And we have proven in this house, by two other laws, by two other bills, one to legalize and one to decriminalize, showing that the process goes from medical to decriminalizing to legalization. They're all part of the same picture. And my heart goes out to all those kids who can be helped.

ZERWAS: I understand, Representative Keough, and you're making some points, but not asking me a lot of questions.

KEOUGH: So how do you feel about that? Is this not a from one to the next to the next?

ZERWAS: What you're describing is a classic camel's nose under the tent. That's not what this situation is. I think Representative Klick has done a terrific job of laying out before the membership a very good medicinal use for a plant extract. Yes, it happens to be the cannabis plant, and I understand all the political radio activity that goes around with that. But the bottom line is they have crafted a very narrow bill limited to a very unique set of physicians and prescribers for a very unique set of children that have no other option, Representative Keough. That's what this bill's about. It is not about legalization of marijuana. It's not about medical marijuana. It's about the use of the cannabis plant.

KEOUGH: One last question and I promise I'll stop—and I'll let everybody go home. Listen, I appreciate that about those kids. But when you move from this to decriminalization then to legalization—what about what the Department of Public Safety says are our most exposed group of people—from kids up to 18 years old? What about all those 2, 4, 6, 8, 10 years from now? As a result of this legislation today, we are going to regret it. This is a bad bill.

ZERWAS: It's not a bad bill. It's a great bill, and it's going to save a lot of lives out there.

### REMARKS ORDERED PRINTED

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

The motion prevailed.

**SB 339** was passed to third reading by (Record 1182): 96 Yeas, 34 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Blanco; Bohac; Burrows; Button; Capriglione; Clardy; Coleman; Collier; Cook; Crownover; Davis, S.; Davis, Y.; Deshotel; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; King, K.; King, S.; King, T.; Klick; Krause; Kuempel; Longoria; Lozano; Lucio; Martinez; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Parker; Peña; Phelan; Pickett; Raney; Raymond; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer;

Schofield; Sheets; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Stickland; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Aycock; Bell; Bonnen, D.; Bonnen, G.; Burkett; Burns; Craddick; Cyrier; Dale; Darby; Fletcher; Flynn; Keffer; Keough; King, P.; Koop; Landgraf; Larson; Leach; Metcalf; Meyer; Murr; Paddie; Paul; Phillips; Price; Shaheen; Smithee; Stephenson; Thompson, E.; Turner, E.S.; Vo; Wray.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bernal; Galindo; Harless; Herrero; Laubenberg; Márquez; Martinez Fischer; Oliveira; Reynolds; Riddle; Tinderholt.

Absent, Excused, Committee Meeting — Ashby; Otto.

Absent — Canales; Dukes; Dutton; McClendon; Miles; Schubert.

### STATEMENTS OF VOTE

When Record No. 1182 was taken, I was excused because of important business. I would have voted yes.

Bernal

When Record No. 1182 was taken, I was shown voting yes. I intended to vote no.

Elkins

When Record No. 1182 was taken, my vote failed to register. I would have voted no.

Schubert

When Record No. 1182 was taken, I was shown voting no. I intended to vote yes.

Stephenson

### REASONS FOR VOTE

Earlier I had some concerns, but Representative Simmons' dialogue with Representative Klick has clarified my concerns.

Button

My concerns with **SB 339** were allayed by a conversation between Representative Simmons and Representative Klick that was placed in the journal of the house.

D. Miller

**CSSB 169 ON SECOND READING**  
**(S. King - House Sponsor)**

**CSSB 169**, A bill to be entitled An Act relating to ensuring that certain military members and their spouses and dependents maintain their positions on interest lists or other waiting lists for certain health and human services assistance programs.

**CSSB 169** was passed to third reading.

**SB 912 ON SECOND READING**  
**(Crownover - House Sponsor)**

**SB 912**, A bill to be entitled An Act relating to a volume-based exemption from reporting requirements for certain accidental discharges or spills from wastewater facilities.

**SB 912** was passed to third reading.

(Bernal now present)

**HB 39 - HOUSE CONCURS IN SENATE AMENDMENTS**  
**TEXT OF SENATE AMENDMENTS**

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

**HB 39**, A bill to be entitled An Act relating to guardianships for incapacitated persons.

Representative Smithee moved to concur in the senate amendments to **HB 39**.

The motion to concur in the senate amendments to **HB 39** prevailed by (Record 1183): 129 Yeas, 0 Nays, 2 Present, not voting.

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

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



Absent, Excused — Galindo; Harless; Herrero; Laubenberg; Márquez; Martínez Fischer; Oliveira; Reynolds; Riddle; Tinderholt.

Absent, Excused, Committee Meeting — Ashby; Otto.

Absent — Canales; Dukes; Dutton; McClendon; Miles; Phillips; Stickland.

### Senate Committee Substitute

**CSHB 39**, A bill to be entitled An Act relating to guardianships for incapacitated persons and to substitutes for guardianships for certain adults with disabilities.

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

SECTION 1. Section 1001.001(b), Estates Code, is amended to read as follows:

(b) In creating a guardianship that gives a guardian limited authority over an incapacitated person, the court shall design the guardianship to encourage the development or maintenance of maximum self-reliance and independence in the incapacitated person, including by presuming that the incapacitated person retains capacity to make personal decisions regarding the person's residence.

SECTION 2. Chapter 1002, Estates Code, is amended by adding Sections 1002.0015 and 1002.031 to read as follows:

Sec. 1002.0015. ALTERNATIVES TO GUARDIANSHIP. "Alternatives to guardianship" includes the:

(1) execution of a medical power of attorney under Chapter 166, Health and Safety Code;

(2) appointment of an attorney in fact or agent under a durable power of attorney as provided by Subtitle P, Title 2;

(3) execution of a declaration for mental health treatment under Chapter 137, Civil Practice and Remedies Code;

(4) appointment of a representative payee to manage public benefits;

(5) establishment of a joint bank account;

(6) creation of a management trust under Chapter 1301;

(7) creation of a special needs trust;

(8) designation of a guardian before the need arises under Subchapter E, Chapter 1104; and

(9) establishment of alternate forms of decision-making based on person-centered planning.

Sec. 1002.031. SUPPORTS AND SERVICES. "Supports and services" means available formal and informal resources and assistance that enable an individual to:

(1) meet the individual's needs for food, clothing, or shelter;

(2) care for the individual's physical or mental health;

(3) manage the individual's financial affairs; or

(4) make personal decisions regarding residence, voting, operating a motor vehicle, and marriage.

SECTION 3. Section 1002.015, Estates Code, is amended to read as follows:

Sec. 1002.015. GUARDIANSHIP PROCEEDING. The term "guardianship proceeding" means a matter or proceeding related to a guardianship or any other matter covered by this title, including:

(1) the appointment of a guardian of a minor or other incapacitated person, including an incapacitated adult for whom another court obtained continuing, exclusive jurisdiction in a suit affecting the parent-child relationship when the person was a child;

(2) an application, petition, or motion regarding guardianship or a substitute for ~~[an alternative to]~~ guardianship under this title;

(3) a mental health action; and

(4) an application, petition, or motion regarding a trust created under Chapter 1301.

SECTION 4. Section 1054.004, Estates Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) An attorney ad litem appointed under Section 1054.001 shall interview the proposed ward within a reasonable time before the hearing in the proceeding for the appointment of a guardian. To the greatest extent possible, the attorney shall discuss with the proposed ward:

(1) the law and facts of the case;

(2) the proposed ward's legal options regarding disposition of the case;

~~[and]~~

(3) the grounds on which guardianship is sought; and

(4) whether alternatives to guardianship would meet the needs of the proposed ward and avoid the need for the appointment of a guardian.

(c) Before the hearing, the attorney ad litem shall discuss with the proposed ward the attorney ad litem's opinion regarding:

(1) whether a guardianship is necessary for the proposed ward; and

(2) if a guardianship is necessary, the specific powers or duties of the guardian that should be limited if the proposed ward receives supports and services.

SECTION 5. Section 1054.054, Estates Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) The guardian ad litem shall:

(1) investigate whether a guardianship is necessary for the proposed ward; and

(2) evaluate alternatives to guardianship and supports and services available to the proposed ward that would avoid the need for appointment of a guardian.

(d) The information gathered by the guardian ad litem under Subsection (c) is subject to examination by the court.

SECTION 6. Sections 1054.201(a) and (b), Estates Code, are amended to read as follows:

(a) An attorney for an applicant for guardianship and a [A] court-appointed attorney in a guardianship proceeding, including an attorney ad litem, must be certified by the State Bar of Texas, or a person or other entity designated by the state bar, as having successfully completed a course of study in guardianship law and procedure sponsored by the state bar or the state bar's designee.

(b) The State Bar of Texas shall require ~~four~~ three hours of credit for certification under this subchapter, including one hour on alternatives to guardianship and supports and services available to proposed wards.

SECTION 7. Section 1101.001(b), Estates Code, is amended to read as follows:

(b) The application must be sworn to by the applicant and state:

(1) the proposed ward's name, sex, date of birth, and address;

(2) the name, relationship, and address of the person the applicant seeks to have appointed as guardian;

(3) whether guardianship of the person or estate, or both, is sought;

(3-a) whether alternatives to guardianship and available supports and services to avoid guardianship were considered;

(3-b) whether any alternatives to guardianship and supports and services available to the proposed ward considered are feasible and would avoid the need for a guardianship;

(4) the nature and degree of the alleged incapacity, the specific areas of protection and assistance requested, and the limitation or termination of rights requested to be included in the court's order of appointment, including a termination of:

(A) the right of a proposed ward who is 18 years of age or older to vote in a public election; ~~and~~

(B) the proposed ward's eligibility to hold or obtain a license to operate a motor vehicle under Chapter 521, Transportation Code; and

(C) the right of a proposed ward to make personal decisions regarding residence;

(5) the facts requiring the appointment of a guardian;

(6) the interest of the applicant in the appointment of a guardian;

(7) the nature and description of any kind of guardianship existing for the proposed ward in any other state;

(8) the name and address of any person or institution having the care and custody of the proposed ward;

(9) the approximate value and description of the proposed ward's property, including any compensation, pension, insurance, or allowance to which the proposed ward may be entitled;

(10) the name and address of any person whom the applicant knows to hold a power of attorney signed by the proposed ward and a description of the type of power of attorney;

(11) for a proposed ward who is a minor, the following information if known by the applicant:

(A) the name of each of the proposed ward's parents and either the parent's address or that the parent is deceased;

(B) the name and age of each of the proposed ward's siblings, if any, and either the sibling's address or that the sibling is deceased; and

(C) if each of the proposed ward's parents and adult siblings are deceased, the names and addresses of the proposed ward's other living relatives who are related to the proposed ward within the third degree by consanguinity and who are adults;

(12) for a proposed ward who is a minor, whether the minor was the subject of a legal or conservatorship proceeding in the preceding two years and, if so:

(A) the court involved;

(B) the nature of the proceeding; and

(C) any final disposition of the proceeding;

(13) for a proposed ward who is an adult, the following information if known by the applicant:

(A) the name of the proposed ward's spouse, if any, and either the spouse's address or that the spouse is deceased;

(B) the name of each of the proposed ward's parents and either the parent's address or that the parent is deceased;

(C) the name and age of each of the proposed ward's siblings, if any, and either the sibling's address or that the sibling is deceased;

(D) the name and age of each of the proposed ward's children, if any, and either the child's address or that the child is deceased; and

(E) if there is no living spouse, parent, adult sibling, or adult child of the proposed ward, the names and addresses of the proposed ward's other living relatives who are related to the proposed ward within the third degree by consanguinity and who are adults;

(14) facts showing that the court has venue of the proceeding; and

(15) if applicable, that the person whom the applicant seeks to have appointed as a guardian is a private professional guardian who is certified under Subchapter C, Chapter 155, Government Code, and has complied with the requirements of Subchapter G, Chapter 1104.

SECTION 8. Section 1101.101, Estates Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Before appointing a guardian for a proposed ward, the court must:

(1) find by clear and convincing evidence that:

(A) the proposed ward is an incapacitated person;

(B) it is in the proposed ward's best interest to have the court appoint a person as the proposed ward's guardian; ~~and~~

(C) the proposed ward's rights or property will be protected by the appointment of a guardian;

(D) alternatives to guardianship that would avoid the need for the appointment of a guardian have been considered and determined not to be feasible; and

(E) supports and services available to the proposed ward that would avoid the need for the appointment of a guardian have been considered and determined not to be feasible; and

(2) find by a preponderance of the evidence that:

(A) the court has venue of the case;

(B) the person to be appointed guardian is eligible to act as guardian and is entitled to appointment, or, if no eligible person entitled to appointment applies, the person appointed is a proper person to act as guardian;

(C) if a guardian is appointed for a minor, the guardianship is not created for the primary purpose of enabling the minor to establish residency for enrollment in a school or school district for which the minor is not otherwise eligible for enrollment; and

(D) the proposed ward:

(i) is totally without capacity as provided by this title to care for himself or herself and to manage his or her property; or

(ii) lacks the capacity to do some, but not all, of the tasks necessary to care for himself or herself or to manage his or her property.

(c) A finding under Subsection (a)(2)(D)(ii) must specifically state whether the proposed ward lacks the capacity, or lacks sufficient capacity with supports and services, to make personal decisions regarding residence, voting, operating a motor vehicle, and marriage.

SECTION 9. Section 1101.103(b), Estates Code, is amended to read as follows:

(b) The letter or certificate must:

(1) describe the nature, degree, and severity of the proposed ward's incapacity, including any functional deficits regarding the proposed ward's ability to:

(A) handle business and managerial matters;

(B) manage financial matters;

(C) operate a motor vehicle;

(D) make personal decisions regarding residence, voting, and marriage; and

(E) consent to medical, dental, psychological, or psychiatric treatment;

(2) in providing a description under Subdivision (1) regarding the proposed ward's ability to operate a motor vehicle and make personal decisions regarding voting, state whether in the physician's opinion the proposed ward:

(A) has the mental capacity to vote in a public election; and

(B) has the ability to safely operate a motor vehicle;

(3) provide an evaluation of the proposed ward's physical condition and mental functioning [~~function~~] and summarize the proposed ward's medical history if reasonably available;

(3-a) in providing an evaluation under Subdivision (3), state whether improvement in the proposed ward's physical condition and mental functioning is possible and, if so, state the period after which the proposed ward should be reevaluated to determine whether a guardianship continues to be necessary;

(4) state how or in what manner the proposed ward's ability to make or communicate responsible decisions concerning himself or herself is affected by the proposed ward's physical or mental health, including the proposed ward's ability to:

- (A) understand or communicate;
- (B) recognize familiar objects and individuals;
- (C) solve problems [~~perform simple calculations~~];
- (D) reason logically; and
- (E) administer to daily life activities with and without supports and

services;

(5) state whether any current medication affects the proposed ward's demeanor or the proposed ward's ability to participate fully in a court proceeding;

(6) describe the precise physical and mental conditions underlying a diagnosis of a mental disability, and state whether the proposed ward would benefit from supports and services that would allow the individual to live in the least restrictive setting;

(6-a) state whether a guardianship is necessary for the proposed ward and, if so, whether specific powers or duties of the guardian should be limited if the proposed ward receives supports and services; and

(7) include any other information required by the court.

SECTION 10. Sections 1101.151(a) and (b), Estates Code, are amended to read as follows:

(a) If it is found that the proposed ward is totally without capacity to care for himself or herself, manage his or her property, operate a motor vehicle, make personal decisions regarding residence, and vote in a public election, the court may appoint a guardian of the proposed ward's person or estate, or both, with full authority over the incapacitated person except as provided by law.

(b) An order appointing a guardian under this section must contain findings of fact and specify:

- (1) the information required by Section 1101.153(a);
- (2) that the guardian has full authority over the incapacitated person;
- (3) if necessary, the amount of funds from the corpus of the person's estate the court will allow the guardian to spend for the education and maintenance of the person under Subchapter A, Chapter 1156;

(4) whether the person is totally incapacitated because of a mental condition;

(5) that the person does not have the capacity to operate a motor vehicle, make personal decisions regarding residence, and [~~to~~] vote in a public election; and

(6) if it is a guardianship of the person of the ward or of both the person and the estate of the ward, the rights of the guardian with respect to the person as specified in Section 1151.051(c)(1).

SECTION 11. Sections 1101.152(a) and (b), Estates Code, are amended to read as follows:

(a) If it is found that the proposed ward lacks the capacity to do some, but not all, of the tasks necessary to care for himself or herself or to manage his or her property with or without supports and services, the court may appoint a guardian with limited powers and permit the proposed ward to care for himself or herself, including making personal decisions regarding residence, or to manage his or her property commensurate with the proposed ward's ability.

(b) An order appointing a guardian under this section must contain findings of fact and specify:

(1) the information required by Section 1101.153(a);

(2) the specific powers, limitations, or duties of the guardian with respect to the person's care or the management of the person's property by the guardian;

(2-a) the specific rights and powers retained by the person:

(A) with the necessity for supports and services; and

(B) without the necessity for supports and services;

(3) if necessary, the amount of funds from the corpus of the person's estate the court will allow the guardian to spend for the education and maintenance of the person under Subchapter A, Chapter 1156; and

(4) whether the person is incapacitated because of a mental condition and, if so, whether the person:

(A) retains the right to make personal decisions regarding residence or vote in a public election; or

(B) maintains eligibility to hold or obtain a license to operate a motor vehicle under Chapter 521, Transportation Code.

SECTION 12. Section 1101.153, Estates Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If the letter or certificate under Section 1101.103(b)(3-a) stated that improvement in the ward's physical condition or mental functioning is possible and specified a period of less than a year after which the ward should be reevaluated to determine continued necessity for the guardianship, an order appointing a guardian must include the date by which the guardian must submit to the court an updated letter or certificate containing the requirements of Section 1101.103(b).

SECTION 13. Section 1104.002, Estates Code, is amended to read as follows:

Sec. 1104.002. PREFERENCE OF INCAPACITATED PERSON. Before appointing a guardian, the court shall make a reasonable effort to consider the incapacitated person's preference of the person to be appointed guardian and, to the extent consistent with other provisions of this title, shall give due consideration to the preference indicated by the incapacitated person, regardless of whether the person has designated by declaration a guardian before the need arises under Subchapter E.

SECTION 14. Section 1151.051, Estates Code, is amended by adding Subsection (e) to read as follows:

(e) Notwithstanding Subsection (c)(1) and except in cases of emergency, a guardian of the person of a ward may only place the ward in a more restrictive care facility if the guardian provides notice of the proposed placement to the court, the ward, and any person who has requested notice and after:

(1) the court orders the placement at a hearing on the matter, if the ward or another person objects to the proposed placement before the eighth business day after the person's receipt of the notice; or

(2) the seventh business day after the court's receipt of the notice, if the court does not schedule a hearing, on its own motion, on the proposed placement before that day.

SECTION 15. Sections 1202.001(b) and (c), Estates Code, are amended to read as follows:

(b) A guardianship shall be settled and closed when the ward:

(1) dies and, if the ward was married, the ward's spouse qualifies as survivor in community;

(2) is found by the court to have full capacity, or sufficient capacity with supports and services, to care for himself or herself and to manage the ward's property;

(3) is no longer a minor; or

(4) no longer must have a guardian appointed to receive funds due the ward from any governmental source.

(c) Except for an order issued under Section 1101.153(a-1), an [Aa] order appointing a guardian or a successor guardian may specify a period of not more than one year during which a petition for adjudication that the ward no longer requires the guardianship may not be filed without special leave.

SECTION 16. Section 1202.051, Estates Code, is amended to read as follows:

Sec. 1202.051. APPLICATION AUTHORIZED. A ward or any person interested in the ward's welfare may file a written application with the court for an order:

(1) finding that the ward is no longer an incapacitated person and ordering the settlement and closing of the guardianship;

(2) finding that the ward lacks the capacity, or lacks sufficient capacity with supports and services, to do some or all of the tasks necessary to provide food, clothing, or shelter for himself or herself, to care for the ward's own physical health, or to manage the ward's own financial affairs and granting additional powers or duties to the guardian; or

(3) finding that the ward has the capacity, or sufficient capacity with supports and services, to do some, but not all, of the tasks necessary to provide food, clothing, or shelter for himself or herself, to care for the ward's own physical health, or to manage the ward's own financial affairs and:

(A) limiting the guardian's powers or duties; and

(B) permitting the ward to care for himself or herself, make personal decisions regarding residence, or [to] manage the ward's own financial affairs commensurate with the ward's ability, with or without supports and services.



SECTION 17. Section 1202.151(a), Estates Code, is amended to read as follows:

(a) Except as provided by Section 1202.201, at a hearing on an application filed under Section 1202.051, the court shall consider only evidence regarding the ward's mental or physical capacity at the time of the hearing that is relevant to the complete restoration of the ward's capacity or modification of the ward's guardianship, including whether:

- (1) the guardianship is necessary; and
- (2) specific powers or duties of the guardian should be limited if the ward receives supports and services.

SECTION 18. Section 1202.152(b), Estates Code, is amended to read as follows:

(b) A letter or certificate presented under Subsection (a) must:

(1) describe the nature and degree of incapacity, including the medical history if reasonably available, or state that, in the physician's opinion, the ward has the capacity, or sufficient capacity with supports and services, to:

- (A) provide food, clothing, and shelter for himself or herself;
- (B) care for the ward's own physical health; and
- (C) manage the ward's financial affairs;

(2) provide a medical prognosis specifying the estimated severity of any incapacity;

(3) state how or in what manner the ward's ability to make or communicate responsible decisions concerning himself or herself is affected by the ward's physical or mental health;

(4) state whether any current medication affects the ward's demeanor or the ward's ability to participate fully in a court proceeding;

(5) describe the precise physical and mental conditions underlying a diagnosis of senility, if applicable; and

(6) include any other information required by the court.

SECTION 19. Section 1202.153(c), Estates Code, is amended to read as follows:

(c) Before limiting the powers granted to or duties required to be performed by the guardian under an application filed under Section 1202.051, the court must find by a preponderance of the evidence that the current nature and degree of the ward's incapacity, with or without supports and services, warrants a modification of the guardianship and that some of the ward's rights need to be restored, with or without supports and services.

SECTION 20. Section 1202.154(a), Estates Code, is amended to read as follows:

(a) A court order entered with respect to an application filed under Section 1202.051 to completely restore a ward's capacity or modify a ward's guardianship must state:

- (1) the guardian's name;
- (2) the ward's name; ~~and~~
- (3) whether the type of guardianship being addressed at the proceeding

is a:

- (A) guardianship of the person;
- (B) guardianship of the estate; or
- (C) guardianship of both the person and the estate; and

(4) if applicable, any necessary supports and services for the restoration of the ward's capacity or modification of the guardianship.

SECTION 21. Section 1202.156, Estates Code, is amended to read as follows:

Sec. 1202.156. ADDITIONAL REQUIREMENTS FOR ORDER MODIFYING GUARDIANSHIP. If the court finds that a guardian's powers or duties should be expanded or limited, the order modifying the guardianship must contain findings of fact and specify, in addition to the information required by Section 1202.154:

(1) the specific powers, limitations, or duties of the guardian with respect to the care of the ward or the management of the ward's property, as appropriate;

(2) the specific areas of protection and assistance to be provided to the ward;

(3) any limitation of the ward's rights;

(4) if the ward's incapacity resulted from a mental condition, whether the ward retains the right to vote and make personal decisions regarding residence; and

(5) that the clerk shall modify the letters of guardianship to the extent applicable to conform to the order.

SECTION 22. The heading to Subtitle I, Title 3, Estates Code, is amended to read as follows:

SUBTITLE I. OTHER SPECIAL PROCEEDINGS AND SUBSTITUTES FOR ~~[ALTERNATIVES TO]~~ GUARDIANSHIP

SECTION 23. Subtitle I, Title 3, Estates Code, is amended by adding Chapter 1357 to read as follows:

CHAPTER 1357. SUPPORTED DECISION-MAKING AGREEMENT ACT  
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1357.001. SHORT TITLE. This chapter may be cited as the Supported Decision-Making Agreement Act.

Sec. 1357.002. DEFINITIONS. In this chapter:

(1) "Adult" means an individual 18 years of age or older or an individual under 18 years of age who has had the disabilities of minority removed.

(2) "Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more major life activities.

(3) "Supported decision-making" means a process of supporting and accommodating an adult with a disability to enable the adult to make life decisions, including decisions related to where the adult wants to live, the services, supports, and medical care the adult wants to receive, whom the adult wants to live with, and where the adult wants to work, without impeding the self-determination of the adult.

(4) "Supported decision-making agreement" is an agreement between an adult with a disability and a supporter entered into under this chapter.

(5) "Supporter" means an adult who has entered into a supported decision-making agreement with an adult with a disability.

Sec. 1357.003. PURPOSE. The purpose of this chapter is to recognize a less restrictive substitute for guardianship for adults with disabilities who need assistance with decisions regarding daily living but who are not considered incapacitated persons for purposes of establishing a guardianship under this title.

#### SUBCHAPTER B. SCOPE OF AGREEMENT AND AGREEMENT REQUIREMENTS

Sec. 1357.051. SCOPE OF SUPPORTED DECISION-MAKING AGREEMENT. An adult with a disability may voluntarily, without undue influence or coercion, enter into a supported decision-making agreement with a supporter under which the adult with a disability authorizes the supporter to do any or all of the following:

(1) provide supported decision-making, including assistance in understanding the options, responsibilities, and consequences of the adult's life decisions, without making those decisions on behalf of the adult with a disability;

(2) subject to Section 1357.054, assist the adult in accessing, collecting, and obtaining information that is relevant to a given life decision, including medical, psychological, financial, educational, or treatment records, from any person;

(3) assist the adult with a disability in understanding the information described by Subdivision (2); and

(4) assist the adult in communicating the adult's decisions to appropriate persons.

Sec. 1357.052. AUTHORITY OF SUPPORTER. A supporter may exercise the authority granted to the supporter in the supported decision-making agreement.

Sec. 1357.053. TERM OF AGREEMENT. (a) Except as provided by Subsection (b), the supported decision-making agreement extends until terminated by either party or by the terms of the agreement.

(b) The supported decision-making agreement is terminated if:

(1) the Department of Family and Protective Services finds that the adult with a disability has been abused, neglected, or exploited by the supporter; or

(2) the supporter is found criminally liable for conduct described by Subdivision (1).

Sec. 1357.054. ACCESS TO PERSONAL INFORMATION. (a) A supporter is only authorized to assist the adult with a disability in accessing, collecting, or obtaining information that is relevant to a decision authorized under the supported decision-making agreement.

(b) If a supporter assists an adult with a disability in accessing, collecting, or obtaining personal information, including protected health information under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) or educational records under the Family Educational Rights and Privacy

Act of 1974 (20 U.S.C. Section 1232g), the supporter shall ensure the information is kept privileged and confidential, as applicable, and is not subject to unauthorized access, use, or disclosure.

(c) The existence of a supported decision-making agreement does not preclude an adult with a disability from seeking personal information without the assistance of a supporter.

Sec. 1357.055. AUTHORIZING AND WITNESSING OF SUPPORTED DECISION-MAKING AGREEMENT. (a) A supported decision-making agreement must be signed voluntarily, without coercion or undue influence, by the adult with a disability and the supporter in the presence of two or more subscribing witnesses or a notary public.

(b) If signed before two witnesses, the attesting witnesses must be at least 14 years of age.

Sec. 1357.056. FORM OF SUPPORTED DECISION-MAKING AGREEMENT. (a) Subject to Subsection (b), a supported decision-making agreement is valid only if it is in substantially the following form:

SUPPORTED DECISION-MAKING AGREEMENT

Appointment of Supporter

I, (insert your name), make this agreement of my own free will.

I agree and designate that:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

is my supporter. My supporter may help me with making everyday life decisions relating to the following:

Y/N obtaining food, clothing, and shelter

Y/N taking care of my physical health

Y/N managing my financial affairs.

My supporter is not allowed to make decisions for me. To help me with my decisions, my supporter may:

1. Help me access, collect, or obtain information that is relevant to a decision, including medical, psychological, financial, educational, or treatment records;

2. Help me understand my options so I can make an informed decision; or

3. Help me communicate my decision to appropriate persons.

Y/N A release allowing my supporter to see protected health information under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) is attached.

Y/N A release allowing my supporter to see educational records under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) is attached.

Effective Date of Supported Decision-Making Agreement

This supported decision-making agreement is effective immediately and will continue until (insert date) or until the agreement is terminated by my supporter or me or by operation of law.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
Consent of Supporter

I, (name of supporter), consent to act as a supporter under this agreement.

\_\_\_\_\_  
(signature of supporter) (printed name of supporter)  
Signature

\_\_\_\_\_  
(my signature) (my printed name)

\_\_\_\_\_  
(witness 1 signature) (printed name of witness 1)

\_\_\_\_\_  
(witness 2 signature) (printed name of witness 2)

State of \_\_\_\_\_

County of \_\_\_\_\_

This document was acknowledged before me  
on \_\_\_\_\_ (date)

by \_\_\_\_\_ and \_\_\_\_\_  
(name of adult with a disability) (name of supporter)

\_\_\_\_\_  
(signature of notarial officer)

(Seal, if any, of notary)

\_\_\_\_\_  
(printed name)

My commission expires:

**WARNING: PROTECTION FOR THE ADULT WITH A DISABILITY**  
**IF A PERSON WHO RECEIVES A COPY OF THIS AGREEMENT OR IS**  
**AWARE OF THE EXISTENCE OF THIS AGREEMENT HAS CAUSE TO**  
**BELIEVE THAT THE ADULT WITH A DISABILITY IS BEING ABUSED,**  
**NEGLECTED, OR EXPLOITED BY THE SUPPORTER, THE PERSON**  
**SHALL REPORT THE ALLEGED ABUSE, NEGLECT, OR EXPLOITATION**  
**TO THE DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES BY**  
**CALLING THE ABUSE HOTLINE AT 1-800-252-5400 OR ONLINE AT**  
**WWW.TXABUSEHOTLINE.ORG.**

(b) A supported decision-making agreement may be in any form not inconsistent with Subsection (a) and the other requirements of this chapter.

**SUBCHAPTER C. DUTY OF CERTAIN PERSONS WITH RESPECT TO AGREEMENT**

**Sec. 1357.101. RELIANCE ON AGREEMENT; LIMITATION OF LIABILITY.** (a) A person who receives the original or a copy of a supported decision-making agreement shall rely on the agreement.

(b) A person is not subject to criminal or civil liability and has not engaged in professional misconduct for an act or omission if the act or omission is done in good faith and in reliance on a supported decision-making agreement.

**Sec. 1357.102. REPORTING OF SUSPECTED ABUSE, NEGLECT, OR EXPLOITATION.** If a person who receives a copy of a supported decision-making agreement or is aware of the existence of a supported decision-making agreement has cause to believe that the adult with a disability is

being abused, neglected, or exploited by the supporter, the person shall report the alleged abuse, neglect, or exploitation to the Department of Family and Protective Services in accordance with Section 48.051, Human Resources Code.

SECTION 24. (a) Except as otherwise provided by this section, the changes in law made by this Act apply to:

(1) a guardianship created before, on, or after the effective date of this Act; and

(2) an application for a guardianship pending on, or filed on or after, the effective date of this Act.

(b) Sections 1054.004 and 1054.054, Estates Code, as amended by this Act, apply only to a guardianship proceeding for which a court has appointed a guardian ad litem or attorney ad litem to represent the interests of a proposed ward on or after the effective date of this Act.

(c) Sections 1054.201, 1101.101, 1101.103, 1101.151, 1101.152, and 1101.153, Estates Code, as amended by this Act, apply only to a guardianship proceeding filed on or after the effective date of this Act. A guardianship proceeding filed before the effective date of this Act is governed by the law in effect on the date the proceeding was filed, and the former law is continued in effect for that purpose.

(d) Section 1101.001, Estates Code, as amended by this Act, applies only to an application for the appointment of a guardian filed on or after the effective date of this Act. An application for the appointment of a guardian filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(e) Section 1202.051, Estates Code, as amended by this Act, applies only to an application for the restoration of a ward's capacity or the modification of a ward's guardianship that is filed on or after the effective date of this Act. An application for the restoration of a ward's capacity or the modification of a ward's guardianship that is filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(f) Sections 1202.151, 1202.152, 1202.153, 1202.154, and 1202.156, Estates Code, as amended by this Act, apply only to a proceeding for the restoration of a ward's capacity or the modification of a ward's guardianship that is filed on or after the effective date of this Act. An application for the restoration of a ward's capacity or the modification of a ward's guardianship that is filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 25. This Act takes effect September 1, 2015.

**HB 1945 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Representative G. Bonnen called up with senate amendments for consideration at this time,

**HB 1945**, A bill to be entitled An Act relating to the provision of direct primary care.

Representative G. Bonnen moved to concur in the senate amendments to **HB 1945**.

The motion to concur in the senate amendments to **HB 1945** prevailed by (Record 1184): 130 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Galindo; Harless; Herrero; Laubenberg; Márquez; Martinez Fischer; Oliveira; Reynolds; Riddle; Tinderholt.

Absent, Excused, Committee Meeting — Ashby; Otto.

Absent — Clardy; Dukes; Dutton; King, S.; McClendon; Miles; Stickland.

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

Amend **CSHB 1945** (senate committee printing) in SECTION 1 of the bill adding Subchapter F, Chapter 162, Occupations Code, immediately following proposed Section 162.255, Occupations Code (page 2, between lines 39-40), by inserting the following section:

Sec. 162.256. REQUIRED DISCLOSURE. A physician providing direct primary care shall provide written or electronic notice to the patient that a medical service agreement for direct primary care is not insurance, prior to entering into the agreement.

### **HB 1993 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1993**, A bill to be entitled An Act relating to the authorization of independent school districts to use electronic means to notify parents of a student's academic performance.

Representative Sheffield moved to concur in the senate amendments to **HB 1993**.

The motion to concur in the senate amendments to **HB 1993** prevailed by (Record 1185): 129 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycocock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Cyrier; Dale; Davis, S.; Davis, Y.; Deshotel; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; 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.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Galindo; Harless; Herrero; Laubenberg; Márquez; Martinez Fischer; Oliveira; Reynolds; Riddle; Tinderholt.

Absent, Excused, Committee Meeting — Ashby; Otto.

Absent — Crownover; Darby; Dukes; Dutton; McClendon; Miles; Phillips; Zerwas.

### STATEMENT OF VOTE

When Record No. 1185 was taken, my vote failed to register. I would have voted yes.

Crownover

### Senate Committee Substitute

**CSHB 1993**, A bill to be entitled An Act relating to the authorization of independent school districts to use electronic means to notify parents of a student's academic performance.

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

SECTION 1. Section 28.022, Education Code, is amended by adding Subsection (e) to read as follows:



(e) A district that uses an electronic platform for communicating student grade and performance information to parents may permit a parent to sign a notice required under Subsections (a)(2) and (a)(3) electronically, so long as the district retains a record verifying the parent's acknowledgment of the required notice. A district that accepts electronic signatures under this subsection must offer parents the option to provide a handwritten signature as provided under Subsection (b).

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

### **HB 2813 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative K. King called up with senate amendments for consideration at this time,

**HB 2813**, A bill to be entitled An Act relating to health benefit plan coverage for ovarian cancer screening.

Representative K. King moved to concur in the senate amendments to **HB 2813**.

The motion to concur in the senate amendments to **HB 2813** prevailed by (Record 1186): 123 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Coleman; Collier; Cook; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Deshotel; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; 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; Martinez; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Dale; Krause; Rinaldi; Schaefer; Simpson; Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Galindo; Harless; Herrero; Laubenberg; Márquez; Martinez Fischer; Oliveira; Reynolds; Riddle; Tinderholt.

Absent, Excused, Committee Meeting — Ashby; Otto.

Absent — Clardy; Crownover; Dukes; Dutton; Fallon; McClendon; Miles; Phillips.

### STATEMENTS OF VOTE

When Record No. 1186 was taken, my vote failed to register. I would have voted yes.

Crownover

When Record No. 1186 was taken, I was shown voting no. I intended to vote yes.

Krause

When Record No. 1186 was taken, I was shown voting yes. I intended to vote no.

Shaheen

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

Amend **HB 2813** (senate committee printing) in SECTION 2 of the bill by striking added Section 1370.002(b), Insurance Code (page 1, line 56, through page 2, line 1), and substituting the following:

(b) To the extent that providing coverage for ovarian cancer screening under this chapter would otherwise require this state to make a payment under 42 U.S.C. Section 18031(d)(3)(B)(ii), a qualified health plan, as defined by 45 C.F.R. Section 155.20, is not required to provide a benefit for the ovarian cancer screening under this chapter that exceeds the specified essential health benefits required under 42 U.S.C. Section 18022(b).

### HB 225 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

**HB 225**, A bill to be entitled An Act relating to the prescription, administration, and possession of certain opioid antagonists for the treatment of a suspected overdose and a defense to prosecution for certain offenses involving controlled substances and other prohibited drugs, substances, or paraphernalia for defendants seeking assistance for a suspected overdose.

Representative Guillen moved to concur in the senate amendments to **HB 225**.

The motion to concur in the senate amendments to **HB 225** prevailed by (Record 1187): 130 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez;

Hernandez; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Longoria; Lucio; Martinez; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; 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.; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Keough.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Galindo; Harless; Herrero; Laubenberg; Márquez; Martinez Fischer; Oliveira; Reynolds; Riddle; Tinderholt.

Absent, Excused, Committee Meeting — Ashby; Otto.

Absent — Dukes; Dutton; Lozano; McClendon; Miles; Turner, S.

### Senate Committee Substitute

**CSHB 225**, A bill to be entitled An Act relating to the prescription, administration, and possession of certain opioid antagonists for the treatment of a suspected overdose and a defense to prosecution for certain offenses involving controlled substances and other prohibited drugs, substances, or paraphernalia for defendants seeking assistance for a suspected overdose.

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

SECTION 1. Section 481.115, Health and Safety Code, is amended by adding Subsections (g), (h), and (i) to read as follows:

(g) It is a defense to prosecution for an offense punishable under Subsection (b) that the actor:

(1) requested emergency medical assistance in response to the possible overdose of another person and:

(A) made the request for medical assistance during an ongoing medical emergency;

(B) remained on the scene until the medical assistance arrived; and

(C) cooperated with medical assistance and law enforcement personnel; or

(2) was the victim of a possible overdose for which emergency medical assistance was requested, by the actor or by another person, during an ongoing medical emergency.

(h) The defense to prosecution provided by Subsection (g) is not available if, at the time the request for emergency medical assistance was made, a peace officer was in the process of arresting the actor or executing a search warrant describing the actor or the place from which the request for medical assistance was made.

(i) The defense to prosecution provided by Subsection (g) does not preclude the admission of evidence obtained by law enforcement resulting from the request for emergency medical assistance if that evidence pertains to an offense for which the defense described by Subsection (g) is not available.

SECTION 2. Section 481.1151, Health and Safety Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) It is a defense to prosecution for an offense punishable under Subsection (b)(1) that the actor:

(1) requested emergency medical assistance in response to the possible overdose of another person and:

(A) made the request for medical assistance during an ongoing medical emergency;

(B) remained on the scene until the medical assistance arrived; and

(C) cooperated with medical assistance and law enforcement personnel; or

(2) was the victim of a possible overdose for which emergency medical assistance was requested, by the actor or by another person, during an ongoing medical emergency.

(d) The defense to prosecution provided by Subsection (c) is not available if, at the time the request for emergency medical assistance was made, a peace officer was in the process of arresting the actor or executing a search warrant describing the actor or the place from which the request for medical assistance was made.

(e) The defense to prosecution provided by Subsection (c) does not preclude the admission of evidence obtained by law enforcement resulting from the request for emergency medical assistance if that evidence pertains to an offense for which the defense described by Subsection (c) is not available.

SECTION 3. Section 481.116, Health and Safety Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) It is a defense to prosecution for an offense punishable under Subsection (b) that the actor:

(1) requested emergency medical assistance in response to the possible overdose of another person and:

(A) made the request for medical assistance during an ongoing medical emergency;

(B) remained on the scene until the medical assistance arrived; and

(C) cooperated with medical assistance and law enforcement personnel; or

(2) was the victim of a possible overdose for which emergency medical assistance was requested, by the actor or by another person, during an ongoing medical emergency.

(g) The defense to prosecution provided by Subsection (f) is not available if, at the time the request for emergency medical assistance was made, a peace officer was in the process of arresting the actor or executing a search warrant describing the actor or the place from which the request for medical assistance was made.

(h) The defense to prosecution provided by Subsection (f) does not preclude the admission of evidence obtained by law enforcement resulting from the request for emergency medical assistance if that evidence pertains to an offense for which the defense described by Subsection (f) is not available.

SECTION 4. Section 481.1161, Health and Safety Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) It is a defense to prosecution for an offense punishable under Subsection (b)(1) or (2) that the actor:

(1) requested emergency medical assistance in response to the possible overdose of another person and:

(A) made the request for medical assistance during an ongoing medical emergency;

(B) remained on the scene until the medical assistance arrived; and

(C) cooperated with medical assistance and law enforcement personnel; or

(2) was the victim of a possible overdose for which emergency medical assistance was requested, by the actor or by another person, during an ongoing medical emergency.

(d) The defense to prosecution provided by Subsection (c) is not available if, at the time the request for emergency medical assistance was made, a peace officer was in the process of arresting the actor or executing a search warrant describing the actor or the place from which the request for medical assistance was made.

(e) The defense to prosecution provided by Subsection (c) does not preclude the admission of evidence obtained by law enforcement resulting from the request for emergency medical assistance if that evidence pertains to an offense for which the defense described by Subsection (c) is not available.

SECTION 5. Section 481.117, Health and Safety Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) It is a defense to prosecution for an offense punishable under Subsection (b) that the actor:

(1) requested emergency medical assistance in response to the possible overdose of another person and:

(A) made the request for medical assistance during an ongoing medical emergency;

(B) remained on the scene until the medical assistance arrived; and

(C) cooperated with medical assistance and law enforcement personnel; or

(2) was the victim of a possible overdose for which emergency medical assistance was requested, by the actor or by another person, during an ongoing medical emergency.

(g) The defense to prosecution provided by Subsection (f) is not available if, at the time the request for emergency medical assistance was made, a peace officer was in the process of arresting the actor or executing a search warrant describing the actor or the place from which the request for medical assistance was made.

(h) The defense to prosecution provided by Subsection (f) does not preclude the admission of evidence obtained by law enforcement resulting from the request for emergency medical assistance if that evidence pertains to an offense for which the defense described by Subsection (f) is not available.

SECTION 6. Section 481.118, Health and Safety Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) It is a defense to prosecution for an offense punishable under Subsection (b) that the actor:

(1) requested emergency medical assistance in response to the possible overdose of another person and:

(A) made the request for medical assistance during an ongoing medical emergency;

(B) remained on the scene until the medical assistance arrived; and

(C) cooperated with medical assistance and law enforcement personnel; or

(2) was the victim of a possible overdose for which emergency medical assistance was requested, by the actor or by another person, during an ongoing medical emergency.

(g) The defense to prosecution provided by Subsection (f) is not available if, at the time the request for emergency medical assistance was made, a peace officer was in the process of arresting the actor or executing a search warrant describing the actor or the place from which the request for medical assistance was made.

(h) The defense to prosecution provided by Subsection (f) does not preclude the admission of evidence obtained by law enforcement resulting from the request for emergency medical assistance if that evidence pertains to an offense for which the defense described by Subsection (f) is not available.

SECTION 7. Section 481.119, Health and Safety Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) It is a defense to prosecution for an offense under Subsection (b) that the actor:

(1) requested emergency medical assistance in response to the possible overdose of another person and:

(A) made the request for medical assistance during an ongoing medical emergency;

(B) remained on the scene until the medical assistance arrived; and

(C) cooperated with medical assistance and law enforcement personnel; or

(2) was the victim of a possible overdose for which emergency medical assistance was requested, by the actor or by another person, during an ongoing medical emergency.

(d) The defense to prosecution provided by Subsection (c) is not available if, at the time the request for emergency medical assistance was made, a peace officer was in the process of arresting the actor or executing a search warrant describing the actor or the place from which the request for medical assistance was made.

(e) The defense to prosecution provided by Subsection (c) does not preclude the admission of evidence obtained by law enforcement resulting from the request for emergency medical assistance if that evidence pertains to an offense for which the defense described by Subsection (c) is not available.

SECTION 8. Section 481.121, Health and Safety Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) It is a defense to prosecution for an offense punishable under Subsection (b)(1) or (2) that the actor:

(1) requested emergency medical assistance in response to the possible overdose of another person and:

(A) made the request for medical assistance during an ongoing medical emergency;

(B) remained on the scene until the medical assistance arrived; and

(C) cooperated with medical assistance and law enforcement personnel; or

(2) was the victim of a possible overdose for which emergency medical assistance was requested, by the actor or by another person, during an ongoing medical emergency.

(d) The defense to prosecution provided by Subsection (c) is not available if, at the time the request for emergency medical assistance was made, a peace officer was in the process of arresting the actor or executing a search warrant describing the actor or the place from which the request for medical assistance was made.

(e) The defense to prosecution provided by Subsection (c) does not preclude the admission of evidence obtained by law enforcement resulting from the request for emergency medical assistance if that evidence pertains to an offense for which the defense described by Subsection (c) is not available.

SECTION 9. Section 481.125, Health and Safety Code, is amended by adding Subsections (g), (h), and (i) to read as follows:

(g) It is a defense to prosecution for an offense under Subsection (a) that the actor:

(1) requested emergency medical assistance in response to the possible overdose of another person and:

(A) made the request for medical assistance during an ongoing medical emergency;

(B) remained on the scene until the medical assistance arrived; and

(C) cooperated with medical assistance and law enforcement personnel; or

(2) was the victim of a possible overdose for which emergency medical assistance was requested, by the actor or by another person, during an ongoing medical emergency.

(h) The defense to prosecution provided by Subsection (g) is not available if, at the time the request for emergency medical assistance was made, a peace officer was in the process of arresting the actor or executing a search warrant describing the actor or the place from which the request for medical assistance was made.

(i) The defense to prosecution provided by Subsection (g) does not preclude the admission of evidence obtained by law enforcement resulting from the request for emergency medical assistance if that evidence pertains to an offense for which the defense described by Subsection (g) is not available.

SECTION 10. Section 483.041, Health and Safety Code, is amended by adding Subsections (e), (f), and (g) to read as follows:

(e) It is a defense to prosecution for an offense under Subsection (a) that the actor:

(1) requested emergency medical assistance in response to the possible overdose of another person and:

(A) made the request for medical assistance during an ongoing medical emergency;

(B) remained on the scene until the medical assistance arrived; and

(C) cooperated with medical assistance and law enforcement personnel; or

(2) was the victim of a possible overdose for which emergency medical assistance was requested, by the actor or by another person, during an ongoing medical emergency.

(f) The defense to prosecution provided by Subsection (e) is not available if, at the time the request for emergency medical assistance was made, a peace officer was in the process of arresting the actor or executing a search warrant describing the actor or the place from which the request for medical assistance was made.

(g) The defense to prosecution provided by Subsection (e) does not preclude the admission of evidence obtained by law enforcement resulting from the request for emergency medical assistance if that evidence pertains to an offense for which the defense described by Subsection (e) is not available.

SECTION 11. Section 485.031, Health and Safety Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) It is a defense to prosecution for an offense under Subsection (a) that the actor:

(1) requested emergency medical assistance in response to the possible overdose of another person and:

(A) made the request for medical assistance during an ongoing medical emergency;

(B) remained on the scene until the medical assistance arrived; and

(C) cooperated with medical assistance and law enforcement personnel; or

(2) was the victim of a possible overdose for which emergency medical assistance was requested, by the actor or by another person, during an ongoing medical emergency.



(d) The defense to prosecution provided by Subsection (c) is not available if, at the time the request for emergency medical assistance was made, a peace officer was in the process of arresting the actor or executing a search warrant describing the actor or the place from which the request for medical assistance was made.

(e) The defense to prosecution provided by Subsection (c) does not preclude the admission of evidence obtained by law enforcement resulting from the request for emergency medical assistance if that evidence pertains to an offense for which the defense described by Subsection (c) is not available.

SECTION 12. Chapter 483, Health and Safety Code, is amended by adding Subchapter E to read as follows:

#### SUBCHAPTER E. OPIOID ANTAGONISTS

Sec. 483.101. DEFINITIONS. In this subchapter:

(1) "Emergency services personnel" includes firefighters, emergency medical services personnel as defined by Section 773.003, emergency room personnel, and other individuals who, in the course and scope of employment or as a volunteer, provide services for the benefit of the general public during emergency situations.

(2) "Opioid antagonist" means any drug that binds to opioid receptors and blocks or otherwise inhibits the effects of opioids acting on those receptors.

(3) "Opioid-related drug overdose" means a condition, evidenced by symptoms such as extreme physical illness, decreased level of consciousness, constriction of the pupils, respiratory depression, or coma, that a layperson would reasonably believe to be the result of the consumption or use of an opioid.

(4) "Prescriber" means a person authorized by law to prescribe an opioid antagonist.

Sec. 483.102. PRESCRIPTION OF OPIOID ANTAGONIST; STANDING ORDER. (a) A prescriber may, directly or by standing order, prescribe an opioid antagonist to:

(1) a person at risk of experiencing an opioid-related drug overdose; or

(2) a family member, friend, or other person in a position to assist a person described by Subdivision (1).

(b) A prescription issued under this section is considered as issued for a legitimate medical purpose in the usual course of professional practice.

(c) A prescriber who, acting in good faith with reasonable care, prescribes or does not prescribe an opioid antagonist is not subject to any criminal or civil liability or any professional disciplinary action for:

(1) prescribing or failing to prescribe the opioid antagonist; or

(2) if the prescriber chooses to prescribe an opioid antagonist, any outcome resulting from the eventual administration of the opioid antagonist.

Sec. 483.103. DISPENSING OF OPIOID ANTAGONIST. (a) A pharmacist may dispense an opioid antagonist under a valid prescription to:

(1) a person at risk of experiencing an opioid-related drug overdose; or

(2) a family member, friend, or other person in a position to assist a person described by Subdivision (1).

(b) A prescription filled under this section is considered as filled for a legitimate medical purpose in the usual course of professional practice.

(c) A pharmacist who, acting in good faith and with reasonable care, dispenses or does not dispense an opioid antagonist under a valid prescription is not subject to any criminal or civil liability or any professional disciplinary action for:

(1) dispensing or failing to dispense the opioid antagonist; or

(2) if the pharmacist chooses to dispense an opioid antagonist, any outcome resulting from the eventual administration of the opioid antagonist.

Sec. 483.104. DISTRIBUTION OF OPIOID ANTAGONIST; STANDING ORDER. A person or organization acting under a standing order issued by a prescriber may store an opioid antagonist and may distribute an opioid antagonist, provided the person or organization does not request or receive compensation for storage or distribution.

Sec. 483.105. POSSESSION OF OPIOID ANTAGONIST. Any person may possess an opioid antagonist, regardless of whether the person holds a prescription for the opioid antagonist.

Sec. 483.106. ADMINISTRATION OF OPIOID ANTAGONIST. (a) A person who, acting in good faith and with reasonable care, administers or does not administer an opioid antagonist to another person whom the person believes is suffering an opioid-related drug overdose is not subject to criminal prosecution, sanction under any professional licensing statute, or civil liability, for an act or omission resulting from the administration of or failure to administer the opioid antagonist.

(b) Emergency services personnel are authorized to administer an opioid antagonist to a person who appears to be suffering an opioid-related drug overdose, as clinically indicated.

Sec. 483.107. GRANTS. The Health and Human Services Commission may issue grants for:

(1) drug overdose prevention;

(2) recognition and response education for individuals, family members, and emergency services personnel; and

(3) opioid antagonist prescription or distribution projects.

Sec. 483.108. CONFLICT OF LAW. To the extent of a conflict between this subchapter and another law, this subchapter controls.

SECTION 13. (a) The change in law made by this Act relating to conduct that is grounds for imposition of a disciplinary sanction applies only to conduct that occurs on or after September 1, 2015.

(b) Conduct that occurs before September 1, 2015, is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 14. (a) The change in law made by this Act relating to conduct that is the basis for civil liability applies only to conduct that occurs on or after September 1, 2015.

(b) Conduct that occurs before September 1, 2015, is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 15. (a) The change in law made by this Act relating to conduct that constitutes a criminal offense applies only to an offense committed on or after September 1, 2015.

(b) For purposes of this section, an offense is committed before September 1, 2015, if any element of the offense occurs before that date.

(c) An offense committed before September 1, 2015, is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

SECTION 16. This Act takes effect September 1, 2015.

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

Amend **CSHB 225** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 481.115(g)(1), Health and Safety Code (page 1, line 31), between "(1)" and "emergency", strike "requested" and substitute "was the first person to request".

(2) In SECTION 2 of the bill, in added Section 481.1151(c)(1), Health and Safety Code (page 1, line 56), between "(1)" and "emergency", strike "requested" and substitute "was the first person to request".

(3) In SECTION 3 of the bill, in added Section 481.116(f)(1), Health and Safety Code (page 2, line 21), between "(1)" and "emergency", strike "requested" and substitute "was the first person to request".

(4) In SECTION 4 of the bill, in added Section 481.1161(c)(1), Health and Safety Code (page 2, line 46), between "(1)" and "emergency", strike "requested" and substitute "was the first person to request".

(5) In SECTION 5 of the bill, in added Section 481.117(f)(1), Health and Safety Code (page 3, line 2), between "(1)" and "emergency", strike "requested" and substitute "was the first person to request".

(6) In SECTION 6 of the bill, in added Section 481.118(f)(1), Health and Safety Code (page 3, line 27), between "(1)" and "emergency", strike "requested" and substitute "was the first person to request".

(7) In SECTION 7 of the bill, in added Section 481.119(c)(1), Health and Safety Code (page 3, line 52), between "(1)" and "emergency", strike "requested" and substitute "was the first person to request".

(8) In SECTION 8 of the bill, in added Section 481.121(c)(1), Health and Safety Code (page 4, line 8), between "(1)" and "emergency", strike "requested" and substitute "was the first person to request".

(9) In SECTION 9 of the bill, in added Section 481.125(g)(1), Health and Safety Code (page 4, line 33), between "(1)" and "emergency", strike "requested" and substitute "was the first person to request".

(10) In SECTION 10 of the bill, in added Section 483.041(e)(1), Health and Safety Code (page 4, line 58), between "(1)" and "emergency", strike "requested" and substitute "was the first person to request".

(11) In SECTION 11 of the bill, in added Section 485.031(c)(1), Health and Safety Code (page 5, line 14), between "(1)" and "emergency", strike "requested" and substitute "was the first person to request".

**HB 2476 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2476**, A bill to be entitled An Act relating to the repeal of the statutory provision regarding the abolishment of health care funding districts in certain counties located on the Texas-Mexico border.

Representative Guerra moved to concur in the senate amendments to **HB 2476**.

The motion to concur in the senate amendments to **HB 2476** prevailed by (Record 1188): 118 Yeas, 13 Nays, 1 Present, not voting.

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

Nays — Bell; Bonnen, G.; Capriglione; Goldman; Isaac; Keough; Leach; Murr; Rinaldi; Sheets; Stickland; Thompson, E.; Turner, E.S.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Galindo; Harless; Herrero; Laubenberg; Márquez; Martinez Fischer; Oliveira; Reynolds; Riddle; Tinderholt.

Absent, Excused, Committee Meeting — Ashby; Otto.

Absent — Dukes; Dutton; Fallon; McClendon; Miles; Paul.

**STATEMENTS OF VOTE**

When Record No. 1188 was taken, I was shown voting no. I intended to vote yes.

Bell

When Record No. 1188 was taken, I was shown voting yes. I intended to vote no.

Cyrier

When Record No. 1188 was taken, I was shown voting yes. I intended to vote no.

Krause

When Record No. 1188 was taken, I was in the house but away from my desk. I would have voted yes.

Paul

### Senate Committee Substitute

**CSHB 2476**, A bill to be entitled An Act relating to the operations of health care funding districts in certain counties located on the Texas-Mexico border.

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

SECTION 1. Section 288.001(4), Health and Safety Code, is amended to read as follows:

(4) "Institutional health care provider" means a nonpublic hospital that provides inpatient hospital services ~~[licensed under Chapter 241]~~.

SECTION 2. Section 288.0032, Health and Safety Code, is repealed.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

### **HB 789 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative R. Miller called up with senate amendments for consideration at this time,

**HB 789**, A bill to be entitled An Act relating to license plates issued to retired members of the military.

Representative R. Miller moved to concur in the senate amendments to **HB 789**.

The motion to concur in the senate amendments to **HB 789** prevailed by (Record 1189): 128 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Nevárez; Paddie; Parker;

Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; 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.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Galindo; Harless; Herrero; Laubenberg; Márquez; Martinez Fischer; Oliveira; Reynolds; Riddle; Tinderholt.

Absent, Excused, Committee Meeting — Ashby; Otto.

Absent — Coleman; Dukes; Dutton; Keough; Longoria; McClendon; Miles; Naishtat; Wu.

### STATEMENT OF VOTE

When Record No. 1189 was taken, I was in the house but away from my desk. I would have voted yes.

Keough

### Senate Committee Substitute

**CSHB 789**, A bill to be entitled An Act relating to license plates issued to retired members of the military.

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

SECTION 1. Sections 504.303(b) and (c), Transportation Code, are amended to read as follows:

(b) The department shall include the word "Retired" for license plates issued to retired members of the United States armed forces [~~who have completed 20 or more years of satisfactory federal service~~].

(c) Satisfactory proof of eligibility for a license plate issued under this section to a retired member of the United States armed forces may be demonstrated by:

(1) a [~~A~~] letter from any branch of the military under the jurisdiction of the United States Department of Defense or the United States Department of Homeland Security stating that a retired member has 20 or more years of satisfactory federal service; or

(2) an identification card issued by any branch of the military under the jurisdiction of the United States Department of Defense or the United States Department of Homeland Security indicating that the member is retired [~~is satisfactory proof of eligibility~~].

SECTION 2. Sections 504.305(a) and (c), Transportation Code, are amended to read as follows:

(a) The department shall issue specialty license plates for:

- (1) active members of the Texas National Guard or Texas State Guard;
- (2) retired members of the Texas National Guard or Texas State Guard [~~who have completed 20 or more years of satisfactory federal service~~]; and
- (3) members of a reserve component of the United States armed forces.

(c) Satisfactory proof of eligibility for a license plate issued under this section to a retired member of the Texas National Guard or Texas State Guard may be demonstrated by:

(1) a [A] letter from the United States Department of Defense, the Department of the Army, or the Department of the Air Force stating that a retired guard member has 20 or more years of satisfactory federal service; or

(2) an identification card issued by the United States Department of Defense, the Department of the Army, or the Department of the Air Force indicating that the member is retired [is satisfactory proof of eligibility].

SECTION 3. This Act takes effect January 1, 2016.

### **HB 1964 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1964**, A bill to be entitled An Act relating to the definitions of "convention center facilities" and "eligible central municipality" for purposes of the municipal hotel occupancy tax.

Representative Clardy moved to concur in the senate amendments to **HB 1964**.

The motion to concur in the senate amendments to **HB 1964** prevailed by (Record 1190): 117 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; 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; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Kuempel; Larson; Longoria; Lozano; Lucio; Martinez; Meyer; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schubert; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Bonnen, D.; Fallon; Keough; Krause; Leach; Metcalf; Murr; Rinaldi; Shaheen; Simpson; Stickland; White, M.; Zedler.

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

Absent, Excused — Galindo; Harless; Herrero; Laubenberg; Márquez; Martinez Fischer; Oliveira; Reynolds; Riddle; Tinderholt.

Absent, Excused, Committee Meeting — Ashby; Otto.

Absent — Dukes; Dutton; McClendon; Miles; Schofield.

### STATEMENTS OF VOTE

When Record No. 1190 was taken, I was shown voting no. I intended to vote yes.

Fallon

When Record No. 1190 was taken, I was excused because of illness. I would have voted yes.

Márquez

#### Senate Committee Substitute

**CSHB 1964**, A bill to be entitled An Act relating to certain convention center hotel projects.

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

SECTION 1. Sections 351.001(2) and (7), Tax Code, are amended to read as follows:

(2) "Convention center facilities" or "convention center complex" means facilities that are primarily used to host conventions and meetings. The term means civic centers, civic center buildings, auditoriums, exhibition halls, and coliseums that are owned by the municipality or other governmental entity or that are managed in whole or part by the municipality. In a municipality with a population of 1.5 million or more, "convention center facilities" or "convention center complex" means civic centers, civic center buildings, auditoriums, exhibition halls, and coliseums that are owned by the municipality or other governmental entity or that are managed in part by the municipality, hotels owned by the municipality or a nonprofit municipally sponsored local government corporation created under Chapter 431, Transportation Code, within 1,000 feet of a convention center owned by the municipality, or a historic hotel owned by the municipality or a nonprofit municipally sponsored local government corporation created under Chapter 431, Transportation Code, within one mile of a convention center owned by the municipality. The term includes parking areas or facilities that are for the parking or storage of conveyances and that are located at or in the vicinity of other convention center facilities. The term also includes a hotel owned by or located on land that is owned by an eligible central municipality or by a nonprofit corporation acting on behalf of an eligible central municipality and that is located within 1,000 feet of a convention center facility owned by the municipality. The term also includes a hotel that is owned in part by an eligible central municipality described by Subdivision (7)(D) and that is located within 1,000 feet of a convention center facility. ~~[The term also includes a hotel proposed to be constructed, remodeled, or rehabilitated by a municipality or a nonprofit municipally sponsored local government corporation created under Chapter 431, Transportation Code, that is within 3,000 feet of the property line of a convention center owned by a municipality having a population of more than 500,000 and that borders the United Mexican States.]~~

(7) "Eligible central municipality" means:



(A) a municipality with a population of more than 140,000 but less than 1.5 million that is located in a county with a population of one million or more and that has adopted a capital improvement plan for the construction or expansion of a [an existing] convention center facility; [or]

(B) a municipality with a population of 250,000 or more that:

(i) is located wholly or partly on a barrier island that borders the Gulf of Mexico;

(ii) is located in a county with a population of 300,000 or more; and

(iii) has adopted a capital improvement plan to expand an existing convention center facility;

(C) a municipality with a population of 116,000 or more that:

(i) is located in two counties both of which have a population of 660,000 or more; and

(ii) has adopted a capital improvement plan for the construction or expansion of a convention center facility;

(D) a municipality with a population of less than 50,000 that contains a general academic teaching institution that is not a component institution of a university system, as those terms are defined by Section 61.003, Education Code; or

(E) a municipality with a population of 640,000 or more that:

(i) is located on an international border; and

(ii) has adopted a capital improvement plan for the construction or expansion of a convention center facility.

SECTION 2. Section 351.102, Tax Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) Subject to the limitations provided by this subchapter, a municipality may pledge the revenue derived from the tax imposed under this chapter for the payment of bonds that are issued under Section 1504.002(a), Government Code, for one or more of the purposes provided by Section 351.101 or, in the case of a municipality of 1,500,000 or more ~~[or a municipality having a population of more than 500,000 and that borders the United Mexican States]~~, for the payment of principal of or interest on bonds or other obligations of a municipally sponsored local government corporation created under Chapter 431, Transportation Code, that were issued to pay the cost of the acquisition and construction of a convention center hotel or the cost of acquisition, remodeling, or rehabilitation of a historic hotel structure; provided, however, such pledge may only be that portion of the tax collected at such hotel.

(b) An eligible central municipality, ~~[or]~~ a municipality with a population of 173,000 or more that is located within two or more counties, a municipality with a population of 96,000 or more that is located in a county that borders Lake Palestine or contains the headwaters of the San Gabriel River, or a municipality with a population of at least 99,900 but not more than 111,000 that is located in a county with a population of at least 135,000 may pledge the revenue derived from the tax imposed under this chapter from a hotel project that is owned by or located on land owned by the municipality or, in an eligible central municipality,

by a nonprofit corporation acting on behalf of an eligible central municipality, and that is located within 1,000 feet of a convention center facility owned by the municipality for the payment of bonds or other obligations issued or incurred to acquire, lease, construct, and equip the hotel and any facilities ancillary to the hotel, including convention center entertainment-related facilities, meeting spaces, restaurants, shops, street and water and sewer infrastructure necessary for the operation of the hotel or ancillary facilities, and parking facilities within 1,000 feet of the hotel or convention center facility. For bonds or other obligations issued under this subsection, an eligible central municipality or a municipality described by this subsection ~~[with a population of 173,000 or more that is located within two counties]~~ may only pledge revenue or other assets of the hotel project benefiting from those bonds or other obligations.

(d) Except as provided by this subsection, an eligible central municipality or another municipality described by Subsection (b) that uses revenue derived from the tax imposed under this chapter or funds received under Subsection (c) for a hotel project described by Subsection (b) may not reduce the percentage of revenue from the tax imposed under this chapter and allocated for a purpose described by Section 351.101(a)(3) to a percentage that is less than the average percentage of that revenue allocated by the municipality for that purpose during the 36-month period preceding the date the municipality begins using the revenue or funds for the hotel project. This subsection does not apply to an eligible central municipality described by Section 351.001(7)(D).

SECTION 3. Section 151.429(h), Tax Code, is amended to read as follows:

(h) ~~[This subsection does not apply to a qualified hotel project described by Section 2303.003(8)(B), Government Code.]~~ Notwithstanding the other provisions of this section, the owner of a qualified hotel project shall receive a rebate, refund, or payment of 100 percent of the sales and use taxes paid or collected by the qualified hotel project or businesses located in the qualified hotel project pursuant to this chapter and 100 percent of the hotel occupancy taxes paid by persons for the use or possession of or for the right to the use or possession of a room or space at the qualified hotel project pursuant to the provisions of Chapter 156 during the first 10 years after such qualified hotel project is open for initial occupancy. The comptroller shall deposit the taxes in trust in a separate suspense account of the qualified hotel project. A suspense account is outside the state treasury, and the comptroller may make a rebate, refund, or payment authorized by this section without the necessity of an appropriation. The comptroller shall rebate, refund, or pay to each qualified hotel project eligible taxable proceeds to which the project is entitled under this section at least monthly.

SECTION 4. Section 2303.003(8), Government Code, is amended to read as follows:

(8) "Qualified hotel project" means[±

~~(A)~~ a hotel proposed to be constructed by a municipality or a nonprofit municipally sponsored local government corporation created under the Texas Transportation Corporation Act, Chapter 431, Transportation Code, that is

within 1,000 feet of a convention center owned by a municipality having a population of 1,500,000 or more, including shops, parking facilities, and any other facilities ancillary to the hotel[; and

~~[(B) a hotel proposed to be constructed, remodeled, or rehabilitated by a municipality or a nonprofit municipally sponsored local government corporation created under the Texas Transportation Corporation Act, Chapter 431, Transportation Code, that is within 3,000 feet of the property line of a convention center owned by a municipality having a population of more than 500,000 and that borders the United Mexican States].~~

SECTION 5. Section 2303.5055(b), Government Code, is amended to read as follows:

(b) A municipality with a population of 1,500,000 or more [~~or a municipality having a population of more than 500,000 and that borders the United Mexican States~~] may agree to guarantee from hotel occupancy taxes the bonds or other obligations of a municipally sponsored local government corporation created under the Texas Transportation Corporation Act, Chapter 431, Transportation Code, that were issued or incurred to pay the cost of construction, remodeling, or rehabilitation of a qualified hotel project.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

## **HB 1546 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1546**, A bill to be entitled An Act relating to the award of diligent participation credit to defendants confined in a state jail felony facility.

Representative Allen moved to concur in the senate amendments to **HB 1546**.

The motion to concur in the senate amendments to **HB 1546** prevailed by (Record 1191): 126 Yeas, 5 Nays, 1 Present, not voting.

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

Sheets; 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 — Leach; Rinaldi; Schofield; Shaheen; Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Galindo; Harless; Herrero; Laubenberg; Márquez; Martinez Fischer; Oliveira; Reynolds; Riddle; Tinderholt.

Absent, Excused, Committee Meeting — Ashby; Otto.

Absent — Coleman; Dukes; Dutton; McClendon; Miles; Paul.

### STATEMENTS OF VOTE

When Record No. 1191 was taken, I was in the house but away from my desk. I would have voted yes.

Paul

When Record No. 1191 was taken, I was shown voting yes. I intended to vote no.

Schaefer

### Senate Committee Substitute

**CSHB 1546**, A bill to be entitled An Act relating to the award of diligent participation credit to defendants confined in a state jail felony facility.

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

SECTION 1. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0199 to read as follows:

Art. 42.0199. FINDING REGARDING DILIGENT PARTICIPATION CREDIT. If a person is convicted of a state jail felony, the judge shall make a finding and enter the finding in the judgment of the case regarding whether the person is presumptively entitled to diligent participation credit in accordance with Section 15(h), Article 42.12.

SECTION 2. Section 15(h), Article 42.12, Code of Criminal Procedure, is amended by amending Subdivisions (1), (5), and (6) and adding Subdivisions (7) and (8) to read as follows:

(1) A defendant confined in a state jail felony facility does not earn good conduct time for time served in the facility but may be awarded diligent participation credit in accordance with Subdivision (6) or (7).

(5) For a defendant who has participated in an educational, vocational, treatment, or work program while confined in a state jail felony facility, [~~not later than the 30th day before the date on which the defendant will have served 80 percent of the defendant's sentence,~~] the Texas Department of Criminal Justice shall record [~~report to the sentencing court~~] the number of days during which the defendant diligently participated in any educational, vocational, treatment, or work program. [~~The contents of a report submitted under this subdivision are not subject to challenge by a defendant.~~]

(6) For a defendant with a judgment that contains a finding under Article 42.0199 that the defendant is presumptively entitled to diligent participation credit and who has not been the subject of disciplinary action while confined in the state jail felony facility, the department shall ~~[A judge, based on the report received under Subdivision (5), may]~~ credit against any time the ~~[a]~~ defendant is required to serve in a state jail felony facility additional time for each day the defendant actually served in the facility while diligently participating in an educational, vocational, treatment, or work program.

(7) For a defendant with a judgment that contains a finding under Article 42.0199 that the defendant is not presumptively entitled to diligent participation credit or who has been the subject of disciplinary action while confined in the state jail felony facility, the department shall, not later than the 30th day before the date on which the defendant will have served 80 percent of the defendant's sentence, report to the sentencing court the record of the number of days under Subdivision (5). The contents of a report submitted under this subdivision are not subject to challenge by a defendant. A judge, based on the report, may credit against any time a defendant is required to serve in a state jail felony facility additional time for each day the defendant actually served in the facility while diligently participating in an educational, vocational, treatment, or work program.

(8) A time credit under Subdivision (6) or (7) ~~[this subdivision]~~ may not exceed one-fifth of the amount of time the defendant is originally required to serve in the facility. A defendant may not be awarded a credit under Subdivision (6) or (7) ~~[this subdivision]~~ for any period during which the defendant is subject to disciplinary status ~~[action]~~. A time credit under Subdivision (6) or (7) ~~[this subdivision]~~ is a privilege and not a right.

SECTION 3. The change in law made by this Act applies only to a person confined in a state jail felony facility for an offense committed on or after the effective date of this Act. A person confined in a state jail felony facility for an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2015.

(Ashby now present)

## **HB 2152 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2152**, A bill to be entitled An Act relating to the confidentiality of certain information concerning service members of the state military forces.

Representative Fletcher moved to concur in the senate amendments to **HB 2152**.

The motion to concur in the senate amendments to **HB 2152** prevailed by (Record 1192): 130 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Galindo; Harless; Herrero; Laubenberg; Márquez; Martinez Fischer; Oliveira; Reynolds; Riddle; Tinderholt.

Absent, Excused, Committee Meeting — Otto.

Absent — Coleman; Darby; Dukes; Dutton; McClendon; Miles; Stephenson.

### **Senate Committee Substitute**

**CSHB 2152**, A bill to be entitled An Act relating to the confidentiality of certain information concerning service members of the state military forces.

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

SECTION 1. Subchapter E, Chapter 437, Government Code, is amended by adding Section 437.232 to read as follows:

Sec. 437.232. CONFIDENTIALITY OF MILITARY PERSONNEL INFORMATION. (a) In this section, "military personnel information" means a service member's name, home address, rank, official title, pay rate or grade, state active duty orders, deployment locations, military duty addresses, awards and decorations, length of military service, and medical records.

(b) A service member's military personnel information is confidential and not subject to disclosure under Chapter 552.

SECTION 2. Section 552.117(a), Government Code, is amended to read as follows:

(a) Information is excepted from the requirements of Section 552.021 if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following person or that reveals whether the person has family members:

(1) a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024;

(2) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 51.212, Education Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(3) a current or former employee of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department, regardless of whether the current or former employee complies with Section 552.1175;

(4) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or other law, a reserve law enforcement officer, a commissioned deputy game warden, or a corrections officer in a municipal, county, or state penal institution in this state who was killed in the line of duty, regardless of whether the deceased complied with Section 552.024 or 552.1175;

(5) a commissioned security officer as defined by Section 1702.002, Occupations Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(6) an officer or employee of a community supervision and corrections department established under Chapter 76 who performs a duty described by Section 76.004(b), regardless of whether the officer or employee complies with Section 552.024 or 552.1175;

(7) a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(8) a current or former employee of the Texas Juvenile Justice Department or of the predecessors in function of the department, regardless of whether the current or former employee complies with Section 552.1175;

(9) a juvenile probation or supervision officer certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code; ~~or~~

(10) employees of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code; or

(11) a current or former member of the Texas military forces, as that term is defined by Section 437.001.

SECTION 3. The changes in law made by this Act apply only to a request for information that is received by a governmental body or an officer for public information on or after the effective date of this Act. A request for information that was received before the effective date of this Act is governed by the law in effect on the date the request was received, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2015.

**HB 1180 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1180**, A bill to be entitled An Act relating to certain information included on a searchable database on the Department of Family and Protective Services' Internet website.

Representative Burkett moved to concur in the senate amendments to **HB 1180**.

The motion to concur in the senate amendments to **HB 1180** prevailed by (Record 1193): 131 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; 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.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Galindo; Harless; Herrero; Laubenberg; Márquez; Martinez Fischer; Oliveira; Reynolds; Riddle; Tinderholt.

Absent, Excused, Committee Meeting — Otto.

Absent — Coleman; Deshotel; Dukes; Dutton; McClendon; Miles; Nevárez.

**Senate Committee Substitute**

**CSHB 1180**, A bill to be entitled An Act relating to certain information included on a searchable database on the Department of Family and Protective Services' Internet website.

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

SECTION 1. Subchapter B, Chapter 42, Human Resources Code, is amended by adding Section 42.025 to read as follows:

Sec. 42.025. SEARCHABLE DATABASE. (a) The department shall maintain on the department's Internet website a searchable database that includes the name, the address, and any identification number, as applicable, of each



family home registered or listed under this chapter that previously had a registration or listing involuntarily suspended or revoked under this chapter with a permanent notation indicating the involuntary suspension or revocation and the year in which the suspension or revocation took effect or was final under this chapter.

(b) The executive commissioner may adopt rules as necessary to implement this section.

SECTION 2. Not later than December 31, 2015, the Department of Family and Protective Services shall include in a searchable database the information required by Section 42.025, Human Resources Code, as added by this Act, and the involuntary suspension and revocation information on a registered or listed family home for at least the five years preceding the date the information is added to the database.

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

**HB 3123 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 3123**, A bill to be entitled An Act relating to governmental entities subject to the sunset review process.

Representative Price moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3123**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3123**: Price, chair; Burkett, Gonzales, Raymond, and Dutton.

**HB 1246 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1246**, A bill to be entitled An Act relating to the methods of delivery for required financial statement forms sent to certain municipal officeholders and candidates for municipal office.

Representative Koop moved to concur in the senate amendments to **HB 1246**.

The motion to concur in the senate amendments to **HB 1246** prevailed by (Record 1194): 134 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook;

Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; 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.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Galindo; Harless; Herrero; Laubenberg; Márquez; Martinez Fischer; Oliveira; Reynolds; Riddle; Tinderholt.

Absent, Excused, Committee Meeting — Otto.

Absent — Dukes; Dutton; McClendon; Miles.

### Senate Committee Substitute

**CSHB 1246**, A bill to be entitled An Act relating to the methods of delivery for required financial statement forms sent to certain municipal officeholders and candidates for municipal office.

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

SECTION 1. Section 145.002, Local Government Code, is amended to read as follows:

Sec. 145.002. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Deliver" means transmitting by mail, personal delivery, or e-mail or any other means of electronic transfer.

(2) "Municipal[~~,"municipal"~~] officer" means the mayor, a member of the governing body, the municipal attorney, or the city manager of a municipality.

SECTION 2. Section 145.005(b), Local Government Code, is amended to read as follows:

(b) The clerk or secretary shall deliver at least one copy [~~mail two copies~~] of the form to each municipal officer or person who is appointed to a municipal office who is required to file under this chapter within the time prescribed by Section 572.030(c)(1), Government Code. The clerk or secretary shall deliver [~~mail~~] a copy of the form to each candidate for a municipal office filled by election who is required to file under this chapter not later than the 10th day before the deadline for filing the statement under Section 145.004(c). The clerk or secretary may choose one or more methods to deliver the form.

SECTION 3. Section 145.009(c), Local Government Code, is amended to read as follows:

(c) It is a defense to prosecution under this section that the officer or candidate did not receive copies of the financial statement form required to be delivered ~~mailed~~ to the officer or candidate by this chapter.

SECTION 4. Section 145.005(b), Local Government Code, as amended by this Act, applies only to a financial statement due on or after the effective date of this Act. A financial statement due before the effective date of this Act is governed by the law in effect on the date the financial statement was due, and the former law is continued in effect for that purpose.

SECTION 5. Section 145.009(c), Local Government Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6. This Act takes effect September 1, 2015.

**HB 1378 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1378**, A bill to be entitled An Act relating to the fiscal transparency and accountability of certain entities responsible for public money.

Representative Flynn moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1378**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1378**: Flynn, chair; P. King, Zedler, D. Bonnen, and J. Rodriguez.

**HB 923 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 923**, A bill to be entitled An Act relating to the issuance of 36th Infantry Division specialty license plates and souvenir license plates.

Representative Flynn moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 923**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 923**: Flynn, chair; P. King, Bell, Fletcher, and Huberty.

(Pickett in the chair)

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

Representative Button moved to suspend the five-day posting rule to allow the Committee on Economic and Small Business Development to consider **SB 632** at 9 a.m. Thursday, May 21 in E2.010.

The motion prevailed.

#### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Economic and Small Business Development, 9 a.m. Thursday, May 21, E2.010, for a public hearing, to consider **SB 632**.

Transportation, upon recess today, Desk 15, for a formal meeting, to consider **SB 58**, **SB 1467**, **SB 1918**, **SB 2055**, and pending business.

Select Committee on Emerging Issues in Texas Law Enforcement, upon recess today, Desk 38, for a formal meeting, to consider **SB 158**.

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

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

#### **RECESS**

Representatives Bell and S. Thompson moved that the house recess until 10 a.m. tomorrow in memory of John Durham Brown of The Woodlands and Richard Martin of Houston.

The motion prevailed.

The house accordingly, at 7:24 p.m., recessed until 10 a.m. tomorrow.

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#### **ADDENDUM**

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#### **REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

#### **List No. 1**

**SB 309** to Government Transparency and Operation.

**SB 1004** to Public Education.  
**SB 1216** to Public Education.  
**SB 1362** to Special Purpose Districts.  
**SB 1363** to Special Purpose Districts.  
**SB 1376** to Land and Resource Management.  
**SB 1463** to Defense and Veterans' Affairs.  
**SB 1940** to Pensions.  
**SB 2008** to Special Purpose Districts.  
**SB 2015** to Special Purpose Districts.  
**SB 2020** to County Affairs.  
**SB 2035** to Special Purpose Districts.  
**SB 2037** to Special Purpose Districts.  
**SB 2040** to Special Purpose Districts.  
**SB 2047** to Special Purpose Districts.  
**SB 2060** to Natural Resources.  
**SB 2064** to Special Purpose Districts.  
**SB 2068** to Judiciary and Civil Jurisprudence.

#### **SIGNED BY THE SPEAKER**

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

#### **House List No. 20**

**HB 115, HB 188, HB 280, HB 389, HB 431, HB 437, HB 511, HB 601, HB 643, HB 705, HB 795, HB 834, HB 896, HB 931, HB 949, HB 1068, HB 1077, HB 1133, HB 1148, HB 1388, HB 1662, HB 1756, HB 1933, HB 1934, HB 1937, HB 2002, HB 2022, HB 2200, HB 2272, HB 2394, HB 2400, HB 2419, HB 2491, HB 2604, HB 2809, HB 2819, HB 2878, HB 2894, HB 2913, HB 3081, HB 3628, HB 4139, HB 4141, HB 4153**

#### **Senate List No. 22**

**SB 596, SB 1280, SB 2004**

#### **MESSAGES FROM THE SENATE**

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

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Monday, May 18, 2015 - 1

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 158**                                      Larson                                      SPONSOR: Estes  
Relating to the allocation and use of the proceeds from taxes imposed on the sale, storage, or use of sporting goods.

**HB 200**                                      Keffer                                      SPONSOR: Perry  
Relating to the regulation of groundwater.  
(Amended)

**HB 495**                                      Howard                                      SPONSOR: Hinojosa  
Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.

**HB 655**                                      Larson                                      SPONSOR: Perry  
Relating to the storage and recovery of water in aquifers; authorizing fees and surcharges; adding provisions subject to a criminal penalty.  
(Amended)

**HB 1925**                                      Geren                                      SPONSOR: Kolkhorst  
Relating to the transfer of the Texas Farm and Ranch Lands Conservation Program to the Parks and Wildlife Department.  
(Committee Substitute)

**HB 2145**                                      Smithee                                      SPONSOR: Creighton  
Relating to provisional authority for certain individual insurance license applicants to act as insurance agents; authorizing a fee; requiring an occupational provisional permit; adding provisions that may be subject to a criminal penalty.  
(Committee Substitute)

**HB 2167**                                      Smith                                      SPONSOR: Zaffirini  
Relating to certain images captured by an unmanned aircraft.  
(Amended)

**HB 2208**                                      Herrero                                      SPONSOR: Hinojosa  
Relating to access to criminal history record information by a county tax assessor-collector.

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

**SB 97** (27 Yeas, 3 Nays)  
**SB 425** (30 Yeas, 0 Nays)  
**SB 797** (27 Yeas, 3 Nays)  
**SB 1128** (29 Yeas, 1 Nay)  
**SB 1507** (28 Yeas, 2 Nays)

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**May 15**

Agriculture and Livestock - **SB 1734**

County Affairs - **HB 4212, SB 1461, SB 2043, SJR 17**

Culture, Recreation, and Tourism - **SB 381**

Economic and Small Business Development - **SB 601**

Government Transparency and Operation - **HB 1764, SB 27, SB 34, SB 1844, SB 1878**

Higher Education - **SB 24, SB 44, SB 295, SB 495, SB 915, SB 1188, SB 1189, SB 1351, SB 1655, SB 1714, SB 1750, SB 1776**

Homeland Security and Public Safety - **SB 11**

Human Services - **SB 59**

Insurance - **SB 1081**

Licensing and Administrative Procedures - **SB 367, SB 808, SB 858, SB 917, SB 1210, SB 1982**

Natural Resources - **SB 1301, SB 2030**

Special Purpose Districts - **SB 855, SB 2013, SB 2027, SB 2028, SB 2056**

Transportation - **SB 1338**

Ways and Means - **SB 752, SB 1356**

### ENGROSSED

**May 15 - HB 1237, HB 1438, HB 2048, HB 2720, HB 2744, HB 3159, HB 3739, HB 3940, HB 4032, HB 4148, HB 4180, HB 4184, HB 4185**

**May 17 - HB 211, HB 234, HB 249, HB 302, HB 548, HB 603, HB 681, HB 731, HB 777, HB 790, HB 799, HB 873, HB 913, HB 964, HB 1090, HB 1144, HB 1265, HB 1313, HB 1332, HB 1490, HB 1491, HB 1585, HB 1612, HB 1624, HB 1695, HB 1754, HB 1782, HB 1845, HB 1849, HB 1891, HB 1908, HB 2020, HB 2082, HB 2150, HB 2159, HB 2160, HB 2205, HB 2206, HB 2235, HB 2251, HB 2259, HB 2286, HB 2303, HB 2318, HB 2353, HB 2356, HB 2381, HB 2404, HB 2475, HB 2503, HB 2525, HB 2558, HB 2593, HB 2596, HB 2641, HB 2646, HB 2684, HB 2703, HB 2721, HB 2775, HB 2804, HB 2818, HB 2840, HB 3002, HB 3012, HB 3074, HB 3095, HB 3128, HB 3139, HB 3144, HB 3157, HB 3163, HB 3297, HB 3316, HB 3369, HB 3374, HB 3395, HB 3456, HB 3481, HB 3484, HB 3532, HB 3573, HB 3575, HB 3579, HB 3657, HB 3662, HB 3666, HB 3670, HB 3672, HB 3750, HB 3756, HB 3778, HB 3781, HB 3884, HB 3920, HB 3951, HB 3971, HB 3977, HB 3996, HB 4037, HB 4049, HB 4099, HB 4136, HB 4174, HB 4176, HB 4186, HB 4187, HB 4192, HB 4199, HB 4207**

**ENROLLED**

**May 15 - HB 188, HB 280, HB 389, HB 896, HB 931, HB 949, HB 1933, HB 1934, HB 1937, HB 2878**

**May 17 - HB 511, HB 1068, HB 1077, HB 2002**