

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-FIRST DAY — TUESDAY, MAY 2, 2017

The house met at 10:03 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 578).

Present — Mr. Speaker(C); Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospser; 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 — Bell.

Absent — Dukes.

When attendance was taken, I was absent because of illness in the family. I intended to be excused for the remainder of today and for Record Nos. 579-618.

Dukes

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

The speaker recognized Representative Frank who introduced Daniel Park, senior pastor, New Song Church, Carrollton, who offered the invocation.

(Roberts in the chair)

LEAVE OF ABSENCE GRANTED

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

Bell on motion of J. Johnson.

CAPITOL PHYSICIAN

The chair recognized Representative Dean who presented Dr. Gary White of Longview as the "Doctor for the Day."

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

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).

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 1649 (by Moody), Congratulating Sharon Butterworth of El Paso on receiving the Texas Impact Award from Mental Health America of Texas.

HR 1654 (by Ashby), Recognizing the Texas A&M University Agricultural and Natural Resources Policy Internship Program and the Public Policy Internship Program and the programs' interns for the 85th legislative session.

HR 1842 (by VanDeaver), Commending Tippi Pyle on her 30 years of service on behalf of Denver Pyle's Children's Charities in Lamar County.

HR 1844 (by Button), Recognizing May 2 and 3, 2017, as Leadership Garland Days at the State Capitol.

HR 1851 (by Dutton), Congratulating Jessica Fountain on the occasion of her 59th birthday.

HR 1852 (by Moody), Commending the El Paso County DWI Drug Court Intervention and Treatment Program on its recognition as a DWI Academy Court.

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.

HR 1366 - PREVIOUSLY ADOPTED (by Lucio)

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

HR 1366, Honoring Tejano recording star Michael Salgado for his accomplishments.

INTRODUCTION OF GUESTS

The chair recognized Representative Lucio who introduced Michael Salgado and members of his family.

**HR 148 - PREVIOUSLY ADOPTED
(by Stickland, Krause, and Goldman)**

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

HR 148, Congratulating Ivan "Pudge" Rodriguez of the Texas Rangers on his induction into the National Baseball Hall of Fame.

INTRODUCTION OF GUESTS

The chair recognized Representative Stickland who introduced Ivan "Pudge" Rodriguez, his friends, and representatives of the Texas Rangers.

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

Representative S. Thompson moved to set a local, consent, and resolutions calendar for 9 a.m. Thursday, May 4.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative S. Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 11 a.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 11 a.m. today, 3W.15, for a formal meeting, to set a calendar.

**HR 1855 - ADOPTED
(by Raymond)**

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 1855**.

The motion prevailed.

The following resolution was laid before the house:

HR 1855, Honoring Kaitlyn Jankovsky for her courageous battle with cancer.

HR 1855 was read and was adopted.

On motion of Representative Price, the names of all the members of the house were added to **HR 1855** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Raymond who introduced Kaitlyn Jankovsky and members of her family and friends.

LEAVE OF ABSENCE GRANTED

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

Longoria on motion of Geren.

HR 1590 - PREVIOUSLY ADOPTED

(by **Y. Davis**)

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

HR 1590, Recognizing May 2, 2017, as Texas Law Enforcement Torch Run Day.

INTRODUCTION OF GUESTS

The chair recognized Representative Y. Davis who introduced participants in Texas Law Enforcement Torch Run Day.

HR 1612 - ADOPTED

(by **C. Anderson**)

Representative C. Anderson moved to suspend all necessary rules to take up and consider at this time **HR 1612**.

The motion prevailed.

The following resolution was laid before the house:

HR 1612, In memory of Michael Anderson Wood of Waco.

HR 1612 was unanimously adopted by a rising vote.

(Speaker in the chair)

GENERAL STATE CALENDAR**HOUSE BILLS****THIRD READING**

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

HB 12 ON THIRD READING

(by **Price, Murr, Moody, Coleman, White, et al.**)

HB 12, A bill to be entitled An Act relating to individuals who are or may be persons with a mental illness or an intellectual disability and who are or have been involved with the court system.

HB 12 was passed by (Record 579): 141 Yeas, 4 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; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; 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; 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; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Stickland; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Deshotel; Dukes.

STATEMENT OF VOTE

When Record No. 579 was taken, I was shown voting yes. I intended to vote no.

Rinaldi

HB 912 ON THIRD READING (by Romero, Springer, and Frullo)

HB 912, A bill to be entitled An Act relating to the licensing and regulation of providers of driver and traffic safety education.

Amendment No. 1

Representative Phillips offered the following amendment to **HB 912**:

Amend **HB 912** on third reading, on page 3 as follows:

- (1) On line 13, strike "parent or" and substitute "parent".
- (2) On line 14, between "guardian" and "on", insert ", or a judge of a court with jurisdiction over the person".

Amendment No. 1 was adopted.

HB 912, as amended, was passed by (Record 580): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; 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; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; 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 — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dukes; Krause.

STATEMENT OF VOTE

When Record No. 580 was taken, I was temporarily out of the house chamber. I would have voted yes.

Krause

HB 1297 ON THIRD READING (by Frullo)

HB 1297, A bill to be entitled An Act relating to a specialty certification for insurance agents who have completed certain training regarding self-insured health benefit plans.

HB 1297 was passed by (Record 581): 136 Yeas, 9 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; Burns; Burrows; Button; 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; 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;

Larson; Laubenberg; 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; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Lang; Leach; Rinaldi; Schaefer; Stickland; Swanson; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dukes; Geren.

HB 2895 ON THIRD READING

(by Price, Turner, Clardy, Moody, Burkett, et al.)

HB 2895, A bill to be entitled An Act relating to the requirement that certain public institutions of higher education post mental health resources on the institution's Internet website.

HB 2895 was passed by (Record 582): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; 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.; 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; 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 — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dean; Dukes.

STATEMENT OF VOTE

When Record No. 582 was taken, my vote failed to register. I would have voted yes.

Dean

HB 683 ON THIRD READING

(by Wu, Phillips, Herrero, P. King, Hinojosa, et al.)

HB 683, A bill to be entitled An Act relating to the prosecution of the offense of possession or use of law enforcement identification, insignia, or vehicles in a municipality and the clarification of the offenses of false identification as a peace officer and misrepresentation of property.

HB 683 was passed by (Record 583): 134 Yeas, 11 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; Burns; Burrows; Button; 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.; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; 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; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Klick; Leach; Rinaldi; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dukes; Thompson, S.

STATEMENTS OF VOTE

When Record No. 583 was taken, I was shown voting yes. I intended to vote no.

Krause

When Record No. 583 was taken, I was shown voting no. I intended to vote yes.

Wilson

When Record No. 583 was taken, I was shown voting yes. I intended to vote no.

Zedler

HB 1504 ON THIRD READING
(by Allen)

HB 1504, A bill to be entitled An Act relating to a community supervision and corrections department policy regarding supervision officer meetings and visits.

HB 1504 was passed by (Record 584): 129 Yeas, 15 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; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; 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.; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Cain; Cook; Klick; Krause; Lang; Leach; Phillips; Rinaldi; Sanford; Schaefer; Stickland; Swanson; Tinderholt; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dean; Dukes; Thompson, S.

STATEMENT OF VOTE

When Record No. 584 was taken, I was in the house but away from my desk. I would have voted yes.

Dean

HB 1442 ON THIRD READING
(by Wu, S. Thompson, Moody, and Phillips)

HB 1442, Relating to the release of certain defendants pending a motion for new trial or an appeal from a misdemeanor conviction.

HB 1442 was passed by (Record 585): 144 Yeas, 0 Nays, 2 Present, not voting.

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

Absent, Excused — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dukes; Lozano.

HB 2180 ON THIRD READING
(by Flynn and VanDeaver)

HB 2180, A bill to be entitled An Act relating to the Sulphur River Basin Authority, following recommendations of the Sunset Advisory Commission.

HB 2180 was passed by (Record 586): 144 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; 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; 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; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain; Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dukes.

HB 1787 ON THIRD READING
(by Wray)

HB 1787, A bill to be entitled An Act relating to the execution of a declaration for mental health treatment.

HB 1787 was passed by (Record 587): 143 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; 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; 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; 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; 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.

Nays — Schofield.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Anderson, R.; Dukes; Fallon.

HB 3193 ON THIRD READING

(by Alvarado and P. King)

HB 3193, A bill to be entitled An Act relating to the relationship between public employers and fire and police employees.

HB 3193 was passed by (Record 588): 118 Yeas, 27 Nays, 1 Present, not voting.

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

Nays — Biedermann; Bonnen, G.; Burrows; Button; Cain; Dean; Faircloth; Fallon; Frank; Goldman; Hefner; Klick; Krause; Landgraf; Lang; Laubenberg; Metcalf; Meyer; Murr; Rinaldi; Sanford; Schaefer; Shaheen; Springer; Stickland; Swanson; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dukes; Schubert.

STATEMENTS OF VOTE

When Record No. 588 was taken, I was in the house but away from my desk. I would have voted yes.

Schubert

When Record No. 588 was taken, I was shown voting yes. I intended to vote no.

Wilson

HB 1920 ON THIRD READING**(by Flynn)**

HB 1920, A bill to be entitled An Act relating to the Palo Duro River Authority, following recommendations of the Sunset Advisory Commission.

HB 1920 was passed by (Record 589): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; 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; 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; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Coleman; Dukes; Schofield; Thompson, S.

HB 34 ON THIRD READING**(by Smithee, Moody, Canales, et al.)**

HB 34, A bill to be entitled An Act relating to measures to prevent wrongful convictions.

HB 34 was passed by (Record 590): 140 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; 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, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf;

Lang; Larson; Laubenberg; Leach; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; 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.

Nays — Murr; Phillips; Rinaldi.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Burrows; Dukes; Johnson, E.; Schofield.

HB 61 ON THIRD READING

(by Guillen)

HB 61, A bill to be entitled An Act relating to consideration under the public school accountability system of performance on assessment instruments by certain students formerly receiving special education services.

HB 61 was passed by (Record 591): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; 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; 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; 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 — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dukes; Stephenson.

HB 3226 ON THIRD READING**(by Phillips)**

HB 3226, A bill to be entitled An Act relating to the creation of a temporary health insurance risk pool.

HB 3226 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE TURNER: I, as you know, voted for this bill in committee, in Insurance, and I think it's a good bill, but I know there's been some questions on the floor, so I just want to clarify a few things with you. You mentioned yesterday that the bill is only intended as a backup in the event that the patient protection and Affordable Care Act is repealed at the federal level. Is that right?

REPRESENTATIVE PHILLIPS: Serving as chair of Insurance, one of the issues that we had in talking with the Department of Insurance and the industries involved with insurance, the question came about, well, what happens if they repeal the Affordable Care Act? Some of the discussion in that repealing of the Affordable Care Act is they would put back the high risk insurance pool on the state and potentially that they would put federal dollars into that, those pools, or so to speak. So what this does is it allows the commissioner of insurance, if those things happen, to be able to go back and have a high risk insurance pool without the cost to our taxpayers, that cost already having been paid by taxpayers going through our federal dollars. So this is a backup in case they do that. It's not intended to create it. Many members may recall that before the Affordable Care Act, we'd been working really hard to work on our high risk insurance pool, which are those that basically have preexisting conditions and can't get insurance. So that's what this does.

TURNER: Right, and the history of that is that before the ACA, there was a state risk pool. Once the ACA was passed, the risk pool was repealed. Is that right? Because the ACA made it that coverage could not be denied on the basis of preexisting conditions. So the risk pool has not been necessary.

PHILLIPS: That's right. And this is one of those bills, I think we're going to see them in Transportation—I've got a bill later this week in Transportation—and in other areas that we're having just in case something happens at the national level, we're going to be ready to act on it. But we can't predict, and since we don't come back for another two years, it'd be a shame for us to be behind the rest of the nation on interacting on things such as this or infrastructure funding or what have you.

TURNER: So bottom line, in this bill, your bill allows the agency to apply for a waiver, and the waiver would ensure that premiums could be affordable through a high risk pool in the event that we had to go back to one. Is that correct?

PHILLIPS: Yes.

REMARKS ORDERED PRINTED

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

The motion prevailed.

HB 3226 was passed by (Record 592): 132 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; 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; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; 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; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schubert; Sheffield; Shine; Simmons; Smithee; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain; Hefner; Krause; Lang; Rinaldi; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; White; Wilson.

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

Absent, Excused — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dukes; Schofield.

STATEMENT OF VOTE

When Record No. 592 was taken, I was in the house but away from my desk. I would have voted yes.

Schofield

HB 16 ON THIRD READING

(by Lozano, Canales, Zerwas, Howard, S. Davis, et al.)

HB 16, A bill to be entitled An Act relating to sexual harassment, sexual assault, dating violence, and stalking at public and private postsecondary educational institutions.

HB 16 was passed by (Record 593): 122 Yeas, 23 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; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farrar; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Koop; Kuempel; Lambert; Landgraf; Larson; Leach; 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; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Sheffield; Shine; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Cyrier; Dale; Fallon; Flynn; Frank; Hefner; Isaac; Keough; Klick; Krause; Lang; Laubenberg; Rinaldi; Sanford; Schaefer; Shaheen; Simmons; Stickland; Swanson; Tinderholt; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dean; Dukes.

STATEMENTS OF VOTE

When Record No. 593 was taken, I was in the house but away from my desk. I would have voted yes.

Dean

When Record No. 593 was taken, I was shown voting yes. I intended to vote no.

Springer

HB 2671 ON THIRD READING

(by Dean, Price, Clardy, Moody, Oliverson, et al.)

HB 2671, A bill to be entitled An Act relating to the placement of certain substances in Penalty Groups 1 and 3 of the Texas Controlled Substances Act for the purposes of prosecution of criminal offenses involving those substances.

HB 2671 was passed by (Record 594): 142 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; 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; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; 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.

Nays — Canales; Israel.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Anderson, R.; Dukes; Krause.

STATEMENT OF VOTE

When Record No. 594 was taken, I was in the house but away from my desk. I would have voted yes.

Krause

HB 3016 ON THIRD READING (by S. Thompson, Alonzo, and Workman)

HB 3016, A bill to be entitled An Act relating to the eligibility of a criminal defendant for an order of nondisclosure of criminal history record information.

HB 3016 was passed by (Record 595): 140 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Coleman; Collier; Cook; Cortez; Cospser; 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.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; 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.

Nays — Murr; Phillips; Rinaldi; Schofield.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Clardy; Dukes; Johnson, J.

HB 3024 ON THIRD READING
(by Price and Raymond)

HB 3024, A bill to be entitled An Act relating to the removal of a public school student from an interscholastic athletic activity on the basis of a suspected concussion.

HB 3024 was passed by (Record 596): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; 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; 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; 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); Deshotel.

Absent, Excused — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dukes.

HB 4280 ON THIRD READING
(by Lambert, et al.)

HB 4280, A bill to be entitled An Act relating to the 32nd Judicial District Juvenile Board.

HB 4280 was passed by (Record 597): 145 Yeas, 0 Nays, 2 Present, not voting.

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

Absent, Excused — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dukes.

HB 3987 ON THIRD READING **(by Larson and Workman)**

HB 3987, A bill to be entitled An Act relating to the authority of the Texas Water Development Board to use the state participation account of the water development fund to provide financial assistance for the development of certain facilities.

HB 3987 was passed by (Record 598): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; 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; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; 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 — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dukes; Isaac.

HB 3803 ON THIRD READING
(by Faircloth)

HB 3803, A bill to be entitled An Act relating to certain authorized investments for domestic life, health, and accident insurers.

HB 3803 was passed by (Record 599): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; 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; 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, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dukes; Thompson, E.

HB 3329 ON THIRD READING**(by Paddie)**

HB 3329, A bill to be entitled An Act relating to regulation of electricians by local governments.

HB 3329 was passed by (Record 600): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; 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, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; 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 — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dukes; King, K.

STATEMENT OF VOTE

When Record No. 600 was taken, my vote failed to register. I would have voted yes.

K. King

HB 2783 ON THIRD READING**(by Smithee)**

HB 2783, A bill to be entitled An Act relating to the assessment of litigation costs and attorney fees in certain lawsuits under the public information law.

HB 2783 was passed by (Record 601): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; 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; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; 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 — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dukes; Koop.

STATEMENT OF VOTE

When Record No. 601 was taken, my vote failed to register. I would have voted yes.

Koop

HB 2848 ON THIRD READING (by Burkett and G. Bonnen)

HB 2848. A bill to be entitled An Act relating to consultations with contracted physician networks and physician systems during certain investigations of child abuse and neglect.

HB 2848 was passed by (Record 602): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; 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; 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 — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dukes.

HB 2351 ON THIRD READING
(by Nevárez and Canales)

HB 2351, A bill to be entitled An Act relating to the investigation of fire fighters employed by certain municipalities and districts.

HB 2351 was passed by (Record 603): 140 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; 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; 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; King, K.; King, P.; King, T.; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; 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.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Fallon; Keough; Klick; Leach; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dukes; Wilson.

STATEMENT OF VOTE

When Record No. 603 was taken, I was in the house but away from my desk. I would have voted yes.

Wilson

HB 2561 ON THIRD READING

(by S. Thompson)

HB 2561, A bill to be entitled An Act relating to the continuation and functions of the Texas State Board of Pharmacy; authorizing a reduction in fees.

HB 2561 was passed by (Record 604): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Biedermann; Blanco; 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; 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 — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Bohac; Dukes.

GENERAL STATE CALENDAR**SENATE BILLS****THIRD READING**

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

SB 843 ON THIRD READING

(Herrero and Moody - House Sponsors)

SB 843, A bill to be entitled An Act relating to disclosure and use of certain information regarding the Crime Victims' Compensation Act.

SB 843 was passed by (Record 605): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; 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; 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 — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Dukes.

POSTPONED BUSINESS

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

SB 347 ON SECOND READING (Phelan - House Sponsor)

SB 347, A bill to be entitled An Act relating to the applicability of open meetings and public information laws to regional water planning groups and their committees.

SB 347 was considered in lieu of **CSHB 3027**.

SB 347 was read second time and was passed to third reading.

CSHB 3027 - LAID ON THE TABLE SUBJECT TO CALL

Representative Phelan moved to lay **CSHB 3027** on the table subject to call.

The motion prevailed.

EMERGENCY CALENDAR HOUSE BILLS SECOND READING

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

CSHB 500 ON SECOND READING**(by Geren, E. Johnson, Howard, P. King, S. Davis, et al.)**

CSHB 500, A bill to be entitled An Act relating to the effect of certain felony convictions of public elected officers.

Representative Geren moved to postpone consideration of **CSHB 500** until 10 a.m. Thursday, May 4.

The motion prevailed.

CSHB 501 ON SECOND READING**(by Capriglione)**

CSHB 501, A bill to be entitled An Act relating to the disclosure of certain contracts, services, and compensation in personal financial statements filed by public officers and candidates.

Representative Capriglione moved to postpone consideration of **CSHB 501** until 1 p.m. today.

The motion prevailed.

CSHB 505 ON SECOND READING**(by Geren and Howard)**

CSHB 505, A bill to be entitled An Act relating to restrictions on lobbyist expenditures from certain political contributions.

Amendment No. 1

Representative Goldman offered the following amendment to **CSHB 505**:

Amend **CSHB 505** (house committee printing) on page 1, lines 12 through 13, strike "before the second anniversary of" and substitute "at any time following".

Amendment No. 1 was adopted.

Amendment No. 2

Representative P. King offered the following amendment to **CSHB 505**:

Amend **CSHB 505** (house committee printing) as follows:

(1) On page 1, line 17, strike "a" and substitute "another".

(2) On page 1, between lines 17 and 18, insert the following:

(c) This section does not prohibit a person from making a political contribution or political expenditure in support of the person's own candidacy.

Amendment No. 2 was adopted.

CSHB 505, as amended, was passed to engrossment by (Record 606): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; 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; 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; Rane; 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 — Bell.

Absent, Excused, Committee Meeting — Longoria.

Absent — Anderson, R.; Dukes.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 3218 ON SECOND READING
(by Phillips)**

CSHB 3218, A bill to be entitled An Act relating to health maintenance organization contracts with certain entities to provide health care services.

Representative Phillips moved to postpone consideration of **CSHB 3218** until 9 a.m. Thursday, May 4.

The motion prevailed.

**CSHB 1285 ON SECOND READING
(by Rose)**

CSHB 1285, A bill to be entitled An Act relating to the delegation of death certification to attending physicians in certain counties.

CSHB 1285 was passed to engrossment.

(Kacal in the chair)

**HB 3360 ON SECOND READING
(by Button, Deshotel, Villalba, Gooden, et al.)**

HB 3360, A bill to be entitled An Act relating to a periodic review by the Economic Incentive Oversight Board of the ad valorem tax incentive program established by the Texas Economic Development Act.

HB 3360 was passed to engrossment.

HB 136 ON SECOND READING
(by Bell, Koop, J. Johnson, Israel, Villalba, et al.)

HB 136, A bill to be entitled An Act relating to inclusion of career and technology education and workforce training in the mission of public education.

HB 136 was passed to engrossment.

CSHB 3997 ON SECOND READING
(by Raymond)

CSHB 3997, A bill to be entitled An Act relating to fees imposed by a county for licensing a junkyard or automotive wrecking and salvage yard.

CSHB 3997 - POINT OF ORDER

Representative Tinderholt raised a point of order against further consideration of **CSHB 3997** under Rule 8, Section 1 of the House Rules on the grounds that the bill caption is inaccurate.

The point of order was withdrawn.

Representative Raymond moved to postpone consideration of **CSHB 3997** until 12:20 p.m. today.

The motion prevailed.

HB 874 ON SECOND READING
(by Kuempel)

HB 874, A bill to be entitled An Act relating to a charitable raffle ticket awarded as a bingo prize.

HB 874 was passed to engrossment.

HB 928 ON SECOND READING
(by White, Neave, and Giddings)

HB 928, A bill to be entitled An Act relating to assisting certain children who are in foster care or who have been adopted in the process of applying to institutions of higher education.

Amendment No. 1

Representative White offered the following amendment to **HB 928**:

Amend **HB 928** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.1211 to read as follows:

Sec. 264.1211. FACILITATION OF TRANSITION TO INSTITUTION OF HIGHER EDUCATION. (a) In this section, "community resource coordination group" means a coordination group established under a memorandum of understanding under Section 531.055, Government Code.

(b) A department employee who is a member of a community resource coordination group shall inform the group about the tuition and fee waivers for institutions of higher education that are available to eligible children in foster care under Section 54.366, Education Code.

(c) Each school district, in coordination with the department, shall facilitate the transition of each child enrolled in the district who is eligible for a tuition and fee waiver under Section 54.366, Education Code, and who is likely to be in the conservatorship of the department on the day preceding the child's 18th birthday to an institution of higher education by:

(1) assisting the child with the completion of any applications for admission or for financial aid;

(2) arranging and accompanying the child on campus visits;

(3) assisting the child in researching and applying for private or institution-sponsored scholarships;

(4) identifying whether the child is a candidate for appointment to a military academy; and

(5) assisting the child in registering and preparing for college entrance examinations, including, subject to the availability of funds, arranging for the payment of any examination fees by the department.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Amendment No. 1 was adopted.

HB 928, as amended, was passed to engrossment.

CSHB 1414 ON SECOND READING

(by Cortez, Arévalo, Gutierrez, Perez, C. Anderson, et al.)

CSHB 1414, A bill to be entitled An Act relating to the overseas military e-mail ballot program.

Amendment No. 1

Representative Miller offered the following amendment to **CSHB 1414**:

Amend **CSHB 1414** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering remaining SECTIONS of the bill accordingly:

SECTION _____. Section 67.003(b), Election Code, is amended to read as follows:

(b) Except as provided by Subsection (c), each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer ~~[For an election held on the uniform election date in May, the local canvass must occur]~~ not later than the 11th day after election day and not earlier than the later of:

(1) the third day after election day;

(2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or

(3) the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

SECTION _____. Section 101.057, Election Code, is amended to read as follows:

Sec. 101.057. RETURN OF VOTED BALLOT. (a) A ballot voted under this subchapter may be returned to the early voting clerk by mail, common or contract carrier, or courier.

(b) A ballot voted by a voter described by Section 101.001(2)(A) or (B) shall be counted if the ballot arrives at the address on the carrier envelope not later than the sixth day after the date of the election, except that if that date falls on a Saturday, Sunday, or legal state or national holiday, then the deadline is extended to the next regular business day.

SECTION _____. Section 67.003(a), Election Code, is repealed.

Amendment No. 1 was adopted.

CSHB 1414, as amended, was passed to engrossment.

SB 16 ON SECOND READING

(P. King, Zerwas, Kacal, Cook, and Burns - House Sponsors)

SB 16, A bill to be entitled An Act relating to decreasing the fee for the issuance of an original or renewed license to carry a handgun.

SB 16 was considered in lieu of **HB 300**.

LEAVES OF ABSENCE GRANTED

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

C. Anderson on motion of Bohac.

Miller on motion of Bohac.

SB 16 - (consideration continued)

Amendment No. 1

Representative Leach offered the following amendment to **SB 16**:

Amend **SB 16** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 411.1991(c), Government Code, is amended to read as follows:

(c) The department shall waive any fee required [An applicant under this section shall pay a fee of \$25] for a license issued under this subchapter to an applicant under this section.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Moody offered the following amendment to **SB 16**:

Amend **SB 16** (house committee printing) on page 2 of the bill as follows:

- (1) On line 8, strike "and" and substitute "[~~and~~]".
- (2) Between lines 10 and 11, insert the following:

(C) possesses a gun safe, gun case, gun cabinet, or other secure gun storage device that is designed to be:

- (i) used to store a gun; and
- (ii) unlocked only by use of a key or combination or by other similar means; and

Amendment No. 2 - Point of Order

Representative Stickland raised a point of order against further consideration of Amendment No. 2 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

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

SB 16 would reduce various existing fees associated with obtaining and renewing handgun licenses. Amendment No. 2 deals with gun safety. Amendment No. 2 would require handgun-license applicants to include in the required affidavit a statement that the applicant owns a "secure gun storage device," such as a gun safe. Because requiring the affidavit to include a statement about gun safety is not germane to reducing fees for obtaining or renewing a handgun license, the point of order is sustained.

The ruling precluded further consideration of Amendment No. 2.

Amendment No. 3

Representative Moody offered the following amendment to **SB 16**:

Amend **SB 16** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill appropriately:

SECTION _____. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.1954 to read as follows:

Sec. 411.1954. WAIVER OF FEES: PURCHASE OF SECURE GUN STORAGE DEVICE. (a) In this section, "secure gun storage device" means a gun safe, gun case, gun cabinet, or other device that is designed to be:

- (1) used to store a gun; and
- (2) unlocked only by use of a key or combination or by other similar means.

(b) The department shall waive any fee required for the issuance of an original or renewed license under this subchapter if the applicant for the license provides the department with proof that a secure gun storage device has been purchased by the applicant or on behalf of the applicant.

Amendment No. 3 - Point of Order

Representative Stickland raised a point of order against further consideration of Amendment No. 3 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

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

SB 16 would reduce various existing fees associated with obtaining and renewing handgun licenses. Amendment No. 3 would have waived any fee required for the issuance of an original or renewed license if the applicant for the license provided proof that a secure gun device has been purchased. Because exempting a certain class of persons from fees is not germane to reducing the fee for an original or renewed license to carry a handgun, the amendment was out of order.

The ruling precluded further consideration of Amendment No. 3.

Amendment No. 4

Representatives Burrows, Leach, Schaefer, Faircloth, Landgraf, Murr, Canales, R. Anderson, Fallon, and Schubert offered the following amendment to **SB 16**:

Amend **SB 16** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 411.0625(c), Government Code, is amended to read as follows:

(c) The department shall adopt rules to establish a procedure by which a resident of the state may apply for and be issued a Capitol access pass. Rules adopted under this section must include provisions for eligibility, application, approval, issuance, and renewal that:

(1) require the department to conduct the same background check on an applicant for a Capitol access pass that is conducted on an applicant for a license to carry a handgun under Subchapter H;

(2) enable the department to conduct the background check described by Subdivision (1); and

(3) establish application and renewal fees in amounts sufficient to cover the cost of administering this section ~~[, not to exceed the amounts of similar fees required under Section 411.174 for a license to carry a handgun].~~

SECTION 2. Section 411.173(a), Government Code, is amended to read as follows:

(a) The department by rule shall establish a procedure for a person who meets the eligibility requirements of this subchapter other than the residency requirement established by Section 411.172(a)(1) to obtain a license under this subchapter if the person is a legal resident of another state or if the person relocates to this state with the intent to establish residency in this state. ~~The procedure must include payment of a fee in an amount sufficient to recover the~~

~~average cost to the department of obtaining a criminal history record check and investigation on a nonresident applicant.] A license issued in accordance with the procedure established under this subsection:~~

(1) remains in effect until the license expires under Section 411.183; and

(2) may be renewed under Section 411.185.

SECTION 3. Section 411.174(a), Government Code, is amended to read as follows:

(a) An applicant for a license to carry a handgun must submit to the director's designee described by Section 411.176:

(1) a completed application on a form provided by the department that requires only the information listed in Subsection (b);

(2) one or more photographs of the applicant that meet the requirements of the department;

(3) a certified copy of the applicant's birth certificate or certified proof of age;

(4) proof of residency in this state;

(5) two complete sets of legible and classifiable fingerprints of the applicant taken by a person appropriately trained in recording fingerprints who is employed by a law enforcement agency or by a private entity designated by a law enforcement agency as an entity qualified to take fingerprints of an applicant for a license under this subchapter;

(6) ~~a nonrefundable application and license fee of \$140 paid to the department;~~

~~(7)~~ evidence of handgun proficiency, in the form and manner required by the department;

(7) ~~(8)~~ an affidavit signed by the applicant stating that the applicant:

(A) has read and understands each provision of this subchapter that creates an offense under the laws of this state and each provision of the laws of this state related to use of deadly force; and

(B) fulfills all the eligibility requirements listed under Section 411.172; and

(8) ~~(9)~~ a form executed by the applicant that authorizes the director to make an inquiry into any noncriminal history records that are necessary to determine the applicant's eligibility for a license under Section 411.172(a).

SECTION 5. Section 411.181(h), Government Code, is amended to read as follows:

(h) If a license holder is required under this section to apply for a duplicate license and the license expires not later than the 60th day after the date of the loss, theft, or destruction of the license, the applicant may renew the license with the modified information included on the new license. ~~[The applicant must pay only the nonrefundable renewal fee.]~~

SECTION 6. Sections 411.185(a) and (b), Government Code, are amended to read as follows:

(a) To renew a license, a license holder must, on or before the date the license expires, submit to the department by mail or, in accordance with the procedure adopted under Subsection (f), on the Internet:

(1) a renewal application on a form provided by the department;

~~[(2) payment of a nonrefundable renewal fee as set by the department;]~~

and

(2) [(3)] the informational form described by Subsection (c) signed or electronically acknowledged by the applicant.

(b) The director by rule shall adopt a renewal application form requiring an update of the information on the original completed application. ~~[The director by rule shall set the renewal fee in an amount that is sufficient to cover the actual cost to the department to:~~

~~[(1) verify the information contained in the renewal application form;~~

~~[(2) conduct any necessary investigation concerning the license holder's continued eligibility to hold a license; and~~

~~[(3) issue the renewed license.]~~

SECTION 7. Sections 411.186(a) and (c), Government Code, are amended to read as follows:

(a) The department shall revoke a license under this section if the license holder:

(1) was not entitled to the license at the time it was issued;

(2) made a material misrepresentation or failed to disclose a material fact in an application submitted under this subchapter;

(3) subsequently becomes ineligible for a license under Section 411.172, unless the sole basis for the ineligibility is that the license holder is charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or of an offense under Section 42.01, Penal Code, or equivalent offense, or of a felony under an information or indictment;

(4) is convicted of an offense under Section 46.035, Penal Code; or

(5) is determined by the department to have engaged in conduct constituting a reason to suspend a license listed in Section 411.187(a) after the person's license has been previously suspended twice for the same reason~~]; or~~

~~[(6) submits an application fee that is dishonored or reversed if the applicant fails to submit a cashier's check or money order made payable to the "Department of Public Safety of the State of Texas" in the amount of the dishonored or reversed fee, plus \$25, within 30 days of being notified by the department that the fee was dishonored or reversed].~~

(c) A license holder whose license is revoked for a reason listed in Subsection (a) ~~[Subsections (a)(1)-(5)]~~ may reapply as a new applicant for the issuance of a license under this subchapter after the second anniversary of the date of the revocation if the cause for revocation does not exist on the date of the second anniversary. If the cause for revocation exists on the date of the second anniversary after the date of revocation, the license holder may not apply for a new license until the cause for revocation no longer exists and has not existed for a period of two years.

SECTION 8. Section 411.190(c), Government Code, is amended to read as follows:

(c) In the manner applicable to a person who applies for a license to carry a handgun, the department shall conduct a background check of a person who applies for certification as a qualified handgun instructor. If the background check indicates that the applicant for certification would not qualify to receive a handgun license, the department may not certify the applicant as a qualified handgun instructor. If the background check indicates that the applicant for certification would qualify to receive a handgun license, the department shall provide handgun instructor training to the applicant. The applicant shall pay a fee of \$100 to the department for the training. The applicant must take and successfully complete the training offered by the department and pay the training fee before the department may certify the applicant as a qualified handgun instructor. The department shall issue a license to carry a handgun under the authority of this subchapter to any person who is certified as a qualified handgun instructor ~~[and who pays to the department a fee of \$100 in addition to the training fee]~~. The department by rule may prorate or waive the training fee for an employee of another governmental entity.

SECTION 9. Sections 411.201(d) and (h), Government Code, are amended to read as follows:

(d) An applicant for a license who is an active or retired judicial officer must submit to the department:

(1) a completed application, including all required affidavits, on a form prescribed by the department;

(2) one or more photographs of the applicant that meet the requirements of the department;

(3) two complete sets of legible and classifiable fingerprints of the applicant, including one set taken by a person employed by a law enforcement agency who is appropriately trained in recording fingerprints;

(4) evidence of handgun proficiency, in the form and manner required by the department for an applicant under this section;

~~[(5) a nonrefundable application and license fee set by the department in an amount reasonably designed to cover the administrative costs associated with issuance of a license to carry a handgun under this subchapter;]~~ and

(5) ~~[(6)]~~ if the applicant is a retired judicial officer, a form executed by the applicant that authorizes the department to make an inquiry into any noncriminal history records that are necessary to determine the applicant's eligibility for a license under this subchapter.

(h) The department shall issue a license to carry a handgun under the authority of this subchapter to an elected attorney representing the state in the prosecution of felony cases who meets the requirements of this section for an active judicial officer. ~~[The department shall waive any fee required for the issuance of an original, duplicate, or renewed license under this subchapter for an applicant who is an attorney elected or employed to represent the state in the prosecution of felony cases.]~~

SECTION 10. Section 118.011(b), Local Government Code, as effective until September 1, 2019, is amended to read as follows:

(b) The county clerk may set and collect the following fee from any person:

(1) Returned Check (Sec. 118.0215) . . . not less than \$15 or more than \$30

(2) Records Management and Preservation Fee (Sec. 118.0216) . . . not more than \$10

~~(3) Mental Health Background Check for License to Carry a Handgun (Sec. 118.0217) . . . not more than \$2~~

SECTION 11. (a) Section 118.011(b), Local Government Code, as effective September 1, 2019, is amended to read as follows:

(b) The county clerk may set and collect the following fee from any person:

(1) Returned Check (Sec. 118.0215) . . . not less than \$15 or more than \$30

(2) Records Management and Preservation Fee (Sec. 118.0216) . . . not more than \$5

~~(3) Mental Health Background Check for License to Carry a Handgun (Sec. 118.0217) . . . not more than \$2~~

(b) This section takes effect September 1, 2019.

SECTION 12. The following provisions are repealed:

(1) Sections 411.181(d) and (i), 411.186(d), 411.194, 411.195, 411.1951, 411.1952, 411.1953, 411.199(d), 411.1991(c), and 411.1992(d), Government Code; and

(2) Section 118.0217, Local Government Code.

SECTION 13. The change in law made by this Act applies only to an applicant for an original, duplicate, modified, or renewed license to carry a handgun under Subchapter H, Chapter 411, Government Code, as amended by this Act, who submits the application on or after the effective date of this Act.

SECTION 14. Except as otherwise provided by this Act, this Act takes effect September 1, 2017.

Amendment No. 4 was withdrawn.

SB 16 - HOUSE SPONSORS AUTHORIZED

On motion of Representative P. King, Representatives Ashby, Bailes, Burkett, Faircloth, Frullo, Holland, Lambert, Laubenberg, Metcalf, Paddie, Parker, Raney, Roberts, Schubert, Sheffield, Simmons, E. Thompson, White, and Wray were authorized as house sponsors to **SB 16**.

Amendment No. 5

Representative Burrows offered the following amendment to **SB 16**:

Amend **SB 16** (house committee printing) by striking "\$40" in each place it appears and substituting "\$10".

Amendment No. 5 was adopted. (The vote was reconsidered later today, and Amendment No. 5 was withdrawn.)

SB 16 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE WU: You understand that the right to bear arms is a constitutionally protected right, correct?

REPRESENTATIVE P. KING: It is, both in the U.S. and the state Constitution.

WU: Do you believe that the right to license carry is an extension of that constitutional right?

P. KING: That's my personal belief, yes.

WU: Is the reason why you're having this bill today—do you believe that a fee imposed by the government can be a barrier to the exercise of that right?

P. KING: I believe it can make it. I believe that the fee is currently so high that it impairs a lot of people's ability to get a license to carry.

WU: Right, and it can make the free exercise of that right more difficult?

P. KING: Yes.

REMARKS ORDERED PRINTED

Representative Wu moved to print remarks between Representative P. King and Representative Wu.

The motion prevailed.

SB 16 - POINT OF ORDER

Representative Dutton raised a point of order against further consideration of **SB 16** under Rule 8, Section 21 of the House Rules on the grounds that the general appropriations bill has not yet been certified by the comptroller.

HB 2583 - RECOMMITTED

Representative Moody moved to recommit **HB 2583** from the Committee on Calendars to the Committee on Criminal Jurisprudence.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

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

Gonzales on motion of Geren.

SB 16 - (consideration continued)**SB 16 - POINT OF ORDER DISPOSITION**

The point of order was withdrawn.

Amendment No. 5 - Vote Reconsidered

Representative Burrows moved to reconsider the vote by which Amendment No. 5 was adopted.

The motion to reconsider prevailed.

Amendment No. 5 was withdrawn.

SB 16, as amended, was passed to third reading by (Record 607): 111 Yeas, 30 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anderson, R.; Ashby; Bailes; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Goldman; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Holland; Huberty; Hunter; Isaac; Johnson, J.; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Lucio; Martinez; Metcalf; Meyer; Morrison; Muñoz; Murphy; Murr; Nevárez; Oliveira; Oliverson; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Rinaldi; Roberts; Rodriguez, E.; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Alonzo; Anchia; Arévalo; Bernal; Blanco; Coleman; Collier; Davis, Y.; Deshotel; Dutton; Gervin-Hawkins; Giddings; Hernandez; Hinojosa; Howard; Israel; Johnson, E.; Minjarez; Moody; Neave; Ortega; Reynolds; Rodriguez, J.; Romero; Rose; Turner; Uresti; Vo; Walle; Wu.

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

Absent, Excused — Anderson, C.; Bell; Miller.

Absent, Excused, Committee Meeting — Gonzales; Longoria.

Absent — Dukes; González.

STATEMENTS OF VOTE

When Record No. 607 was taken, I was shown voting no. I intended to vote yes.

Minjarez

When Record No. 607 was taken, I was shown voting no. I intended to vote yes.

Moody

When Record No. 607 was taken, I was shown voting yes. I intended to vote no.

E. Rodriguez

When Record No. 607 was taken, I was shown voting yes. I intended to vote no.

Thierry

POSTPONED BUSINESS

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

CSHB 3997 ON SECOND READING
(by Raymond)

CSHB 3997, A bill to be entitled An Act relating to fees imposed by a county for licensing a junkyard or automotive wrecking and salvage yard.

CSHB 3997 was read second time earlier today and was postponed until this time.

HB 300 - LAID ON THE TABLE SUBJECT TO CALL

Representative P. King moved to lay **HB 300** on the table subject to call.

The motion prevailed.

CSHB 3997 - (consideration continued)

(Speaker in the chair)

CSHB 3997 - POINT OF ORDER

Representative Tinderholt raised a point of order against further consideration of **CSHB 3997** under Rule 8, Section 1 of the House Rules on the grounds that the bill caption is inaccurate.

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

Under Rule 8, Section 1(b) of the House Rules, "A house bill that would impose, authorize, increase, or change the rate or amount of a tax, assessment, surcharge, or fee must include a short statement at the end of its title or caption indicating the general effect of the bill on the tax, assessment, surcharge, or fee"

CSHB 3997 amends the Transportation Code provisions that address fees imposed by counties for licensing junkyards or automotive wrecking and salvage yards. The original structure of the provision divided counties into three tiers, with fees set at \$25, up to \$150, and up to \$500. **CSHB 3997** would carve out a fourth group of counties previously subject to the \$25 fee and allow them to charge an amount "necessary to pay for the administration and enforcement of the ordinance, but not more than \$150." One way to interpret this change is that it expands the class of counties who may charge an existing fee of "up to \$150" to include counties in the newly created bracket. More importantly, there is no way to definitively determine whether the amount of the fees charged will in fact change as a result of this new provision.

Representative Tinderholt argues that the bill's current caption is inadequate. The caption reads: "relating to fees imposed by a county for licensing a junkyard or automotive wrecking and salvage yard." Representative Tinderholt urges that the change to the fee for the affected counties should have been reflected with a caption stating that the bill increases or changes a fee. However, because the increase is not a certainty—it is possible for the fee to remain the same, to increase, or even to decrease—such a caption would not necessarily be true. *Cf.* 85 H.J. Reg. 1463-1465 (2017) (Leach point of order on **HB 486**, "The quandary faced by the chair is whether Rule 8, Section 1(b), requires 'a short

statement . . . indicating the general effect of the bill on the tax' when the bill might have no effect whatsoever and when the caption, in its entirety, already states that the bill 'relat[es] to school district ad valorem tax rates.'"). Under the circumstances, and after careful consideration, the chair finds that the caption complies with Rule 8, Section 1(b).

CSHB 3997 was passed to engrossment. (Rinaldi recorded voting no.)

CSHB 501 ON SECOND READING
(by Capriglione)

CSHB 501, A bill to be entitled An Act relating to the disclosure of certain contracts, services, and compensation in personal financial statements filed by public officers and candidates.

CSHB 501 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Capriglione offered the following amendment to **CSHB 501**:

Amend **CSHB 501** (house committee printing) as follows:

(1) On page 3, line 10, strike "50" and substitute "five [~~50~~]".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Capriglione offered the following amendment to **CSHB 501**:

Amend **CSHB 501** (house committee printing) as follows:

(1) On page 5, strike lines 9 through 12 and substitute the following:

(ii) a person who contracts with a governmental entity, if the individual or entity described by Paragraph (B) performs work arising out of the contract, subcontract, or agreement between the person and the governmental entity for a fee; and

Amendment No. 2 was adopted.

Amendment No. 3

Representative Neave offered the following amendment to **CSHB 501**:

Amend **CSHB 501** (house committee printing) as follows:

(1) On page 6, line 15, between "REFERRALS." and "A state", insert "(a)".

(2) On page 6, following line 27, add the following:

(b) Subsection (a) does not apply to a judicial appointment made in a civil, family, or criminal proceeding, including an appointment as a guardian ad litem or attorney ad litem.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Clardy offered the following amendment to **CSHB 501**:

Amend **CSHB 501** (house committee printing) as follows:

(1) On page 6, line 17, between "statement" and the colon, insert ", unless otherwise confidential or privileged".

(2) On page 6, line 18, between "(1)" and "making", insert "agreements with a governmental entity, as defined by Section 572.023(e), for".

(3) On page 6, line 19, between "services" and the semicolon, insert ", if the state officer personally enters into the agreement or directly performs the services".

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

SECTION _____. The changes in law made by this Act to Section 572.0252, Government Code, apply only to an agreement for making or receiving a referral entered into on or after the effective date of this Act. An agreement entered into before the effective date of this Act is governed by the law in effect when the agreement was entered into, and the former law is continued in effect for that purpose.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Cain offered the following amendment to **CSHB 501**:

Amend **CSHB 501** (house committee printing) on page 5, line 5, between "child" and "has", by inserting ", independently or in conjunction with one or more persons described by this subsection,".

Amendment No. 5 was adopted.

Amendment No. 6

Representative Cain offered the following amendment to **CSHB 501**:

Amend **CSHB 501** (house committee printing) on page 5, line 5, by striking "50" and substituting "10".

Amendment No. 6 was withdrawn.

CSHB 501, as amended, was passed to engrossment.

GENERAL STATE CALENDAR (consideration continued)

CSHB 1296 ON SECOND READING (by Frullo, Oliverson, Larson, Zerwas, et al.)

CSHB 1296, A bill to be entitled An Act relating to health benefit coverage for prescription drug synchronization.

CSHB 1296 was passed to engrossment.

CSHB 20 ON SECOND READING (by Capriglione, D. Bonnen, Howard, Walle, et al.)

CSHB 20, A bill to be entitled An Act relating to the review, oversight, and reporting of certain state agency contracts.

Amendment No. 1

Representative Capriglione offered the following amendment to **CSHB 20**:

Amend **CSHB 20** as follows:

(1) On page 3, line 24, through page 4, line 7, strike added Subsection (b-4) of Section 322.020, Government Code, and substitute the following:

(b-4) For an institution of higher education, Subsection (b-1) applies only if:

(1) for a major information system, as defined by Section 2054.0965, the value exceeds \$1 million and the contract is paid with appropriated funds; or

(2) for a construction project, the contract is paid with appropriated funds; or

(3) for a professional services, the contract is for services other than physician or optometric service and is paid with appropriated funds.

(2) On page 3, between lines 23 and 24, insert a new subsection to Section 322.020, Government Code, appropriately lettered, to read as follows:

(b-) The redaction of information under this subsection does not exempt the information from the requirements of Section 552.021 or 552.221.

(3) On page 11, between lines 1 and 2, add an appropriately lettered subsection to Section 2261.253, Government Code, to read as follows:

() An institution of higher education may redact information from the contracts posted on the institution's Internet website under Subsection (b) to the same extent as permitted under Section 322.022 (b-3). The redaction of information under this subsection does not exempt the information from the requirements of Section 552.021 or 552.221.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Shaheen offered the following amendment to **CSHB 20**:

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

SECTION _____. (a) Sections 2262.102(a) and (d), Government Code, are amended to read as follows:

(a) The team consists of the following [~~six~~] members:

(1) one member from the Health and Human Services Commission;

(2) one member from the comptroller's office;

(3) one member from the Department of Information Resources;

(4) one member from the Texas Facilities Commission;

(5) one member from the governor's office; and

(6) one or more members [~~member~~] from any other [~~a small~~] state agencies, as designated by the comptroller as the comptroller considers necessary [~~agency~~].

(d) The comptroller may adopt rules regarding the membership of the team, as appropriate, to implement this section [~~In this section, "small state agency" means a state agency with fewer than 100 employees~~].

(b) As soon as practicable after the effective date of this Act, the comptroller shall designate one or more members to the Contract Advisory Team as provided by Section 2262.102, Government Code, as amended by this Act.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Roberts offered the following amendment to **CSHB 20**:

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

SECTION _____. Subchapter F, Chapter 2054, Government Code, is amended by adding Section 2054.1184 to read as follows:

Sec. 2054.1184. ASSESSMENT OF MAJOR INFORMATION RESOURCES PROJECT. (a) A state agency proposing to spend appropriated funds for a major information resources project must first conduct an execution capability assessment to:

- (1) determine the agency's capability for implementing the project;
- (2) reduce the agency's financial risk in implementing the project; and
- (3) increase the probability of the agency's successful implementation

of the project.

(b) A state agency shall submit to the department, the quality assurance team established under Section 2054.158, and the Legislative Budget Board a detailed report that identifies the agency's organizational strengths and any weaknesses that will be addressed before the agency initially spends appropriated funds for a major information resources project.

(c) A state agency may contract with an independent third party to conduct the assessment under Subsection (a) and prepare the report described by Subsection (b).

Amendment No. 3 was adopted.

CSHB 20, as amended, was passed to engrossment.

HB 664 ON SECOND READING (by Canales)

HB 664, A bill to be entitled An Act relating to the release on bail of a defendant arrested following a violation of a condition of community supervision.

Amendment No. 1

Representative Canales offered the following amendment to **HB 664**:

Amend **HB 664** (house committee report) as follows:

- (1) Strike page 1, lines 5 and 6, and substitute the following:

SECTION 1. Article 42A.751, Code of Criminal Procedure, is amended by amending Subsections (c) and (d) and adding Subsection (c-1) to read as follows:

- (2) Strike page 1, lines 16-18, and substitute the following:

offense. Except as provided by Subsection (c-1), ~~except that~~ only the judge who ordered the arrest for the alleged violation may authorize the defendant's release on bail. The defendant may be

(3) On page 1, between lines 21 and 22, insert the following:

(c-1) Any magistrate in the county in which a defendant is arrested for an alleged violation of a condition of community supervision may release the defendant on bail if:

(1) the defendant is on community supervision for an offense punishable as a misdemeanor;

(2) the alleged violation of community supervision for which the arrest is ordered involves only conduct constituting the commission of a nonviolent offense that is punishable as a misdemeanor; and

(3) the defendant is arrested in the same county in which the defendant is under community supervision.

(d) If the defendant has not been released on bail as permitted under this article [~~Subsection (c)~~], on motion by the defendant, the judge who ordered the arrest for the alleged violation of a condition of community supervision shall cause the defendant to be brought before the judge for a hearing on the alleged violation within 20 days of the date the motion is filed. After a hearing without a jury, the judge may continue, extend, modify, or revoke the community supervision.

Amendment No. 1 was adopted.

HB 664, as amended, was passed to engrossment. (Phillips recorded voting no.)

CSHB 2501 ON SECOND READING
(by Phillips)

CSHB 2501, A bill to be entitled An Act relating to insurance requirements for certain nonemergency medical transportation.

CSHB 2501 was passed to engrossment.

CSHB 2950 ON SECOND READING
(by Burkett, S. Thompson, Flynn, and Raymond)

CSHB 2950, A bill to be entitled An Act relating to the continuation and functions of the Texas Board of Nursing and to the regulation of the practice of nursing.

Representative Burkett moved to postpone consideration of **CSHB 2950** until 2:30 p.m. today.

The motion prevailed.

CSHB 2715 ON SECOND READING
(by Darby)

CSHB 2715, A bill to be entitled An Act relating to the composition and use of money in the oil and gas regulation and cleanup fund.

CSHB 2715 was passed to engrossment.

(Kuempel in the chair)

HB 2039 ON SECOND READING
(by Huberty and Koop)

HB 2039, A bill to be entitled An Act relating to creating an early childhood certification to teach students in prekindergarten through grade three.

HB 2039 was passed to engrossment.

CSHB 2174 ON SECOND READING
(by Darby, et al.)

CSHB 2174, A bill to be entitled An Act relating to the regulation of motor fuel quality and motor fuel metering devices.

Amendment No. 1

Representative Darby offered the following amendment to **CSHB 2174**:

Amend **CSHB 2174** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 13.029, Agriculture Code, is amended to read as follows:

Sec. 13.029. EXEMPTION OF WEIGHING OR MEASURING DEVICES. (a) The department by rule may exempt a weighing or measuring device from a requirement established by this chapter if the department determines that imposing or enforcing the requirement:

- (1) is not cost-effective for the department;
- (2) is not feasible with current resources or standards; or
- (3) will not substantially benefit or protect consumers.

(b) A motor fuel metering device is exempt from the requirements of this chapter if the motor fuel metering device is not used to:

- (1) calculate the amount of fuel sold in a commercial transaction; or
- (2) compute the charge for service.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Darby offered the following amendment to **CSHB 2174**:

Amend **CSHB 2174** (house committee report) as follows:

(1) On page 1, line 19, strike "Sections 13.1015 and 13.1016" and substitute "Sections 13.1015, 13.1016, and 13.1017".

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

Sec. 13.1017. COMPLAINTS REGARDING MOTOR FUEL METERING DEVICES. (a) The department shall receive complaints regarding motor fuel metering devices.

(b) After receiving a complaint regarding a motor fuel metering device, the department shall determine the date the device was last inspected under Section 13.1015 and the number of complaints received by the department in the previous 12 months regarding motor fuel metering devices at the premises where the device subject to the complaint is located.

(c) The department shall notify the person who last registered the motor fuel metering device and take no further action on the complaint if:

(1) the motor fuel metering device was last inspected not more than 18 months before the date the complaint is received; and

(2) the department received not more than two complaints in the previous 12 months regarding motor fuel metering devices at the premises where the device is located.

(d) The department shall notify the person who last registered the motor fuel metering device and require the device to be inspected by a license holder under Section 13.1015 not later than one month after the notification date if:

(1) the motor fuel metering device was last inspected more than 18 months before the date the complaint is received; or

(2) the department received at least three complaints in the previous 12 months regarding motor fuel metering devices at the premises where the device is located.

(e) The operator or user of a motor fuel metering device who fails to have the device inspected in the time required by Subsection (d) is subject to an administrative penalty in the amount of \$250.

Amendment No. 2 was adopted.

CSHB 2174, as amended, was passed to engrossment.

CSHB 2817 ON SECOND READING
(by González, T. King, and Stucky)

CSHB 2817, A bill to be entitled An Act relating to the prosecution of and punishment for the offense of criminal mischief involving the death of a head of cattle or bison or a horse.

Amendment No. 1

Representative González offered the following amendment to **CSHB 2817**:

Amend **CSHB 2817** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 28.03(k), Penal Code (page 3, line 4), strike "It is an exception to the application of".

(2) In SECTION 1 of the bill, in added Section 28.03(k), Penal Code (page 3, line 5), strike "that" and substitute "do not apply if".

CSHB 2817 - POINT OF ORDER

Representative Tinderholt raised a point of order against further consideration of **CSHB 2817**.

The point of order was withdrawn.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Dale offered the following amendment to **CSHB 2817**:

Amend **CSHB 2817** (house committee report) on page 3, line 7, between "actor's" and "regular" by inserting the following:

⋮

(1) actual discharge of official duties as a member of the United States armed forces or the state military forces as defined by Section 437.001, Government Code; or

(2)

Amendment No. 2 was adopted.

CSHB 2817, as amended, was passed to engrossment.

CSHB 3276 ON SECOND READING
(by Oliverson, Smithee, Cook, Turner, et al.)

CSHB 3276, A bill to be entitled An Act relating to notice of health benefit plan provider network status provided by certain freestanding emergency medical care facilities.

CSHB 3276 - POINT OF ORDER

Representatives Tinderholt and Cain raised a point of order against further consideration of **CSHB 3276** under Rule 8, Section 1(b) of the House Rules on the grounds that the bill caption is inaccurate.

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

CSHB 3276's caption reads "relating to notice of health benefits plan provider network status provided by certain freestanding emergency medical care facilities." Representatives Tinderholt and Cain assert that this caption violates Rule 8, Section 1(b) of the House Rules, which requires bills "that would impose, authorize, increase, or change the rate or amount of a tax, assessment, surcharge, or fee" to "include a short statement at the end of its title or caption indicating the general effect of the bill on the tax, assessment, surcharge, or fee."

CSHB 3276 requires freestanding emergency medical care facilities to post notice either listing the health benefit plans in which the facility was a participating provider in the plan's provider network or stating that the facility was not a participating provider in any network. Representatives Tinderholt and Cain acknowledge that these notice provisions are the sum total of changes provided in the bill and that there is no fee anywhere to be seen within the four corners of the bill. They nonetheless assert Rule 8, Section 1(b), applies because **CSHB 3276** would amend Chapter 241 of the Health and Safety Code, and Section 241.059 of the code allows for administrative penalties against hospitals that violate the chapter.

Rule 8, Section 1(b) applies only to fees found within the four corners of the bill. See 85 H.J. Reg. 1463-1465 (2017) (Leach point of order on **HB 486**; "in reviewing points of order under Rule 8, Section 1(b), the chair looks only to the 'four corners' of the bill (and not other extrinsic documents) for a direct

expression (within the four corners of the bill) of the imposition, authorization, or change of the rate or amount of a tax, assessment, surcharge, or fee"); 84 H.J. Reg. 1405-1406 (2015) (Stickland point of order on **CSHB 4**; "In general, the rule applies to bills that expressly (within the four corners of the bill) impose, authorize, or change the rate or amount of a tax, assessment, surcharge, or fee, as well as to bills that have an equivalent purpose, such as a bill whose primary purpose is to repeal a tax or to extend a temporary fee."); 83 H.J. Reg. 1615-1616 (2013) (Simpson point of order on **CSHB 63**; same, quoted in the house precedents following Rule 8, Section 1). Extension of this rule to bills like **CSHB 3267**, which expand the class of entities subject to an existing fee, "would require subjective judgment and render the rule far less useful due to the large number of bills that would be affected." 83 H.J. Reg. 1615-1616 (2013) (Simpson point of order on **CSHB 63**). Accordingly, Rule 8, Section 1(b), does not apply to **CSHB 3267**.

CSHB 3276 was passed to engrossment. (Rinaldi recorded voting no.)

CSHB 3337 ON SECOND READING
(by D. Bonnen)

CSHB 3337, A bill to be entitled An Act relating to the eligibility of certain persons to teach a driver education course.

Representative G. Bonnen moved to postpone consideration of **CSHB 3337** until 2:40 p.m. today.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative S. Davis requested permission for the Committee on General Investigating and Ethics to meet while the house is in session, at 3:30 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

General Investigating and Ethics, 3:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

HB 1133 ON SECOND READING
(by Sheffield, Zerwas, Price, Cook, Raymond, et al.)

HB 1133, A bill to be entitled An Act relating to the reimbursement of prescription drugs under Medicaid and the child health plan program.

HB 1133 - POINT OF ORDER

Representative Leach raised a point of order against further consideration of **HB 1133** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the bill analysis is incorrect.

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

Representative Leach argues that Section 2 of the bill grants new rulemaking authority to the executive director of the Health and Human Services Commission, so the bill analysis's statement that the bill does not grant additional rulemaking authority is incorrect. **HB 1133** states that the "methodology adopted by rule by the executive commissioner to determine Texas pharmacies' actual acquisition cost (AAC) must be consistent with the actual prices pharmacies pay to acquire prescription drugs"

Representative Leach urges that this provision grants new rulemaking authority to the commissioner. To the contrary, this provision merely references and provides requirements for the exercise of the commissioner's existing rulemaking authority found in Section 531.0051(e) of the Government Code. Because the bill does not contain a new, independent, express delegation of rulemaking authority, the bill analysis does not violate Rule 4, Section 32(c)(3). See 84 H.J. Reg. 1612-1613 (2015) (Walle point of order on **CSHB 1690**); 83 H.J. Reg. 4053-4054 (2013) (Schaefer point of order on **SB 1079**).

Amendment No. 1

Representative Sheffield offered the following amendment to **HB 1133**:

Amend **HB 1133** (house committee printing) as follows:

(1) On page 11, line 3, between "pricing" and "~~for~~", insert " , other than the sources used to determine the actual acquisition cost (AAC) pricing of drugs obtained under Section 340B, Public Health Service Act (42 U.S.C. Section 256b)".

(2) On page 13, line 19, between "drug" and "to", insert " , other than a drug obtained under Section 340B, Public Health Service Act (42 U.S.C. Section 256b)".

(3) Strike page 13, lines 21 through 24, and substitute the following:

(1) for a drug dispensed by:

(A) a retail pharmacy or a pharmacist employed by a retail pharmacy, the average of Texas retail pharmacies' actual acquisition cost (AAC) for the drug, plus a retail professional dispensing fee that is not less than a minimum amount adopted by the executive commissioner under authority of 42 C.F.R. Sections 438.6(c)(1)(iii)(A) through (C); or

(B) a specialty pharmacy or a pharmacist employed by a specialty pharmacy, the average of Texas specialty pharmacies' actual acquisition cost (AAC) for the drug, plus a specialty pharmacy professional dispensing fee that is not less than a minimum amount adopted by the executive commissioner under authority of 42 C.F.R. Sections 438.6(c)(1)(iii)(A) through (C); or

(4) Between page 13, line 27, and page 14, line 1, insert the following:

(a-1) A managed care organization that contracts with the commission under this chapter or a pharmacy benefit manager administering a pharmacy benefit program on behalf of the managed care organization shall reimburse a pharmacy or pharmacist that dispenses a prescribed prescription drug obtained at a discounted price under Section 340B, Public Health Service Act (42 U.S.C.

Section 256b) to a recipient for not less than the reimbursement amount for the drug under the vendor drug program, including a dispensing fee that is not less than the dispensing fee for the drug under the vendor drug program.

(5) On page 14, line 2, between "Texas" and "pharmacies", insert "retail".

(6) On page 14, line 3, between "(AAC)" and "for", insert "and Texas specialty pharmacies' actual acquisition cost (AAC)".

(7) On page 14, line 5, strike "may" and substitute "must".

(8) On page 14, line 10, between "Texas" and "pharmacies", insert "retail".

(9) On page 14, line 11, between "drugs" and "and", insert ", Texas specialty pharmacies' actual acquisition cost (AAC) for prescription drugs, retail professional dispensing costs, and specialty pharmacy professional dispensing costs".

(10) On page 14, line 13, strike "fee" and substitute "fees".

(11) On page 14, strike lines 14 and 15, and substitute the following:
commissioner for purposes of:

(1) Subsection (a) must be based on, as appropriate:

(A) Texas retail pharmacies' professional dispensing costs for retail prescription drugs; or

(B) Texas specialty pharmacies' professional dispensing costs for specialty prescription drugs; or

(2) Subsection (a-1) must be based on Texas pharmacies' professional dispensing costs for those drugs.

(12) On page 14, line 16, strike "five" and substitute "two".

(13) On page 14, line 18, between "for" and "prescription", insert "retail".

(14) On page 14, line 18, between "drugs" and the underlined period, insert ", specialty prescription drugs, and drugs obtained under Section 340B, Public Health Service Act (42 U.S.C. Section 256b)".

(15) On page 14, line 19, strike "consider amending" and substitute "adjust".

(16) On page 14, line 20, strike "dispensing fee in Subsection (a)" and substitute "retail professional dispensing fee and specialty pharmacy professional dispensing fee under Subsection (a) and the dispensing fee for drugs obtained under Section 340B, Public Health Service Act (42 U.S.C. Section 256b)".

Amendment No. 1 was adopted.

HB 1133, as amended, was passed to engrossment by (Record 608): 109 Yeas, 33 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Clardy; Coleman; Collier; Cook; Cortez; Cospier; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Farrar; Frullo; Geren; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, T.; Koop; Lambert; Landgraf; Larson; Lozano; Lucio; Martinez; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez;

Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Shine; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Vo; Walle; White; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Cain; Capriglione; Dale; Elkins; Faircloth; Fallon; Flynn; Frank; Goldman; Hefner; Holland; Keough; King, P.; Klick; Krause; Lang; Laubenberg; Leach; Metcalf; Meyer; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Simmons; Stickland; Swanson; Tinderholt; Villalba; Wilson; Zedler.

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

Absent, Excused — Anderson, C.; Bell; Miller.

Absent, Excused, Committee Meeting — Gonzales; Longoria.

Absent — Dukes.

STATEMENTS OF VOTE

When Record No. 608 was taken, I was shown voting yes. I intended to vote no.

R. Anderson

When Record No. 608 was taken, I was shown voting yes. I intended to vote no.

Bohac

When Record No. 608 was taken, I was shown voting yes. I intended to vote no.

D. Bonnen

When Record No. 608 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 608 was taken, I was shown voting no. I intended to vote yes.

Faircloth

When Record No. 608 was taken, I was shown voting no. I intended to vote yes.

Flynn

When Record No. 608 was taken, I was shown voting no. I intended to vote yes.

Klick

When Record No. 608 was taken, I was shown voting no. I intended to vote yes.

Meyer

When Record No. 608 was taken, I was shown voting yes. I intended to vote no.

Paul

When Record No. 608 was taken, I was shown voting no. I intended to vote yes.

Villalba

When Record No. 608 was taken, I was shown voting no. I intended to vote yes.

Zedler

HB 3765 ON SECOND READING
(by Longoria)

HB 3765, A bill to be entitled An Act relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

HB 3765 was passed to engrossment.

CSHB 727 ON SECOND READING
(by Guerra, Longoria, Sheffield, S. Davis, and Laubenberg)

CSHB 727, A bill to be entitled An Act relating to the use of home telemonitoring services under Medicaid.

CSHB 727 was passed to engrossment.

CSHB 1426 ON SECOND READING
(by Allen and White)

CSHB 1426, A bill to be entitled An Act relating to the issuance of a certificate of relief from collateral consequences to certain persons placed on community supervision, including deferred adjudication community supervision.

CSHB 1426 was passed to engrossment. (The vote was reconsidered later today, and **CSHB 1426** was amended and was passed to engrossment.)

CSHB 1426 - VOTE RECONSIDERED

Representative Allen moved to reconsider the vote by which **CSHB 1426** was passed to engrossment.

The motion to reconsider prevailed.

CSHB 1426 ON SECOND READING
(by Allen and White)

The chair laid before the house, on its second reading and passage to engrossment,

CSHB 1426, A bill to be entitled An Act relating to the issuance of a certificate of relief from collateral consequences to certain persons placed on community supervision, including deferred adjudication community supervision.

CSHB 1426 was read second time earlier today and was passed to engrossment.

Amendment No. 1

Representative White offered the following amendment to **CSHB 1426**:

Amend **CSHB 1426** (house committee report) as follows:

(1) On page 1, line 20, strike "successfully" and substitute "satisfactorily".

(2) On page 2, lines 4-5, strike "person becomes eligible for the certificate" and substitute "court receives verification that the person has satisfactorily completed the eligibility requirements".

(3) On page 2, lines 14-15, strike "denying a professional license to the person" and substitute "denying, suspending, or revoking a professional or occupational license".

(4) On page 2, line 16, between "license" and the underlined period, insert the following:

, unless the offense that is the subject of the certificate:

(1) was an offense:

(A) under Chapter 21 or 43, Penal Code; or

(B) listed in Article 42A.054 or 62.001(5) or (6), Code of Criminal

Procedure; or

(2) relates to the profession or occupation for which the person holds or is seeking a license

Amendment No. 1 was adopted.

CSHB 1426, as amended, was passed to engrossment.

MESSAGE FROM THE SENATE

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

FIVE-DAY POSTING RULE SUSPENDED

Representative Lozano moved to suspend the five-day posting rule to allow the Committee on Higher Education to consider **HB 817**, **HB 2290**, **HB 3048**, **HB 3119**, **HB 3904**, **HJR 110**, **SB 968**, and **SB 969** at 8 a.m. tomorrow in E2.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Higher Education, 8 a.m. tomorrow, E2.030, for a public hearing, to consider **HB 817**, **HB 2290**, **HB 3048**, **HB 3119**, **HB 3904**, **HJR 110**, **SB 968**, and **SB 969**.

LEAVE OF ABSENCE GRANTED

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

Ashby on motion of Geren.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 11).

POSTPONED BUSINESS

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

CSHB 2950 ON SECOND READING

(by **Burkett, S. Thompson, Flynn, and Raymond**)

CSHB 2950, A bill to be entitled An Act relating to the continuation and functions of the Texas Board of Nursing and to the regulation of the practice of nursing.

CSHB 2950 was read second time earlier today and was postponed until this time.

(Speaker in the chair)

Amendment No. 1

Representative Klick offered the following amendment to **CSHB 2950**:
Floor Packet Page No. 79

Amend **CSHB 2950** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 301, Occupations Code, is amended by adding Section 301.1583 to read as follows:

Sec. 301.1583. DISCIPLINARY RECORD. (a) The board shall remove a disciplinary action from a nurse's record on the board's Internet website if:

- (1) the nurse applies to the board for removal;
- (2) the disciplinary action is the only disciplinary action taken against the nurse;
- (3) the disciplinary action was an administrative, clerical, or other minor violation not causing harm to a patient;
- (4) the disciplinary action did not result in the suspension or revocation of, or the probation of the suspension or revocation of, the nurse's license;
- (5) the disciplinary action does not provide any indication that continued practice by the nurse may risk harm to a patient; and
- (6) the disciplinary action occurred at least five years before the date the nurse applied for removal.

(b) Information contained in the coordinated licensure information system, as defined in Section 304.0015 in Article II of the Nurse Licensure Compact, that is removed from the board's Internet website under this section may not be provided to a state that is not a party to the compact under that section or to any other person.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Klick offered the following amendment to **CSHB 2950**:

Floor Packet Page No. 78

Amend **CSHB 2950** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 301.466, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) Information regarding a complaint, investigation, or disciplinary action contained in the coordinated licensure information system, as defined in Section 304.0015 in Article II of the Nurse Licensure Compact, may not be provided to a state that is not a party to the compact under that section or to any other person.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Darby offered the following amendment to **CSHB 2950**:

Floor Packet Page No. 76

Amend **CSHB 2950** (house committee report) as follows:

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

SECTION _____. Section 301.459, Occupations Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The board by rule shall adopt procedures under Chapter 2001, Government Code, governing formal disposition of a contested case. An administrative law judge employed by the [The] State Office of Administrative Hearings shall conduct a formal hearing. After receiving the administrative law judge's findings of fact and conclusions of law for a contested case, the board shall dispose of the case by issuing a final order based on the administrative law judge's findings of fact and conclusions of law.

(a-1) Notwithstanding Section 2001.058(e), Government Code, the board in a contested case may not change a finding of fact or conclusion of law or vacate or modify an order of the administrative law judge. The board may obtain judicial review of any finding of fact or conclusion of law issued by the administrative law judge as provided by Section 2001.058(f)(5), Government Code. For each case, the administrative law judge may make a recommendation regarding an appropriate action or sanction. The board has the sole authority and discretion to determine the appropriate action or sanction.

(2) On page 44, between lines 17 and 18, insert the following appropriately lettered subsection:

() Section 301.459, Occupations Code, as amended by this Act, applies only to a contested case for which an administrative law judge employed by the State Office of Administrative Hearings issues written findings of fact and conclusions of law on or after the effective date of this Act. A contested case for which an administrative law judge employed by the State Office of Administrative Hearings issues written findings of fact and conclusions of law before the effective date of this Act is governed by the law in effect on the date the findings of fact and conclusions of law were issued, and the former law is continued in effect for that purpose.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Darby offered the following amendment to **CSHB 2950**:
Floor Packet Page No. 73

Amend **CSHB 2950** (house committee report) as follows:

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

SECTION _____. Section 301.301(b), Occupations Code, is amended to read as follows:

(b) A person may renew an unexpired license issued under this chapter on payment to the board of the required renewal fee before the expiration date of the license ~~[, payment to the board of any costs assessed under Section 301.461,]~~ and compliance with any other renewal requirements adopted by the board. A person whose license has expired may not engage in activities that require a license until the license has been renewed.

SECTION _____. Section 301.461, Occupations Code, is amended to read as follows:

Sec. 301.461. ASSESSMENT OF COSTS PROHIBITED. The board may not assess a person who is found to have violated this chapter the administrative costs of conducting a hearing to determine the violation.

(2) On page 44, between lines 17 and 18, insert the following appropriately lettered subsection:

() Sections 301.301(b) and 301.461, Occupations Code, as amended by this Act, apply only to the assessment of the administrative costs of conducting a hearing to determine a violation on or after the effective date of this Act. The assessment of the administrative costs of conducting a hearing to determine a violation before the effective date of this Act is governed by the law in effect on the date the administrative costs were assessed, and the former law is continued in effect for that purpose.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Stickland offered the following amendment to **CSHB 2950**:

Floor Packet Page No. 10

Amend **CSHB 2950** (house committee report) as follows:

(1) On page 42, line 25, strike "and 301.163" and substitute ", 301.163, and 301.168"

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

SECTION _____. Section 301.002, Occupations Code, is amended by amending Subdivision (2) and adding Subdivisions (6), (7), (8), (9), and (10) to read as follows:

(2) "Professional nursing" means the performance of an act that requires substantial specialized judgment and skill, the proper performance of which is based on knowledge and application of the principles of biological, physical, and social science as acquired by a completed course in an approved school of professional nursing. The term does not include acts of medical diagnosis or the prescription of therapeutic or corrective measures, except as authorized for advanced practice registered nurses. Professional nursing involves:

(A) the observation, assessment, intervention, evaluation, rehabilitation, care and counsel, or health teachings of a person who is ill, injured, infirm, or experiencing a change in normal health processes;

(B) the maintenance of health or prevention of illness;

(C) the administration of a medication or treatment as ordered by a health care practitioner legally authorized to prescribe the medication or treatment [physician, podiatrist, or dentist];

(D) the supervision or teaching of nursing;

(E) the administration, supervision, and evaluation of nursing practices, policies, and procedures;

(F) the performance of an act by an advanced practice registered nurse in accordance with Section 301.357 [the requesting, receiving, signing for, and distribution of prescription drug samples to patients at practices at which an advanced practice registered nurse is authorized to sign prescription drug orders as provided by Subchapter B, Chapter 157];

(G) the performance of an act delegated by a physician under Section [~~157.0512, 157.054,~~] 157.058[;] or 157.059; and

(H) the development of the nursing care plan.

(6) "Controlled substance" has the meaning assigned by Section 157.051.

(7) "Dangerous drug" has the meaning assigned by Section 157.051.

(8) "Device" has the meaning assigned by Section 157.051.

(9) "Nonprescription drug" has the meaning assigned by Section 157.051.

(10) "Prescribe or order a drug or device" has the meaning assigned by Section 157.051.

SECTION _____. Section 301.152, Occupations Code, is transferred to Subchapter H, Chapter 301, Occupations Code, redesignated as Section 301.357, Occupations Code, and amended to read as follows:

Sec. 301.357 [~~301.152~~]. ADVANCED PRACTICE REGISTERED NURSES [~~RULES REGARDING SPECIALIZED TRAINING~~]. (a) In this section, "advanced practice registered nurse" means a registered nurse licensed by the board to practice as an advanced practice registered nurse on the basis of completion of an advanced educational program. The term includes a nurse practitioner, nurse midwife, nurse anesthetist, and clinical nurse specialist. The term is synonymous with "advanced nurse practitioner" and "advanced practice nurse."

(a-1) Advanced practice registered nursing includes:

- (1) ordering, performing, and interpreting diagnostic tests;
- (2) formulating primary and differential medical diagnoses and advanced assessments;
- (3) treating actual and potential health problems;
- (4) prescribing therapeutic and corrective measures, including nutrition and diagnostic support services, home health care, hospice care, physical therapy, and occupational therapy, and delegating and assigning the performance of therapeutic and corrective measures to assistive personnel;
- (5) to the extent authorized by the board under Section 301.358 or delegated by a physician under Section 157.058 or 157.059, prescribing, ordering, procuring, administering, and dispensing drugs and devices, including blood and blood products, controlled substances listed in Schedules II, III, IV, and V, dangerous drugs, and nonprescription drugs;
- (6) providing referrals to health care agencies, health care providers, and community resources;
- (7) serving as the primary care provider of record; and
- (8) performing other acts that require education and training consistent with professional standards and that are commensurate with the advanced practice registered nurse's education, licensure, and demonstrated competencies and experience.

(b) The board shall adopt rules to:

- (1) license a registered nurse as an advanced practice registered nurse;
- (2) establish:
 - (A) any specialized education or training, including pharmacology, that an advanced practice registered nurse must have to prescribe or order a drug or device as authorized [~~delegated~~] by the board [~~a physician~~] under Section 301.358 [~~157.0512 or 157.054~~];
 - (B) a system for approving an advanced practice registered nurse to prescribe or order a drug or device as authorized [~~delegated~~] by the board [~~a physician~~] under Section 301.358 [~~157.0512 or 157.054~~] on the receipt of evidence of completing the specialized education and training requirement under Paragraph (A); and
 - (C) a system for issuing a prescription authorization number to an advanced practice registered nurse approved under Paragraph (B); and
- (3) concurrently renew any license or approval granted to an advanced practice registered nurse under this subsection and a license renewed by the advanced practice registered nurse under Section 301.301.

(c) At a minimum, the rules adopted under Subsection (b)(2) must:

(1) require completion of pharmacology and related pathophysiology education for initial approval; and

(2) require continuing education in clinical pharmacology and related pathophysiology in addition to any continuing education otherwise required under Section 301.303.

(d) The signature of an advanced practice registered nurse attesting to the provision of a legally authorized service by the advanced practice registered nurse satisfies any documentation requirement for that service established by a state agency.

(e) An advanced practice registered nurse shall practice as a licensed independent practitioner in accordance with standards established and recognized by the board to protect the public health and safety.

(f) An advanced practice registered nurse is accountable to patients, the nursing profession, and the board for:

(1) complying with the requirements of this chapter;

(2) providing quality advanced nursing care;

(3) recognizing the nurse's limits of knowledge;

(4) planning for the management of situations beyond the nurse's expertise; and

(5) consulting with or referring patients to other health care providers as appropriate.

(g) This section does not limit or modify the scope of practice of a registered nurse who is not an advanced practice registered nurse.

SECTION _____. Subchapter H, Chapter 301, Occupations Code, is amended by adding Section 301.358 to read as follows:

Sec. 301.358. PRESCRIBING AND ORDERING AUTHORITY OF ADVANCED PRACTICE REGISTERED NURSE. The board may authorize an advanced practice registered nurse, with a prescription authorization number issued as required under Section 301.357(b), to prescribe and order drugs and devices, including controlled substances listed in Schedules II, III, IV, and V, dangerous drugs, and nonprescription drugs.

SECTION _____. The heading to Subchapter B, Chapter 157, Occupations Code, is amended to read as follows:

SUBCHAPTER B. DELEGATION TO [~~ADVANCED PRACTICE REGISTERED NURSES AND~~] PHYSICIAN ASSISTANTS AND CERTAIN ADVANCED PRACTICE REGISTERED NURSES

SECTION _____. Sections 157.051(1) and (14), Occupations Code, are amended to read as follows:

(1) "Advanced practice registered nurse" has the meaning assigned to that term by Section 301.357 [~~301.152~~]. The term includes an advanced nurse practitioner and advanced practice nurse.

(14) "Prescriptive authority agreement" means an agreement entered into by a physician and a ~~[an advanced practice registered nurse or]~~ physician assistant through which the physician delegates to the ~~[advanced practice registered nurse or]~~ physician assistant the act of prescribing or ordering a drug or device.

SECTION _____. Section 157.0511(b-2), Occupations Code, is amended to read as follows:

(b-2) The board shall adopt rules that require a physician who delegates the prescribing or ordering of a drug or device to register with the board the name and license number of the physician assistant ~~[or advanced practice registered nurse]~~ to whom a delegation is made. The board may develop and use an electronic online delegation registration process for registration under this subsection.

SECTION _____. Sections 157.0512(a), (b), (c), (e), (f), (g), (i), (j), (l), (m), (n), and (o), Occupations Code, are amended to read as follows:

(a) A physician may delegate to a ~~[an advanced practice registered nurse or]~~ physician assistant, acting under adequate physician supervision, the act of prescribing or ordering a drug or device as authorized through a prescriptive authority agreement between the physician and the ~~[advanced practice registered nurse or]~~ physician assistant~~[, as applicable]~~.

(b) A physician and a ~~[an advanced practice registered nurse or]~~ physician assistant are eligible to enter into or be parties to a prescriptive authority agreement only if:

(1) ~~[if applicable, the Texas Board of Nursing has approved the advanced practice registered nurse's authority to prescribe or order a drug or device as authorized under this subchapter;~~

~~(2)~~ the ~~[advanced practice registered nurse or]~~ physician assistant:

(A) holds an active license to practice in this state as a ~~[an advanced practice registered nurse or]~~ physician assistant~~[, as applicable]~~, and is in good standing in this state; and

(B) is not currently prohibited by the ~~[Texas Board of Nursing or the]~~ Texas Physician Assistant Board~~[, as applicable]~~, from executing a prescriptive authority agreement; and

~~(2)~~ ~~(3)~~ before executing the prescriptive authority agreement, the physician and the ~~[advanced practice registered nurse or]~~ physician assistant disclose to the other prospective party to the agreement any prior disciplinary action by the board~~[, the Texas Board of Nursing]~~, or the Texas Physician Assistant Board~~[, as applicable]~~.

(c) Except as provided by Subsection (d), the ~~[combined]~~ number of ~~[advanced practice registered nurses and]~~ physician assistants with whom a physician may enter into a prescriptive authority agreement may not exceed seven ~~[advanced practice registered nurses and]~~ physician assistants or the full-time equivalent of seven ~~[advanced practice registered nurses and]~~ physician assistants.

(e) A prescriptive authority agreement must, at a minimum:

(1) be in writing and signed and dated by the parties to the agreement;

- (2) state the name, address, and all professional license numbers of the parties to the agreement;
 - (3) state the nature of the practice, practice locations, or practice settings;
 - (4) identify the types or categories of drugs or devices that may be prescribed or the types or categories of drugs or devices that may not be prescribed;
 - (5) provide a general plan for addressing consultation and referral;
 - (6) provide a plan for addressing patient emergencies;
 - (7) state the general process for communication and the sharing of information between the physician and the ~~[advanced practice registered nurse or]~~ physician assistant to whom the physician has delegated prescriptive authority related to the care and treatment of patients;
 - (8) if alternate physician supervision is to be utilized, designate one or more alternate physicians who may:
 - (A) provide appropriate supervision on a temporary basis in accordance with the requirements established by the prescriptive authority agreement and the requirements of this subchapter; and
 - (B) participate in the prescriptive authority quality assurance and improvement plan meetings required under this section; and
 - (9) describe a prescriptive authority quality assurance and improvement plan and specify methods for documenting the implementation of the plan that includes the following:
 - (A) chart review, with the number of charts to be reviewed determined by the physician and ~~[advanced practice registered nurse or]~~ physician assistant; and
 - (B) periodic face-to-face meetings between the ~~[advanced practice registered nurse or]~~ physician assistant and the physician at a location determined by the physician and the ~~[advanced practice registered nurse or]~~ physician assistant.
- (f) The periodic face-to-face meetings described by Subsection (e)(9)(B) must:
- (1) include:
 - (A) the sharing of information relating to patient treatment and care, needed changes in patient care plans, and issues relating to referrals; and
 - (B) discussion of patient care improvement; and
 - (2) be documented and occur:
 - (A) except as provided by Paragraph (B):
 - (i) at least monthly until the third anniversary of the date the agreement is executed; and
 - (ii) at least quarterly after the third anniversary of the date the agreement is executed, with monthly meetings held between the quarterly meetings by means of a remote electronic communications system, including videoconferencing technology or the Internet; or

(B) if during the seven years preceding the date the agreement is executed the ~~[advanced practice registered nurse or]~~ physician assistant for at least five years was in a practice that included the exercise of prescriptive authority with required physician supervision:

(i) at least monthly until the first anniversary of the date the agreement is executed; and

(ii) at least quarterly after the first anniversary of the date the agreement is executed, with monthly meetings held between the quarterly meetings by means of a remote electronic communications system, including videoconferencing technology or the Internet.

(g) The prescriptive authority agreement may include other provisions agreed to by the physician and ~~[advanced practice registered nurse or]~~ physician assistant.

(i) The prescriptive authority agreement need not describe the exact steps that a ~~[an advanced practice registered nurse or]~~ physician assistant must take with respect to each specific condition, disease, or symptom.

(j) A physician~~[, advanced practice registered nurse,]~~ or physician assistant who is a party to a prescriptive authority agreement must retain a copy of the agreement until the second anniversary of the date the agreement is terminated.

(l) In the event that a party to a prescriptive authority agreement is notified that the individual has become the subject of an investigation by the board~~[, the Texas Board of Nursing,]~~ or the Texas Physician Assistant Board, the individual shall immediately notify the other party to the prescriptive authority agreement.

(m) The prescriptive authority agreement and any amendments must be reviewed at least annually, dated, and signed by the parties to the agreement. The prescriptive authority agreement and any amendments must be made available to the board~~[, the Texas Board of Nursing,]~~ or the Texas Physician Assistant Board not later than the third business day after the date of receipt of request, if any.

(n) The prescriptive authority agreement should promote the exercise of professional judgment by the ~~[advanced practice registered nurse or]~~ physician assistant commensurate with the ~~[advanced practice registered nurse's or]~~ physician assistant's education and experience and the relationship between the ~~[advanced practice registered nurse or]~~ physician assistant and the physician.

(o) This section shall be liberally construed to allow the use of prescriptive authority agreements to safely and effectively utilize the skills and services of ~~[advanced practice registered nurses and]~~ physician assistants.

SECTION _____. Section 157.0513, Occupations Code, is amended to read as follows:

Sec. 157.0513. PRESCRIPTIVE AUTHORITY AGREEMENT: INFORMATION. (a) The board~~[, the Texas Board of Nursing,]~~ and the Texas Physician Assistant Board shall jointly develop a process:

(1) to exchange information regarding the names, locations, and license numbers of each physician~~[, advanced practice registered nurse,]~~ and physician assistant who has entered into a prescriptive authority agreement;

(2) by which each board shall immediately notify the other ~~board~~ boards when a license holder of the board becomes the subject of an investigation involving the delegation and supervision of prescriptive authority, as well as the final disposition of any such investigation; and

(3) by which each board shall maintain and share a list of the board's license holders who have been subject to a final adverse disciplinary action for an act involving the delegation and supervision of prescriptive authority.

(b) If the board~~[, the Texas Board of Nursing,]~~ or the Texas Physician Assistant Board receives a notice under Subsection (a)(2), the board that received notice may open an investigation against a license holder of the board who is a party to a prescriptive authority agreement with the license holder who is under investigation by the board that provided notice under Subsection (a)(2).

(c) The board shall maintain and make available to the public a searchable online list of physicians~~[, advanced practice registered nurses,]~~ and physician assistants who have entered into a prescriptive authority agreement authorized under Section 157.0512 and identify the physician~~[, advanced practice registered nurse, or physician assistant]~~ with whom each ~~[physician, advanced practice registered nurse, and]~~ physician assistant has entered into a prescriptive authority agreement.

(d) The board shall collaborate with the ~~[Texas Board of Nursing and the]~~ Texas Physician Assistant Board to maintain and make available to the public a list of physicians~~[, advanced practice registered nurses,]~~ and physician assistants who are prohibited from entering into or practicing under a prescriptive authority agreement.

SECTION _____. Sections 157.054(a), (a-1), (b), and (c), Occupations Code, are amended to read as follows:

(a) One or more physicians licensed by the board may delegate, to one or more physician assistants ~~[or advanced practice registered nurses]~~ acting under adequate physician supervision whose practice is facility-based at a hospital or licensed long-term care facility, the administration or provision of a drug and the prescribing or ordering of a drug or device if each of the delegating physicians is:

(1) the medical director or chief of medical staff of the facility in which the physician assistant ~~[or advanced practice registered nurse]~~ practices;

(2) the chair of the facility's credentialing committee;

(3) a department chair of a facility department in which the physician assistant ~~[or advanced practice registered nurse]~~ practices; or

(4) a physician who consents to the request of the medical director or chief of medical staff to delegate the prescribing or ordering of a drug or device at the facility in which the physician assistant ~~[or advanced practice registered nurse]~~ practices.

(a-1) The limits on the number of ~~[advanced practice registered nurses or]~~ physician assistants to whom a physician may delegate under Section 157.0512 do not apply to a physician under Subsection (a) whose practice is facility-based under this section, provided that the physician is not delegating in a freestanding clinic, center, or practice of the facility.

(b) A physician's authority to delegate under Subsection (a) is limited as follows:

(1) the delegation must be made under a physician's order, standing medical order, standing delegation order, or another order or protocol developed in accordance with policies approved by the facility's medical staff or a committee of the facility's medical staff as provided by the facility bylaws;

(2) the delegation must occur in the facility in which the physician is the medical director, the chief of medical staff, the chair of the credentialing committee, a department chair, or a physician who consents to delegate under Subsection (a)(4);

(3) the delegation may not permit the prescribing or ordering of a drug or device for the care or treatment of the patients of any other physician without the prior consent of that physician; and

(4) delegation in a long-term care facility must be by the medical director and is limited to the prescribing or ordering of a drug or device to not more than seven ~~[advanced practice registered nurses or]~~ physician assistants or their full-time equivalents.

(c) Physician supervision of the prescribing or ordering of a drug or device must conform to what a reasonable, prudent physician would find consistent with sound medical judgment but may vary with the education and experience of the particular ~~[advanced practice registered nurse or]~~ physician assistant. A physician shall provide continuous supervision, but the constant physical presence of the physician is not required.

SECTION _____. Section 157.055, Occupations Code, is amended to read as follows:

Sec. 157.055. ORDERS AND PROTOCOLS. A protocol or other order shall be defined in a manner that promotes the exercise of professional judgment by the ~~[advanced practice registered nurse and]~~ physician assistant commensurate with the education and experience of that person. Under this section, an order or protocol used by a reasonable and prudent physician exercising sound medical judgment:

(1) is not required to describe the exact steps that ~~[an advanced practice registered nurse or]~~ a physician assistant must take with respect to each specific condition, disease, or symptom; and

(2) may state the types or categories of medications that may be prescribed or the types or categories of medications that may not be prescribed.

SECTION _____. Section 157.056, Occupations Code, is amended to read as follows:

Sec. 157.056. PRESCRIPTION INFORMATION. The following information must be provided on each prescription subject to this subchapter:

(1) the patient's name and address;

(2) the drug to be dispensed;

(3) directions to the patient regarding the taking of the drug and the dosage;

(4) the intended use of the drug, if appropriate;

(5) the name, address, and telephone number of the physician;

(6) the name, address, telephone number, and identification number of the ~~[registered nurse or]~~ physician assistant completing or signing the prescription drug order;

(7) the date; and

(8) the number of refills permitted.

SECTION _____. Section 157.060, Occupations Code, is amended to read as follows:

Sec. 157.060. PHYSICIAN LIABILITY FOR DELEGATED ACT. Unless the physician has reason to believe the physician assistant ~~[or advanced practice registered nurse]~~ lacked the competency to perform the act, a physician is not liable for an act of a physician assistant ~~[or advanced practice registered nurse]~~ solely because the physician signed a standing medical order, a standing delegation order, or another order or protocol, or entered into a prescriptive authority agreement, authorizing the physician assistant ~~[or advanced practice registered nurse]~~ to administer, provide, prescribe, or order a drug or device.

SECTION _____. Section 38.151(1), Education Code, is amended to read as follows:

(1) "Advanced practice nurse" has the meaning assigned to "advanced practice registered nurse" by Section 301.357 ~~[301.152]~~, Occupations Code.

SECTION _____. Section 61.601, Education Code, is amended to read as follows:

Sec. 61.601. DEFINITION. In this subchapter, "mental health professional" means:

(1) a licensed physician who is:

(A) a graduate of an accredited psychiatric residency training program; or

(B) certified in psychiatry by:

(i) the American Board of Psychiatry and Neurology; or

(ii) the American Osteopathic Board of Neurology and

Psychiatry;

(2) a psychologist, as defined by Section 501.002, Occupations Code;

(3) a licensed professional counselor, as defined by Section 503.002, Occupations Code;

(4) an advanced practice registered nurse, as defined by Section 301.357 ~~[301.152]~~, Occupations Code, who holds a nationally recognized board certification in psychiatric or mental health nursing; and

(5) a licensed clinical social worker, as defined by Section 505.002, Occupations Code.

SECTION _____. Section 671.001(b), Government Code, is amended to read as follows:

(b) The pilot program must provide for the following:

(1) a licensed advanced practice registered nurse as defined by Section 301.357 ~~[301.152]~~, Occupations Code, or a licensed physician assistant as described by Chapter 204, Occupations Code, who is employed by the state or whose services are acquired by contract, who will be located at a state office complex;

(2) if applicable, a licensed physician, who is employed by a state governmental entity for purposes other than the pilot program or whose services are acquired by contract, who will delegate to and supervise the ~~[advanced practice registered nurse or]~~ physician assistant under a prescriptive authority agreement under Chapter 157, Occupations Code;

(3) appropriate office space and equipment for the advanced practice registered nurse or physician assistant to provide basic medical care to employees at the state office complex where the nurse or physician assistant is located; and

(4) professional liability insurance covering services provided by the advanced practice registered nurse or the physician assistant.

SECTION _____. Section 47.011(a), Health and Safety Code, is amended to read as follows:

(a) In this section, "midwife" has the meaning assigned by Section 203.002, Occupations Code, and includes a nurse midwife described by Section 301.357 [~~301.152~~], Occupations Code.

SECTION _____. Section 481.002(39), Health and Safety Code, is amended to read as follows:

(39) "Practitioner" means:

(A) a physician, dentist, veterinarian, podiatrist, scientific investigator, advanced practice registered nurse, or other person licensed, registered, or otherwise permitted to distribute, dispense, analyze, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state;

(B) a pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state;

(C) a person practicing in and licensed by another state as a physician, dentist, veterinarian, advanced practice registered nurse, or podiatrist, having a current Federal Drug Enforcement Administration registration number, who may legally prescribe Schedule II, III, IV, or V controlled substances in that state; or

(D) a ~~[an advanced practice registered nurse or]~~ physician assistant to whom a physician has delegated the authority to prescribe or order a drug or device under Section 157.0511, 157.0512, or 157.054, Occupations Code.

SECTION _____. Section 481.073(a), Health and Safety Code, is amended to read as follows:

(a) Only a practitioner defined by Section 481.002(39)(A) and an agent designated in writing by the practitioner in accordance with rules adopted by the board may communicate a prescription by telephone. A pharmacy that receives a telephonically communicated prescription shall promptly write the prescription and file and retain the prescription in the manner required by this subchapter. A practitioner who designates an agent to communicate prescriptions shall maintain the written designation of the agent in the practitioner's usual place of business and shall make the designation available for inspection by investigators for the Texas Medical Board, the State Board of Dental Examiners, the State Board of

Veterinary Medical Examiners, the Texas Board of Nursing, the board, and the department. A practitioner who designates a different agent shall designate that agent in writing and maintain the designation in the same manner in which the practitioner initially designated an agent under this section.

SECTION _____. Section 481.074(d), Health and Safety Code, is amended to read as follows:

(d) Except as specified in Subsections (e) and (f), the board, by rule and in consultation with the Texas Medical Board and the Texas Board of Nursing, shall establish the period after the date on which the prescription is issued that a person may fill a prescription for a controlled substance listed in Schedule II. A person may not refill a prescription for a substance listed in Schedule II.

SECTION _____. Section 481.076(c), Health and Safety Code, is amended to read as follows:

(c) The board by rule shall design and implement a system for submission of information to the board by electronic or other means and for retrieval of information submitted to the board under this section and Sections 481.074 and 481.075. The board shall use automated information security techniques and devices to preclude improper access to the information. The board shall submit the system design to the director, ~~and~~ the Texas Medical Board, and the Texas Board of Nursing for review and comment a reasonable time before implementation of the system and shall comply with the comments of those agencies unless it is unreasonable to do so.

SECTION _____. Sections 483.001(4), (12), and (13), Health and Safety Code, are amended to read as follows:

(4) "Designated agent" means:

(A) a licensed nurse, physician assistant, pharmacist, or other individual designated by a practitioner to communicate prescription drug orders to a pharmacist;

(B) a licensed nurse, physician assistant, or pharmacist employed in a health care facility to whom the practitioner communicates a prescription drug order; or

(C) a ~~registered nurse or~~ physician assistant authorized by a practitioner to carry out a prescription drug order for dangerous drugs under Subchapter B, Chapter 157, Occupations Code, or an advanced practice registered nurse authorized by a practitioner to carry out a prescription drug order for dangerous drugs.

(12) "Practitioner" means:

(A) a person licensed by the Texas Medical Board, State Board of Dental Examiners, Texas State Board of Podiatric Medical Examiners, Texas Optometry Board, Texas Board of Nursing, or State Board of Veterinary Medical Examiners to prescribe and administer dangerous drugs;

(B) a person licensed by another state in a health field in which, under the laws of this state, a licensee may legally prescribe dangerous drugs;

(C) a person licensed in Canada or Mexico in a health field in which, under the laws of this state, a licensee may legally prescribe dangerous drugs; or

(D) a ~~[an advanced practice registered nurse or]~~ physician assistant to whom a physician has delegated the authority to prescribe or order a drug or device under Section 157.0511, 157.0512, or 157.054, Occupations Code.

(13) "Prescription" means an order from a practitioner, or an agent of the practitioner designated in writing as authorized to communicate prescriptions, or an order made in accordance with Subchapter B, Chapter 157, Occupations Code, or Section 203.353, Occupations Code, to a pharmacist for a dangerous drug to be dispensed that states:

(A) the date of the order's issue;

(B) the name and address of the patient;

(C) if the drug is prescribed for an animal, the species of the animal;

(D) the name and quantity of the drug prescribed;

(E) the directions for the use of the drug;

(F) the intended use of the drug unless the practitioner determines the furnishing of this information is not in the best interest of the patient;

(G) the name, address, and telephone number of the practitioner at the practitioner's usual place of business, legibly printed or stamped; and

(H) the name, address, and telephone number of the licensed midwife~~[-, registered nurse,]~~ or physician assistant, legibly printed or stamped, if signed by a licensed midwife~~[-, registered nurse,]~~ or physician assistant.

SECTION _____. Section 483.022(f), Health and Safety Code, is amended to read as follows:

(f) A practitioner may designate a person who is a licensed vocational nurse or has an education equivalent to or greater than that required for a licensed vocational nurse to communicate prescriptions of a ~~[an advanced practice nurse or]~~ physician assistant authorized by the practitioner to sign prescription drug orders under Subchapter B, Chapter 157, Occupations Code, or of an advanced practice registered nurse.

SECTION _____. Section 483.042(a), Health and Safety Code, is amended to read as follows:

(a) A person commits an offense if the person delivers or offers to deliver a dangerous drug:

(1) unless:

(A) the dangerous drug is delivered or offered for delivery by a pharmacist under:

(i) a prescription issued by a practitioner described by Section 483.001(12)(A) or (B);

(ii) a prescription signed by a ~~[registered nurse or]~~ physician assistant in accordance with Subchapter B, Chapter 157, Occupations Code; or

(iii) an original written prescription issued by a practitioner described by Section 483.001(12)(C); and

(B) a label is attached to the immediate container in which the drug is delivered or offered to be delivered and the label contains the following information:

- (i) the name and address of the pharmacy from which the drug is delivered or offered for delivery;
- (ii) the date the prescription for the drug is dispensed;
- (iii) the number of the prescription as filed in the prescription files of the pharmacy from which the prescription is dispensed;
- (iv) the name of the practitioner who prescribed the drug and, if applicable, the name of the ~~[registered nurse or]~~ physician assistant who signed the prescription;
- (v) the name of the patient and, if the drug is prescribed for an animal, a statement of the species of the animal; and
- (vi) directions for the use of the drug as contained in the prescription; or

(2) unless:

- (A) the dangerous drug is delivered or offered for delivery by:
 - (i) a practitioner in the course of practice; or
 - (ii) a ~~[registered nurse or]~~ physician assistant in the course of practice in accordance with Subchapter B, Chapter 157, Occupations Code; and
- (B) a label is attached to the immediate container in which the drug is delivered or offered to be delivered and the label contains the following information:
 - (i) the name and address of the practitioner who prescribed the drug, and if applicable, the name and address of the ~~[registered nurse or]~~ physician assistant;
 - (ii) the date the drug is delivered;
 - (iii) the name of the patient and, if the drug is prescribed for an animal, a statement of the species of the animal; and
 - (iv) the name of the drug, the strength of the drug, and directions for the use of the drug.

SECTION _____. Section 32.03141, Human Resources Code, is amended to read as follows:

Sec. 32.03141. AUTHORITY OF ADVANCED PRACTICE REGISTERED NURSES AND PHYSICIAN ASSISTANTS REGARDING DURABLE MEDICAL EQUIPMENT AND SUPPLIES. To the extent allowed by federal law, in addition to other health care practitioners authorized by federal law, the following persons may order and prescribe durable medical equipment and supplies under the medical assistance program:

- (1) an advanced practice registered nurse; and
- (2) a ~~[or]~~ [*] physician assistant acting under adequate physician supervision and to whom a physician has delegated the authority to prescribe and order drugs and devices under Chapter 157, Occupations Code~~], may order and prescribe durable medical equipment and supplies under the medical assistance program~~.

SECTION _____. Section 843.312, Insurance Code, is amended to read as follows:

Sec. 843.312. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE REGISTERED NURSES. (a) A health maintenance organization may not refuse a request by a physician participating in the health maintenance organization delivery network and a physician assistant [~~or advanced practice nurse~~] who is authorized by the physician to provide care under Subchapter B, Chapter 157, Occupations Code, or an advanced practice registered nurse who is authorized to provide care under Section 301.357, Occupations Code, to identify a physician assistant or advanced practice registered nurse as a provider in the network.

(b) A health maintenance organization may refuse a request under Subsection (a) if the physician assistant or advanced practice registered nurse does not meet the quality of care standards previously established by the health maintenance organization for participation in the network by physician assistants and advanced practice registered nurses.

SECTION _____. Section 1301.001(1-a), Insurance Code, is amended to read as follows:

(1-a) "Health care provider" means a practitioner, institutional provider, or other person or organization that furnishes health care services and that is licensed or otherwise authorized to practice in this state. The term includes a pharmacist, [~~and~~] a pharmacy, and an advanced practice registered nurse. The term does not include a physician.

SECTION _____. Section 1301.052, Insurance Code, is amended to read as follows:

Sec. 1301.052. DESIGNATION OF ADVANCED PRACTICE REGISTERED NURSE OR PHYSICIAN ASSISTANT AS PREFERRED PROVIDER. An insurer offering a preferred provider benefit plan may not refuse a request made by a physician participating as a preferred provider under the plan and an advanced practice registered nurse or physician assistant to have the advanced practice registered nurse or physician assistant included as a preferred provider under the plan if:

(1) the [~~advanced practice nurse or~~] physician assistant is authorized by the physician to provide care under Subchapter B, Chapter 157, Occupations Code, or the advanced practice registered nurse is authorized to provide care under Section 301.357, Occupations Code; and

(2) the advanced practice registered nurse or physician assistant meets the quality of care standards previously established by the insurer for participation in the plan by advanced practice registered nurses and physician assistants.

SECTION _____. Section 1451.001(2), Insurance Code, is amended to read as follows:

(2) "Advanced practice registered nurse" means an individual licensed by the Texas Board of Nursing as a registered nurse and licensed [~~recognized~~] by that board as an advanced practice registered nurse.

SECTION _____. Section 1451.104(c), Insurance Code, is amended to read as follows:

(c) Notwithstanding Subsection (a), a health insurance policy may provide for a different amount of payment or reimbursement for scheduled services or procedures performed by an advanced practice registered nurse, nurse first assistant, licensed surgical assistant, or physician assistant if the methodology used to compute the amount is the same as the methodology used to compute the amount of payment or reimbursement when the services or procedures are provided by a physician.

SECTION _____. Section 1451.106, Insurance Code, is amended to read as follows:

Sec. 1451.106. SELECTION OF ADVANCED PRACTICE REGISTERED NURSE. An insured may select an advanced practice registered nurse to provide the services scheduled in the health insurance policy that are within the scope of the nurse's license.

SECTION _____. Section 1452.051(1), Insurance Code, is amended to read as follows:

(1) "Advanced practice nurse" has the meaning assigned to "advanced practice registered nurse" by Section 301.357 [~~301.152~~], Occupations Code.

SECTION _____. Section 204.1025, Occupations Code, is amended to read as follows:

Sec. 204.1025. DUTIES REGARDING PRESCRIPTIVE AUTHORITY AGREEMENTS. The physician assistant board shall in conjunction with the Texas Medical Board [~~and the Texas Board of Nursing~~] perform the functions and duties relating to prescriptive authority agreements assigned to the physician assistant board in Sections 157.0512 and 157.0513.

SECTION _____. Sections 551.003(14) and (34), Occupations Code, are amended to read as follows:

(14) "Designated agent" means:

(A) an individual, including a licensed nurse, physician assistant, or pharmacist:

(i) who is designated by a practitioner and authorized to communicate a prescription drug order to a pharmacist; and

(ii) for whom the practitioner assumes legal responsibility;

(B) a licensed nurse, physician assistant, or pharmacist employed in a health care facility to whom a practitioner communicates a prescription drug order; or

(C) a [~~registered nurse or~~] physician assistant authorized by a practitioner to administer a prescription drug order for a dangerous drug under Subchapter B, Chapter 157, or an advanced practice registered nurse authorized by a practitioner to administer a prescription drug order for a dangerous drug.

(34) "Practitioner" means:

(A) a person licensed or registered to prescribe, distribute, administer, or dispense a prescription drug or device in the course of professional practice in this state, including a physician, dentist, podiatrist, advanced practice registered nurse, or veterinarian but excluding a person licensed under this subtitle;

(B) a person licensed by another state, Canada, or the United Mexican States in a health field in which, under the law of this state, a license holder in this state may legally prescribe a dangerous drug;

(C) a person practicing in another state and licensed by another state as a physician, dentist, veterinarian, advanced practice registered nurse, or podiatrist, who has a current federal Drug Enforcement Administration registration number and who may legally prescribe a Schedule II, III, IV, or V controlled substance, as specified under Chapter 481, Health and Safety Code, in that other state; or

(D) a ~~[an advanced practice registered nurse or]~~ physician assistant to whom a physician has delegated the authority to prescribe or order a drug or device under Section 157.0511, 157.0512, or 157.054.

SECTION _____. Section 563.051(e), Occupations Code, is amended to read as follows:

(e) A practitioner may designate a licensed vocational nurse or a person having education equivalent to or greater than that required for a licensed vocational nurse to communicate the prescriptions of a ~~[an advanced practice nurse or]~~ physician assistant authorized by the practitioner to sign prescription drug orders under Subchapter B, Chapter 157, or of an advanced practice registered nurse.

SECTION _____. Section 563.053, Occupations Code, is amended to read as follows:

Sec. 563.053. DISPENSING OF DANGEROUS DRUGS IN CERTAIN RURAL AREAS. (a) In this section, "reimbursement for cost" means an additional charge, separate from that imposed for the physician's or advanced practice registered nurse's professional services, that includes the cost of the drug product and all other actual costs to the physician or advanced practice registered nurse incidental to providing the dispensing service. The term does not include a separate fee imposed for the act of dispensing the drug itself.

(b) This section applies to an area located in a county with a population of 5,000 or less, or in a municipality or an unincorporated town with a population of less than 2,500, that is within a 15-mile radius of the physician's or advanced practice registered nurse's office and in which a pharmacy is not located. This section does not apply to a municipality or an unincorporated town that is adjacent to a municipality with a population of 2,500 or more.

(c) A physician who practices medicine or an advanced practice registered nurse who practices advanced practice registered nursing in an area described by Subsection (b) may:

(1) maintain a supply of dangerous drugs in the physician's or advanced practice registered nurse's office to be dispensed in the course of treating the physician's or advanced practice registered nurse's patients; and

(2) be reimbursed for the cost of supplying those drugs without obtaining a license under Chapter 558.

(d) A physician or advanced practice registered nurse who dispenses dangerous drugs under Subsection (c) shall:

(1) comply with each labeling provision under this subtitle applicable to that class of drugs; and

(2) oversee compliance with packaging and recordkeeping provisions applicable to that class of drugs.

(e) A physician who desires to dispense dangerous drugs under this section shall notify both the board and the Texas Medical [State] Board [of Medical Examiners] that the physician practices in an area described by Subsection (b). An advanced practice registered nurse who desires to dispense dangerous drugs under this section shall notify both the board and the Texas Board of Nursing that the advanced practice registered nurse practices in an area described by Subsection (b). The physician or advanced practice registered nurse may continue to dispense dangerous drugs in the area until the board determines, after notice and hearing, that the physician or advanced practice registered nurse no longer practices in an area described by Subsection (b).

SECTION _____. Section 605.002(14), Occupations Code, is amended to read as follows:

(14) "Orthotics" means the science and practice of measuring, designing, fabricating, assembling, fitting, adjusting, or servicing an orthosis under an order from a licensed physician, chiropractor, [~~or~~] podiatrist, or [~~an~~] advanced practice registered nurse, or from a physician assistant acting under the delegation and supervision of a licensed physician as provided by Subchapter B, Chapter 157, and rules adopted by the Texas Medical Board, for the correction or alleviation of a neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity.

SECTION _____. Section 605.2515, Occupations Code, is amended to read as follows:

Sec. 605.2515. ADDITIONAL LICENSE: DEVICE MANUFACTURER. A person licensed to practice orthotics or prosthetics who measures, designs, fabricates, fits, assembles, adjusts, or services an orthosis or a prosthesis under an order from a licensed physician, chiropractor, [~~or~~] podiatrist, or [~~an~~] advanced practice registered nurse, or from a physician assistant acting under the delegation and supervision of a licensed physician as provided by Subchapter B, Chapter 157, and rules adopted by the Texas Medical Board, for a specific patient is exempt from licensing as a device manufacturer under Subchapter L, Chapter 431, Health and Safety Code. A person licensed to practice orthotics or prosthetics who fabricates or assembles an orthosis or a prosthesis without an order from a licensed physician, chiropractor, [~~or~~] podiatrist, or [~~an~~] advanced practice registered nurse, or from a physician assistant acting under the delegation and supervision of a licensed physician as provided by Subchapter B, Chapter 157, and rules adopted by the Texas Medical Board, for a specific patient is required to be licensed as a device manufacturer under Subchapter L, Chapter 431, Health and Safety Code.

SECTION _____. Not later than February 1, 2018, the Texas Board of Nursing shall adopt the rules necessary to implement Sections 301.357 and 301.358, Occupations Code, as added by this Act.

SECTION _____. Notwithstanding any changes in law made by this Act, an advanced practice registered nurse who has been delegated the authority to prescribe and order drugs and medical devices by a physician's protocol or order under Section 157.0511, 157.0512, or 157.054, Occupations Code, may continue to exercise that authority until February 1, 2018.

Amendment No. 5 - Point of Order

Representative Villalba raised a point of order against further consideration of Amendment No. 5 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane.

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

CSHB 2950 relates to the continuation and functions of the Texas Board of Nursing and to the regulation of the practice of nursing. Under Rule 11, Section 2 of the House Rules, "No motion or proposition on a subject different from the subject under consideration shall be admitted as an amendment or as a substitute for the motion or proposition under debate." For sunset bills, the rule further provides, "Amendments pertaining to the organization, powers, regulation, and management of the agency, commission, or advisory committee under consideration are germane." Rule 11, Section 2.

Representative Villalba argues that Amendment No. 5 would grant powers and privileges to nurses that they currently do not possess, thereby impermissibly expanding the scope of practice for all nurses. He explains that nurses are not authorized to have the same designation as doctors or "independent practitioners," and he asserts that providing this authorization is not germane to **CSHB 2950**.

Each of the changes made in the 25 pages of the amendment are tied to the powers and regulations of the agency to regulate the practice of nursing. See provisions of the bill allowing the board to "authorize an advanced practice registered nurse . . . to prescribe and order drugs and devices," and "An advanced practice registered nurse shall practice as a licensed independent practitioner in accordance with standards established and recognized by the board." The amendment also consists of conforming changes relating to these provisions. Having reviewed the amendment, the bill, and the House Rules, the chair determines that Amendment No. 2 does not violate Rule 11, Section 2. The point of order is respectfully overruled.

Amendment No. 5 - Point of Order

Representative Uresti raised a point of order against further consideration of Amendment No. 5 under Rule 11, Section 2 of the House Rules and under Article III, Section 30 of the Texas Constitution on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on General Investigating and Ethics:

Capriglione on motion of Geren.

S. Davis on motion of Geren.

Moody on motion of Geren.

Nevárez on motion of Geren.

Price on motion of Geren.

Shine on motion of Geren.

Turner on motion of Geren.

CSHB 2950 - (consideration continued)

Representative Burkett moved to table Amendment No. 5.

The motion to table prevailed by (Record 609): 114 Yeas, 17 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Arévalo; Bailes; Bernal; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; González; Gooden; Guerra; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Lozano; Lucio; Martinez; Metcalf; Meyer; Minjarez; Muñoz; Murr; Neave; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Sheffield; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Cain; Canales; Fallon; Isaac; Krause; Lang; Laubenberg; Leach; Murphy; Rinaldi; Shaheen; Stickland; Swanson; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.; Bell; Miller.

Absent, Excused, Committee Meeting — Ashby; Capriglione; Davis, S.; Gonzales; Longoria; Moody; Nevárez; Price; Shine; Turner.

Absent — Bonnen, D.; Dukes; Guillen; King, P.; Morrison.

STATEMENTS OF VOTE

When Record No. 609 was taken, I was shown voting yes. I intended to vote no.

Keough

When Record No. 609 was taken, I was shown voting no. I intended to vote yes.

Laubenberg

When Record No. 609 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

When Record No. 609 was taken, I was shown voting yes. I intended to vote no.

Springer

REASON FOR VOTE

Scope of practice issues need to be considered as an avenue to address the high price of health care. However, these ideas need to be carefully considered and vetted because of concerns of patient safety, and the public should have an opportunity to comment and testify in favor or in opposition of these ideas. Even though I would like to see scope of practice legislation brought to the floor, I do not believe this amendment is the appropriate vehicle.

Burrows

Amendment No. 6

Representative Krause offered the following amendment to **CSHB 2950**:
Floor Packet Page No. 6

Amend **CSHB 2950** (house committee report) by adding the following appropriately numbered section to the bill and renumbering the sections of the bill accordingly:

SECTION _____. Subchapter A, Chapter 301, Occupations Code, is amended by adding Section 301.006 to read as follows:

Sec. 301.006. CERTAIN RULES OR POLICIES PROHIBITED. (a) The board may not adopt any rule, regulation, or policy or impose a penalty that:

(1) limits the ability of an applicant for a license under this chapter to be licensed based on a sincerely held religious belief of the applicant; or

(2) burdens a license holder's:

(A) free exercise of religion, regardless of whether the burden is the result of a rule generally applicable to all license holders;

(B) freedom of speech regarding a sincerely held religious belief;

or

(C) membership in any religious organization.

(b) Subsection (a) does not apply to a rule, regulation, or policy adopted or a penalty imposed by the board that results in a limitation or burden described by Subsection (a) if the rule, regulation, policy, or penalty is:

- (1) essential to enforcing a compelling governmental purpose; and
- (2) narrowly tailored to accomplish that purpose.

(c) A person may assert that a board rule, regulation, or policy, or a penalty imposed by the board, violates this section as a defense in an administrative hearing or as a claim or defense in a judicial proceeding under Chapter 37, Civil Practice and Remedies Code.

(d) A person may bring an action for injunctive relief against a violation of this section.

Amendment No. 7

Representatives Krause, D. Bonnen, Cook, Parker, Simmons, Cyrier, Schaefer, Darby, VanDeaver, Shaheen, Raney, Phillips, Hefner, Fallon, Lambert, Villalba, Larson, Holland, Stucky, Zedler, Price, Schofield, K. King, Wray, Phelan, Sanford, Workman, Ashby, Metcalf, Shine, Craddick, Cosper, Dale, Stephenson, Frank, Koop, Murr, Landgraf, Burkett, Schubert, Burns, Burrows, Meyer, G. Bonnen, Paul, Lozano, Bohac, Springer, R. Anderson, Lang, Roberts, E. Thompson, Tinderholt, C. Anderson, Goldman, and Murphy offered the following amendment to Amendment No. 6:

Amend Amendment No. 6 by Krause to **CSHB 2950** (page 6 of the prefiled amendments packet) by striking page 1, line 6 through page 2, line 3 and substituting the following:

Sec. 301.006 CLAIM OR DEFENSE FOR PROHIBITED RULE OR POLICY. (a) A person may assert as an affirmative defense in an administrative hearing or as a claim or defense in a judicial proceeding under Chapter 37, Civil Practice and Remedies Code, that a board rule, regulation, or policy, or a penalty imposed by the board:

(1) limits the ability of an applicant for a license under this chapter to be licensed based on a sincerely held religious belief of the applicant; or

(2) burdens a license holder's:

(A) free exercise of religion, regardless of whether the burden is the result of a rule generally applicable to all license holders;

(B) freedom of speech regarding a sincerely held religious belief;

or

(C) membership in any religious organization.

(b) Subsection (a) does not apply to a rule, regulation, or policy adopted or a penalty imposed by the board that results in a limitation or burden described by Subsection (a) if the rule, regulation, policy, or penalty is:

(1) essential to enforcing a compelling governmental purpose; and

(2) narrowly tailored to accomplish that purpose.

(c) A person may bring an action for injunctive relief against a violation of this section.

Amendment No. 7 was adopted.

Amendment No. 8

Representative Moody offered the following amendment to Amendment No. 6:

Amend Amendment No. 6 by Krause to **CSHB 2950** (page 6, prefiled amendment packet) by striking added Section 301.006(b), Occupations Code, and substituting the following:

(b) Subsection (a) does not apply if the board demonstrates that the limitation or burden with respect to the applicant or license holder:

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that interest.

Amendment No. 8 was adopted.

Amendment No. 6, as amended, was adopted.

CSHB 2950, as amended, was passed to engrossment.

CSHB 3337 ON SECOND READING

(by D. Bonnen)

CSHB 3337, A bill to be entitled An Act relating to the eligibility of certain persons to teach a driver education course.

CSHB 3337 was read second time earlier today and was postponed until this time.

CSHB 3337 was passed to engrossment.

GENERAL STATE CALENDAR

(consideration continued)

CSHB 1543 ON SECOND READING

(by Burkett)

CSHB 1543, A bill to be entitled An Act relating to access to records that pertain to the testing for, and fitting and dispensing of, hearing instruments.

CSHB 1543 was passed to engrossment.

CSHB 1793 ON SECOND READING

(by Pickett)

CSHB 1793, A bill to be entitled An Act relating to the inspection of certain commercial motor vehicles that are not domiciled in this state.

CSHB 1793 was passed to engrossment.

CSHB 3063 ON SECOND READING

(by Kacal)

CSHB 3063, A bill to be entitled An Act relating to agricultural liens.

CSHB 3063 was passed to engrossment.

HB 1544 ON SECOND READING
(by Burkett)

HB 1544, A bill to be entitled An Act relating to a client's access to certain records of hearing instrument fitters and dispensers.

HB 1544 was passed to engrossment.

HB 2065 ON SECOND READING
(by Phillips, Isaac, Burns, and Wray)

HB 2065, A bill to be entitled An Act relating to fines collected by a county or municipality from the enforcement of commercial motor vehicle safety standards.

HB 2065 was passed to engrossment.

HB 2774 ON SECOND READING
(by Phelan)

HB 2774, A bill to be entitled An Act relating to the installation of unsafe motor vehicle tires; creating a criminal offense.

Amendment No. 1

Representative Phelan offered the following amendment to **HB 2774**:

Amend **HB 2774** (house committee printing) on page 1, line 13, between "the" and "tire", by inserting "person knows that the".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Pickett offered the following amendment to **HB 2774**:

Amend **HB 2774** (house committee printing) on page 1 as follows:

(1) Between lines 8 and 9, add the following subdivision and renumber subsequent subdivisions of added Section 727.005(a), Transportation Code, accordingly:

(1) the person owns or operates a business that installs tires on motor vehicles;

(2) On line 9, between "person" and "installs", insert "or an employee of the person".

Amendment No. 2 was adopted.

HB 2774, as amended, was passed to engrossment by (Record 610): 118 Yeas, 15 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson, R.; Arévalo; Bailes; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Clardy; Coleman; Collier; Cook; Cortez; Cospier; Craddick; Cyrier; Dale; Darby; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal;

King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Leach; Lozano; Lucio; Martinez; Metcalf; Meyer; Minjarez; Morrison; Muñoz; Murphy; Murr; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Uresti; VanDeaver; Villalba; Vo; Walle; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Keough; Krause; Lang; Neave; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Stickland; Swanson; Tinderholt; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.; Bell; Miller.

Absent, Excused, Committee Meeting — Ashby; Capriglione; Davis, S.; Gonzales; Longoria; Moody; Nevárez; Price; Shine; Turner.

Absent — Alvarado; Dukes; Laubenberg.

STATEMENT OF VOTE

When Record No. 610 was taken, I was shown voting yes. I intended to vote no.

Burrows

(Moody, Nevárez, Shine, and Turner now present)

CSHB 3130 ON SECOND READING (by Parker, White, Rose, and Zerwas)

CSHB 3130, A bill to be entitled An Act relating to the establishment of an educational and vocational training pilot program for certain state jail felony defendants.

CSHB 3130 was passed to engrossment.

CSHB 3370 ON SECOND READING (by Craddick)

CSHB 3370, A bill to be entitled An Act relating to certain limitations on the increase of a premium, cost, charge, administrative expense, or fee associated with a life insurance policy.

CSHB 3370 was passed to engrossment.

HB 3165 ON SECOND READING (by Moody)

HB 3165, A bill to be entitled An Act relating to the duties of a personal bond pretrial release office.

HB 3165 was passed to engrossment. (Phillips recorded voting no.)

HB 3591 ON SECOND READING
(by E. Thompson)

HB 3591, A bill to be entitled An Act relating to the composition of the aviation advisory committee.

Representative E. Thompson moved to postpone consideration of **HB 3591** until 10 a.m. Tuesday, May 9.

The motion prevailed.

CSHB 1102 ON SECOND READING
(by Hernandez)

CSHB 1102, A bill to be entitled An Act relating to providing a telephone number for certain governmental purposes.

(Price now present)

CSHB 1102 - POINT OF ORDER

Representative Rinaldi raised a point of order against further consideration of **CSHB 1102** under Rule 8, Section 1(a) of the House Rules on the grounds that the bill caption is inaccurate.

The point of order was withdrawn.

Representative Hernandez moved to postpone consideration of **CSHB 1102** until 9 a.m. tomorrow.

The motion prevailed.

HB 435 ON SECOND READING
(by K. King, Bailes, Springer, and Flynn)

HB 435, A bill to be entitled An Act relating to the application of certain weapons laws to and liability for certain actions of volunteer emergency services personnel licensed to carry a handgun.

HB 435 was passed to engrossment.

HB 626 ON SECOND READING
(by Workman)

HB 626, A bill to be entitled An Act relating to late applications for certain exemptions from ad valorem taxation.

HB 626 was passed to engrossment.

CSHB 1103 ON SECOND READING
(by Hernandez)

CSHB 1103, A bill to be entitled An Act relating to excluding a person on the suspense list from jury duty and the use of the address of a person submitted by the voter registrar to the secretary of state in preparing a jury wheel.

Representative Hernandez moved to postpone consideration of **CSHB 1103** until 9 a.m. tomorrow.

The motion prevailed.

CSHB 486 ON SECOND READING
(by VanDeaver and Howard)

CSHB 486. A bill to be entitled An Act relating to the calculation of the rollback tax rate of a school district.

Amendment No. 1

Representative Schofield offered the following amendment to **CSHB 486**:

Amend **CSHB 486** (house committee report) as follows:

(1) On page 1, line 6, strike "(q), (r), and (s)" and substitute "(q) and (r)".

(2) Strike page 1, line 20, through page 2, line 16, and substitute the following:

(r) Subsection (q) applies to a school district only if:

(1) the district has adopted a tax rate equal to or higher than the rate provided by that subsection for any tax year in the preceding 10 tax years; and

(2) in the 2016 tax year or any subsequent tax year the district adopted a tax rate that was lower than the tax rate described by Subsection (q)(2).

Amendment No. 1 was adopted.

Amendment No. 2

Representative Leach offered the following amendment to **CSHB 486**:

Amend **CSHB 486** (house committee printing) as follows:

(1) On page 1, line 6, strike "and (s)" and substitute "(s), and (t)".

(2) Strike page 1, lines 20 through 23, and substitute the following:

(r) Subsection (q) applies to a school district only if at any time in the preceding 10 tax years:

(1) the district has adopted a tax rate equal to or higher than the rate provided by that subsection; and

(2) the registered voters of the district at an election held for that purpose have approved calculating the rollback tax rate of the district in the manner provided by that subsection.

(s) The ballot for an election under Subsection (r)(2) shall be prepared to permit voting for or against the proposition: "Approving the calculation of the rollback tax rate of the _____ (name of school district) in the manner provided by Section 26.08(q), Tax Code."

(3) On page 1, line 24, strike "(s)" and substitute "(t)".

(Capriglione now present)

(Kuempel in the chair)

Representative VanDeaver moved to table Amendment No. 2.

The motion to table prevailed by (Record 611): 101 Yeas, 34 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bailes; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burns; Button; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dutton; Faircloth; Farrar; Frank; Frullo; Geren; Gervin-Hawkins; Giddings;

Goldman; González; Gooden; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, T.; Koop; Lambert; Landgraf; Larson; Lucio; Martinez; Meyer; Minjarez; Moody; Morrison; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Shine; Simmons; Springer; Stucky; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Biedermann; Bohac; Burkett; Burrows; Cain; Canales; Dale; Elkins; Fallon; Flynn; Hefner; Isaac; Keough; Klick; Krause; Lang; Laubenberg; Leach; Lozano; Metcalf; Paul; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Smithee; Stephenson; Stickland; Swanson; Tinderholt; White; Zedler.

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

Absent, Excused — Anderson, C.; Bell; Miller.

Absent, Excused, Committee Meeting — Ashby; Davis, S.; Gonzales; Longoria.

Absent — Dukes; Guillen; King, P.; Muñoz; Oliveira.

STATEMENTS OF VOTE

When Record No. 611 was taken, my vote failed to register. I would have voted no.

Guillen

When Record No. 611 was taken, I was in the house but away from my desk. I would have voted no.

P. King

(Longoria now present)

CSHB 486, as amended, was passed to engrossment by (Record 612): 90 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bailes; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burns; Button; Clardy; Coleman; Collier; Cook; Cortez; Cospier; Cyrier; Davis, Y.; Deshotel; Dutton; Farrar; Geren; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, T.; Koop; Lambert; Longoria; Lozano; Lucio; Minjarez; Moody; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Paul; Perez; Phelan; Phillips; Pickett; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Sheffield; Shine; Springer; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Wilson; Workman; Wray; Wu.

Nays — Anderson, R.; Biedermann; Bohac; Burkett; Burrows; Cain; Canales; Capriglione; Craddick; Dale; Darby; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Goldman; Hefner; Holland; Isaac; Keough; King, P.; Klick; Krause; Landgraf; Lang; Larson; Laubenberg; Leach; Metcalf; Meyer; Morrison; Parker; Price; Rinaldi; Sanford; Schaefer; Schubert; Shaheen; Simmons; Smithee; Stephenson; Stickland; Swanson; Tinderholt; White; Zedler; Zerwas.

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

Absent, Excused — Anderson, C.; Bell; Miller.

Absent, Excused, Committee Meeting — Ashby; Davis, S.; Gonzales.

Absent — Dean; Dukes; Martinez.

STATEMENTS OF VOTE

When Record No. 612 was taken, I was shown voting yes. I intended to vote no.

G. Bonnen

When Record No. 612 was taken, I was shown voting no. I intended to vote yes.

Darby

When Record No. 612 was taken, I was in the house but away from my desk. I would have voted no.

Dean

When Record No. 612 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 612 was taken, I was shown voting yes. I intended to vote no.

Paul

When Record No. 612 was taken, I was shown voting yes. I intended to vote no.

Wilson

HB 681 ON SECOND READING

(by Wu)

HB 681, A bill to be entitled An Act relating to restricting access to certain information that relates to a person convicted of or granted a dismissal after deferral of disposition for a fine-only misdemeanor offense.

HB 681 was passed to engrossment.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

CSHB 834 ON SECOND READING
(by Parker)

CSHB 834, A bill to be entitled An Act relating to regulating the custody transfer of an adopted child; creating a criminal offense.

Amendment No. 1

Representative Parker offered the following amendment to **CSHB 834**:

Amend **CSHB 834** (house committee printing) as follows:

- (1) On page 1, line 11, following "unless", insert ":".
- (2) On page 1, strike lines 12-14 and substitute the following:

(1) the parent, managing conservator, or guardian files a petition with a court of competent jurisdiction requesting a transfer of custody; and

Amendment No. 1 was adopted.

CSHB 834, as amended, was passed to engrossment.

HB 4054 ON SECOND READING
(by Murphy)

HB 4054, A bill to be entitled An Act relating to the application of sales and use taxes to certain food items.

Amendment No. 1

Representative Murphy offered the following amendment to **HB 4054**:

Amend **HB 4054** (house committee printing) as follows:

- (1) On page 1, strike lines 5 and 6, and substitute the following:

SECTION 1. Section 151.314, Tax Code, is amended by amending Subsections (b), (c-2), and (c-3) and adding Subsection (b-2) to read as follows:

- (2) On page 1, between lines 6 and 7, insert the following:

(b) "Food products" shall include, except as otherwise provided herein, but shall not be limited to cereals and cereal products; milk and milk products, including ice cream; oleomargarine; meat and meat products; poultry and poultry products; fish and fish products; eggs and egg products; vegetables and vegetable products; fruit and fruit products; spices, condiments, and salt; sugar and sugar products; coffee and coffee substitutes; tea; cocoa products; snack items; bakery items; or any combination of the above.

- (b-2) For purposes of this section:

(1) "Bakery" means a retail location that primarily sells bakery items from a display case or counter, predominantly for consumption off the premises.

(2) "Bakery items" means bread, rolls, buns, biscuits, bagels, croissants, pastries, doughnuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, tortillas, and similar items.

(3) On page 1, line 9, between "(1)" and "food", insert "except as provided by Subsection (c-3)(1)."

- (4) On page 2, strike lines 1 through 5 and substitute the following:

(1) bakery items sold by a bakery, regardless of whether heated by the consumer or seller [~~without plates or other eating utensils, including bread, rolls, buns, biscuits, bagels, croissants, pastries, doughnuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas~~]; and

Amendment No. 1 was adopted.

HB 4054, as amended, was passed to engrossment.

HB 3903 ON SECOND READING
(by Burkett)

HB 3903, A bill to be entitled An Act relating to certain political contributions by judicial candidates and officeholders and certain political committees.

PARLIAMENTARY INQUIRY

REPRESENTATIVE CAIN: Is it true that the parliamentarian has determined that my amendments are nongermane and refuses to lay them out?

CHAIR (Kuempel in the chair): Yes, sir. There are four amendments to the bill, none of which are germane, and three are yours.

CAIN: Could we get 10 signatures and appeal that ruling?

CHAIR: No, sir, we do not lay out nongermane amendments.

CAIN: So is it a non-appealable decision?

CHAIR: That is correct. Yes, sir.

CAIN: So is it the determination of the chair that they're nongermane?

CHAIR: Yes, sir, we have answered your question.

HB 3903 was passed to engrossment. (Phillips recorded voting no.)

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to Rule 4, Section 9 of the House Rules, Representative Burkett 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.

REMARKS ORDERED PRINTED

Representative Stickland moved to print remarks between Representative Cain and the chair.

The motion prevailed.

CSHB 3784 ON SECOND READING
(by Holland, P. King, Price, Wray, et al.)

CSHB 3784, A bill to be entitled An Act relating to persons approved by the Department of Public Safety to administer online the classroom instruction part of the handgun proficiency course.

CSHB 3784 was passed to engrossment.

HB 3675 ON SECOND READING
(by Paddie, Raymond, and Rose)

HB 3675, A bill to be entitled An Act relating to the provision of eye health care by certain professionals and institutions as providers in the Medicaid managed care program.

HB 3675 was passed to engrossment. (Flynn recorded voting no.)

CSHB 1980 ON SECOND READING
(by VanDeaver)

CSHB 1980, A bill to be entitled An Act 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.

CSHB 1980 was passed to engrossment.

CSHB 1076 ON SECOND READING
(by Oliverson, Howard, Sheffield, Meyer, VanDeaver, et al.)

CSHB 1076, A bill to be entitled An Act relating to the mandatory spinal screening of public and private school students.

CSHB 1076 was passed to engrossment.

(Speaker in the chair)

CSHB 714 ON SECOND READING
(by Wu, Alvarado, Thierry, Elkins, and S. Davis)

CSHB 714, A bill to be entitled An Act relating to the civil prosecution of offenses involving certain municipal parking ordinances; authorizing a civil fine.

CSHB 714 was passed to engrossment by (Record 613): 83 Yeas, 55 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Arévalo; Bailes; Bernal; Blanco; Bohac; Canales; Clardy; Coleman; Collier; Cortez; Cospers; Dale; Davis, Y.; Deshotel; Dutton; Elkins; Farrar; Frank; Geren; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Koop; Lambert; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Perez; Phelan; Pickett; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Wray; Wu.

Nays — Biedermann; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Cook; Craddick; Cyrier; Darby; Dean; Faircloth; Fallon; Flynn; Frullo; Goldman; Hefner; Holland; Keough; Klick; Krause; Kuempel; Landgraf; Lang; Larson; Laubenberg; Leach; Murr; Parker; Paul; Phillips; Price; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Shaheen; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Thompson, E.; Tinderholt; White; Wilson; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.; Bell; Miller.

Absent, Excused, Committee Meeting — Ashby; Davis, S.; Gonzales.

Absent — Dukes; Guillen; Paddie; Swanson; Thierry.

STATEMENTS OF VOTE

When Record No. 613 was taken, I was shown voting no. I intended to vote yes.

Dean

When Record No. 613 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 613 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 613 was taken, I was shown voting yes. I intended to vote no.

Koop

When Record No. 613 was taken, I was shown voting yes. I intended to vote no.

Metcalf

When Record No. 613 was taken, I was shown voting yes. I intended to vote no.

Meyer

When Record No. 613 was taken, I was shown voting yes. I intended to vote no.

Phelan

When Record No. 613 was taken, I was shown voting no. I intended to vote yes.

Roberts

When Record No. 613 was taken, I was shown voting yes. I intended to vote no.

Wray

When Record No. 613 was taken, I was shown voting no. I intended to vote yes.

Zerwas

CSHB 1449 ON SECOND READING
(by Simmons, Workman, Paddie, Rose, et al.)

CSHB 1449, A bill to be entitled An Act relating to prohibiting local governments from imposing certain fees on new construction.

CSHB 1449 - POINT OF ORDER

Representative E. Rodriguez raised a point of order against further consideration of **CSHB 1449** under Rule 8, Section 1(c) of the House Rules on the grounds that the bill caption is inaccurate.

The point of order was withdrawn.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Raymond requested permission for the Committee on Human Services to meet while the house is in session, at 5:05 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Human Services, 5:05 p.m. today, 3W.15, for a formal meeting, to consider pending business.

CSHB 1449 - (consideration continued)

CSHB 1449 - POINT OF ORDER

Representative Howard raised a point of order against further consideration of **CSHB 1449** under Rule 8, Section 1(a) of the House Rules on the grounds that the bill caption is inaccurate.

(Kuempel in the chair)

The point of order was withdrawn.

Representative Simmons moved to postpone consideration of **CSHB 1449** until 5:27 p.m. today.

The motion prevailed.

HB 2286 ON SECOND READING
(by Landgraf)

HB 2286, A bill to be entitled An Act relating to the qualifications for service as a grand juror and to the selection of grand jurors.

HB 2286 was passed to engrossment.

CSHB 2650 ON SECOND READING
(by Villalba)

CSHB 2650, A bill to be entitled An Act relating to the presumption of membership initiation deposits as abandoned property.

(Goldman in the chair)

CSHB 2650 failed to pass to engrossment by (Record 614): 10 Yeas, 125 Nays, 2 Present, not voting.

Yeas — Anderson, R.; Dean; Deshotel; Johnson, E.; Keough; Meyer; Morrison; Shine; Villalba; Walle.

Nays — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bailes; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, Y.; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Hinojosa; Holland; Huberty; Hunter; Isaac; Israel; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Minjarez; Moody; 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; Shaheen; Sheffield; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Vo; White; Wilson; Workman; Wray; Wu; Zedler.

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

Absent, Excused — Anderson, C.; Bell; Miller.

Absent, Excused, Committee Meeting — Ashby; Davis, S.; Gonzales.

Absent — Coleman; Dukes; Herrero; Howard; Kuempel; Schubert; Zerwas.

STATEMENTS OF VOTE

When Record No. 614 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 614 was taken, I was in the house but away from my desk. I would have voted no.

Herrero

When Record No. 614 was taken, I was in the house but away from my desk. I would have voted no.

Kuempel

When Record No. 614 was taken, I was in the house but away from my desk. I would have voted no.

Schubert

When Record No. 614 was taken, I was shown voting yes. I intended to vote no.

Walle

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 5:45 p.m. today, in 1W.14, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 5:45 p.m. today, 1W.14, for a formal meeting, to set a calendar.

HB 2205 ON SECOND READING

(by Kuempel)

HB 2205, A bill to be entitled An Act relating to a report of child abuse or neglect made by an employee of a school district or an open-enrollment charter school.

HB 2205 was passed to engrossment.

HB 133 - RECOMMITTED

Representative Kuempel moved to recommit **HB 133** from the Committee on Calendars to the Committee on Licensing and Administrative Procedures.

The motion prevailed.

HB 2931 ON SECOND READING

(by Moody)

HB 2931, A bill to be entitled An Act relating to the nonsubstantive revision of certain provisions of the Code of Criminal Procedure, including conforming amendments.

Amendment No. 1

Representative Moody offered the following amendment to **HB 2931**:

Amend **HB 2931** (house committee report) on page 156, line 8, by striking "April" and substituting "January".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Moody offered the following amendment to **HB 2931**:

Amend **HB 2931** (house committee report) in ARTICLE 6 of the bill by adding the following appropriately numbered SECTION to that article and renumbering subsequent SECTIONS of that article accordingly:

SECTION 6.____. (a) Chapter 311, Government Code (Code Construction Act), applies to the construction of each provision in the Code of Criminal Procedure that is enacted under Section 43, Article III, Texas Constitution (authorizing the continuing statutory revision program), in the same manner as to a code enacted under the continuing statutory revision program, except as otherwise expressly provided by the Code of Criminal Procedure.

(b) A reference in a law to a statute or a part of a statute in the Code of Criminal Procedure enacted under Section 43, Article III, Texas Constitution (authorizing the continuing statutory revision program), is considered to be a reference to the part of that code that revises that statute or part of that statute.

Amendment No. 2 was adopted.

HB 2931, as amended, was passed to engrossment.

CSHB 3025 ON SECOND READING

(by T. King and Murr)

CSHB 3025, A bill to be entitled An Act relating to open, uncovered, abandoned, or deteriorated wells.

Amendment No. 1

Representative Murr offered the following amendment to **CSHB 3025**:

Amend **CSHB 3025** (house committee report) on page 3, line 22, between "well" and the underlined comma, by inserting "inside the district".

Amendment No. 1 was adopted.

CSHB 3025, as amended, was passed to engrossment. (Rinaldi recorded voting no.)

HB 3872 ON SECOND READING

(by Lucio)

HB 3872, A bill to be entitled An Act relating to a motion for forensic DNA testing of certain evidence previously subjected to faulty testing.

HB 3872 was passed to engrossment.

CSHB 3788 ON SECOND READING

(by Koop, Rose, Miller, Keough, and Anchia)

CSHB 3788, A bill to be entitled An Act relating to child-to-caregiver ratios and group sizes in licensed day-care centers and reporting certain information related to child safety.

(Burkett in the chair)

CSHB 3788 was passed to engrossment. (Rinaldi recorded voting no.)

HB 3746 ON SECOND READING
(by Phelan)

HB 3746, A bill to be entitled An Act relating to the permissible uses of the floodplain management account.

Representative Phelan moved to postpone consideration of **HB 3746** until 9 a.m. Monday, May 8.

The motion prevailed.

CSHB 3323 ON SECOND READING
(by Deshotel and Huberty)

CSHB 3323, A bill to be entitled An Act relating to the evaluation of and improvements to the quality of the Texas Workforce Commission's subsidized child care program.

CSHB 3323 was passed to engrossment. (Rinaldi recorded voting no.)

LEAVES OF ABSENCE GRANTED

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

Cook on motion of Herrero.

Giddings on motion of Herrero.

Howard on motion of Herrero.

Hunter on motion of Herrero.

Kacal on motion of Herrero.

K. King on motion of Herrero.

Koop on motion of Herrero.

Nevárez on motion of Herrero.

Paddie on motion of Herrero.

Phelan on motion of Herrero.

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

Alonzo on motion of Herrero.

Geren on motion of Herrero.

Rose on motion of Herrero.

HB 2615 ON SECOND READING
(by Goldman, et al.)

HB 2615, A bill to be entitled An Act relating to the licensing of towing operators and vehicle storage facility employees by the Texas Department of Licensing and Regulation.

HB 2615 was passed to engrossment.

HB 2483 was recommitted on May 1 to the Committee on Business and Industry.

HB 1976 ON SECOND READING
(by Sheffield)

HB 1976, A bill to be entitled An Act relating to a study of the use of a patient-reported outcomes registry in conjunction with health coverage for certain governmental employees.

(Howard now present)

(Goldman in the chair)

HB 1976 was passed to engrossment by (Record 615): 120 Yeas, 7 Nays, 2 Present, not voting.

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

Nays — Biedermann; Cain; Rinaldi; Schaefer; Stickland; Swanson; Tinderholt.

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

Absent, Excused — Anderson, C.; Bell; Miller.

Absent, Excused, Committee Meeting — Alonzo; Ashby; Cook; Davis, S.; Geren; Giddings; Gonzales; Hunter; Kacal; King, K.; Koop; Nevárez; Paddie; Phelan; Rose.

Absent — Dukes; Walle; Wilson.

STATEMENT OF VOTE

When Record No. 615 was taken, I was in the house but away from my desk. I would have voted no.

Wilson

HB 1480 ON SECOND READING
(by S. Thompson)

HB 1480, A bill to be entitled An Act relating to a writ of mandamus by a court of appeals against an associate judge in certain cases.

Representative S. Thompson moved to postpone consideration of **HB 1480** until 9 a.m. Monday, May 8.

The motion prevailed.

CSHB 913 ON SECOND READING
(by Alvarado, P. King, Koop, Moody, and Phelan)

CSHB 913, A bill to be entitled An Act relating to the prosecution of the criminal offense of the possession, manufacture, transport, repair, or sale of certain prohibited explosive weapons.

CSHB 913 - POINT OF ORDER

Representative Cain raised a point of order against further consideration of **CSHB 913** under Rule, 4, Section 32(c)(4); Rule 8, Section 1(a); and Rule 8, Section 1(c) of the House Rules on the grounds that the bill analysis is incorrect and the bill caption is inaccurate.

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

CSHB 913 amends the Penal Code by defining "improvised explosive device" and expanding the conduct that constitutes a third degree felony offense by adding "an improvised explosive device" to the list of weapons that generally may not be knowingly possessed, manufactured, transported, repaired, or sold. Rather than creating a new offense, the bill merely adds improvised explosive devices to the existing list of prohibited weapons. Adding an item to a list of items that are the subjects of an existing offense does not amount to expressly creating a new offense. See 84 H.J. Reg. 3086-3087 (2015) (Tinderholt point of order on **SB 97**); cf. 84 H.J. Reg. 3375 (2015) (Moody point of order on **CSHB 3994**). For these reasons, and having reviewed the bill, the bill analysis, and house precedents, the chair determines that the bill does not create a criminal offense. Therefore, there is no violation of Rule 4, Section 32(c)(4) or Rule 8, Section 1(c) of the House Rules.

Regarding Representative Cain's assertion that the caption fails to give reasonable notice of the bills subject, the caption of the bill reads "relating to the prosecution of the criminal offense of the possession, manufacture, transport, repair, or sale of certain prohibited explosive weapons." Representative Cain argues that this caption is misleading because "knuckles," which are one of the weapons in the existing list of prohibited items, are not explosive. The bill itself, however, defines and then prohibits possession, manufacture, transport, repair, or sale of improvised explosive devices, without affecting any other type of weapon. The chair concludes that the caption is sufficient to satisfy Rule 8, Section 1(a).

(Nevárez now present)

CSHB 913 was passed to engrossment by (Record 616): 98 Yeas, 32 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Arévalo; Bailes; Bernal; Blanco; Bohac; Bonnen, D.; Burkett; Capriglione; Clardy; Coleman; Collier; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, Y.; Deshotel; Dutton; Elkins; Farrar; Flynn; Frank; Frullo; Gervin-Hawkins; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Isaac; Israel; Johnson, E.; Johnson, J.; King, P.; King, T.; Kuempel; Lambert; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Meyer; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Ortega; Parker; Paul; Perez; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Biedermann; Bonnen, G.; Burns; Burrows; Button; Cain; Canales; Dean; Faircloth; Fallon; Gooden; Hefner; Keough; Klick; Krause; Landgraf; Lang; Leach; Metcalf; Murr; Oliverson; Phillips; Rinaldi; Sanford; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; White; Zedler.

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

Absent, Excused — Anderson, C.; Bell; Miller.

Absent, Excused, Committee Meeting — Alonzo; Ashby; Cook; Davis, S.; Geren; Giddings; Gonzales; Hunter; Kacal; King, K.; Koop; Paddie; Phelan; Rose.

Absent — Dukes.

STATEMENTS OF VOTE

When Record No. 616 was taken, I was shown voting yes. I intended to vote no.

Bailes

When Record No. 616 was taken, I was shown voting yes. I intended to vote no.

Springer

CSHB 579 ON SECOND READING (by Turner)

CSHB 579, A bill to be entitled An Act relating to notice by a state agency regarding certain contracts for which the actual cost exceeds the contracted amount.

Amendment No. 1

Representative Turner offered the following amendment to **CSHB 579**:

Amend **CSHB 579** (house committee report) as follows:

(1) On page 1, line 8, strike "For" and substitute "Subject to Subsection (a-1), for".

(2) On page 1, strike lines 9-11 and substitute "to purchase services from a vendor for which the total value of the contract after any contract amendment exceeds the total value of the initial contract by \$1 million or more, the state agency in accordance with procedures".

(3) On page 1, between lines 19 and 20, insert the following:

(a-1) Subsection (a) applies only to a contract the cost of which is paid for with appropriated funds.

(4) On page 1, lines 21 and 22, strike "the actual cost exceeds the contract amount" and substitute "of the disclosure or discovery that the expected total value of the contract after any contract amendment exceeds the total value of the initial contract".

(5) On page 1, line 24, strike "excessive cost" and substitute "cost increase".

(6) On page 2, line 1, strike "excessive cost" and substitute "cost increase".

(7) On page 2, strike lines 3 and 4 and substitute "cost or to purchase the service from another vendor after the first discovery or disclosure of any cost increase to the agency; and".

(8) On page 2, strike lines 25 and 26, and substitute "services from a vendor for which the total value of the contract after any contract amendment exceeds the total value of the initial contract by \$1 million or more.".

(Giddings, Hunter, Kacal, Koop, Paddie, and Phelan now present)

Amendment No. 1 was adopted.

(Ashby now present)

CSHB 579, as amended, was passed to engrossment by (Record 617): 69 Yeas, 64 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Arévalo; Bailes; Bernal; Blanco; Canales; Clardy; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dutton; Farrar; Frullo; Gervin-Hawkins; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, T.; Koop; Kuempel; Lambert; Larson; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Sheffield; Simmons; Stucky; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas.

Nays — Anderson, R.; Ashby; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Cospers; Craddick; Cyrier; Dale; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Hefner; Holland; Huberty; Hunter; Isaac; King, P.; Klick; Krause; Landgraf; Lang; Laubenberg; Leach; Lozano; Metcalf; Meyer; Morrison; Murphy; Murr; Oliverson; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Smithee; Springer; Stephenson; Stickland; Swanson; Thompson, E.; Tinderholt; Villalba; Wilson; Workman.

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

Absent, Excused — Anderson, C.; Bell; Miller.

Absent, Excused, Committee Meeting — Alonzo; Cook; Davis, S.; Geren; Gonzales; King, K.; Rose.

Absent — Darby; Dukes; Gooden; Paddie; Zedler.

STATEMENTS OF VOTE

When Record No. 617 was taken, I was shown voting yes. I intended to vote no.

Bailes

When Record No. 617 was taken, I was shown voting no. I intended to vote yes.

Capriglione

When Record No. 617 was taken, I was in the house but away from my desk. I would have voted no.

Darby

When Record No. 617 was taken, my vote failed to register. I would have voted no.

Gooden

When Record No. 617 was taken, I was shown voting yes. I intended to vote no.

Koop

When Record No. 617 was taken, I was shown voting yes. I intended to vote no.

Stucky

When Record No. 617 was taken, I was in the house but away from my desk. I would have voted no.

Zedler

CSHB 446 ON SECOND READING

(by Bell)

CSHB 446, A bill to be entitled An Act relating to refunds of certain bingo licensing and registration fees.

Representative Simmons moved to postpone consideration of **CSHB 446** until 10 a.m. Thursday, May 4.

The motion prevailed.

(S. Davis now present)

HB 1500 ON SECOND READING

(by Giddings and Guillen)

HB 1500, A bill to be entitled An Act relating to indicators of achievement under the public school accountability system.

HB 1500 was passed to engrossment.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

HCR 105

(by **D. Bonnen and Phelan**)

HCR 105, Encouraging Congress to pass legislation allowing the State of Texas to manage the Gulf of Mexico red snapper fishery out to 200 nautical miles.

HCR 105 was adopted by (Record 618): 136 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; 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; 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; Zerwas.

Nays — Dutton.

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

Absent, Excused — Anderson, C.; Bell; Miller.

Absent, Excused, Committee Meeting — Alonzo; Cook; Geren; Gonzales; King, K.; Rose.

Absent — Dukes; Zedler.

STATEMENT OF VOTE

When Record No. 618 was taken, I was in the house but away from my desk. I would have voted yes.

Zedler

HCR 106**(by Deshotel, Perez, Faircloth, Roberts, and Cain)**

HCR 106, Urging Congress to provide sufficient federal funding for the construction of a storm surge barrier along the Texas coast.

Representative Deshotel moved to postpone consideration of **HCR 106** until 10 a.m. Friday, May 5.

The motion prevailed.

FIVE-DAY POSTING RULE SUSPENDED

Representative Morrison moved to suspend the five-day posting rule to allow the Committee on Transportation to consider **HB 3897** at 8 a.m. tomorrow in E2.014.

The motion prevailed.

(Cook now present)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Transportation, 8 a.m. tomorrow, E2.014, for a public hearing, to consider **HB 3897** and the previously posted agenda.

Investments and Financial Services, during bill referral today, 1W.14, for a formal meeting, to consider pending business.

Land and Resource Management, during bill referral today, 1W.14, for a formal meeting, to consider pending business.

Rules and Resolutions, during bill referral today, 1W.14, for a formal meeting, to set a calendar.

Criminal Jurisprudence, during bill referral today, 3W.9, for a formal meeting, to consider **HB 2583** and pending business.

Transportation, during bill referral today, 3W.15, for a formal meeting, to consider pending business.

(K. King now present)

POSTPONED BUSINESS

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

CSHB 1449 ON SECOND READING**(by Simmons, Workman, Paddie, Rose, et al.)**

CSHB 1449, A bill to be entitled An Act relating to prohibiting local governments from imposing certain fees on new construction.

CSHB 1449 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Simmons offered the following amendment to **CSHB 1449**:

Amend **CSHB 1449** (house committee printing) as follows:

(1) On page 1, lines 18-19, strike "or indirectly" and substitute ", indirectly, voluntarily, or involuntarily".

(2) On page 1, line 19, between "demand" and "on", insert ", including any payment or demand made in connection with a regulation on zoning, subdivisions, site plans, or building permits,".

(3) On page 1, line 20, between "of" and "offsetting", insert "providing for or".

(4) Strike page 1, line 23, through page 2, line 2, and substitute the following:

(1) a fee in existence on January 1, 2017, that is voluntarily offered in connection with a zoning waiver issued for additional height or square footage in a commercial or multifamily residential structure;

(2) an affordable housing and property tax abatement program:

(A) in existence on January 1, 2017;

(B) adopted under Chapter 378 by a municipality with a population of more than 700,000; and

(C) for which eligibility is maintained as required under Chapter 312, Tax Code; or

(3) an affordable housing program in existence on January 1, 2017, and adopted by a municipality with a population of more than 1.18 million pursuant to a federal district court consent decree.

Amendment No. 1 - Point of Order

Representative Moody raised a point of order against further consideration of Amendment No. 1 under Rule 8, Section 10 of the House Rules.

The point of order was withdrawn.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Simmons offered the following amendment to **CSHB 1449**:

Amend **CSHB 1449** (house committee printing) on page 1, line 19, by striking "charge, or demand".

Amendment No. 2 was adopted.

CSHB 1449, as amended, was passed to engrossment. (Collier, Hinojosa, Howard, E. Rodriguez, and Turner recorded voting no.)

CSHB 2650 - NOTICE GIVEN

At 6:28 p.m., pursuant to the provisions of Rule 7, Section 37(c) of the House Rules, Representative Villalba gave notice that he would, in one hour, move to reconsider the vote by which **CSHB 2650** failed to pass to engrossment by Record No. 614.

PROVIDING FOR ADJOURNMENT

At 6:33 p.m., Representative Dutton 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.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

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

(Blanco in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 6:41 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 4338 (By Guillen), Relating to the Live Oak Underground Water Conservation District.

To Natural Resources.

HB 4341 (By Bailes), Relating to the creation of the Liberty County Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Special Purpose Districts.

HB 4343 (By Oliverson), Relating to the creation of Harris County Improvement District No. 26; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Special Purpose Districts.

SB 160 to Public Education.

SB 208 to Environmental Regulation.

SB 295 to Investments and Financial Institutions.

SB 398 to Appropriations.

- SB 470** to County Affairs.
- SB 518** to Ways and Means.
- SB 533** to Appropriations.
- SB 591** to Defense and Veterans' Affairs.
- SB 617** to Judiciary and Civil Jurisprudence.
- SB 671** to Public Education.
- SB 687** to Human Services.
- SB 692** to County Affairs.
- SB 693** to Transportation.
- SB 714** to Investments and Financial Institutions.
- SB 715** to Land and Resource Management.
- SB 718** to Insurance.
- SB 721** to Agriculture and Livestock.
- SB 849** to Licensing and Administrative Procedures.
- SB 1102** to Transportation.
- SB 1136** to Ways and Means.
- SB 1238** to Urban Affairs.
- SB 1304** to Juvenile Justice and Family Issues.
- SB 1361** to Natural Resources.
- SB 1365** to Ways and Means.
- SB 1401** to Investments and Financial Institutions.
- SB 1402** to Investments and Financial Institutions.
- SB 1488** to State Affairs.
- SB 1491** to Insurance.
- SB 1494** to Business and Industry.
- SB 1517** to Business and Industry.
- SB 1518** to Business and Industry.
- SB 1541** to Energy Resources.
- SB 1584** to Corrections.
- SB 1622** to Defense and Veterans' Affairs.
- SB 1633** to Public Health.
- SB 1655** to Government Transparency and Operation.
- SB 1955** to Business and Industry.
- SB 1976** to State Affairs.

SB 2053 to Judiciary and Civil Jurisprudence.

SB 2105 to Economic and Small Business Development.

SB 2205 to Transportation.

SJR 60 to Investments and Financial Institutions.

SIGNED BY THE SPEAKER

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

Senate List No. 11

SB 988, SB 1120

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
Tuesday, May 2, 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 210 Kolkhorst

Relating to the required repeal or amendment of two state agency rules before adoption of a new state agency rule that increases costs to regulated persons.

SB 463 Seliger

Relating to the use of individual graduation committees to satisfy certain public high school graduation requirements.

SB 589 Lucio

Relating to the licensing and regulation of behavior analysts and assistant behavior analysts; requiring an occupational license; imposing fees; providing a civil penalty; creating a criminal offense.

SB 999 West

Relating to procedures for taking possession of a child and for certain hearings in a suit affecting the parent-child relationship involving the Department of Family and Protective Services.

SB 1001 Taylor, Larry

Relating to vehicles exempt from vehicle safety inspections.

- SB 1291** Creighton
Relating to permits for oversize and overweight vehicles in a certain county.
- SB 1367** Menéndez
Relating to policies and training regarding the use of epinephrine auto-injectors by public institutions of higher education; providing immunity.
- SB 1395** Creighton
Relating to the powers and duties of navigation districts and port authorities.
- SB 1467** West
Relating to the Texas college work-study program and to establishing a program for the off-campus employment of certain students at public or private institutions of higher education.
- SB 1477** West
Relating to ransomware; creating a criminal offense.
- SB 1729** Birdwell
Relating to the reporting and disposition of certain state-owned real property.
- SB 1758** Zaffirini
Relating to requirements for the court in permanency hearings for children in the conservatorship of the Department of Family and Protective Services who are receiving transitional living services.
- SB 1848** Bettencourt
Relating to the award of attorney's fees in a judicial appeal of certain ad valorem tax determinations.
- SB 1854** Uresti
Relating to requiring the review of public school district paperwork to limit paperwork requirements.
- SB 2190** Huffman
Relating to the public retirement systems of certain municipalities.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, May 2, 2017 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 196

Garcia

Relating to a notification requirement if a public school, including an open-enrollment charter school, does not have a nurse, school counselor, or librarian assigned to the school during all instructional hours.

SB 805

Lucio

Relating to the duties of the Texas Women Veterans Program.

SB 1354

West

Relating to the authority of certain municipalities to pledge certain tax revenue for the payment of obligations related to hotel projects.

SB 1440

Campbell

Relating to the attendance by a quorum of a governmental body at certain candidate events under the open meetings law.

SB 1462

Hinojosa

Relating to local health care provider participation programs in certain counties and municipalities.

SB 1602

Campbell

Relating to reporting requirements by certain health care facilities for abortion complications; authorizing a civil penalty.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, May 2, 2017 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 47

Zaffirini

Relating to a study on the availability of information regarding convictions and deferred dispositions for certain misdemeanors punishable by fine only.

SB 55

Zaffirini

Relating to a study of the use of a patient-reported outcomes registry in conjunction with health coverage for certain governmental employees.

SB 527

Birdwell

Relating to a defendant's payment of costs associated with a court-appointed counsel.

SB 637 Huffines

Relating to audits of a regional mobility authority by the state auditor.

SB 696 Perry

Relating to a requirement that the Texas Commission on Environmental Quality obtain or develop updated water availability models for certain river basins.

SB 1330 Seliger

Relating to funding for the operations of the Texas Low-Level Radioactive Waste Disposal Compact Commission.

SB 1446 Estes

Relating to contested cases conducted under the Administrative Procedure Act.

SB 2066 Hancock

Relating to the attachment of a hospital lien on a cause of action or claim of an injured person who receives hospital services.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 1

Agriculture and Livestock - **HB 2600, HB 3969**

Appropriations - **HB 18**

Business and Industry - **HB 2343, HB 3150, HB 3363**

Corrections - **HB 3269, SB 1576**

County Affairs - **HB 1417, SB 881**

Criminal Jurisprudence - **SB 256, SB 843**

Culture, Recreation, and Tourism - **HB 2009**

Defense and Veterans' Affairs - **HB 2302, HB 4182**

Energy Resources - **HB 891**

Environmental Regulation - **HB 1856, HB 2568, HB 2958**

General Investigating and Ethics - **HB 2523, HB 3305**

Government Transparency and Operation - **HB 233, HB 1278**

Homeland Security and Public Safety - **HB 514**

Human Services - **HB 7, HB 39, HB 1608, HB 2116, HB 2330, HB 2331, HB 2454, HB 2766, HB 3151, HB 3204, HB 4056, HB 4095**

Insurance - **HB 647, HB 1464, HB 3496, HB 3509, HB 3510, HB 3579, HB 3703**

Investments and Financial Services - **HB 3169** (corrected)

Judiciary and Civil Jurisprudence - **HB 606, HB 995, HB 1032, HB 1892, HB 1974, HB 2122, HB 2269, HB 2574, HB 3069, HB 3240, HB 3391, HB 3481, HB 3627, HB 3763, HB 3785, HB 3971, HB 4032, HB 4107, SB 259**

Juvenile Justice and Family Issues - **HB 2703**

Licensing and Administrative Procedures - **HB 2278, HB 2525, HB 2909, HB 3206, HB 3243, HB 3287**

Natural Resources - **HB 1603, HB 2376, HB 2959, HB 3177, HB 3333, HB 3742, HJR 36**

Pensions - **HB 1922**

Public Education - **HB 156, HB 209, HB 933** (corrected), **HB 1057, HB 1075, HB 2616, HB 3438, HB 3476**

Public Health - **HB 1398, HB 2389, HB 2418, HB 2466, HB 2765, HB 2898, HB 3183**

State and Federal Power and Responsibility, Select - **SJR 2**

State Affairs - **HB 931, HB 2926, HJR 73, HJR 94**

Urban Affairs - **HB 1193, HB 1238, HB 1879, HB 1916, HB 1984, HB 2052, HB 2110, HB 2427, HB 2528, HB 2677, HB 2881, HB 3178, HB 3461, HB 3691, HB 3727, HB 3871, HB 3919, SB 737**

Ways and Means - **HB 150, HB 1127, HB 2043, HB 2182, HB 2591, HB 3045, HB 3046, HB 3103, HB 3198, HB 3626, HB 3838, HB 4187, HJR 21, HJR 113** (corrected), **SB 594, SB 929, SB 1390**

SENT TO THE GOVERNOR

May 1 - HB 89

RECOMMENDATIONS FILED WITH THE SPEAKER

May 1 - HB 4291

