

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTY-THIRD DAY — WEDNESDAY, MARCH 15, 2017

The house met at 10:02 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 70).

Present — Mr. Speaker(C); Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Dukes.

The speaker recognized Representative Wray who introduced Scott Wilson, senior pastor, The Oaks Fellowship, Red Oak, who offered the invocation as follows:

Dear heavenly Father, I thank you for the opportunity that we, in this room, have to serve you and to serve the people of the great State of Texas. We are honored and humbled by the responsibility that you have placed on each of us to govern with truth and grace. We do not take this job lightly. We know the decisions we make here have impact on people's lives far and wide and for years to come. So we ask you for wisdom in all that we do. Father, you said that if we lack wisdom, we can ask of you, and you will give it to us liberally. Give us the wisdom we need in every circumstance and with every decision we make, and give us the courage to do what's right even when it isn't popular. We want to please you in all that we do, because we know one day we will stand before you

and give account for how we lived. And we want to hear you say, "Well done, good and faithful servant." And the only way we will hear that is if we serve you well and faithfully do the good you've called us to do.

I pray strength for each member of this house. Give them the physical strength they need. If anyone is sick, I ask you to heal them. If anyone is emotionally drained, give them the grace and encouragement they need to go on. If their minds are clouded, give them peace and clarity of thought. Help them to keep their minds on you, for if they keep their mind stayed on you, they will live in perfect peace. That's what your word says—because they trust in you, keep these men and women in perfect peace. Let them trust you and keep their mind stayed on you at all times.

I pray for those who are weary in their spirits. I ask you to breathe into them new life. Give them a refreshing that can only come from you. Breathe life into these halls and into these individuals in such a way that everyone would know you are here with them and leading them. Give them divine wisdom to lead and govern this state the way you want it to be. This is our prayer, Father. Let your kingdom come and your will be done on earth and in Texas as it is in heaven. In Jesus' name, amen.

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

LEAVE OF ABSENCE GRANTED

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

Dukes on motion of Y. Davis.

CAPITOL PHYSICIAN

The speaker recognized Representative Alvarado who presented Dr. Rosanne Popp of Houston as the "Doctor for the Day."

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

(Kuempel in the chair)

REGULAR ORDER OF BUSINESS SUSPENDED

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

RESOLUTIONS ADOPTED

Representative Lucio 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 586 (by Workman), Recognizing March 15, 2017, as Parent Association for the Retarded of Texas Day at the State Capitol.

HR 681 (by Turner), Recognizing March 15, 2017, as Texas Charity Advocates Day at the State Capitol.

HR 768 (by Kacal), Congratulating Jed Walker on his receipt of the Distinguished Graduate Award from the Texas A&M University Zachry Department of Civil Engineering.

HR 875 (by Gervin-Hawkins), Commemorating the Iota Phi Lambda Sorority's 70th Southwest Regional Conference in San Antonio.

The resolutions were adopted.

On motion of Representative Lucio, the names of all the members of the house were added to the resolutions as signers thereof, with the understanding that a member may remove his or her name from any resolution.

MESSAGE FROM THE SENATE

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

HR 366 - INTRODUCTION OF GUESTS

The chair recognized Representative C. Anderson who introduced a delegation from Waco.

HR 517 - PREVIOUSLY ADOPTED

(by Cyrier)

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

HR 517, Honoring Bishop George C. Sampleton of Bastrop for his service to his church and his community.

HR 681 - INTRODUCTION OF GUESTS

The chair recognized Representative Turner who introduced representatives of the Clements Boys & Girls Club.

(Speaker in the chair)

GENERAL STATE CALENDAR

HOUSE BILLS

THIRD READING

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

HB 1197 ON THIRD READING

(by Paul)

HB 1197, A bill to be entitled An Act relating to the training period for a temporary insurance agent's license.

HB 1197 was passed by (Record 71): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione;

Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dukes.

Absent — Springer.

STATEMENT OF VOTE

When Record No. 71 was taken, I was in the house but away from my desk. I would have voted yes.

Springer

HB 1073 ON THIRD READING (by Smithee)

HB 1073, A bill to be entitled An Act relating to provisional permits for certain insurance agents.

HB 1073 was passed by (Record 72): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson;

Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dukes.

HB 744 ON THIRD READING
(by Farrar and Vo)

HB 744, A bill to be entitled An Act relating to recovery of attorney's fees in certain civil cases.

HB 744 was passed by (Record 73): 103 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Ashby; Bailes; Bernal; Blanco; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Farrar; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Koop; Kuempel; Lambert; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Minjarez; Moody; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Ortega; Paddie; Parker; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Sheffield; Shine; Smithee; Stucky; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Vo; Walle; White; Wilson; Workman; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Cain; Cospser; Dale; Faircloth; Fallon; Flynn; Frank; Goldman; Hefner; Holland; Isaac; Keough; Klick; Krause; Landgraf; Lang; Leach; Miller; Morrison; Oliverson; Paul; Rinaldi; Sanford; Schaefer; Shaheen; Simmons; Springer; Stephenson; Stickland; Swanson; Thompson, E.; Tinderholt; Villalba; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dukes.

STATEMENTS OF VOTE

When Record No. 73 was taken, I was shown voting no. I intended to vote yes.

Flynn

When Record No. 73 was taken, I was shown voting no. I intended to vote yes.

Morrison

HB 799 ON THIRD READING**(by Murr)**

HB 799, A bill to be entitled An Act relating to the persons authorized to conduct an inquest in certain counties.

HB 799 was passed by (Record 74): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dukes.

EMERGENCY CALENDAR**HOUSE BILLS****SECOND READING**

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

HB 511 ON SECOND READING**(by S. Davis)**

HB 511, A bill to be entitled An Act relating to removing the deadline for the Department of Family and Protective Services to enter into permanency care assistance agreements.

HB 511 was passed to engrossment.

GENERAL STATE CALENDAR**HOUSE BILLS****SECOND READING**

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

HB 62 ON SECOND READING
(by Craddick, Cook, Lucio, Y. Davis, Wu, et al.)

HB 62, A bill to be entitled An Act relating to the use of a wireless communication device while operating a motor vehicle; creating a criminal offense; modifying existing criminal penalties.

HB 62 - POINT OF ORDER

Representative Stickland raised a point of order against further consideration of **HB 62** under Rule 4, Section 32(b) of the House Rules on the grounds that the committee report is inaccurate.

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

Representative Stickland raised a point of order against further consideration of **HB 62** pursuant to Rule 4, Section 32(b) of the House Rules on the grounds that the witness list shows a witness registered for conflicting positions, both for and against the bill. The point of order is respectfully overruled.

Representative Stickland objects that the witness list for **HB 62** impermissibly records one witness three times in favor of the bill and one time in opposition to the bill. Specifically, he notes that a registered Texas lobbyist submitted three witness affirmation forms in favor of the bill on behalf of client SM Energy, on behalf of client BHP Billiton, and on behalf of client Newfield Exploration, and one against the bill on behalf of client QEP Resources. It is uncontroverted that the same lobbyist filled out all four of the electronic witness affirmation forms, one on behalf of each separate client, and that the lobbyist complied with all requirements of Rule 4, Section 20 of the House Rules in completing the information on each card while present in the Capitol Complex.

Under Rule 4, Section 32(b)(10) of the House Rules: "All committee reports must be in writing and shall . . . include a list of the names of the persons, other than members of the legislature, and persons or entities represented by those persons, who submitted to the committee sworn statements indicating that the persons were present in favor of, in opposition to, or without taking a position on the bill or resolution." The part of Rule 4, Section 18(b) of the House Rules that requires the names of testifying witnesses to be attached to the minutes of committee proceedings similarly refers to "the persons, other than members of the legislature, and the persons or entities represented by those persons." The express language of these rules does not preclude a testifying witness from submitting multiple witness affirmation forms, nor from representing multiple entities, nor from representing divergent positions of multiple clients. Supporters of the point of order suggest that the lobbyist, who "might be an attorney" or a registered lobbyist, could be subject to laws or other regulations about representing clients with conflicting interests. But these supporters also acknowledge that there are exceptions to the laws regarding client representation. Whether the witness has complied with the Government Code or other laws regarding client representation is beyond the reach of the House Rules. Regardless, no rule of legislative process

prohibits a witness from submitting a registration to testify in a house committee on behalf of each of the witness's clients, even if those clients each have a different position on a measure.

HB 62 - POINT OF ORDER

Representative Tinderholt raised a point of order against further consideration of **HB 62** under Rule 1, Section 9(b) and Rule 4, Section 33 of the House Rules on the grounds that the fiscal note is misleading.

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

Representative Tinderholt raised a point of order against further consideration of **HB 62** pursuant to Rule 4, Section 33 and Rule 1, Section 9(b) of the House Rules on the grounds that the fiscal note is misleading. The point of order is respectfully overruled.

HB 62 would amend Chapter 545 of the Transportation Code to create a misdemeanor offense for reading, writing, or sending an electronic message while operating a moving motor vehicle. The bill further specifies the acceptable ranges for fines to be charged for this offense. The fiscal note for **HB 62** states, "There could be a negative impact to cities that currently ban the use of wireless communication devices for text-based communication depending on whether the fines imposed by the cities exceed the limits specified by the provisions of the bill." Representative Tinderholt argues that this part of the fiscal note is misleading because it "implies that **HB 62** would preempt local ordinances regarding the use of devices while driving for the purpose of electronic messaging." Representative Tinderholt observes that, unlike similar bills by Dean Craddick in previous sessions, **HB 62** does not contain any explicit preemption provision, and Representative Tinderholt further urges that Speaker Craddick did not intend for this bill to preempt local laws. Finally, he refers to the House Research Organization analysis of **HB 62**, which says **HB 62** "would create more regulatory certainty by establishing a uniform set of rules" for texting while driving in Texas. He, therefore, concludes the seemingly inconsistent assertion in the fiscal note violates Rule 4, Section 33 and Rule 1, Section 9(d) of the House Rules.

Rule 4, Section 33 of the House Rules requires the chair of a standing committee to request a fiscal note from the Legislative Budget Board (LBB) if the chair determines that a bill or joint resolution authorizes or requires the expenditure or diversion of state funds. Committee chairs do not have control over the information contained or the conclusions reached in the LBB's fiscal notes. Consistent with house precedent, the chair continues to take the view that a committee chair is entitled to rely upon the information received from the LBB as accurate and complete. See 78 H.J. Reg. 1052 (2003). The chair notes that while the House Research Organization bill analysis is a helpful, plain-English resource for those wishing to understand the content of bills, it is not a document within the committee's control, nor is it subject to any house rule. As such, it cannot

form the basis for a point of order. For these reasons, the chair declines to sustain a point of order related to the accuracy of the fiscal note under Rule 4, Section 33 of the House Rules.

Under Rule 1, Section 9(b) of the House Rules, a "point of order as to a violation of a section of the rules governing committee reports, committee minutes, or accompanying documentation may be overruled if the purpose of that section of the rules has been substantially fulfilled and the violation does not deceive or mislead." Rather than creating additional duties for committee members and staff, this substantial-compliance rule has been relied upon to save bills when the alleged error is technical in nature and the purpose of the allegedly violated rule has nonetheless been fulfilled. *E.g.*, 77 H.J. Reg. 1546 (2001); 76 H.J. Reg. 3229 (1999); 76 H.J. Reg. 1259 (1999). Where, as here, the committee chair requested and was entitled to rely on the LBB's fiscal note, the chair determines that there is no violation to which Rule 1, Section 9(b) of the House Rules could apply.

HB 62 - REMARKS

REPRESENTATIVE CANALES: Speaker Craddick, if you would go down to the portion of your bill, which is page four, lines 11-14, it says: "An operator commits an offense if the operator uses a portable wireless communication device to read, write, or send an electronic message." Can you tell the body what a message is under this bill?

REPRESENTATIVE CRADDICK: If you look in the one right above it, see electronic message, and it defines it.

CANALES: Okay, it says, "data that is read from or entered into a wireless communication device for the purpose of communicating with another person." So in Texas, we consider, under the law, that corporations are people—considered. So if my wireless company sends me a wireless message—for instance, the time, whatever it may be, whatever message is on that screen—theoretically, they violated the law under your statute. Is that correct? If I look down and look at the time? Because that's a message from a person in Texas, whether it's a company or corporation doesn't matter.

CRADDICK: Well, the person that sent you the message isn't the driver. You're the driver.

CANALES: Sure, that's right, but let's go back. It says, if you "read, write, or send an electronic message." So if I read a message on my screen—just reading the time technically is a message from somebody.

CRADDICK: That is the point of the bill. We don't want you to be reading or sending.

CANALES: So I can't look at the—I want the body to hear this—I can't look at my telephone to see the time, and I've committed an offense under your bill? So this is now a time-telling bill; this isn't a texting and driving bill.

CRADDICK: The time is on your phone.

CANALES: Yes, but that's a message. Somebody entered that message. I'm reading it. It is a message under your bill, and I'm reading it. If I glance down to look at the time, I've committed an offense.

CRADDICK: That's not the intent.

CANALES: That's what I want to establish with you.

CRADDICK: That's not the intent.

CANALES: Okay, so if that's not the intent, Dean Craddick, my question then becomes, how does an officer tell the difference if I glance down at my phone to see a message like the time? With the discourse that you had with Representative Dutton, you said an officer's going to be able to tell. And I don't think somebody's going to be able to tell. Dean Craddick, I'd like you to know that I'm against texting and driving. I think it's a horribly dangerous activity. I just want to clarify some of the points in your bill that concern me.

Dean Craddick, it was brought to my attention that it sounds like I'm yelling, I don't mean that. It's just I can't hear back here.

CRADDICK: I understand. It's hard down here, too. Look at page four and look at number three on line 22.

CANALES: Line 22: "to read an electronic message that the person reasonably believed concerned an emergency."

CRADDICK: Right, so you can read that. So if you're looking at your phone, Terry, and you're saying you want to look at it to see what? If it's a message or whatever—is that the correct thing?

CANALES: My concern, Speaker, is this. If I receive any sort of message, things that are on my screen—that's still a message. Somebody sent me a message. Those are technically messages, and I'm just trying to determine—I've got a concern with the definition of message. That's my first concern. But my second concern is, we're unable, between the discourse that we're having, to establish how an officer's going to tell the difference.

CRADDICK: There's provisions in the bill for affirmative defense. And if you look at that, I think it will take care of your problem. If you've got an amendment that you want to bring up here, let's look at it.

CANALES: I appreciate your diligence to work with me. I just have these concerns, and I apologize for not bringing them to you earlier.

CRADDICK: That's okay, just bring them up.

CANALES: I do have another question. Are you aware that with technology, most people have what are called Apple watches or Samsung watches, that you're texting—it's basically a Bluetooth device that does exactly what a cell phone does—is that covered under this bill?

CRADDICK: It's exempt, and it's in the bill. And I think there is an amendment up here that's going to take care of the problem you just asked.

REMARKS ORDERED PRINTED

Representative E. Johnson moved to print remarks between Representative Canales and Representative Craddick.

The motion prevailed.

Amendment No. 1

Representative Dutton offered the following amendment to **HB 62**:

Amend **HB 62** (house committee report) as follows:

(1) Strike SECTIONS 3, 4, and 5 of the bill (page 2, line 16, through page 6, line 2).

(2) On page 6, line 8, strike "for electronic messaging".

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

SECTION _____. Section 545.424(c), Transportation Code, is amended to read as follows:

(c) This section does not apply to[~~z~~]:

~~[(1)] a person operating a motor vehicle while accompanied in the manner required by Section 521.222(d)(2) for the holder of an instruction permit[~~z~~ or~~

~~[(2) a person licensed by the Federal Communications Commission to operate a wireless communication device or a radio frequency device].~~

SECTION _____. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.4251 to read as follows:

Sec. 545.4251. USE OF PORTABLE WIRELESS COMMUNICATION DEVICE; OFFENSE. (a) In this section, "wireless communication device" means a device that uses a commercial mobile service, as defined by 47 U.S.C. Section 332.

(b) An operator commits an offense if the operator uses a portable wireless communication device while operating a motor vehicle unless the vehicle is stopped.

(c) An offense under this section is a misdemeanor punishable by a fine of at least \$25 and not more than \$99 unless it is shown on the trial of the offense that the defendant has been previously convicted at least one time of an offense under this section, in which event the offense is punishable by a fine of at least \$100 and not more than \$200.

(d) The Texas Department of Transportation shall post a sign at each point at which an interstate highway or United States highway enters this state that informs an operator that:

(1) the use of a portable wireless communication device while operating a motor vehicle is prohibited in this state; and

(2) the operator is subject to a fine if the operator uses a portable wireless communication device while operating a motor vehicle in this state.

(e) A peace officer who stops a motor vehicle for an alleged violation of this section may not take possession of or otherwise inspect a portable wireless communication device in the possession of the operator unless authorized by the Code of Criminal Procedure, the Penal Code, or other law.

SECTION _____. Sections 545.424(a), (b), and (f), 545.425, and 545.4252, Transportation Code, are repealed.

(Kuempel in the chair)

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative E. Johnson offered the following amendment to **HB 62**:

Amend **HB 62** (house committee report) as follows:

(1) On page 6, line 10, between "to" and "Chapter", insert "Section 543.004 and".

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

SECTION _____. Section 543.004(a), Transportation Code, is amended to read as follows:

(a) An officer shall issue a written notice to appear if:

(1) the offense charged is:

(A) speeding;

(B) the use of a wireless communication device under Section 545.4251; or

(C) a violation of the open container law, Section 49.031 [~~49.03~~], Penal Code; and

(2) the person makes a written promise to appear in court as provided by Section 543.005.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Schaefer offered the following amendment to **HB 62**:

Amend **HB 62** (house committee report) as follows:

(1) On page 2, line 17, strike "Subsection g" and substitute "Subsections (g) and (h)".

(2) On page 3, line 12, between "Subsection (a) or (b) is a" and "misdemeanor", insert "Class C".

(3) On page 3, between lines 17 and 18, insert the following:

(h) Notwithstanding any other law, an officer may not arrest a person solely on the basis of an offense under Subsection (a) or (b).

(4) On page 5, line 10, between "this section is a" and "misdemeanor", insert "Class C".

(5) On page 5, between lines 15 and 16, insert the following:

(e-1) Notwithstanding any other law, an officer may not arrest a person solely on the basis of this offense under this section.

(6) On page 6, line 10, between "to" and "Chapter", insert "Section 543.004 and".

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

SECTION _____. Section 543.004(a), Transportation Code, is amended to read as follows:

(a) An officer shall issue a written notice to appear if:

(1) the offense charged is:

(A) speeding;

(B) the use of a wireless communication device under Section 545.4251; or

(C) a violation of the open container law, Section 49.031 [49.03], Penal Code; and

(2) the person makes a written promise to appear in court as provided by Section 543.005.

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Dutton offered the following amendment to **HB 62**:

Amend **HB 62** (house committee report) by striking page 5, line 25, through page 6, line 2, and substituting the following:

(g) A peace officer may not stop a motor vehicle or detain the operator of a motor vehicle for the sole purpose of determining whether the operator of the motor vehicle has violated this section, but may, if the officer has probable cause to stop the motor vehicle for another offense, determine whether the operator of the motor vehicle is in violation of this section.

(h) A peace officer who has stopped a motor vehicle or has detained the operator of a motor vehicle and who suspects a violation of this section may not take possession of or otherwise inspect a portable wireless communication device in the possession of the operator unless authorized by the Code of Criminal Procedure, the Penal Code, or other law.

Representative Craddick moved to table Amendment No. 4.

The motion to table prevailed by (Record 75): 95 Yeas, 50 Nays, 2 Present, not voting.

Yeas — Alonzo; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Blanco; Bohac; Burkett; Burns; Button; Capriglione; Clardy; Coleman; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Gutierrez; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Kacal; King, K.; King, P.; Koop; Lambert; Landgraf; Larson; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Murr; Neave; Oliverson; Ortega; Paddie; Parker; Phillips; Pickett; Price; Raney; Raymond; Roberts; Rodriguez, E.;

Romero; Sanford; Schubert; Sheffield; Shine; Simmons; Smithee; Stephenson; Stucky; Swanson; Thompson, E.; Turner; Uresti; VanDeaver; Villalba; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Allen; Alvarado; Bell; Bernal; Biedermann; Bonnen, D.; Bonnen, G.; Burrows; Cain; Canales; Collier; Cortez; Deshotel; Dutton; Elkins; Guillen; Hefner; Herrero; Johnson, E.; Johnson, J.; Keough; King, T.; Klick; Krause; Lang; Laubenberg; Leach; Metcalf; Muñoz; Murphy; Nevárez; Oliveira; Paul; Perez; Phelan; Reynolds; Rinaldi; Rodriguez, J.; Rose; Schaefer; Schofield; Shaheen; Springer; Stickland; Thompson, S.; Tinderholt; Vo; Walle; White; Wilson.

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

Absent, Excused — Dukes.

Absent — Cospers; Thierry.

STATEMENTS OF VOTE

When Record No. 75 was taken, I was shown voting yes. I intended to vote no.

Bohac

When Record No. 75 was taken, I was shown voting no. I intended to vote yes.

G. Bonnen

When Record No. 75 was taken, I was in the house but away from my desk. I would have voted yes.

Cospers

When Record No. 75 was taken, my vote failed to register. I would have voted no.

Thierry

Amendment No. 5

Representative Dutton offered the following amendment to **HB 62**:

Amend **HB 62** (house committee report) on page 3, line 15, by striking "previously convicted at least one time of an offense" and substituting "previously convicted at least one time within one year before the trial date of an offense".

Representative Craddick moved to table Amendment No. 5.

The motion to table prevailed by (Record 76): 95 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Button; Capriglione; Clardy; Coleman; Cook; Cortez; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales;

Gooden; Guerra; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Kacal; King, K.; King, P.; Koop; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Murr; Neave; Oliverson; Ortega; Paddie; Parker; Paul; Phillips; Pickett; Price; Raney; Raymond; Roberts; Rodriguez, E.; Romero; Rose; Schofield; Sheffield; Shine; Simmons; Smithee; Stephenson; Stucky; Thompson, E.; Turner; Uresti; VanDeaver; Villalba; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Allen; Anderson, R.; Bell; Biedermann; Bonnen, D.; Burrows; Cain; Canales; Collier; Deshotel; Dutton; Elkins; Gervin-Hawkins; González; Guillen; Gutierrez; Hefner; Herrero; Johnson, E.; Johnson, J.; Keough; King, T.; Klick; Krause; Lang; Metcalf; Muñoz; Murphy; Nevárez; Oliveira; Perez; Reynolds; Rinaldi; Rodriguez, J.; Sanford; Schaefer; Schubert; Shaheen; Springer; Stickland; Swanson; Thierry; Thompson, S.; Tinderholt; Vo; Walle; White; Wilson.

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

Absent, Excused — Dukes.

Absent — Cosper; Cyrier; Farrar; Phelan.

STATEMENTS OF VOTE

When Record No. 76 was taken, I was in the house but away from my desk. I would have voted yes.

Cosper

When Record No. 76 was taken, I was in the house but away from my desk. I would have voted no.

Cyrier

When Record No. 76 was taken, I was in the house but away from my desk. I would have voted yes.

Farrar

When Record No. 76 was taken, I was shown voting yes. I intended to vote no.

Leach

When Record No. 76 was taken, I was in the house but away from my desk. I would have voted yes.

Phelan

Amendment No. 6

Representative Dutton offered the following amendment to **HB 62**:

Amend **HB 62** (house committee report) as follows:

(1) On page 4, between lines 8 and 9, insert the following:

(2) "Law enforcement agency" has the meaning assigned by Article 2.132, Code of Criminal Procedure.

(2) On page 4, line 9, strike "(2)" and substitute "(3)".

(3) On page 6, between lines 2 and 3, insert the following:

(h) Not later than January 31 of each year, a law enforcement agency located in a county with a population of 400,000 or more shall send a report to the legislature and the department that includes:

(1) the number of citations the agency issued for violations of this section in the 12-month period preceding the date of the report; and

(2) a summary of the demographics of the persons who received the citations described under Subdivision (1), including a description of the race and ethnicity of each person.

Representative Wu moved to table Amendment No. 6.

The motion to table prevailed by (Record 77): 107 Yeas, 39 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Biedermann; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Coleman; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guerra; Gutierrez; Holland; Howard; Huberty; Hunter; Isaac; Israel; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Murphy; Murr; Neave; Oliverson; Ortega; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Raymond; Roberts; Rodriguez, E.; Romero; Schaefer; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Uresti; VanDeaver; Villalba; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Allen; Anchia; Bell; Bernal; Blanco; Bohac; Canales; Collier; Deshotel; Dutton; Elkins; Gervin-Hawkins; Giddings; González; Guillen; Hefner; Herrero; Hinojosa; Johnson, E.; Johnson, J.; Krause; Muñoz; Nevárez; Oliveira; Perez; Reynolds; Rinaldi; Rodriguez, J.; Rose; Sanford; Schofield; Shaheen; Thierry; Thompson, S.; Turner; Vo; Walle; White; Wilson.

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

Absent, Excused — Dukes.

Absent — Hernandez.

Amendment No. 7

Representative Dutton offered the following amendment to **HB 62**:

Amend **HB 62** (house committee report) on page 4, line 13, between "motor vehicle" and "unless" by inserting "on a public highway with a posted speed limit of 60 miles per hour or more".

Representative Craddick moved to table Amendment No. 7.

The motion to table prevailed by (Record 78): 109 Yeas, 37 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Button; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Gutierrez; Hernandez; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Kacal; King, K.; King, P.; Koop; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Turner; Uresti; VanDeaver; Villalba; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Allen; Bell; Biedermann; Burns; Burrows; Cain; Canales; Dutton; Elkins; Guillen; Hefner; Herrero; Holland; Johnson, E.; Johnson, J.; Keough; King, T.; Klick; Krause; Lang; Metcalf; Muñoz; Oliveira; Phelan; Rinaldi; Rose; Sanford; Schaefer; Schofield; Shaheen; Stickland; Swanson; Thompson, S.; Tinderholt; Vo; Walle; White.

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

Absent, Excused — Dukes.

Absent — Wilson.

Amendment No. 8

Representative Leach offered the following amendment to **HB 62**:

Amend **HB 62** (house committee report) on page 4, by striking lines 20 through 21 and substituting the following:

(2) to report illegal activity, summon emergency help, or enter information into a software application that provides information relating to traffic and road conditions to users of the application;

Amendment No. 8 was adopted.

Amendment No. 9

Representative Dutton offered the following amendment to **HB 62**:

Amend **HB 62** (house committee report) on page 5, line 13, by striking "previously convicted at least one time of an offense" and substituting "previously convicted at least one time within 180 days before the trial date of an offense".

Representative Craddick moved to table Amendment No. 9.

The motion to table prevailed by (Record 79): 104 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Button; Capriglione; Clardy; Coleman; Cortez; Cosper; Craddick; Cyrier; Dale; Darby;

Davis, S.; Davis, Y.; Dean; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Gutierrez; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, J.; Kacal; King, K.; King, P.; Koop; Lambert; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Murphy; Murr; Neave; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Schofield; Schubert; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Allen; Bell; Biedermann; Burns; Burrows; Cain; Canales; Collier; Dutton; Elkins; Fallon; Guillen; Hefner; Herrero; Johnson, E.; Keough; King, T.; Klick; Krause; Lang; Leach; Metcalf; Muñoz; Nevárez; Reynolds; Rinaldi; Rose; Sanford; Schaefer; Shaheen; Stickland; Swanson; Thierry; Tinderholt; Vo; Walle; White; Wilson.

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

Absent, Excused — Dukes.

Absent — Cook; Deshotel; Oliveira; Phillips; Sheffield.

STATEMENTS OF VOTE

When Record No. 79 was taken, I was in the house but away from my desk. I would have voted yes.

Cook

When Record No. 79 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 79 was taken, I was shown voting no. I intended to vote yes.

Fallon

Amendment No. 10

Representative Dutton offered the following amendment to **HB 62**:

Amend **HB 62** (house committee report) by striking page 5, line 25, through page 6, line 2, and substituting the following:

(g) A peace officer may not stop a motor vehicle or detain the operator of a motor vehicle for the sole purpose of determining whether the operator of the motor vehicle has violated this section.

(h) A peace officer who has stopped a motor vehicle or detains the operator of a motor vehicle and who suspects a violation of this section may not take possession of or otherwise inspect a portable wireless communication device in the possession of the operator, unless authorized by the Code of Criminal Procedure, the Penal Code, or other law.

Amendment No. 10 was withdrawn.

Amendment No. 11

Representative Dutton offered the following amendment to **HB 62**:

Amend **HB 62** (house committee report) on page 6, between lines 2 and 3, by inserting the following:

(h) Not later than January 31 of each year, a law enforcement agency, as defined by Article 2.132, Code of Criminal Procedure, shall send a report to the legislature and the department that includes:

(1) the number of citations the agency issued for violations of this section in the 12-month period preceding the date of the report; and

(2) a summary of the demographics of the persons who received the citations described under Subdivision (1), including a description of the race and ethnicity of each person.

Representative Wu moved to table Amendment No. 11.

The motion to table prevailed by (Record 80): 100 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Biedermann; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Coleman; Cook; Cortez; Cospér; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Guerra; Gutierrez; Hernandez; Holland; Howard; Huberty; Hunter; Isaac; Israel; Kacal; King, K.; King, P.; Klick; Koop; Lambert; Landgraf; Lang; Larson; Laubenberg; Longoria; Lozano; Lucio; Meyer; Miller; Morrison; Murphy; Murr; Neave; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Rinaldi; Roberts; Rodriguez, E.; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Uresti; VanDeaver; Villalba; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Bohac; Canales; Collier; Dutton; Elkins; Gervin-Hawkins; Giddings; González; Gooden; Guillen; Hefner; Herrero; Hinojosa; Johnson, E.; Johnson, J.; Keough; King, T.; Krause; Leach; Martinez; Metcalf; Minjarez; Moody; Muñoz; Nevárez; Oliveira; Ortega; Perez; Raymond; Reynolds; Rodriguez, J.; Romero; Rose; Sanford; Thierry; Thompson, S.; Turner; Vo; Walle; White; Wilson.

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

Absent, Excused — Dukes.

Amendment No. 12

Representative VanDeaver offered the following amendment to **HB 62**:

Amend **HB 62** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 545.425, Transportation Code, is amended to read as follows:

Sec. 545.425. USE OF WIRELESS COMMUNICATION DEVICE IN A SCHOOL CROSSING ZONE OR WHILE OPERATING A SCHOOL BUS WITH A MINOR PASSENGER; POLITICAL SUBDIVISION SIGN REQUIREMENTS; OFFENSE.

SECTION _____. Section 545.425(b-2), Transportation Code, is amended to read as follows:

(b-2) A municipality, county, or other political subdivision that by ordinance or rule prohibits the use of a wireless communication device while operating a motor vehicle, including a prohibition that contains an exception for the use of a wireless communication device with a hands-free device, throughout the jurisdiction of the political subdivision is not required to post a sign as required by Subsection (b-1) and shall ~~if the political subdivision~~:

(1) ~~post~~ ~~[posts]~~ signs that are located at each point at which a state highway, U.S. highway, or interstate highway enters the political subdivision and that state:

(A) that an operator is prohibited from using a wireless communication device while operating a motor vehicle in the political subdivision, and whether use of a wireless communication device with a hands-free device is allowed in the political subdivision; and

(B) that the operator is subject to a fine if the operator uses a wireless communication device while operating a motor vehicle in the political subdivision; and

(2) subject to all applicable United States Department of Transportation Federal Highway Administration rules, ~~post~~ ~~[posts]~~ a message that complies with Subdivision (1) on any dynamic message sign operated by the political subdivision located on a state highway, U.S. highway, or interstate highway in the political subdivision.

Amendment No. 12 was adopted.

Amendment No. 13

Representatives Rinaldi, Schofield, Burrows, Leach, Fallon, and Biedermann offered the following amendment to **HB 62**:

Amend **HB 62** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 542, Transportation Code, is amended by adding Section 542.2034 to read as follows:

Sec. 542.2034. LIMITATION ON LOCAL AUTHORITIES' REGULATION OF USE OF WIRELESS COMMUNICATION DEVICE. (a) In this section, "wireless communication device" has the meaning assigned by Section 545.425.

(b) Except as provided by Subsection (c), a local authority may not regulate or prohibit the use of a wireless communication device while operating a motor vehicle.

(c) A local authority may enforce the laws of this state relating to the use of a wireless communication device while operating a motor vehicle.

SECTION _____. Section 545.425(b-1), Transportation Code, is amended to read as follows:

(b-1) A ~~[Except as provided by Subsection (b-2), a]~~ municipality, county, or other local authority ~~[political subdivision]~~ that enforces this section shall post a sign that complies with the standards described by this subsection at the entrance to each school crossing zone in the municipality, county, or other local authority ~~[political subdivision]~~. The department shall adopt standards that:

(1) allow for a sign required to be posted under this subsection to be attached to an existing sign at a minimal cost; and

(2) require that a sign required to be posted under this subsection inform an operator that:

(A) the use of a wireless communication device is prohibited in the school crossing zone; and

(B) the operator is subject to a fine if the operator uses a wireless communication device in the school crossing zone.

SECTION _____. Sections 545.425(b-2), (b-3), (b-4), (d-1), and (f) and 545.4252(e), Transportation Code, are repealed.

AMENDMENT NO. 13 - REMARKS

REPRESENTATIVE STICKLAND: Representative Wu, we came in as a class together. This is the third time we've heard this bill, correct?

REPRESENTATIVE WU: I know. It feels like déjà vu.

STICKLAND: But this was included in the first two times that this bill came before the body in the 83rd and 84th, correct?

WU: Not to my memory.

STICKLAND: This amendment, a preemption, was included in the bill in previous versions, correct?

WU: I don't remember what happened.

STICKLAND: You voted for Speaker Craddick's bill the first two times, correct?

WU: If you're telling me that's true, I'll assume that's true, but I don't remember.

STICKLAND: It is true. Are you changing your position now that you're opposing this measure when you supported it in the past?

WU: The point is that this current bill only deals with texting while driving. There has been a distinction made because the cities have passed it, because the legislature has failed to act on it, that they have made a separate distinction of including additional prohibitions against hands-free use. Those two things are completely separate. That distinction may have not been made clearly in the last amendments.

STICKLAND: And do you believe the average Texas citizen is going to understand those differences? I mean, that's the concern here. Do you not want a statewide solution to this problem?

WU: This legislation is a statewide solution to the issue of texting while driving.

STICKLAND: But many cities—you would agree that many cities have adopted things beyond that in trying to capture this, correct?

WU: Absolutely, and it is within those cities' rights to do that.

STICKLAND: The cities' rights were granted because we created them, and we can remove their city charter at any time, correct?

WU: I understand your desire to micromanage cities, but for the most part, cities have their own governments and their own elected officials. They're able to make their own decisions.

STICKLAND: Is it a city's right to not have a texting while driving law?

WU: Representative Phillips is exactly right. If we don't pass this bill, more and more cities will create more and more different types of regulation whether you want them or not.

STICKLAND: Is it a city's right to not have a texting while driving law? You're fighting for them to have the ability to put in more. I'm asking you, do they have the right to not have this?

WU: Absolutely. The state sets the floor of protection.

STICKLAND: So you support them being able to opt out of this bill?

WU: The ability of the state is usually to set the floor of protection, just as the Constitution of the United States government sets the floor for the states.

STICKLAND: Representative Wu, do you support allowing each city to opt out of this law if they so choose?

WU: What this bill does—it sets a floor. It sets a minimum amount of protection saying you do not go and text.

STICKLAND: So you think they have the right to do more but not less?

WU: That is correct. That's the way we've always done it.

STICKLAND: Did you vote for this amendment in previous versions?

WU: I don't recall at all.

REMARKS ORDERED PRINTED

Representative Tinderholt moved to print remarks between Representative Stickland and Representative Wu.

The motion prevailed.

Representative Craddick moved to table Amendment No. 13.

The motion to table prevailed by (Record 81): 80 Yeas, 67 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bernal; Blanco; Canales; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Darby; Davis, S.; Davis, Y.; Dean; Faircloth; Farrar; Flynn; Geren; Gervin-Hawkins; Giddings; González; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; Kacal; King,

K.; King, P.; Lambert; Larson; Longoria; Lozano; Lucio; Martinez; Minjarez; Moody; Morrison; Murphy; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Perez; Pickett; Price; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Sheffield; Shine; Stephenson; Stucky; Thompson, S.; Turner; Uresti; VanDeaver; Walle; Workman; Wray; Wu; Zerwas.

Nays — Allen; Anderson, R.; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Cyrier; Dale; Deshotel; Dutton; Elkins; Fallon; Frank; Frullo; Goldman; Gonzales; Gooden; Guillen; Hefner; Isaac; Johnson, J.; Keough; King, T.; Klick; Koop; Krause; Landgraf; Lang; Laubenberg; Leach; Metcalf; Meyer; Miller; Muñoz; Murr; Oliveira; Paul; Phelan; Phillips; Rinaldi; Roberts; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Simmons; Smithee; Springer; Stickland; Swanson; Thierry; Thompson, E.; Tinderholt; Villalba; Vo; White; Wilson; Zedler.

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

Absent, Excused — Dukes.

STATEMENTS OF VOTE

When Record No. 81 was taken, I was shown voting yes. I intended to vote no.

Holland

When Record No. 81 was taken, I was shown voting no. I intended to vote yes.

Koop

(Speaker in the chair)

Amendment No. 14

Representative Cain offered the following amendment to **HB 62**:

Amend **HB 62** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 18.01, Code of Criminal Procedure, is amended by adding Subsection (k) to read as follows:

(k) A search warrant may not be issued under Article 18.02(a)(13) if the applicant seeks the warrant solely to obtain evidence of the commission of an offense under Section 545.4251, Transportation Code.

SECTION _____. Section 5, Article 18.21, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) A court may not issue an order authorizing disclosure under this section if the disclosure is sought solely to obtain evidence of the commission of an offense under Section 545.4251, Transportation Code.

SECTION _____. Section 5A, Article 18.21, Code of Criminal Procedure, is amended by adding Subsection (b-1) to read as follows:

(b-1) A district judge may not issue a search warrant under this section if the search warrant is sought solely to obtain evidence of the commission of an offense under Section 545.4251, Transportation Code.

SECTION _____. Section 15, Article 18.21, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) An administrative subpoena may not be issued under this section if the criminal investigation under Subsection (a)(2) pertains to an offense under Section 545.4251, Transportation Code.

Representative Craddick moved to table Amendment No. 14.

The motion to table prevailed by (Record 82): 116 Yeas, 30 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bonnen, G.; Burkett; Burrows; Button; Canales; Capriglione; Clardy; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; Kacal; King, K.; King, P.; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bell; Biedermann; Bohac; Bonnen, D.; Burns; Cain; Dale; Dutton; Elkins; Guillen; Hefner; Isaac; Johnson, J.; King, T.; Klick; Krause; Lang; Leach; Metcalf; Phelan; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Stickland; Swanson; Tinderholt; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dukes.

Absent — Coleman; Keough.

STATEMENTS OF VOTE

When Record No. 82 was taken, I was shown voting yes. I intended to vote no.

Capriglione

When Record No. 82 was taken, I was shown voting yes. I intended to vote no.

Cyrier

When Record No. 82 was taken, I was in the house but away from my desk. I would have voted no.

Keough

When Record No. 82 was taken, I was shown voting yes. I intended to vote no.

Simmons

Amendment No. 15

Representative Tinderholt offered the following amendment to **HB 62**:

Amend **HB 62** (house committee report) on page 4, line 14, between "stopped" and the underlined period, by inserting "or traveling at a speed of less than 10 miles per hour".

Representative Craddick moved to table Amendment No. 15.

The motion to table prevailed by (Record 83): 122 Yeas, 24 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Kacal; King, K.; King, P.; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bell; Biedermann; Cain; Deshotel; Elkins; Guillen; Hefner; Johnson, J.; Keough; King, T.; Krause; Lang; Leach; Metcalf; Murr; Paul; Rinaldi; Sanford; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dukes.

Absent — Allen; Klick.

Amendment No. 16

Representative Gooden offered the following amendment to **HB 62**:

Amend **HB 62** (house committee report) on page 5, between lines 15 and 16, by inserting:

(e-1) Notwithstanding Subsection (e), the total amount imposed by the court, including the fine and associated court costs and other fees, for an offense under this section may not exceed:

(1) \$99 for a first offense under this section; and

(2) \$200 for a second or subsequent offense under this section.

Representative Wu moved to table Amendment No. 16.

The motion to table was lost by (Record 84): 53 Yeas, 95 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Anderson, C.; Arévalo; Bernal; Blanco; Burkett; Canales; Clardy; Coleman; Cook; Craddick; Darby; Davis, Y.; Faircloth; Farrar; Flynn; Gervin-Hawkins; González; Hernandez; Howard; Israel; Kacal; King, K.; King, P.; Kuempel; Lambert; Landgraf; Larson; Longoria; Lucio; Minjarez; Moody; Morrison; Oliverson; Ortega; Paddie; Parker; Phillips; Pickett; Price; Raney; Roberts; Rose; Sheffield; Stephenson; Stucky; Turner; Uresti; VanDeaver; Workman; Wu; Zerwas.

Nays — Alonzo; Alvarado; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Cain; Capriglione; Collier; Cortez; Cospier; Cyrier; Dale; Davis, S.; Dean; Deshotel; Dutton; Elkins; Fallon; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Huberty; Hunter; Isaac; Johnson, E.; Johnson, J.; Keough; King, T.; Klick; Koop; Krause; Lang; Laubenberg; Leach; Lozano; Martinez; Metcalf; Meyer; Miller; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Paul; Perez; Phelan; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Simmons; Smithee; Springer; Stickland; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Villalba; Vo; Walle; White; Wilson; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dukes.

STATEMENT OF VOTE

When Record No. 84 was taken, I was shown voting yes. I intended to vote no.

Faircloth

Amendment No. 16 was adopted by (Record 85): 93 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Alonzo; Anderson, R.; Ashby; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Cain; Canales; Capriglione; Collier; Cortez; Cyrier; Dale; Davis, S.; Dean; Dutton; Elkins; Faircloth; Fallon; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; Gooden; Guillen; Gutierrez; Hefner; Herrero; Hinojosa; Holland; Huberty; Hunter; Isaac; Johnson, E.; Johnson, J.; Keough; King, T.; Klick; Koop; Krause; Lang; Laubenberg; Leach; Martinez; Metcalf; Meyer; Miller; Muñoz; Murphy; Neave; Nevárez; Oliveira;

Ortega; Paul; Perez; Phelan; Pickett; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Uresti; Vo; Walle; White; Wilson; Wray; Zedler.

Nays — Alvarado; Anchia; Anderson, C.; Arévalo; Bailes; Bernal; Blanco; Burkett; Clardy; Coleman; Cook; Cosper; Craddick; Darby; Davis, Y.; Farrar; Flynn; Gervin-Hawkins; González; Guerra; Hernandez; Howard; Israel; Kacal; King, K.; King, P.; Kuempel; Lambert; Landgraf; Larson; Longoria; Lozano; Lucio; Minjarez; Moody; Morrison; Murr; Oliverson; Paddie; Parker; Phillips; Price; Raney; Roberts; Rose; Sheffield; Stucky; Turner; VanDeaver; Villalba; Workman; Wu; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dukes.

Absent — Allen; Deshotel.

STATEMENTS OF VOTE

When Record No. 85 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 85 was taken, I was shown voting no. I intended to vote yes.

Kuempel

When Record No. 85 was taken, I was shown voting no. I intended to vote yes.

Villalba

Amendment No. 17

Representatives Krause and Alvarado offered the following amendment to **HB 62**:

Amend **HB 62** (house committee report) on page 6, between lines 2 and 3, by inserting the following:

(h) If conduct constituting an offense under this section also constitutes an offense under another law, including a municipal ordinance, the actor may be prosecuted only under this section.

Amendment No. 17 was adopted.

HB 62, as amended, was passed to engrossment by (Record 86): 113 Yeas, 32 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Deshotel;

Faircloth; Fallon; Farrar; Flynn; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Gutierrez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Kacal; King, K.; King, P.; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Perez; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Shine; Simmons; Smithee; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bell; Burns; Cyrier; Dean; Dutton; Elkins; Frank; Guillen; Hefner; Holland; Johnson, J.; Keough; King, T.; Klick; Krause; Lang; Metcalf; Murphy; Paul; Phelan; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Springer; Stickland; Swanson; Tinderholt; Vo; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dukes.

Absent — Biedermann; Cain; Hernandez.

STATEMENTS OF VOTE

When Record No. 86 was taken, I was in the house but away from my desk. I would have voted no.

Biedermann

When Record No. 86 was taken, I was in the house but away from my desk. I would have voted no.

Cain

REASON FOR VOTE

While I greatly respect the intention of the author in bringing this bill, I voted against **HB 62** because I believe it is an overly broad intrusion on Texans' liberties. While increasing the safety on our roads is a high priority for all Texans, it is the act of distracted driving that should be discouraged, not a particular activity. A driver whose texting is not causing distracted driving should not be considered to be committing a crime while the driver in the next car who is reading directions from a piece of paper and not looking at the road is not.

Moreover, I believe the bill likely will cause more, rather than less, unsafe driving. Texting has become such an omnipresent part of so many people's lives that I am concerned that if it becomes illegal to text while driving, many drivers will simply lower their phones farther from eye level to avoid detection, taking their eyes even further from the road and increasing the likelihood of accidents.

Schofield

ADDRESS BY REPRESENTATIVE STICKLAND

The chair recognized Representative Stickland who addressed the house, speaking as follows:

Members and viewers at home, everyone in the State of Texas, I would like to, now that we have passed **HB 62**, ask that none of you text my cell phone unless it's in a case of emergency, according to page five, line three. So no one text me unless it's an emergency.

REMARKS ORDERED PRINTED

Representative Stickland moved to print his remarks.

The motion prevailed.

(Paddie in the chair)

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to Rule 4, Section 9 of the House Rules, Representative Krause requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings. For purposes of this motion, those committees and subcommittees that are scheduled to meet upon adjournment or final recess today shall be considered to be scheduled to meet during bill referral today.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Environmental Regulation, during bill referral today, 3W.9, for a formal meeting, to consider pending business.

PROVIDING FOR ADJOURNMENT

At 1:25 p.m., Representative E. Thompson moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of the Honorable Jack Harris of Pearland.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES
CORRECTIONS IN REFERRAL**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Herrero in the chair)

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

(Goldman in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 4:13 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 29 (By S. Thompson, Huberty, Collier, Cook, and Frullo), Relating to prostitution and the trafficking of persons, civil racketeering related to trafficking, the prosecution of and punishment for certain sexual offenses and offenses involving or related to trafficking, reimbursement of certain costs for criminal victims who are children, and the release and reporting of certain information relating to a child; increasing a criminal penalty; creating a criminal offense.

To State Affairs.

HB 34 (By Smithee), Relating to measures to prevent wrongful convictions.

To Criminal Jurisprudence.

HB 39 (By Wu), Relating to the child protective service functions of the Department of family and Protective Services.

To Human Services.

HB 1449 (By Simmons), Relating to prohibiting local governments from imposing certain fees on new construction.

To Ways and Means.

HB 1465 (By Moody), Relating to a prohibition on a judge's imposition of court costs and filing or other fees on indigent defendants and plaintiffs.

To Criminal Jurisprudence.

HB 1543 (By Burkett), Relating to access to records that pertain to the testing for, and fitting and dispensing of, hearing instruments.

To Public Health.

HB 1544 (By Burkett), Relating to a client's access to certain records of hearing instrument fitters and dispensers.

To Public Health.

HB 1554 (By Lozano), Relating to the prosecution and punishment of the smuggling of persons.

To State Affairs.

HB 1601 (By Lozano), Relating to the release on bail of a person arrested under a warrant issued by the Texas Department of Criminal Justice or the Board of Pardons and Paroles.

To Criminal Jurisprudence.

HB 1663 (By Dutton), Relating to certain statutory changes to reflect and address same-sex marriages and parenting relationships.

To Juvenile Justice and Family Issues.

HB 1739 (By Burrows), Relating to the concurrent jurisdiction of the attorney general to prosecute the offense of barratry and solicitation of professional employment.

To Criminal Jurisprudence.

HB 1767 (By Collier), Relating to the collection of consumer debt by debt buyers.

To Investments and Financial Institutions.

HB 1798 (By Oliverson), Relating to the powers of the Harris County Improvement District No. 17.

To Special Purpose Districts.

HB 1800 (By Oliverson), Relating to the powers of the Harris County Improvement District No. 17.

To Special Purpose Districts.

HB 1808 (By Meyer, S. Thompson, and Parker), Relating to the prosecution and punishment of certain trafficking and sexual offenses.

To State Affairs.

HB 1849 (By Coleman), Relating to an offense committed against a person because of bias or prejudice on the basis of gender identity or expression.

To State Affairs.

HB 1983 (By Wray, Martinez, Phillips, Guerra, and Geren), Relating to the eligibility of a firefighter or a peace officer for workers' compensation benefits for post-traumatic stress disorder.

To Business and Industry.

HB 1984 (By Burkett, Laubenberg, and S. Thompson), Relating to the quarantine of rabid animals.

To Urban Affairs.

HB 2120 (By S. Thompson), Relating to good conduct time earned by certain inmates and the consideration of release on parole for those inmates.

To Corrections.

HB 2250 (By Darby), Relating to the classification of certain entities as primarily engaged in retail trade for purposes of the franchise tax.

To Ways and Means.

HB 2251 (By Laubenberg, Leach, Shaheen, Holland, and Sanford), Relating to authorization by the Texas Higher Education Coordinating Board for certain public junior colleges to offer baccalaureate degree programs.

To Higher Education.

HB 2252 (By Faircloth), Relating to the feasibility of creating and maintaining a coastal barrier system.

To Land and Resource Management.

HB 2253 (By Darby), Relating to the calculation of interest on an ad valorem tax refund resulting from the final determination of an appeal that decreases a property owner's liability.

To Ways and Means.

HB 2254 (By Gutierrez), Relating to the secretary of state adopting a fee schedule for notary public services.

To Licensing and Administrative Procedures.

HB 2255 (By K. King), Relating to student eligibility for free high quality prekindergarten programs and state financial support for each school district that elects to provide a full-day prekindergarten program.

To Public Education.

HB 2257 (By Muñoz), Relating to prohibiting an insurer from directing a policyholder to certain entities to provide certain medical or health care services and supplies to the policyholder.

To Insurance.

HB 2258 (By Gutierrez), Relating to the establishment of the student mental health division within the Texas Education Agency.

To Public Health.

HB 2259 (By Gutierrez), Relating to the issuance of specially marked driver's licenses and personal identification certificates to disabled veterans.

To Defense and Veterans' Affairs.

HB 2260 (By Dutton), Relating to discovery procedures for a claim against a governmental entity under the Texas Tort Claims Act.

To Judiciary and Civil Jurisprudence.

HB 2261 (By Dutton), Relating to the amendment of an application for an allocation of low income housing tax credits.

To Urban Affairs.

HB 2262 (By Gooden), Relating to health benefit plan coverage for accelerated refills of certain prescription eye drops.

To Insurance.

HB 2263 (By Gooden), Relating to continued monitoring of certain public school campuses that have been assigned a campus intervention team.

To Public Education.

HB 2264 (By Frank and Geren), Relating to the priority applicable to certain interbasin transfers of water.

To Natural Resources.

HB 2265 (By Muñoz), Relating to the selection of the board of directors of an appraisal district; authorizing the imposition of a fee.

To Ways and Means.

HB 2266 (By White), Relating to requiring certain retailers to ensure that certain products sold or leased by the retailers contain a digital blocking capability that renders obscene material inaccessible; creating a criminal offense.

To Business and Industry.

HB 2267 (By Dukes), Relating to the use of hazard warning lamps to warn approaching vehicles of stopped traffic.

To Transportation.

HB 2268 (By Raymond), Relating to a temporary increase in the amount of the exemption of residence homesteads from ad valorem taxation by a school district, a temporary reduction in the amount of the limitation on school district ad valorem taxes imposed on the residence homesteads of the elderly or disabled to reflect the increased exemption amount, and a temporary protection of school districts against the resulting temporary loss in local revenue.

To Ways and Means.

HB 2269 (By Schofield), Relating to the civil liability of a children's isolation unit in a hospital.

To Judiciary and Civil Jurisprudence.

HB 2270 (By Paul), Relating to the requirements of service and duties of certain election officers.

To Elections.

HB 2271 (By Wray), Relating to decedents' estates and certain posthumous gifts.

To Judiciary and Civil Jurisprudence.

HB 2272 (By Schofield), Relating to the procedures for municipal annexation.

To Land and Resource Management.

HB 2273 (By Lang), Relating to the repeal of certain statutes allowing a county attorney or commissioners court to accept gifts or grants to finance or assist the operation of the office of county attorney.

To Judiciary and Civil Jurisprudence.

HB 2275 (By Paddie), Relating to the regulation of a service contract.
To Licensing and Administrative Procedures.

HB 2276 (By Martinez), Relating to an increase in the fee for permits issued for the movement of oversize or overweight vehicles carrying cargo in Hidalgo County.
To Transportation.

HB 2278 (By Phillips), Relating to the solicitation of business by a distiller's agent.
To Licensing and Administrative Procedures.

HB 2280 (By Dean), Relating to the duties of a law enforcement agency regarding the immigration status of an arrested person and to the agency's enforcement of immigration detainees and of laws relating to immigration.
To State Affairs.

HB 2281 (By Darby), Relating to miscellaneous gross receipts taxes on utility companies.
To Ways and Means.

HB 2282 (By E. Johnson), Relating to a gold standard full-day prekindergarten program provided by public school districts and the elimination of the high school allotment under the Foundation School Program.
To Public Education.

HB 2283 (By Isaac), Relating to the prosecution of the offense of sexual assault.
To Criminal Jurisprudence.

HB 2284 (By Lozano), Relating to an exemption from licensing requirements for a person performing electrical work in certain industrial settings.
To Licensing and Administrative Procedures.

HB 2285 (By E. Thompson), Relating to the establishment of the Texas Institute for Coastal Prairie Research and Education at the University of Houston.
To Higher Education.

HB 2286 (By Landgraf), Relating to the qualifications for service as a grand juror and to the selection of grand jurors.
To Criminal Jurisprudence.

HB 2287 (By Lozano), Relating to administrative violations committed by certified self-insurer administrators under the Texas Workers' Compensation Act; authorizing an administrative penalty.
To Business and Industry.

HB 2288 (By Gutierrez), Relating to regulation of the sale of fireworks by certain municipalities.
To Urban Affairs.

HB 2289 (By Rinaldi), Relating to the eligibility for service retirement annuities from the Employees Retirement System of Texas or the Teacher Retirement System of Texas of certain employees convicted of certain offenses.

To Pensions.

HB 2290 (By Lozano and Zerwas), Relating to the establishment of the Texas Returning Adult Student Grant Program for certain students enrolled in baccalaureate degree programs at certain postsecondary educational institutions.

To Higher Education.

HB 2291 (By Rinaldi and Meyer), Relating to the direct shipment of certain alcoholic beverages to ultimate consumers; authorizing a fee; creating a criminal offense.

To Licensing and Administrative Procedures.

HB 2292 (By Neave), Relating to lobbying by former members of the legislature; creating a criminal offense.

To General Investigating and Ethics.

HB 2293 (By Neave), Relating to indicating ethnicity on the form for a voter registration application.

To General Investigating and Ethics.

HB 2294 (By Cain), Relating to jurisdiction in a suit for adoption of a child and the mandatory transfer of certain suits affecting the parent-child relationship to the court in which a suit for adoption is pending.

To Juvenile Justice and Family Issues.

HB 2295 (By Villalba), Relating to authorizing a comprehensive development agreement for the Interstate Highway 635 East project.

To Transportation.

HB 2296 (By Uresti, Cortez, and Arévalo), Relating to a teacher to student ratio requirement for public school special education programs.

To Public Education.

HB 2297 (By Uresti), Relating to the waiting list for an open-enrollment charter school.

To Public Education.

HB 2994 (By Ashby), Relating to workforce continuing education offered by public junior colleges.

To Higher Education.

HB 3107 (By Ashby), Relating to the production of public information under the public information law.

To Government Transparency and Operation.

HR 744 (By Moody), Expressing support for the constitutional rights of lawful immigrants.

To State Affairs.

HR 858 (By Darby), Congratulating Pollyanna and Steve Stephens of San Angelo on their receipt of the Distinguished Citizen Award from the Texas Southwest Council of the Boy Scouts of America.

To Rules and Resolutions.

HR 859 (By Darby), In memory of Frank M. Pool of San Angelo.

To Rules and Resolutions.

HR 861 (By Darby), In memory of James Ray Clements of Big Spring.

To Rules and Resolutions.

HR 862 (By Wray), Commending the Ennis Chamber of Commerce for its contributions to the community.

To Rules and Resolutions.

HR 863 (By Wray), In memory of Doris Jane Holley Mitchell of Italy, Texas.

To Rules and Resolutions.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

HB 1116 (By Kacal and Shaheen), Relating to the repeal of certain state procurement advisory and approval procedures.

To Government Transparency and Operation.

HB 1118 (By Kacal and Shaheen), Relating to the abolishment of the State Council on Competitive Government and the transfer of its functions to the comptroller.

To Government Transparency and Operation.

List No. 2

HB 1508 (By Giddings), Relating to notice to applicants to and enrollees in certain educational programs regarding the consequences of a criminal conviction on eligibility for an occupational license.

To Licensing and Administrative Procedures.

HB 1784 (By Faircloth), Relating to the period during which an action alleging a violation of the open meetings law may be brought.

To Government Transparency and Operation.

HB 1957 (By Laubenberg), Relating to the treatment of political contributions by a person's spouse under the Judicial Campaign Fairness Act.

To General Investigating and Ethics.

HB 1958 (By Springer), Relating to the licensure or certification of volunteer firefighters and members of industrial emergency response teams.

To Licensing and Administrative Procedures.

HB 1959 (By S. Thompson), Relating to a study by the Texas Department of Motor Vehicles of alternative registration technologies for commercial motor vehicles.

To Transportation.

HB 1961 (By Miller), Relating to the care and unlawful restraint of a dog.
To Public Health.

HB 1962 (By E. Thompson), Relating to the creation of the Brazoria County Municipal Utility District No. 69; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
To Special Purpose Districts.

HB 1963 (By E. Thompson), Relating to the creation of the Brazoria County Municipal Utility District No. 70; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
To Special Purpose Districts.

HB 1964 (By Murphy), Relating to the authority and liability of owners and managers of apartment houses, manufactured home rental communities, condominiums, and multiple use facilities in charging tenants for submetered and nonsubmetered master metered water and wastewater services.
To Natural Resources.

HB 1965 (By Dutton), Relating to liability insurance for career schools and colleges.
To Higher Education.

HB 1967 (By Moody), Relating to the creation of an innocence project grant program.
To Criminal Jurisprudence.

HB 1968 (By Bernal), Relating to certain determinations at permanency hearings.
To Juvenile Justice and Family Issues.

HB 1969 (By Neave), Relating to the establishment of a municipal marshal reserve force.
To Homeland Security and Public Safety.

HB 1970 (By Krause), Relating to obtaining information from the child abuse and neglect central registry regarding certain individuals who have or will have direct contact with public school students.
To Public Education.

HB 1971 (By Schaefer and Simmons), Relating to providing information regarding perinatal hospice care and prohibiting discriminatory abortions; creating an administrative penalty, a civil remedy, and criminal offenses.
To State Affairs.

HB 1975 (By Villalba), Relating to enforcement of a lien on property in a self-service storage facility by a sale conducted through an Internet website.
To Business and Industry.

HB 1976 (By Sheffield), Relating to a study of the use of a patient-reported outcomes registry in conjunction with health coverage for certain governmental employees.

To Pensions.

HB 1977 (By Sheffield), Relating to the definition of "non-physician mental health professional" for purposes of the Texas Mental Health Code.

To Public Health.

HB 1978 (By Sheffield), Relating to physician assistant services performed as volunteer care.

To Public Health.

HB 1980 (By VanDeaver), Relating to the high school graduation of a student who transfers to a public school in this state after the student's junior year of high school.

To Public Education.

HB 1985 (By Flynn), Relating to debt cancellation agreements offered in connection with certain loans and retail installment contracts and to amounts charged for certain agreements offered in connection with certain loans and retail installment contracts.

To Investments and Financial Institutions.

HB 1986 (By Martinez), Relating to the creation of regional transit authorities; granting the power of eminent domain; providing authority to issue bonds and charge fees; creating a criminal offense.

To Transportation.

HB 1988 (By Larson), Relating to the use of emergency engine cutoff switches on motorboats.

To Culture, Recreation, and Tourism.

HB 1989 (By Shine and Oliveira), Relating to the requirements for withdrawal by a certified self-insurer from workers' compensation self-insurance.

To Business and Industry.

HB 1990 (By Shine and Oliveira), Relating to the administration of the Texas certified self-insurer guaranty trust fund.

To Business and Industry.

HB 1991 (By Israel), Relating to the requirements for submitting a statement of residence at a polling place.

To Elections.

HB 1992 (By Pickett), Relating to the designation of portions of certain highways as the Tom Lea Trail.

To Transportation.

HB 1993 (By R. Anderson), Relating to the authorization of alternative assessment instruments for use under the public school accountability system.

To Public Education.

HB 1995 (By Elkins), Relating to the Texas Uniform Trade Secrets Act.
To Government Transparency and Operation.

HB 1996 (By Anchia), Relating to nonpartisan primary elections;
authorizing a fee.
To Elections.

HB 1997 (By Minjarez), Relating to authorizing a fee for certain pretrial
intervention programs.
To Criminal Jurisprudence.

HB 1998 (By Lozano), Relating to participation in and rates for coverage
provided under the uniform group coverage program for active school employees.
To Pensions.

HB 1999 (By Israel), Relating to a violation regarding the purchase,
possession, or consumption of alcoholic beverages by a minor or the
misrepresentation of age by a minor; authorizing a civil penalty; creating a
criminal offense.

To Licensing and Administrative Procedures.

HB 2000 (By Israel), Relating to the creation of a fund to assist local
governments with the acquisition of voting system equipment.

To Elections.

HB 2051 (By Huberty), Relating to the new instructional facility allotment
under the foundation school program.

To Public Education.

HB 2052 (By Phelan), Relating to a tree planting credit to offset tree
mitigation fees imposed by a municipality.

To Urban Affairs.

HB 2053 (By Oliveira), Relating to the enforcement of workers'
compensation compliance and practice requirements.

To Business and Industry.

HB 2054 (By Oliveira), Relating to a cost-of-living increase applicable to
death benefits paid under the workers' compensation system.

To Business and Industry.

HB 2055 (By Oliveira), Relating to workers' compensation death benefit
eligibility of certain spouses.

To Business and Industry.

HB 2056 (By Oliveira), Relating to access by the division of workers'
compensation to certain designated doctor contracts under the workers'
compensation system.

To Business and Industry.

HB 2057 (By Oliveira), Relating to liability of certain political subdivisions
in certain workers' compensation actions.

To Business and Industry.

HB 2058 (By Oliveira), Relating to preauthorization and concurrent review of certain health care services under the workers' compensation system.

To Business and Industry.

HB 2137 (By Biedermann), Relating to an interstate compact on border security, immigration enforcement, and refugee resettlement.

To State Affairs.

HB 2144 (By Y. Davis), Relating to disclosure of foreign ownership of insurers authorized to engage in the business of insurance in this state.

To Insurance.

HB 2277 (By Darby), Relating to fixing the median cost of high-cost gas wells.

To Ways and Means.

HB 2298 (By Uresti), Relating to the ineligibility of certain persons affiliated with an open-enrollment charter school for election to or service on the State Board of Education or a school district board of trustees.

To Public Education.

HB 2299 (By S. Thompson), Relating to verification of alcohol content for prior approval of malt beverages.

To Licensing and Administrative Procedures.

HB 2300 (By Schofield), Relating to the recovery in a civil action of medical or health care expenses as economic damages.

To Judiciary and Civil Jurisprudence.

HB 2614 (By Huberty), Relating to school district discretion to administer college preparation assessment instruments to public school students at state cost.

To Public Education.

HB 3075 (By Huberty), Relating to excluding certain students from the computation of dropout and completion rates for purposes of public school accountability.

To Public Education.

HB 3104 (By VanDeaver), Relating to the assessment of public school students in writing and English language arts.

To Public Education.

HB 3158 (By Flynn), Relating to the retirement systems for and the provision of other benefits to police and fire fighters in certain municipalities.

To Pensions.

HB 3732 (By Raymond), Relating to prescription drug benefits under the Medicaid program.

To Human Services.

HB 3828 (By Huberty), Relating to accreditation interventions and sanctions.

To Public Education.

HCR 106 (By Deshotel and Paul), Urging Congress to provide sufficient federal funding for the construction of a storm surge barrier along the Texas coast.

To Land and Resource Management.

HCR 141 (By Murphy), Directing the Texas Facilities Commission to rename the State Insurance Building in the Capitol Complex in honor of former president George H. W. Bush.

To House Administration.

HR 857 (By R. Anderson), Congratulating Nathan Loh of Grand Prairie on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 864 (By Herrero), Congratulating the Tuloso-Midway Middle School theater arts group on winning first place in the UIL One-Act Play district competition.

To Rules and Resolutions.

HR 865 (By Herrero), Congratulating Felipa Pena of Tuloso-Midway ISD on being named the 2016-2017 Bus Driver of the Year by the Property Casualty Alliance of Texas.

To Rules and Resolutions.

HR 866 (By Flynn), Congratulating Barbara Metch on being named the 2017 Texas Polled Hereford Honoree by the Texas Polled Hereford Association.

To Rules and Resolutions.

HR 868 (By Herrero), Congratulating Alyssa N. Lopez on her receipt of an Outstanding Employee Award from the Behavioral Health Center of Nueces County.

To Rules and Resolutions.

HR 869 (By Herrero), Congratulating Mary Elizabeth Slusher on her receipt of an Outstanding Employee Award from the Behavioral Health Center of Nueces County.

To Rules and Resolutions.

HR 870 (By Herrero), Congratulating Brandi Lynn Brast on her receipt of an Outstanding Employee Award from the Behavioral Health Center of Nueces County.

To Rules and Resolutions.

HR 871 (By Herrero), Congratulating Heather S. Aleman on her receipt of an Outstanding Employee Award from the Behavioral Health Center of Nueces County.

To Rules and Resolutions.

HR 872 (By Herrero), Congratulating Nora P. Martin on her receipt of an Outstanding Employee Award from the Behavioral Health Center of Nueces County.

To Rules and Resolutions.

HR 873 (By Herrero), Congratulating Daniella Gonzalez on her receipt of an Outstanding Employee Award from the Behavioral Health Center of Nueces County.

To Rules and Resolutions.

HR 874 (By Koop), Recognizing March 16, 2017, as Dallas Youth Commission and Garland Youth Council Day at the State Capitol.

To Rules and Resolutions.

HR 877 (By White), Commemorating the grand opening of the new building of Tyler County Country Church in Woodville.

To Rules and Resolutions.

HR 878 (By Dean), Commemorating the 25th anniversary of Bel's Diner in Longview.

To Rules and Resolutions.

HR 879 (By Dean), Congratulating Partners in Prevention on being named the 2016 Longview News-Journal Citizen of the Year.

To Rules and Resolutions.

HR 880 (By Dean), Congratulating Edible Art Specialty Cakes and Cookies in Longview on its 10th anniversary.

To Rules and Resolutions.

HR 881 (By Craddick), In memory of Christopher Nicol McGowen.

To Rules and Resolutions.

HR 882 (By Craddick), Congratulating Kurt L. Verlei on his retirement from KCRS radio in Odessa.

To Rules and Resolutions.

HR 883 (By Craddick), Congratulating Robert Hallmark on his retirement from KCRS radio in Odessa.

To Rules and Resolutions.

HR 884 (By Sheffield), Recognizing March 21, 2017, as Tarleton State University Day at the State Capitol.

To Rules and Resolutions.

HR 885 (By Hunter), Recognizing March 28, 2017, as Transit Day at the State Capitol.

To Rules and Resolutions.

HR 886 (By Hunter), In memory of Marty Sue Marshall of Rockport.

To Rules and Resolutions.

HR 887 (By Hunter), Congratulating Fastsigns of Corpus Christi on receiving a 2017 Pinnacle Club Award.

To Rules and Resolutions.

HR 888 (By Bernal), Commending the members of the San Antonio ISD Student Advisory Council for their service during the 2016-2017 school year.

To Rules and Resolutions.

HR 889 (By Zerwas), Recognizing March 28, 2017, as American Cancer Society Cancer Action Network Day at the State Capitol.

To Rules and Resolutions.

HR 890 (By Koop), Congratulating Dirk Nowitzki of the Dallas Mavericks on scoring his 30,000th career point.

To Rules and Resolutions.

HR 891 (By Alonzo), Honoring the University of Houston College of Optometry.

To Rules and Resolutions.

HR 892 (By Springer), Congratulating Crosbyton High School students on winning the 2017 H2YOU water conservation awareness contest.

To Rules and Resolutions.

HR 893 (By Springer), Commemorating the 100th anniversary of First Assembly of God in Vernon.

To Rules and Resolutions.

HR 894 (By Springer), Congratulating Jake Merrell of Valley High School on his selection as Track Athlete of the Year by the Panhandle Sports Hall of Fame.

To Rules and Resolutions.

HR 895 (By Springer), Commemorating the 125th anniversary of the founding of Lindsay.

To Rules and Resolutions.

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, March 15, 2017

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:

SB 26 Estes

Relating to the Texas emissions reduction plan and other related programs and measures to reduce emissions.

SB 40 Zaffirini

Relating to the bond required and the bond insurance obtained for certain judges.

SB 454

Perry

Relating to certain protective orders in a suit for dissolution of marriage or a suit affecting the parent-child relationship, including a proceeding to adjudicate parentage.

Respectfully,

Patsy Spaw

Secretary of the Senate