

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-EIGHTH DAY — MONDAY, MAY 22, 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 1532).

Present — Mr. Speaker(C); Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gerin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; 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 — Herrero.

Absent — Phillips.

The speaker recognized Representative Workman who introduced Dr. Kie Bowman, senior pastor, Hyde Park Baptist Church, Austin, who offered the invocation.

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

LEAVE OF ABSENCE GRANTED

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

Herrero on motion of Raymond.

(Cyrier in the chair)

CAPITOL PHYSICIAN

The chair recognized Representative Workman who presented Dr. Ann Messer of Austin as the "Doctor for the Day."

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

HR 2060 - INTRODUCTION OF GUESTS

The chair recognized Representative Minjarez who introduced representatives of Umberto's Italian Grill.

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 2085 (by Craddick), Honoring the former Midland County judges being recognized at the 2017 Judicial Heritage Ceremony.

HR 2178 (by K. King), Congratulating the Canadian High School girls' basketball team on winning the 2017 UIL 3A state championship.

HR 2261 (by Gervin-Hawkins), Commemorating the 25th anniversary of the Kingdom Council of Interdependent Christian Churches and Ministries.

HR 2271 (by Turner), Congratulating David and Susan Ward of Arlington on their 50th wedding anniversary.

HR 2278 (by J. Johnson), Commemorating the Sickle Cell Association of Houston's 2nd Annual Sickle Cell Chronic Disease Symposium.

HR 2289 (by Rose), Commending Kenneth Winn of Dallas for his community beautification efforts.

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 2178 - PREVIOUSLY ADOPTED (by K. King)

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

HR 2178, Congratulating the Canadian High School girls' basketball team on winning the 2017 UIL 3A state championship.

INTRODUCTION OF GUESTS

The chair recognized Representative K. King who introduced coaches and players of the Canadian High School girls' basketball team.

**HR 2245 - ADOPTED
(by Stephenson)**

Representative Stephenson moved to suspend all necessary rules to take up and consider at this time **HR 2245**.

The motion prevailed.

The following resolution was laid before the house:

HR 2245, In memory of Texas State Trooper Bill Davidson.

HR 2245 was read and was unanimously adopted by a rising vote.

On motion of Representative Tinderholt, the names of all the members of the house were added to **HR 2245** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Stephenson who introduced family members and friends of Bill Davidson.

**HR 2134 - ADOPTED
(by Lozano)**

Representative Lozano moved to suspend all necessary rules to take up and consider at this time **HR 2134**.

The motion prevailed.

The following resolution was laid before the house:

HR 2134, In memory of former Texas state representative Benjamin Albert Glusing of Kingsville.

HR 2134 was read and was unanimously adopted by a rising vote.

On motion of Representative Guillen, the names of all the members of the house were added to **HR 2134** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Lozano who introduced James Glusing, son of the Honorable Benjamin Albert Glusing.

(Phillips now present)

(Speaker in the chair)

LEAVE OF ABSENCE GRANTED

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

Metcalf on motion of Phelan.

CSSB 570 - VOTE RECONSIDERED

Representative Phelan moved to reconsider the vote by which **CSSB 570** failed to pass to third reading by Record No. 1509 on May 21.

The motion to reconsider prevailed by (Record 1533): 102 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Faircloth; Farrar; Flynn; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Hinojosa; Howard; Huberty; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Lambert; Landgraf; Larson; Longoria; Lucio; Martinez; Meyer; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Ortega; Paddie; Parker; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Simmons; Springer; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Wray; Wu; Zerwas.

Nays — Bailes; Biedermann; Bonnen, G.; Burkett; Burns; Burrows; Cain; Dale; Elkins; Fallon; Frank; Hefner; Holland; Isaac; Keough; Krause; Kuempel; Lang; Laubenberg; Leach; Miller; Murr; Oliverson; Paul; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Shaheen; Shine; Smithee; Stephenson; Stickland; Swanson; Tinderholt; Wilson; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; Metcalf.

Absent — Cosper; Goldman; Hunter; Lozano; White.

STATEMENTS OF VOTE

When Record No. 1533 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 1533 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

When Record No. 1533 was taken, I was in the house but away from my desk. I would have voted yes.

White

CSSB 570 ON SECOND READING (Walle - House Sponsor)

The speaker laid before the house, on its second reading and passage to third reading,

CSSB 570, A bill to be entitled An Act relating to the regulation of the retention, storage, transportation, disposal, processing, and reuse of used or scrap tires; providing a civil penalty; creating a criminal offense.

CSSB 570 was read second time on May 21 and failed to pass to third reading by Record No. 1509.

Amendment No. 1

Representative Leach offered the following amendment to **CSSB 570**:

Amend **CSSB 570** (house committee printing) on page 4, line 10, by striking "\$1000" and substituting "\$500".

Amendment No. 1 was adopted.

CSSB 570, as amended, was passed to third reading by (Record 1534): 112 Yeas, 31 Nays, 1 Present, not voting.

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

Nays — Bell; Biedermann; Bonnen, D.; Bonnen, G.; Burns; Burrows; Cain; Cospers; Fallon; Frank; Frullo; Goldman; Hefner; Holland; Keough; Lang; Murr; Paul; Rinaldi; Schaefer; Schofield; Schubert; Shaheen; Smithee; Stephenson; Stickland; Swanson; Tinderholt; White; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; Metcalf.

Absent — Dukes; Laubenberg; Longoria; Paddie.

SJR 6 - HOUSE SPONSOR AUTHORIZED

On motion of Representative Smithee, Representative S. Thompson was authorized as a house sponsor to **SJR 6**.

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

SB 317 ON THIRD READING
(Burkett, Flynn, and S. Thompson - House Sponsors)

SB 317, A bill to be entitled An Act relating to the continuation and functions of the Executive Council of Physical Therapy and Occupational Therapy Examiners, the Texas Board of Physical Therapy Examiners, and the Texas Board of Occupational Therapy Examiners; authorizing a fee.

SB 317 was passed by (Record 1535): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; 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; Hinojosa; 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; 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; 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 — Herrero; Metcalf.

Absent — Cospser; Dukes; Holland; Roberts.

STATEMENTS OF VOTE

When Record No. 1535 was taken, I was in the house but away from my desk. I would have voted yes.

Cospser

When Record No. 1535 was taken, I was in the house but away from my desk. I would have voted yes.

Holland

When Record No. 1535 was taken, I was in the house but away from my desk. I would have voted yes.

Roberts

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 1893 ON THIRD READING
(Smithee - House Sponsor)**

SB 1893, A bill to be entitled An Act relating to the administrative judicial regions in this state.

Amendment No. 1

Representative Phillips offered the following amendment to **SB 1893**:

Amend **SB 1893** on third reading as follows:

(1) In SECTION 2 of the bill, in amended Section 74.042(b), Government Code, strike "~~Fannin, Franklin,~~" and substitute "Fannin, ~~Franklin,~~".

(2) In SECTION 2 of the bill, in added Section 74.042(k), Government Code, strike "Fannin,".

Amendment No. 1 was adopted.

SB 1893, as amended, was passed by (Record 1536): 145 Yeas, 1 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; Metcalf.

Absent — Dukes.

SB 1196 ON THIRD READING
(Smithee - House Sponsor)

SB 1196, A bill to be entitled An Act relating to the declaration of a common nuisance involving a computer network or web address.

SB 1196 was passed by (Record 1537): 145 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; 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 — Cain.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; Metcalf.

Absent — Elkins.

STATEMENT OF VOTE

When Record No. 1537 was taken, I was shown voting no. I intended to vote yes.

Cain

SB 654 ON THIRD READING
(Smithee, Howard, Price, and Darby - House Sponsors)

SB 654, A bill to be entitled An Act relating to the participation of an advanced practice registered nurse as a primary care or network provider for certain governmental and other health benefit plans.

SB 654 was passed by (Record 1538): 147 Yeas, 0 Nays, 1 Present, not voting.

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

Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; 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 — Herrero; Metcalf.

SB 317 - HOUSE SPONSOR AUTHORIZED

On motion of Representative Price, Representative Clardy was authorized as a house sponsor to **SB 317**.

SB 715 ON THIRD READING

(Huberty, Larson, Workman, Bailes, Bell, et al. - House Sponsors)

SB 715, A bill to be entitled An Act relating to municipal annexation.

Amendment No. 1

Representative Workman offered the following amendment to **SB 715**:

Amend **SB 715** on third reading in added Section 43.0751(t), Local Government Code, by striking "2017" and substituting "2009".

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Romero and Bell offered the following amendment to **SB 715**:

Amend **SB 715** on third reading by striking added Section 43.1211, Local Government Code, and substituting the following:

Sec. 43.1211. AUTHORITY OF MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN COUNTY WITH POPULATION OF 500,000 OR MORE TO ANNEX FOR LIMITED PURPOSES. Except as provided by Section 43.0751, beginning September 1, 2017, a municipality to which Subchapter C-2 through C-5 applies may annex an area for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area using the procedures under Subchapter C-3, C-4, or C-5, as applicable.

Amendment No. 2 was adopted.

Amendment No. 3

On behalf of Representative Oliveira, Representative Lucio offered the following amendment to **SB 715**:

Amend **SB 715** as follows:

(1) On page 5, line 6, between "COUNTIES." and "A" insert "(a)".

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

(b) A municipality described by Subsection (a) to which Section 42.0235 applies and a neighboring municipality may waive the application of Subsection (a) or Section 42.0235 if the governing body of each municipality adopts, on or after June 1, 2017, a resolution stating that the applicable section is waived.

Amendment No. 3 was adopted.

SB 715, as amended, was passed by (Record 1539): 110 Yeas, 35 Nays, 1 Present, not voting.

Yeas — Allen; Anderson, C.; Anderson, R.; Arévalo; Bailes; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Collier; Cook; Cortez; Cospers; Craddick; Crysler; Dale; Darby; Davis, S.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Guillen; Gutierrez; Hefner; 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; Meyer; Minjarez; Muñoz; Murphy; Murr; Oliveira; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Raymond; Rinaldi; Roberts; Rodriguez, J.; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Uresti; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Ashby; Bernal; Blanco; Clardy; Coleman; Davis, Y.; Dukes; Farrar; Gooden; Guerra; Hernandez; Hinojosa; Holland; Howard; Johnson, E.; Longoria; Lucio; Martinez; Miller; Moody; Morrison; Neave; Nevárez; Ortega; Perez; Reynolds; Rodriguez, E.; Rose; Stephenson; Turner; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; Metcalf.

Absent — Bell; Vo.

STATEMENTS OF VOTE

When Record No. 1539 was taken, I was shown voting yes. I intended to vote no.

Cospers

When Record No. 1539 was taken, I was excused because of illness. I would have voted yes.

Metcalf

When Record No. 1539 was taken, I was shown voting yes. I intended to vote no.

Thierry

SB 2078 ON THIRD READING
(D. Bonnen - House Sponsor)

SB 2078, A bill to be entitled An Act relating to the duties of school districts, open-enrollment charter schools, the Texas Education Agency, and the Texas School Safety Center regarding multihazard emergency operations plans and other school safety measures.

Amendment No. 1

Representative Moody offered the following amendment to **SB 2078**:

Amend **SB 2078** on third reading in the SECTION of the bill that adds Section 37.113, Education Code, by adding the following appropriately numbered subsection to that section and relettering the subsections of that section appropriately as follows:

() Notwithstanding any other law, this section does not apply to a school district if the board of trustees of the district decides by an affirmative vote of the board in a public meeting not to adopt any rule or requirement relating to restroom, locker room, or changing facility privacy or safety in accordance with this section.

Amendment No. 1 failed of adoption by (Record 1540): 51 Yeas, 94 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Arévalo; Bernal; Blanco; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gervin-Hawkins; Giddings; González; Guerra; Gutierrez; Hernandez; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Nevárez; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Nays — Alvarado; Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospere; Craddick; Cyrier; Dale; Darby; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; Hunter; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Meyer; Miller; Morrison; Murphy; Murr; Neave; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons;

Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; Metcalf.

Absent — Guillen; Isaac.

STATEMENTS OF VOTE

When Record No. 1540 was taken, I was shown voting no. I intended to vote yes.

Alvarado

When Record No. 1540 was taken, my vote failed to register. I would have voted no.

Isaac

When Record No. 1540 was taken, I was shown voting no. I intended to vote yes.

Neave

When Record No. 1540 was taken, I was shown voting no. I intended to vote yes.

Romero

LEAVE OF ABSENCE GRANTED

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

Vo on motion of Bernal.

SB 2078 - (consideration continued)

SB 2078 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE SIMMONS: I have questions on the amendment by Mr. Paddie.

REPRESENTATIVE D. BONNEN: I'll be glad to answer any questions.

SIMMONS: I believe this was said multiple times yesterday. I want to make sure that essentially what we're doing is we're continuing kind of a policy that we've had in this state and our schools for a long time in that boys and girls use their restrooms, locker rooms, shower facilities, and if there's a situation that makes that uncomfortable for someone, that the school will accommodate that person in a discrete and professional manner. Is that correct?

D. BONNEN: It could be.

SIMMONS: It could be correct?

D. BONNEN: Yes, it could be.

SIMMONS: What situation would not make it correct?

D. BONNEN: Well, if you read the amendment, it says that "The board of trustees of a school district or the governing body of an open-enrollment charter school shall ensure that each school or school facility accommodates the right of each student to access restrooms, locker rooms, and changing facilities with privacy, dignity, and safety." So it ensures that they do that, Mr. Simmons.

SIMMONS: And that was my question, that if someone has a challenge that they're uncomfortable, that the school would be required to accommodate them in a manner like you just read. Correct?

D. BONNEN: Yes.

SIMMONS: And if a school fails to do that, is it your understanding of the amendment, Mr. Chairman, that the attorney general has the ability under the amendment—and I'm not a lawyer—to enforce that through injunctive relief if they do not?

D. BONNEN: Section (b) says, "This section may be enforced only through an action instituted by the attorney general for mandamus or injunctive relief. At the request of a school district or open-enrollment charter school, the attorney general shall defend the district or school in an action challenging this section under the constitution or laws of the United States or under the constitution of this state."

SIMMONS: Right, I read the deal. My deal was not to read it, my deal is I think that covers two issues.

D. BONNEN: It does.

SIMMONS: One of them is if a school does not follow the policy. And the other one is if the school gets sued for a reason, and then the attorney general will defend them.

D. BONNEN: That's correct.

SIMMONS: So you believe the first sentence, I think like I do, is where if the school doesn't follow this policy, that the attorney general does have some provisions to enforce what this bill says. Is that correct?

D. BONNEN: That is correct. It's very clear in the amendment.

SB 2078 was passed by (Record 1541): 94 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospers; Craddick; Cyrier; Dale; Darby; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Gutierrez; Hefner; Holland; Huberty; Hunter; Isaac; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee;

Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Thompson, S.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gervin-Hawkins; Giddings; González; Guerra; Hernandez; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thierry; Turner; Uresti; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Guillen.

STATEMENTS OF VOTE

When Record No. 1541 was taken, I was temporarily out of the house chamber and was shown voting yes. I intended to vote no.

Gutierrez

When Record No. 1541 was taken, I was excused because of illness. I would have voted yes.

Metcalf

When Record No. 1541 was taken, I was shown voting yes. I intended to vote no.

S. Thompson

SB 1873 ON THIRD READING

(Wilson, VanDeaver, Oliverson, Lucio, Meyer, et al. - House Sponsors)

SB 1873, A bill to be entitled An Act relating to a report regarding certain health and safety information prepared by the Texas Education Agency.

SB 1873 was passed by (Record 1542): 134 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; 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; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

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

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Alonzo; Keough.

STATEMENT OF VOTE

When Record No. 1542 was taken, my vote failed to register. I would have voted yes.

Keough

SB 73 ON THIRD READING (Geren - House Sponsor)

SB 73, A bill to be entitled An Act relating to leave policy and procedures for state employees.

SB 73 was passed by (Record 1543): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; 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; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; Metcalf; Vo.

SB 1910 ON THIRD READING
(Capriglione - House Sponsor)

SB 1910, A bill to be entitled An Act relating to state agency information security plans, information technology employees, and online and mobile applications.

SB 1910 was passed by (Record 1544): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; 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; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Button; King, K.

STATEMENT OF VOTE

When Record No. 1544 was taken, I was in the house but away from my desk. I would have voted yes.

K. King

SB 1383 ON THIRD READING
(K. King - House Sponsor)

SB 1383, A bill to be entitled An Act relating to the operation of vehicles transporting fluid milk; authorizing a fee.

SB 1383 was passed by (Record 1545): 137 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar;

Flynn; Frank; Frullo; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; Longoria; Lozano; Lucio; Martinez; Meyer; 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; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain; Krause; Lang; Murr; Rinaldi; Shaheen; Stickland; Swanson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Geren.

STATEMENTS OF VOTE

When Record No. 1545 was taken, I was shown voting yes. I intended to vote no.

Biedermann

When Record No. 1545 was taken, I was shown voting yes. I intended to vote no.

Tinderholt

SB 2080 ON THIRD READING (Guillen - House Sponsor)

SB 2080, A bill to be entitled An Act relating to a requirement that school districts and open-enrollment charter schools report certain information regarding children with disabilities who reside in residential facilities.

SB 2080 was passed by (Record 1546): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; 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; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Cortez.

SB 1748 ON THIRD READING
(Canales - House Sponsor)

SB 1748, A bill to be entitled An Act relating to use of tax revenue by certain development corporations for job-related skills training.

SB 1748 was passed by (Record 1547): 117 Yeas, 29 Nays, 1 Present, not voting.

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

Nays — Biedermann; Bonnen, D.; Bonnen, G.; Burrows; Cain; Cosper; Cyrier; Faircloth; Fallon; Goldman; Hefner; Holland; Keough; Krause; Lang; Leach; Murr; Rinaldi; Roberts; Sanford; Schaefer; Shaheen; Simmons; Smithee; Stickland; Swanson; Tinderholt; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; Metcalf; Vo.

SB 1462 ON THIRD READING
(Lucio - House Sponsor)

SB 1462, A bill to be entitled An Act relating to local health care provider participation programs in certain counties and municipalities.

SB 1462 was passed by (Record 1548): 123 Yeas, 22 Nays, 1 Present, not voting.

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

Nays — Bell; Biedermann; Bonnen, D.; Bonnen, G.; Burrows; Cain; Fallon; Frank; Goldman; Keough; Krause; Lang; Leach; Rinaldi; Schaefer; Schofield; Shaheen; Simmons; Stickland; Swanson; Tinderholt; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Anderson, C.

STATEMENT OF VOTE

When Record No. 1548 was taken, I was in the house but away from my desk. I would have voted yes.

C. Anderson

SB 1221 ON THIRD READING (Hinojosa - House Sponsor)

SB 1221, A bill to be entitled An Act relating to an annual report submitted to the comptroller by a municipality that imposes certain hotel occupancy taxes.

SB 1221 was passed by (Record 1549): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; Leach; Longoria; Lozano; Lucio; Martinez; 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; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Dukes; Klick.

SB 1784 ON THIRD READING
(Huberty - House Sponsor)

SB 1784, A bill to be entitled An Act relating to state-developed open-source instructional material for public schools.

Amendment No. 1

Representative Huberty offered the following amendment to **SB 1784**:

Amend **SB 1784** on third reading in the SECTION of the bill amending Section 31.075, Education Code, as follows:

(1) In the recital of that section, strike "(h), and (i)" and substitute "and (h)".

(2) Strike Subsection (h) of that section and renumber subsequent subsections accordingly.

(3) In added Subsection (i) of that section, strike "Subsection (h)" and substitute "this section".

Amendment No. 1 was adopted.

SB 1784, as amended, was passed by (Record 1550): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; 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; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; Metcalf; Vo.

SB 1172 ON THIRD READING
(Geren, et al. - House Sponsors)

SB 1172, A bill to be entitled An Act relating to the regulation of seed by a political subdivision.

Amendment No. 1

Representative Geren offered the following amendment to **SB 1172**:

Amend second reading Amendment No. 1 by Geren to **SB 1172** on page 1, line 5, by adding "in violation of this chapter" between "subdivision" and "if".

Amendment No. 1 was adopted.

SB 1172, as amended, was passed by (Record 1551): 135 Yeas, 10 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Dale; Darby; Davis, S.; Dean; Deshotel; Dukes; Elkins; Fairecloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Hinojosa; Holland; 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; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; 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; Walle; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Anchia; Bernal; Blanco; Cyrier; Dutton; Howard; Minjarez; Nevárez; Rose; Wu.

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

Absent, Excused — Herrero; Metcalf; Vo.

STATEMENTS OF VOTE

When Record No. 1551 was taken, I was shown voting yes. I intended to vote no.

Biedermann

When Record No. 1551 was taken, I was shown voting yes. I intended to vote no.

Neave

When Record No. 1551 was taken, I was shown voting no. I intended to vote yes.

Nevárez

SB 1131 ON THIRD READING (Herrero - House Sponsor)

SB 1131, A bill to be entitled An Act relating to the powers and duties of a designated officer of a navigation district.

SB 1131 was passed by (Record 1552): 143 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; 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; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Murr.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Geren; Klick.

(Cyrier in the chair)

SB 705 ON THIRD READING
(Price - House Sponsor)

SB 705, A bill to be entitled An Act relating to an exception from disclosure under the public information law for certain personal information of an applicant for an appointment by the governor.

SB 705 was passed by (Record 1553): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; 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; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Farrar; Gervin-Hawkins.

STATEMENT OF VOTE

When Record No. 1553 was taken, I was shown voting yes. I intended to vote no.

E. Rodriguez

SB 524 ON THIRD READING
(Geren and Collier - House Sponsors)

SB 524, A bill to be entitled An Act relating to increasing the punishment for the offense of abuse of a corpse.

SB 524 was passed by (Record 1554): 142 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Dale; Darby; Davis, S.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank;

Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; 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.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Cyrier(C); Davis, Y.

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Dean; Thompson, S.

STATEMENT OF VOTE

When Record No. 1554 was taken, I was in the house but away from my desk. I would have voted yes.

Dean

SB 295 ON THIRD READING (Flynn - House Sponsor)

SB 295, A bill to be entitled An Act relating to the issuance of certain capital appreciation bonds by political subdivisions.

SB 295 was passed by (Record 1555): 127 Yeas, 16 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; 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; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; Wilson; Workman; Wray; Zerwas.

Nays — Biedermann; Cain; Fallon; Keough; Krause; Landgraf; Lang; Rinaldi; Sanford; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; White; Zedler.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Button; Wu.

STATEMENT OF VOTE

When Record No. 1555 was taken, I was shown voting no. I intended to vote yes.

Zedler

SB 36 ON THIRD READING

(S. Thompson - House Sponsor)

SB 36, A bill to be entitled An Act relating to the regulation of certain guardianship programs.

SB 36 was passed by (Record 1556): 126 Yeas, 16 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; 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; Longoria; Lozano; Lucio; Martinez; 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; Sanford; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Bell; Biedermann; Bonnen, D.; Cain; Fallon; Krause; Lang; Leach; Phillips; Rinaldi; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; Zedler.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Anderson, C.; Hernandez.

STATEMENT OF VOTE

When Record No. 1556 was taken, I was in the house but away from my desk. I would have voted yes.

C. Anderson

SB 1444 ON THIRD READING (S. Davis - House Sponsor)

SB 1444, A bill to be entitled An Act relating to de novo hearings in child protection cases.

SB 1444 was passed by (Record 1557): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; 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; Walle; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Canales; White.

SB 298 ON THIRD READING (Geren - House Sponsor)

SB 298, A bill to be entitled An Act relating to the creation and funding of the Texas Forensic Science Commission operating account.

SB 298 was passed by (Record 1558): 131 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank;

Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Hefner; Hernandez; 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; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, J.; Romero; Rose; Sanford; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Krause; Lang; Minjarez; Rinaldi; Schaefer; Schofield; Shaheen; Stickland; Swanson; Tinderholt.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Gutierrez; Rodriguez, E.

STATEMENT OF VOTE

When Record No. 1558 was taken, I was shown voting no. I intended to vote yes.

Minjarez

SB 78 ON THIRD READING (Price - House Sponsor)

SB 78, A bill to be entitled An Act relating to the disposition of state surplus or salvage data processing equipment by the Texas Department of Criminal Justice.

SB 78 was passed by (Record 1559): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; 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; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Dean.

SB 39 ON THIRD READING
(Farrar - House Sponsor)

SB 39, A bill to be entitled An Act relating to guardianships, substitutes for guardianships, and durable powers of attorney for persons with disabilities or who are incapacitated.

SB 39 was passed by (Record 1560): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guillen; Gutierrez; Hefner; Hernandez; 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; 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; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Guerra.

SB 331 ON THIRD READING
(Rose and Alonzo - House Sponsors)

SB 331, A bill to be entitled An Act relating to the temporary approval of a private or independent college or university to continue to participate in the tuition equalization grant program.

SB 331 was passed by (Record 1561): 99 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bernal; Blanco; Burrows; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Farrar; Frullo; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Hinojosa; Howard; Huberty; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, T.; Koop; Kuempel; Lambert; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Meyer; Minjarez; Moody; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Sheffield; Shine; Simmons; Springer; Stephenson; Stucky; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wray; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Cain; Cospers; Dale; Elkins; Faircloth; Fallon; Flynn; Geren; Goldman; Gonzales; Hefner; Holland; Keough; King, P.; Klick; Krause; Landgraf; Lang; Leach; Miller; Morrison; Murr; Paul; Raney; Rinaldi; Schaefer; Schubert; Shaheen; Smithee; Stickland; Swanson; Thompson, E.; Tinderholt; Wilson; Workman.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Frank; Hunter.

STATEMENTS OF VOTE

When Record No. 1561 was taken, I was shown voting no. I intended to vote yes.

Cospers

When Record No. 1561 was taken, I was shown voting no. I intended to vote yes.

Holland

When Record No. 1561 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 1561 was taken, I was shown voting yes. I intended to vote no.

Parker

SB 1105 ON THIRD READING (Phelan - House Sponsor)

SB 1105, A bill to be entitled An Act relating to the abolishment of the used oil recycling account, deposits of used oil recycling fees, and use of the water resource management account.

SB 1105 was passed by (Record 1562): 143 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospes; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Hinojosa; 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; 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; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Stickland.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Holland.

SB 1253 ON THIRD READING (Smithee - House Sponsor)

SB 1253, A bill to be entitled An Act relating to the electronic recording and admissibility of certain custodial interrogations.

SB 1253 was passed by (Record 1563): 115 Yeas, 28 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bernal; Blanco; Burkett; Burrows; Button; Canales; Clardy; Coleman; Collier; Cortez; Cospes; Craddick; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Sheffield; Shine; Smithee; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Bell; Biedermann; Bonnen, D.; Bonnen, G.; Burns; Cain; Capriglione; Cook; Dale; Fallon; Goldman; Hefner; Isaac; Keough; Krause; Lang; Murr; Paul; Phillips; Rinaldi; Sanford; Schaefer; Simmons; Springer; Stickland; Swanson; Tinderholt.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Bohac; Shaheen.

STATEMENTS OF VOTE

When Record No. 1563 was taken, I was shown voting yes. I intended to vote no.

Holland

When Record No. 1563 was taken, I was shown voting no. I intended to vote yes.

Schaefer

When Record No. 1563 was taken, I was shown voting yes. I intended to vote no.

Schofield

When Record No. 1563 was taken, I was in the house but away from my desk. I would have voted no.

Shaheen

When Record No. 1563 was taken, I was shown voting yes. I intended to vote no.

Zedler

SB 1326 ON THIRD READING (Price - House Sponsor)

SB 1326, A bill to be entitled An Act relating to procedures regarding criminal defendants who are or may be persons with a mental illness or an intellectual disability and to certain duties of the Office of Court Administration of the Texas Judicial System related to persons with mental illness.

SB 1326 was passed by (Record 1564): 144 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; 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; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Schofield.

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

Absent, Excused — Herrero; Metcalf; Vo.

SB 1062 ON THIRD READING
(Dean - House Sponsor)

SB 1062, A bill to be entitled An Act relating to documentation for the transfer of a motor vehicle title.

SB 1062 was passed by (Record 1565): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; Leach; Longoria; Lozano; Lucio; Martinez; 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; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Klick.

SB 1842 ON THIRD READING
(Phelan - House Sponsor)

SB 1842, A bill to be entitled An Act relating to an application for the amendment of a certificate of public convenience and necessity in an area within the boundaries of a political subdivision.

SB 1842 was passed by (Record 1566): 139 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; 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; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Schaefer; Stickland; Swanson; Tinderholt.

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

Absent, Excused — Herrero; Metcalf; Vo.

SB 1326 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Price, Representatives Murr, Moody, Coleman, White, and Rose were authorized as house sponsors to **SB 1326**.

SB 1444 - HOUSE SPONSOR AUTHORIZED

On motion of Representative Raymond, Representative Wu was authorized as a house sponsor to **SB 1444**.

POSTPONED BUSINESS

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

CSSB 1656 ON SECOND READING
(E. Rodriguez and Bernal - House Sponsors)

CSSB 1656, A bill to be entitled An Act relating to the eligibility of certain municipalities to establish homestead preservation districts and reinvestment zones.

CSSB 1656 was read second time on May 21 and was postponed until 10 a.m. today.

Representative E. Rodriguez moved to postpone consideration of **CSSB 1656** until 1:30 p.m. today.

The motion prevailed.

**MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**CSSB 292 ON SECOND READING
(Price and Coleman - House Sponsors)**

CSSB 292, A bill to be entitled An Act relating to the creation of a grant program to reduce recidivism, arrest, and incarceration of individuals with mental illness.

Amendment No. 1

Representative Price offered the following amendment to **CSSB 292**:

Amend **CSSB 292** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 531.0993, Government Code (page 1, lines 9-11), strike Subsection (a).

(2) In SECTION 1 of the bill, in added Section 531.0993, Government Code (page 2, lines 17-21), strike Subsection (d-2) and substitute the following subsection:

(d-2) Beginning on or after September 1, 2018, from money appropriated to the commission for each fiscal year to implement this section, the commission shall reserve at least 20 percent of that total to be awarded only as grants to a community collaborative that includes a county with a population of less than 250,000.

(3) In SECTION 1 of the bill, in added Section 531.0993, Government Code (page 3, line 18, through page 4, line 15), strike Subsections (g), (h), and (i).

(4) In SECTION 1 of the bill, in added Section 531.0993, Government Code (page 5, lines 10-16), strike Subsection (j-1) and substitute the following appropriately lettered subsection:

() Beginning on or after September 1, 2018, to the extent money appropriated to the commission for a fiscal year to implement this section remains available to the commission after the commission selects grant recipients for the fiscal year, the commission shall make grants available using the money remaining for the fiscal year through a competitive request for proposal process, without regard to the limitation provided by Subsection (d-2).

(5) On page 5, between lines 26 and 27, insert the following appropriately lettered subsections:

() The commission may not award a grant under this section for a fiscal year to a community collaborative that includes a county with a population greater than four million if the legislature appropriates money for a mental health jail diversion program in the county for that fiscal year.

() Notwithstanding any other provision in this section, the commission may award a grant under this section for the state fiscal year beginning on September 1, 2017, only to a community collaborative that includes a county with a population of 250,000 or more. This subsection expires on August 31, 2018.

(6) Reletter subsections of added Section 531.0993, Government Code, and cross-references to those subsections as necessary.

Amendment No. 1 was adopted.

CSSB 292, as amended, was passed to third reading. (Rinaldi recorded voting no.)

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**CSSB 2131 ON SECOND READING
(Howard - House Sponsor)**

CSSB 2131, A bill to be entitled An Act relating to efforts to facilitate the completion by students of undergraduate certificate and degree programs.

Amendment No. 1

On behalf of Representative J. Rodriguez, Representative Howard offered the following amendment to **CSSB 2131**:

Amend **CSSB 2131** (house committee report) on page 2, between lines 14 and 15, by inserting the following appropriately numbered subdivision and renumbering subsequent subdivisions and cross-references to those subdivisions accordingly:

() the importance of selecting a major or field of study before, or as soon as possible after, enrollment at a postsecondary educational institution and the potential consequences of delaying that decision, particularly if the student intends to transfer between postsecondary educational institutions;

Amendment No. 1 was adopted.

Amendment No. 2

Representative Alvarado offered the following amendment to **CSSB 2131**:

Amend **CSSB 2131** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 29.904, Education Code, is repealed.

Amendment No. 2 was adopted.

CSSB 2131, as amended, was passed to third reading. (Rinaldi recorded voting no.)

SB 1599 ON SECOND READING
(Walle - House Sponsor)

SB 1599, A bill to be entitled An Act relating to maternal mortality reporting and investigation information.

SB 1599 was passed to third reading.

SB 1599 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Price, Representatives Thierry, Giddings, and Collier were authorized as house sponsors to **SB 1599**.

REMARKS ORDERED PRINTED

Representative Schaefer moved to print remarks between Representative Simmons and Representative D. Bonnen on **SB 2078**.

The motion prevailed.

CSSB 463 ON SECOND READING
(Huberty and Lozano - House Sponsors)

CSSB 463, A bill to be entitled An Act relating to the use of individual graduation committees to satisfy certain public high school graduation requirements and other alternative methods to satisfy certain public high school graduation requirements.

Amendment No. 1

Representative Huberty offered the following amendment to **CSSB 463**:

Amend **CSSB 463** (house committee printing) on page 1, line 15 of the bill by striking "2019" and substituting "2021".

Amendment No. 1 was adopted.

CSSB 463, as amended, was passed to third reading.

SB 802 ON SECOND READING
(Howard - House Sponsor)

SB 802, A bill to be entitled An Act relating to a study and report regarding best practices in the transfer of course credit between public institutions of higher education.

SB 802 was passed to third reading.

SB 1353 ON SECOND READING
(Faircloth - House Sponsor)

SB 1353, A bill to be entitled An Act relating to state financial assistance for a school district to which an academically unacceptable school district is annexed.

Amendment No. 1

Representative K. King offered the following amendment to **SB 1353**:

Amend **SB 1353** (senate committee report) as follows:

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

SECTION 1. Section 13.054, Education Code, is amended by amending Subsections (f) and (g) and adding Subsections (h), (i), and (j) to read as follows:

(2) On page 1, between lines 6 and 7, insert the following:

(f) For five years beginning with the school year in which the annexation occurs, a school district shall receive additional funding under this subsection or Subsection (h). The amount of funding shall be determined [the commissioner shall annually adjust the local fund assignment of a district to which territory is annexed under this section] by multiplying the lesser of the enlarged district's local fund assignment computed under Section 42.252 or the enlarged district's total cost of tier one by a fraction, the numerator of which is the number of students residing in the [district] territory annexed to the receiving district preceding the date of the annexation and the denominator of which is the number of students residing in the district as enlarged on the date of the annexation.

(3) On page 2, between lines 5 and 6, insert the following:

(h) The commissioner may authorize a district to receive payments provided by Subchapter G, instead of Subsection (f), if the commissioner determines that would result in greater payments for the district. A determination by the commissioner is final and may not be appealed.

(i) The funding provided under Subsection (f), (g), or (h) is in addition to other funding the district receives through other provisions of this code, including Chapters 41 and 42.

(j) The commissioner may adopt rules as necessary to implement this section.

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

SECTION _____. Section 41.002(g), Education Code, is amended to read as follows:

(g) The wealth per student that a district may have under Subsection (e) is adjusted as follows:

$$AWPS = WPS \times (((EWL/280,000 - 1) \times DTR/1.17 [4.5]) + 1)$$

where:

"AWPS" is the district's wealth per student;

"WPS" is the district's wealth per student determined under Subsection (e);

"EWL" is the equalized wealth level; and

"DTR" is the district's adopted maintenance and operations tax rate for the current school year.

SECTION _____. Section 13.054(f), Education Code, as amended by this Act, and Section 13.054(h), Education Code, as added by this Act, apply only to an annexation that occurs on or after September 1, 2017.

(5) On page 2, line 6, strike "13.054" and substitute "13.054(g)".

Amendment No. 1 was adopted.

SB 1353, as amended, was passed to third reading.

CSSB 1839 ON SECOND READING
(Koop - House Sponsor)

CSSB 1839, A bill to be entitled An Act relating to the preparation, certification, and classification of public school educators.

Amendment No. 1

Representative Koop offered the following amendment to **CSSB 1839**:

Amend **CSSB 1839** (house committee report) as follows:

(1) On page 3, line 17, between "(a-1)" and "to", insert "and amending Subsection (e)".

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

(e) An educator who has submitted all documents required by the board for certification and who receives a temporary certificate as provided by Subsection (c) ~~[(a)]~~ must perform satisfactorily on the examination prescribed under Section 21.048 not later than the first anniversary of the date the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section 21.048 on which the educator must perform successfully to receive a standard certificate.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Koop offered the following amendment to **CSSB 1839**:

Amend **CSSB 1839** (house committee report) as follows:

(1) Add the following appropriately numbered SECTIONS:

SECTION _____. Section 21.001, Education Code, is amended to read as follows:

Sec. 21.001. DEFINITIONS ~~[DEFINITION]~~. In this chapter:

(1) "Commissioner" ~~["commissioner"]~~ includes a person designated by the commissioner.

(2) "Universal design for learning" means a scientifically valid framework for guiding educational practice that:

(A) provides flexibility in the ways:

(i) information is presented;

(ii) students respond or demonstrate knowledge and skills; and

(iii) students are engaged;

(B) reduces barriers in instruction;

(C) provides appropriate accommodations, supports, and challenges; and

(D) maintains high achievement expectations for all students, including students with disabilities and students of limited English proficiency.

SECTION _____. Section 21.044, Education Code, is amended by amending Subsections (a), (b), (c-1), and (g) and adding Subsection (a-1) to read as follows:

(a) The board shall propose rules:

(1) specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities;

(2) establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; and

(3) specifying~~[-The board shall specify]~~ the minimum academic qualifications required for a certificate.

(a-1) Any training requirements for a certificate specified under Subsection (a) must require that the person demonstrate:

(1) basic knowledge of each disability category under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and how each category can affect student learning and development; and

(2) competence in the use of evidence-based inclusive instructional practices, including:

(A) universal design for learning principles;

(B) general and special education collaborative and co-teaching models and approaches;

(C) multitiered systems of support, including response to intervention strategies, classroom and school level data-based collaborative structures, and evidence-based strategies for intervention and progress monitoring systems in academic areas;

(D) classroom management techniques using evidence-based behavioral intervention strategies and supports; and

(E) appropriate adaptation strategies, including accommodations, modifications, and instruction in the use of assistive technology for instruction provided using universal design for learning principles.

(b) The ~~[Any]~~ minimum academic qualifications for a certificate specified under Subsection (a) ~~[that require a person to possess a bachelor's degree]~~ must ~~[also]~~ require that the person receive, as part of the training required to obtain that certificate, instruction in detection and education of students with dyslexia.

(c-1) The ~~[Any]~~ minimum academic qualifications for a certificate specified under Subsection (a) ~~[that require a person to possess a bachelor's degree]~~ must ~~[also]~~ require that the person receive, as part of the training required to obtain that certificate, instruction regarding mental health, substance abuse, and youth suicide. The instruction required must:

(1) be provided through a program selected from the list of recommended best practice-based programs established under Section 161.325, Health and Safety Code; and

(2) include effective strategies for teaching and intervening with students with mental or emotional disorders, including de-escalation techniques and positive behavioral interventions and supports.

(g) Each educator preparation program must provide information regarding:

(1) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for all students, including students with disabilities, in this state;

(2) the effect of supply and demand forces on the educator workforce in this state;

(3) the performance over time of the educator preparation program;

(4) the importance of building strong classroom management skills;

and

(5) the framework in this state for teacher and principal evaluation, including the procedures followed in accordance with Subchapter H.

SECTION _____. Section 21.0443(b), Education Code, is amended to read as follows:

(b) To be eligible for approval or renewal of approval, an educator preparation program must:

(1) use a universal design for learning framework integrating inclusion for all students, including students with disabilities, and evidence-based instruction and intervention strategies throughout course work, clinical experiences, and student teaching to adequately prepare candidates for educator certification; and

(2) meet the standards and requirements of the board.

(2) On page 1, lines 20-21, between "amended by" and "adding Subsection (d)", insert "amending Subsection (a) and".

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

(a) The board shall propose rules necessary to establish standards to govern the continuing accountability of all educator preparation programs based on the following information that is disaggregated with respect to race, sex, and ethnicity:

(1) results of the certification examinations prescribed under Section 21.048(a);

(2) performance based on the appraisal system for beginning teachers adopted by the board;

(3) achievement, including improvement in achievement, of all students, including students with disabilities, taught by beginning teachers for the first three years following certification, to the extent practicable;

(4) compliance with board requirements regarding the frequency, duration, and quality of structural guidance and ongoing support provided by field supervisors to candidates completing student teaching, clinical teaching, or an internship; and

(5) results from a teacher satisfaction survey, developed by the board with stakeholder input, of new teachers performed at the end of the teacher's first year of teaching.

(4) Add the following appropriately numbered SECTIONS:

SECTION _____. Section 21.0453(a), Education Code, is amended to read as follows:

(a) The board shall require an educator preparation program to provide candidates for teacher certification with information concerning the following:

- (1) skills and responsibilities required of teachers with regard to all students, including students with disabilities;
- (2) expectations for student performance, including students with disabilities, based on state standards;
- (3) the current supply of and demand for teachers in this state;
- (4) the importance of developing classroom management skills; and
- (5) the state's framework for appraisal of teachers and principals.

SECTION _____. Section 21.046(b), Education Code, is amended to read as follows:

(b) The qualifications for certification as a principal must be sufficiently flexible so that an outstanding teacher may qualify by substituting approved experience and professional training for part of the educational requirements. Supervised and approved on-the-job experience in addition to required internship shall be accepted in lieu of classroom hours. The qualifications must emphasize:

- (1) instructional leadership, including the ability to create an inclusive school environment and to foster parent involvement;
- (2) administration, supervision, and communication skills;
- (3) curriculum and instruction management;
- (4) performance evaluation;
- (5) organization; and
- (6) fiscal management.

SECTION _____. Section 21.047(c), Education Code, is amended to read as follows:

(c) A center may develop and implement a comprehensive field-based educator preparation program to supplement the internship hours required in Section 21.050. This comprehensive field-based teacher program must:

- (1) be designed on the basis of current research into state-of-the-art teaching practices applicable to all students, including students with disabilities, curriculum theory and application within diverse student populations, evaluation of student outcomes, and the effective application of technology; and
- (2) have rigorous internal and external evaluation procedures that focus on content, delivery systems, and teacher and student outcomes.

SECTION _____. Sections 21.051(b) and (f), Education Code, are amended to read as follows:

(b) Before a school district may employ a candidate for certification as a teacher of record, the candidate must complete at least 15 hours of field-based experience in which the candidate is actively engaged in instructional or educational activities involving a diverse student population that, to the greatest extent practicable, includes students with disabilities under supervision at:

- (1) a public school campus accredited or approved for the purpose by the agency; or
- (2) a private school recognized or approved for the purpose by the agency.

(f) The board shall propose rules providing flexible options for persons for any field-based experience or internship required for certification. The options must, to the greatest extent practicable, involve interaction with a diverse student population, including students with disabilities.

SECTION _____. Section 21.4511(b), Education Code, is amended to read as follows:

(b) The training under this section shall include training relating to implementing curriculum and instruction that is aligned with the foundation curriculum described by Section 28.002(a)(1) and standards and expectations for college readiness, as determined by State Board of Education rule under Section 28.008(d). In order to create a classroom environment that meets the individual learning needs of each student, the training must emphasize inclusive collaborative strategies and providing instruction using a universal design for learning framework to the greatest extent practicable.

(5) Renumber existing SECTIONS of the bill accordingly.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Huberty offered the following amendment to **CSSB 1839**:

Amend **CSSB 1839** (house committee report) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 21.051(b), Education Code, is amended to read as follows:

(b) Before a school district may employ a candidate for certification as a teacher of record, the candidate must complete at least 15 hours of field-based experience, which may occur after the candidate's admission to an educator preparation program or during the two years preceding admission. The candidate may satisfy the experience requirement through serving as a substitute teacher or teacher's aide for at least five school days or through other experience requiring the candidate's active engagement in instructional or educational activities. The experience must be obtained [in which the candidate is actively engaged in instructional or educational activities under supervision] at:

(1) a public school campus accredited or approved for the purpose by the agency; or

(2) a private school recognized or approved for the purpose by the agency.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Bohac offered the following amendment to **CSSB 1839**:

Amend **CSSB 1839** (house committee printing) as follows:

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

SECTION _____. Section 21.001, Education Code, is amended to read as follows:

Sec. 21.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Commissioner" [~~"commissioner"~~] includes a person designated by the commissioner.

(2) "Digital learning" means any type of learning that is facilitated by technology or instructional practice that makes effective use of technology.

(3) "Digital literacy" means having the knowledge and ability to use a range of technology tools for varied purposes. The term includes the capacity to use, understand, and evaluate technology for use in education settings.

SECTION _____. Section 21.044, Education Code, is amended by adding Subsection (c-2) to read as follows:

(c-2) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction in digital learning, including a digital literacy evaluation followed by a prescribed digital learning curriculum. The instruction required must:

(1) be aligned with the International Society for Technology in Education's standards for teachers;

(2) provide effective, evidence-based strategies to determine a person's degree of digital literacy; and

(3) include resources to address any deficiencies identified by the digital literacy evaluation.

SECTION _____. Sections 21.054(d) and (e), Education Code, are amended to read as follows:

(d) Continuing education requirements for a classroom teacher must provide that not more than 25 percent of the training required every five years include instruction regarding:

(1) collecting and analyzing information that will improve effectiveness in the classroom;

(2) recognizing early warning indicators that a student may be at risk of dropping out of school;

(3) digital learning, digital teaching, and integrating technology into classroom instruction; and

(4) educating diverse student populations, including:

(A) students with disabilities, including mental health disorders;

(B) students who are educationally disadvantaged;

(C) students of limited English proficiency; and

(D) students at risk of dropping out of school.

(e) Continuing education requirements for a principal must provide that not more than 25 percent of the training required every five years include instruction regarding:

(1) effective and efficient management, including:

(A) collecting and analyzing information;

(B) making decisions and managing time; and

- (C) supervising student discipline and managing behavior;
- (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
- (3) digital learning, digital teaching, and integrating technology into campus curriculum and instruction; and
- (4) educating diverse student populations, including:
 - (A) students with disabilities, including mental health disorders;
 - (B) students who are educationally disadvantaged;
 - (C) students of limited English proficiency; and
 - (D) students at risk of dropping out of school.

SECTION _____. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0543 to read as follows:

Sec. 21.0543. CONTINUING EDUCATION CREDIT FOR INSTRUCTION RELATED TO DIGITAL TECHNOLOGY. The board shall propose rules allowing an educator to receive credit toward the educator's continuing education requirements for completion of education courses that:

- (1) use technology to increase the educator's digital literacy; and
- (2) assist the educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

SECTION _____. Section 21.451, Education Code, is amended by amending Subsection (d) and adding Subsection (d-3) to read as follows:

- (d) The staff development:
 - (1) may include training in:
 - (A) technology;
 - (B) conflict resolution;
 - (C) discipline strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Section 37.001 and Chapter 37; ~~and~~
 - (D) preventing, identifying, responding to, and reporting incidents of bullying; and
 - (E) digital learning;
 - (2) subject to Subsection (e) and to Section 21.3541 and rules adopted under that section, must include training that is evidence-based ~~[based on scientifically based research]~~, as defined by Section 8101, Every Student Succeeds Act ~~[9101, No Child Left Behind Act of 2001]~~ (20 U.S.C. Section 7801), that:
 - (A) relates to instruction of students with disabilities; and
 - (B) is designed for educators who work primarily outside the area of special education; and
 - (3) must include suicide prevention training that must be provided:
 - (A) on an annual basis, as part of a new employee orientation, to all new school district and open-enrollment charter school educators; and
 - (B) to existing school district and open-enrollment charter school educators on a schedule adopted by the agency by rule.
- (d-3) The digital learning training provided by Subsection (d)(1)(E) must:

(1) discuss basic technology proficiency expectations and methods to increase an educator's digital literacy; and

(2) assist an educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

SECTION _____. This Act applies beginning with the 2017-2018 school year.

(2) On page 5, strike line 1 and substitute the following section, appropriately numbered:

SECTION _____. 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. 4 was adopted by (Record 1567): 100 Yeas, 39 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bell; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Cortez; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hinojosa; Howard; Huberty; Isaac; Israel; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Laubenberg; Leach; Lozano; Meyer; Miller; Minjarez; Moody; Morrison; Murphy; Neave; Oliverson; Parker; Paul; Perez; Phelan; Pickett; Raney; Raymond; Rinaldi; Roberts; Rodriguez, E.; Romero; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Villalba; Workman; Zerwas.

Nays — Alvarado; Anchia; Bailes; Bernal; Biedermann; Blanco; Bonnen, D.; Cain; Collier; Cook; Dean; Hernandez; Hunter; Johnson, E.; Lang; Larson; Lucio; Martinez; Muñoz; Murr; Nevárez; Ortega; Paddie; Phillips; Price; Reynolds; Rodriguez, J.; Rose; Schaefer; Stickland; Tinderholt; Turner; Uresti; VanDeaver; White; Wilson; Wray; Wu; Zedler.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Cospere; González; Holland; Longoria; Oliveira; Walle.

STATEMENTS OF VOTE

When Record No. 1567 was taken, I was in the house but away from my desk. I would have voted yes.

Cospere

When Record No. 1567 was taken, I was in the house but away from my desk. I would have voted yes.

Holland

Amendment No. 5

Representative Phelan offered the following amendment to **CSSB 1839**:

Amend **CSSB 1839** (house committee report) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 21.044, Education Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) Board rules addressing ongoing educator preparation program support for a candidate seeking certification in a certification class other than classroom teacher may not require that an educator preparation program conduct one or more formal observations of the candidate on the candidate's site in a face-to-face setting. The rules must permit each required formal observation to occur on the candidate's site or through use of electronic transmission or other video-based or technology-based method.

Amendment No. 5 was adopted.

Amendment No. 6

Representative Guillen offered the following amendment to **CSSB 1839**:

Amend **CSSB 1839** (house committee report) as follows:

(1) On page 5, line 1, strike "This" and substitute "Except as otherwise provided by this Act, this".

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

SECTION _____. (a) Subchapter A, Chapter 21, Education Code, is amended by adding Section 21.008 to read as follows:

Sec. 21.008. TEACHER QUALITY REPORT. Not later than September 1 of each year, each school district shall submit a report to the commissioner detailing the district's efforts to increase the quality and performance of district teachers. The report must include information regarding:

(1) teacher performance appraisals;

(2) professional development opportunities;

(3) peer mentoring opportunities;

(4) career advancement opportunities;

(5) decisions relating to compensation; and

(6) if the district is designated as a district of innovation, the impact of that designation on district teachers, including flexibility under this chapter.

(b) This section applies beginning with the 2017-2018 school year.

(c) This section takes effect immediately if this Act 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 this section to take immediate effect, this section takes effect September 1, 2017.

SECTION _____. (a) Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0542 to read as follows:

Sec. 21.0542. GRANT PROGRAM FOR PROFESSIONAL DEVELOPMENT COURSES FOR CERTAIN TEACHERS. (a) In this section:

(1) "Authorized provider" means an institution of higher education or private or independent institution of higher education as those terms are defined by Section 61.003 that:

(A) is approved to offer an educator preparation program; and

(B) offers online through an Internet portal at least 100 subject-specific professional development courses that comply with the requirements of Subsection (c) at levels prekindergarten through grade 12.

(2) "Eligible teacher" means a classroom teacher who is providing instruction at any level of prekindergarten through grade 12:

(A) during the teacher's first year of teaching;

(B) in a subject for which the teacher does not possess a bachelor's degree with an academic major or minor in that subject; or

(C) at a campus assigned an overall performance rating of D or F under Section 39.054.

(b) From funds appropriated for the purpose, the commissioner shall make available to an authorized provider grants as provided by this section to pay the tuition and any required fees for eligible teachers who enroll in an online professional development course that complies with the requirements of Subsection (c) and is provided through the authorized provider.

(c) To qualify for a grant under this section, a professional development course offered by an authorized provider must:

(1) cover the subject and level of student instruction for which the eligible teacher enrolled provides instruction;

(2) require enrollment for the fall and spring semesters;

(3) require the teacher to be administered a preliminary assessment instrument and, on completion of the course, a final assessment instrument;

(4) provide a printed and electronic version of a teacher manual for student instruction that includes:

(A) a course syllabus;

(B) a daily pacing guide;

(C) detailed daily lesson plans;

(D) editable class notes;

(E) a student activity book or lab manual, as appropriate; and

(F) editable student assessment instruments; and

(5) be provided in conjunction with the assignment as a mentor a teacher who has experience in:

(A) teaching the subject and grade level of the course in which the eligible teacher is enrolled; and

(B) using the same student instruction materials provided by the course.

(d) An authorized provider shall determine when a teacher applies for enrollment in a course described by Subsection (c) whether the teacher is an eligible teacher. The authorized provider may enroll each teacher the authorized provider determines is an eligible teacher and submit a request for grant money to the commissioner in the amount of the tuition and any required fees for both semesters of the course.

(e) The commissioner shall distribute grant money to authorized providers based on the date on which each individual request is received by the commissioner. If the commissioner receives more requests for grant money than the amount of money appropriated, the commissioner shall select the requests to be paid on the last date for which grant money is available based on a policy adopted by rule by the commissioner. A decision of the commissioner under this subsection is final and may not be appealed. The commissioner may not apportion among the requests grant money distributed under this section.

(f) The commissioner may audit the records of an authorized provider to ensure compliance with this section. On request by the commissioner, an authorized provider shall provide the commissioner with all relevant records necessary to conduct a compliance audit.

(g) A teacher who successfully completes a professional development course under this section, including performing satisfactorily on the final assessment instrument under Subsection (c)(3), earns the equivalent of one-half of the continuing education credit hours required for certification renewal of the class of certificate the teacher holds.

(h) The commissioner and the Texas Higher Education Coordinating Board shall adopt rules as necessary to implement and administer this section.

(b) This section takes effect immediately if this Act 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 this section to take immediate effect, this section takes effect September 1, 2017.

Amendment No. 6 was withdrawn.

CSSB 1839, as amended, was passed to third reading. (Rinaldi recorded voting no.)

SB 1710 ON SECOND READING
(Neave - House Sponsor)

SB 1710, A bill to be entitled An Act relating to applications for the complete restoration of a ward's capacity or modification of a guardianship.

SB 1710 was passed to third reading.

SB 1465 ON SECOND READING
(G. Bonnen - House Sponsor)

SB 1465, A bill to be entitled An Act relating to the authority of certain ex officio members of the board of directors of a tax increment financing reinvestment zone to elect not to serve on the board.

SB 1465 was passed to third reading.

SB 830 ON SECOND READING
(Walle - House Sponsor)

SB 830, A bill to be entitled An Act relating to the provision of accounting statements by mortgage servicers for certain loans secured by a lien on residential real property.

SB 830 failed to pass to third reading by (Record 1568): 66 Yeas, 73 Nays, 2 Present, not voting. (The vote was reconsidered later today, and **SB 830** was amended and was passed to third reading.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Burkett; Burrows; Canales; Coleman; Collier; Cortez; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Flynn; Geren; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Laubenberg; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Shine; Smithee; Stephenson; Thierry; Thompson, S.; Turner; Uresti; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burns; Button; Cain; Capriglione; Clardy; Cospere; Craddick; Dale; Dean; Elkins; Faircloth; Fallon; Frank; Frullo; Goldman; Gonzales; Hefner; Holland; Huberty; Isaac; Keough; King, K.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Lozano; Meyer; Miller; Murphy; Murr; Oliverson; Parker; Paul; Phelan; Phillips; Price; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Simmons; Springer; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Cook; Hunter; Kacal; King, P.; Morrison; Paddie.

STATEMENTS OF VOTE

When Record No. 1568 was taken, I was shown voting no. I intended to vote yes.

Ashby

When Record No. 1568 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 1568 was taken, I was temporarily out of the house chamber. I would have voted no.

P. King

When Record No. 1568 was taken, I was in the house but away from my desk. I would have voted no.

Morrison

SB 1480 ON SECOND READING
(Murphy - House Sponsor)

SB 1480, A bill to be entitled An Act relating to the guarantee of school district and charter district bonds by the permanent school fund.

SB 1480 was passed to third reading by (Record 1569): 137 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cortez; Cospers; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; Gooden; Guerra; Gutierrez; Hefner; Hernandez; Holland; Howard; Huberty; Hunter; Isaac; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; 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; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — González; Hinojosa; Israel; King, K.; Nevárez; Uresti.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Cook; Guillen.

STATEMENTS OF VOTE

When Record No. 1569 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 1569 was taken, I was shown voting no. I intended to vote yes.

Israel

When Record No. 1569 was taken, I was shown voting yes. I intended to vote no.

Moody

CSSB 589 ON SECOND READING
(Simmons, Gonzales, Stucky, and Coleman - House Sponsors)

CSSB 589, A bill to be entitled An Act relating to the licensing and regulation of behavior analysts and assistant behavior analysts; requiring an occupational license; imposing fees.

CSSB 589 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE G. BONNEN: Representative Simmons, there have been some concerns raised that **CSSB 589** could make it necessary to acquire an applied behavior analyst in any situation where there's need to modify individual or group behavior. I don't think that's your intent. As you know, the practice of many health care professionals, including occupational therapists who've been in practice for almost 100 years, includes modification of individual and group behavior. So do you agree that part of an occupational therapist's scope of practice, as defined by Section 454.006(b) of the Occupations Code is to identify functional relations between behavior and environmental factors?

REPRESENTATIVE SIMMONS: Yes, I absolutely agree, Dr. Bonnen. What happens usually—it happened in our case with our son—is that these therapists generally coexist in a situation to where the occupational or even speech therapist might need to provide some services also. But the ABA therapist really takes a look at the whole picture of the challenge that the person is having. But yes, I agree with your question.

G. BONNEN: And Representative Simmons, did you know that occupational therapists also make functional assessments based on direct observation of individuals in a variety of settings including schools, clinics, hospitals, and their homes?

SIMMONS: Yes.

G. BONNEN: And do you agree that occupational therapists use positive reinforcement and other techniques to help individuals develop new behaviors or to modify existing behaviors?

SIMMONS: I'm not an expert on that specifically, but it's my understanding. Yes, correct.

G. BONNEN: Is your intent that the language in Section 506.052 regarding "other licensed professionals" makes it clear that this chapter does not apply to occupational therapists licensed in Texas if the applied behavior analysis services they provide are within their scope of practice and their scope of education, training, and competence?

SIMMONS: Yes, that's the intent of the legislation.

REPRESENTATIVE E. THOMPSON: Mr. Simmons, one of the things that I have some concern about is from a standpoint of the school special education teachers and school counselors. This is in no way going to cause them to have to go for any license or anything else and that sort of thing?

SIMMONS: No, not at all.

E. THOMPSON: So they will not be impacted at all for that?

SIMMONS: No. These services could be conducted within the school system if the school chooses to bring somebody in to do this, but it doesn't have a requirement under anything that they're going to be needing to do.

E. THOMPSON: As they operate today, this would not require them in any way to do this?

SIMMONS: No, sir. That's not the intent at all.

REMARKS ORDERED PRINTED

Representative G. Bonnen moved to print remarks between Representative Simmons and Representative G. Bonnen.

The motion prevailed.

Representative E. Thompson moved to print remarks between Representative Simmons and Representative E. Thompson.

The motion prevailed.

CSSB 589 was passed to third reading by (Record 1570): 107 Yeas, 31 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cortez; Cosper; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Laubenberg; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paul; Perez; Phelan; Pickett; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; Wray; Wu; Zedler.

Nays — Anderson, R.; Ashby; Bailes; Bell; Biedermann; Cain; Cook; Dale; Darby; Dean; Fallon; Isaac; Krause; Landgraf; Lang; Leach; Murr; Phillips; Rinaldi; Roberts; Rose; Sanford; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; White; Wilson; Workman; Zerwas.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Craddick; Kacal; Larson; Paddie; Parker; Price; Romero.

STATEMENTS OF VOTE

When Record No. 1570 was taken, I was in the house but away from my desk. I would have voted yes.

Parker

When Record No. 1570 was taken, I was in the house but away from my desk. I would have voted yes.

Romero

CSSB 840 ON SECOND READING (Martinez, Guillen, and Blanco - House Sponsors)

CSSB 840, A bill to be entitled An Act relating to certain images captured by an unmanned aircraft.

Amendment No. 1

Representative Martinez offered the following amendment to **CSSB 840**:

Amend **CSSB 840** (house committee report) on page 3 as follows:

(1) On line 12, immediately after the semicolon, strike "or" and substitute "[~~or~~]".

(2) On line 15, immediately after the semicolon, insert the following:

or

(G) of real property or a person on real property that is within 25 miles of the United States border for the sole purpose of ensuring border security;

Amendment No. 1 was adopted.

CSSB 840, as amended, was passed to third reading by (Record 1571): 143 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; Meyer; 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; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Murr; Rinaldi.

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

Absent, Excused — Herrero; Metcalf; Vo.

CSSB 1066 ON SECOND READING
(Lozano - House Sponsor)

CSSB 1066, A bill to be entitled An Act relating to meeting the graduate medical education needs of new medical degree programs offered by public institutions of higher education and to the employment status of certain residents participating in certain graduate medical education programs.

Representative Lozano moved to postpone consideration of **CSSB 1066** until 2 p.m. today.

The motion prevailed.

SB 1913 ON SECOND READING
(S. Thompson - House Sponsor)

SB 1913, A bill to be entitled An Act relating to the administrative, civil, and criminal consequences, including fines, fees, and costs, imposed on persons arrested for, charged with, or convicted of certain criminal offenses.

Amendment No. 1

Representative S. Thompson offered the following amendment to **SB 1913**:

Amend **SB 1913** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Article 14.06(b), Code of Criminal Procedure, is amended to read as follows:

(b) A peace officer who is charging a person, including a child, with committing an offense that is a Class C misdemeanor, other than an offense under Section 49.02, Penal Code, may, instead of taking the person before a magistrate, issue a citation to the person that contains:

(1) written notice of the time and place the person must appear before a magistrate;

(2) [;] the name and address of the person charged;

(3) [;] the offense charged;

(4) information regarding the alternatives to the full payment of any fine or costs assessed against the person, if the person is convicted of the offense and is unable to pay that amount;[;] and

(5) the following admonishment, in boldfaced or underlined type or in capital letters:

"If you are convicted of a misdemeanor offense involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 U.S.C. Section 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney."

SECTION 2. Section 4(a), Article 17.42, Code of Criminal Procedure, is amended to read as follows:

(a) Except as otherwise provided by this subsection, if [H] a court releases an accused on personal bond on the recommendation of a personal bond office, the court shall assess a personal bond fee of \$20 or three percent of the amount of the bail fixed for the accused, whichever is greater. The court may waive the fee or assess a lesser fee if good cause is shown. A court that requires a defendant to give a personal bond under Article 45.016 may not assess a personal bond fee under this subsection.

SECTION 3. Article 27.14(b), Code of Criminal Procedure, is amended to read as follows:

(b) A defendant charged with a misdemeanor for which the maximum possible punishment is by fine only may, in lieu of the method provided in Subsection (a) ~~[of this article]~~, mail or deliver in person to the court a plea of "guilty" or a plea of "nolo contendere" and a waiver of jury trial. The defendant may also request in writing that the court notify the defendant, at the address stated in the request, of the amount of an appeal bond that the court will approve. If the court receives a plea and waiver before the time the defendant is scheduled to appear in court, the court shall dispose of the case without requiring a court appearance by the defendant. If the court receives a plea and waiver after the time the defendant is scheduled to appear in court but at least five business days before a scheduled trial date, the court shall dispose of the case without requiring a court appearance by the defendant. The court shall notify the defendant either in person or by regular [certified] mail, ~~[return receipt requested,]~~ of the amount of any fine or costs assessed in the case, information regarding the alternatives to the full payment of any fine or costs assessed against the defendant, if the defendant is unable to pay that amount, and, if requested by the defendant, the amount of an appeal bond that the court will approve. Except as otherwise provided by this code, the [The] defendant shall pay any fine or costs assessed or give an appeal bond in the amount stated in the notice before the 31st day after receiving the notice.

SECTION 4. Article 42.15, Code of Criminal Procedure, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) Notwithstanding any other provision of this article, immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.13, 27.14(a), or 27.16(a), a court shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the court determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the court shall determine whether the fine and costs should be:

(1) subject to Subsection (c), required to be paid at some later date or in a specified portion at designated intervals;

(2) discharged by performing community service under, as applicable, Article 43.09(f), Article 45.049, Article 45.0492, as added by Chapter 227 (HB 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (HB 1964), Acts of the 82nd Legislature, Regular Session, 2011;

(3) waived in full or in part under Article 43.091 or 45.0491; or

(4) satisfied through any combination of methods under Subdivisions

(1)-(3).

(b) Subject to Subsections (c) and (d) and Article 43.091, when imposing a fine and costs, a court may direct a defendant:

(1) to pay the entire fine and costs when sentence is pronounced;

(2) to pay the entire fine and costs at some later date; or

(3) to pay a specified portion of the fine and costs at designated intervals.

SECTION 5. Article 43.05, Code of Criminal Procedure, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) A court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms unless:

(1) the court provides by regular mail to the defendant notice that includes:

(A) a statement that the defendant has failed to satisfy the judgment according to its terms; and

(B) a date and time when the court will hold a hearing on the defendant's failure to satisfy the judgment according to its terms; and

(2) either:

(A) the defendant fails to appear at the hearing; or

(B) based on evidence presented at the hearing, the court determines that the capias pro fine should be issued.

(a-2) The court shall recall a capias pro fine if, before the capias pro fine is executed:

(1) the defendant voluntarily appears to resolve the amount owed; and

(2) the amount owed is resolved in any manner authorized by this code.

SECTION 6. Article 43.09, Code of Criminal Procedure, is amended by amending Subsections (a), (g), (h), (j), and (l) and adding Subsection (h-1) to read as follows:

(a) When a defendant is convicted of a misdemeanor and the defendant's [his] punishment is assessed at a pecuniary fine or is confined in a jail after conviction of a felony for which a fine is imposed, if the defendant [he] is unable to pay the fine and costs adjudged against the defendant [him], the defendant [he] may for such time as will satisfy the judgment be put to work in the county jail industries program, in the workhouse, or on the county farm, or public improvements and maintenance projects of the county or a political subdivision located in whole or in part in the county, as provided in Article 43.10 [the succeeding article]; or if there is [be] no such county jail industries program, workhouse, farm, or improvements and maintenance projects, the defendant [he] shall be confined in jail for a sufficient length of time to discharge the full amount

of fine and costs adjudged against the defendant [him]; rating such confinement at \$100 [~~\$50~~] for each day and rating such labor at \$100 [~~\$50~~] for each day; provided, however, that the defendant may pay the pecuniary fine assessed against the defendant [him] at any time while the defendant [he] is serving at work in the county jail industries program, in the workhouse, or on the county farm, or on the public improvements and maintenance projects of the county or a political subdivision located in whole or in part in the county, or while the defendant [he] is serving the defendant's [his] jail sentence, and in such instances the defendant is [he shall be] entitled to the credit [he has] earned under this subsection during the time that the defendant [he] has served and the defendant [he] shall only be required to pay the [his] balance of the pecuniary fine assessed against the defendant [him]. A defendant who performs labor under this article during a day in which the defendant [he] is confined is entitled to both the credit for confinement and the credit for labor provided by this article.

(g) In the court's [its] order requiring a defendant to perform [participate in] community service [work] under Subsection (f) [of this article], the court must specify:

(1) the number of hours of community service the defendant is required to perform [work]; [and]

(2) whether the community supervision and corrections department or a court-related services office will perform the administrative duties required by the placement of the defendant in the community service program; and

(3) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service.

(h) The court may order the defendant to perform community service [work] under Subsection (f):

(1) by attending:

(A) a work and job skills training program;

(B) a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C) an alcohol or drug abuse program;

(D) a rehabilitation program;

(E) a counseling program, including a self-improvement program;

(F) a mentoring program; or

(G) any similar activity; or

(2) [of this article only] for:

(A) a governmental entity;

(B) [or] a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the court; or

(C) an educational institution.

(h-1) An [A governmental] entity [or nonprofit organization] that accepts a defendant under Subsection (f) [of this article] to perform community service must agree to supervise, either on-site or remotely, the defendant in the

performance of the defendant's community service [~~work~~] and report on the defendant's community service [~~work~~] to the district probation department or court-related services office.

(j) A court may not order a defendant to perform more than 16 hours per week of community service under Subsection (f) [~~of this article~~] unless the court determines that requiring the defendant to perform [~~work~~] additional hours does not impose an undue [~~work-a~~] hardship on the defendant or the defendant's dependents.

(l) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, an employee of a community corrections and supervision department, restitution center, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant under this article to perform community service is not liable for damages arising from an act or failure to act in connection with manual labor performed by an inmate or community service performed by a defendant under [~~pursuant to~~] this article if the act or failure to act:

(1) was performed pursuant to confinement or other court order; and

(2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

SECTION 7. Article 43.091, Code of Criminal Procedure, is amended to read as follows:

Art. 43.091. WAIVER OF PAYMENT OF FINES AND COSTS FOR CERTAIN [~~INDIGENT~~] DEFENDANTS AND FOR CHILDREN. A court may waive payment of all or part of a fine or costs [~~cost~~] imposed on a defendant [~~who defaults in payment~~] if the court determines that:

(1) the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine or costs or was, at the time the offense was committed, a child as defined by Article 45.058(h); and

(2) each alternative method of discharging the fine or cost under Article 43.09 or 42.15 would impose an undue hardship on the defendant.

SECTION 8. Article 45.014, Code of Criminal Procedure, is amended by adding Subsections (e), (f), and (g) to read as follows:

(e) A justice or judge may not issue an arrest warrant for the defendant's failure to appear, including failure to appear as required by a citation issued under Article 14.06(b), unless:

(1) the justice or judge provides by telephone or regular mail to the defendant notice that includes:

(A) a date and time when the defendant must appear before the justice or judge;

(B) the name and address of the court with jurisdiction in the case;

(C) information regarding alternatives to the full payment of any fine or costs owed by the defendant, if the defendant is unable to pay that amount; and

(D) an explanation of the consequences if the defendant fails to appear before the justice or judge as required by this article; and

(2) the defendant fails to appear before the justice or judge as required by this article.

(f) A defendant who receives notice under Subsection (e) may request an alternative date or time to appear before the justice or judge if the defendant is unable to appear on the date and time included in the notice.

(g) A justice or judge shall recall an arrest warrant for the defendant's failure to appear if, before the arrest warrant is executed:

(1) the defendant voluntarily appears to resolve the arrest warrant; and

(2) the arrest warrant is resolved in any manner authorized by this code.

SECTION 9. Article 45.016, Code of Criminal Procedure, is amended to read as follows:

Art. 45.016. PERSONAL BOND; BAIL BOND. (a) The justice or judge may require the defendant to give a personal bond [~~bail~~] to secure the defendant's appearance in accordance with this code.

(b) The justice or judge may not, either instead of or in addition to the personal bond, require a defendant to give a bail bond unless:

(1) the defendant fails to appear in accordance with this code with respect to the applicable offense; and

(2) the justice or judge determines that:

(A) the defendant has sufficient resources or income to give a bail bond; and

(B) a bail bond is necessary to secure the defendant's appearance in accordance with this code.

(c) If a defendant required to give a bail bond under Subsection (b) remains in custody, without giving the bond, for more than 48 hours after the issuance of the applicable order, the justice or judge shall reconsider the requirement for the defendant to give the bond.

(d) If the defendant refuses to give a personal bond or, except as provided by Subsection (c), refuses or otherwise fails to give a bail bond, the defendant may be held in custody.

SECTION 10. Article 45.041, Code of Criminal Procedure, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) Notwithstanding any other provision of this article, immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.14(a) or 27.16(a), the justice or judge shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the justice or judge determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the justice or judge shall determine whether the fine and costs should be:

(1) subject to Subsection (b-2), required to be paid at some later date or in a specified portion at designated intervals;

(2) discharged by performing community service under, as applicable, Article 45.049, Article 45.0492, as added by Chapter 227 (HB 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (HB 1964), Acts of the 82nd Legislature, Regular Session, 2011;

(3) waived in full or in part under Article 45.0491; or

(4) satisfied through any combination of methods under Subdivisions (1)-(3).

(b) Subject to Subsections (b-2) and (b-3) and Article 45.0491, the justice or judge may direct the defendant:

(1) to pay:

(A) the entire fine and costs when sentence is pronounced;

(B) the entire fine and costs at some later date; or

(C) a specified portion of the fine and costs at designated intervals;

(2) if applicable, to make restitution to any victim of the offense; and

(3) to satisfy any other sanction authorized by law.

SECTION 11. Article 45.0425(a), Code of Criminal Procedure, is amended to read as follows:

(a) If the court from whose judgment and sentence the appeal is taken is in session, the court must approve the bail. The amount of an appeal ~~[a bail]~~ bond may not be less than two times the amount of the fine and costs adjudged against the defendant, payable to the State of Texas. The appeal bond ~~[bail]~~ may not in any case be for an amount ~~[a sum]~~ less than \$50. If the appeal bond otherwise meets the requirements of this code, the court without requiring a court appearance by the defendant shall approve the appeal bond in the amount the court under Article 27.14(b) notified the defendant would be approved.

SECTION 12. Article 45.045, Code of Criminal Procedure, is amended by adding Subsections (a-2) and (a-3) to read as follows:

(a-2) A court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms unless:

(1) the court provides by regular mail to the defendant notice that includes:

(A) a statement that the defendant has failed to satisfy the judgment according to its terms; and

(B) a date and time when the court will hold a hearing on the defendant's failure to satisfy the judgment according to its terms; and

(2) either:

(A) the defendant fails to appear at the hearing; or

(B) based on evidence presented at the hearing, the court determines that the capias pro fine should be issued.

(a-3) The court shall recall a capias pro fine if, before the capias pro fine is executed:

(1) the defendant voluntarily appears to resolve the amount owed; and

(2) the amount owed is resolved in any manner authorized by this chapter.

SECTION 13. Article 45.046(a), Code of Criminal Procedure, is amended to read as follows:

(a) When a judgment and sentence have been entered against a defendant and the defendant defaults in the discharge of the judgment, the judge may order the defendant confined in jail until discharged by law if the judge at a hearing makes a written determination that:

(1) the defendant is not indigent and has failed to make a good faith effort to discharge the fine or ~~[and]~~ costs; or

(2) the defendant is indigent and:

(A) has failed to make a good faith effort to discharge the fine or ~~[fines and]~~ costs under Article 45.049; and

(B) could have discharged the fine or ~~[fines and]~~ costs under Article 45.049 without experiencing any undue hardship.

SECTION 14. Article 45.048, Code of Criminal Procedure, is amended to read as follows:

Art. 45.048. DISCHARGED FROM JAIL. (a) A defendant placed in jail on account of failure to pay the fine and costs shall be discharged on habeas corpus by showing that the defendant:

(1) is too poor to pay the fine and costs; or

(2) has remained in jail a sufficient length of time to satisfy the fine and costs, at the rate of not less than \$100 ~~[\$50]~~ for each period ~~[of time]~~ served, as specified by the convicting court in the judgment in the case.

(b) A convicting court may specify a period ~~[of time]~~ that is not less than eight hours or more than 24 hours as the period for which a defendant who fails to pay the fine ~~[fines]~~ and costs in the case must remain in jail to satisfy \$100 ~~[\$50]~~ of the fine and costs.

SECTION 15. Article 45.049, Code of Criminal Procedure, is amended by amending Subsections (b), (c), (d), (e), (f), and (g) and adding Subsection (c-1) to read as follows:

(b) In the justice's or judge's order requiring a defendant to perform ~~[participate in]~~ community service ~~[work]~~ under this article, the justice or judge must specify:

(1) the number of hours of community service the defendant is required to perform; and

(2) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service ~~[work].~~

(c) The justice or judge may order the defendant to perform community service ~~[work]~~ under this article:

(1) by attending:

(A) a work and job skills training program;

(B) a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C) an alcohol or drug abuse program;

(D) a rehabilitation program;

(E) a counseling program, including a self-improvement program;

(F) a mentoring program; or

(G) any similar activity; or

(2) [only] for:

(A) a governmental entity;

(B) ~~[or]~~ a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C) an educational institution.

(c-1) An ~~[A governmental]~~ entity ~~[or nonprofit organization]~~ that accepts a defendant under this article to perform community service must agree to supervise, either on-site or remotely, the defendant in the performance of the defendant's community service [work] and report on the defendant's community service [work] to the justice or judge who ordered the ~~[community]~~ service.

(d) A justice or judge may not order a defendant to perform more than 16 hours per week of community service under this article unless the justice or judge determines that requiring the defendant to perform [work] additional hours does not impose an undue [work-a] hardship on the defendant or the defendant's dependents.

(e) A defendant is considered to have discharged not less than \$100 ~~[\$50]~~ of fines or costs for each eight hours of community service performed under this article.

(f) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace, municipal court judge, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant under this article to perform community service is not liable for damages arising from an act or failure to act in connection with community service [manual labor] performed by a defendant under this article if the act or failure to act:

(1) was performed pursuant to court order; and

(2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

(g) This subsection applies only to a defendant who is charged with a traffic offense or an offense under Section 106.05, Alcoholic Beverage Code, and is a resident of this state. If under Article 45.051(b)(10), Code of Criminal Procedure, the judge requires the defendant to perform community service as a condition of the deferral, the defendant is entitled to elect whether to perform the required ~~[governmental entity or nonprofit organization community]~~ service in:

(1) the county in which the court is located; or

(2) the county in which the defendant resides, but only if the applicable entity ~~[or organization]~~ agrees to:

(A) supervise, either on-site or remotely, the defendant in the performance of the defendant's community service ~~[work]~~; and

(B) report to the court on the defendant's community service ~~[work]~~.

SECTION 16. Article 45.0491, Code of Criminal Procedure, is amended to read as follows:

Art. 45.0491. WAIVER OF PAYMENT OF FINES AND COSTS FOR CERTAIN ~~[INDIGENT]~~ DEFENDANTS AND FOR CHILDREN. A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of all or part of a fine or costs imposed on a defendant ~~[who defaults in payment]~~ if the court determines that:

(1) the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine or costs or was, at the time the offense was committed, a child as defined by Article 45.058(h); and

(2) discharging the fine or ~~and~~ costs under Article 45.049 or as otherwise authorized by this chapter would impose an undue hardship on the defendant.

SECTION 17. The heading to Article 45.0492, Code of Criminal Procedure, as added by Chapter 227 (**HB 350**), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

Art. 45.0492. COMMUNITY SERVICE ~~[OR TUTORING]~~ IN SATISFACTION OF FINE OR COSTS FOR CERTAIN JUVENILE DEFENDANTS.

SECTION 18. Article 45.0492, Code of Criminal Procedure, as added by Chapter 227 (**HB 350**), Acts of the 82nd Legislature, Regular Session, 2011, is amended by amending Subsections (b), (c), (d), (f), (g), and (h) and adding Subsection (d-1) to read as follows:

(b) A justice or judge may require a defendant described by Subsection (a) to discharge all or part of the fine or costs by performing community service ~~[or attending a tutoring program that is satisfactory to the court]~~. A defendant may discharge an obligation to perform community service ~~[or attend a tutoring program]~~ under this article by paying at any time the fine and costs assessed.

(c) In the justice's or judge's order requiring a defendant to perform ~~[participate in]~~ community service ~~[work or a tutoring program]~~ under this article, the justice or judge must specify:

(1) the number of hours of community service the defendant is required to perform; and

(2) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service ~~[work or attend tutoring]~~.

(d) The justice or judge may order the defendant to perform community service ~~[work]~~ under this article:

(1) by attending:

(A) a work and job skills training program;

(B) a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C) an alcohol or drug abuse program;

(D) a rehabilitation program;

(E) a counseling program, including a self-improvement program;

(F) a mentoring program;

(G) a tutoring program; or

(H) any similar activity; or

(2) ~~only~~ for:

(A) a governmental entity;

(B) ~~or~~ a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C) an educational institution.

(d-1) An ~~[A governmental]~~ entity ~~[or nonprofit organization]~~ that accepts a defendant under this article to perform community service must agree to supervise, either on-site or remotely, the defendant in the performance of the defendant's community service [work] and report on the defendant's community service [work] to the justice or judge who ordered the ~~[community]~~ service.

(f) A justice or judge may not order a defendant to perform more than 16 hours of community service per week ~~[or attend more than 16 hours of tutoring per week]~~ under this article unless the justice or judge determines that requiring the defendant to perform additional hours ~~[of work or tutoring]~~ does not impose an undue ~~[cause a]~~ hardship on the defendant or the defendant's family. For purposes of this subsection, "family" has the meaning assigned by Section 71.003, Family Code.

(g) A defendant is considered to have discharged not less than \$100 ~~[\$50]~~ of fines or costs for each eight hours of community service performed ~~[or tutoring program attended]~~ under this article.

(h) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace, municipal court judge, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant under this article to perform community service~~[, nonprofit organization, or tutoring program]~~ is not liable for damages arising from an act or failure to act in connection with community service [an activity] performed by a defendant under this article if the act or failure to act:

(1) was performed pursuant to court order; and

(2) was not intentional, grossly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

SECTION 19. Article 45.0492, Code of Criminal Procedure, as added by Chapter 777 (**HB 1964**), Acts of the 82nd Legislature, Regular Session, 2011, is amended by amending Subsections (c), (d), (e), and (f) and adding Subsections (d-1) and (h) to read as follows:

(c) In the justice's or judge's order requiring a defendant to perform community service under this article, the justice or judge shall specify:

(1) the number of hours of community service the defendant is required to perform, ~~[and may]~~ not to exceed ~~[order more than]~~ 200 hours; and

(2) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service.

(d) The justice or judge may order the defendant to perform community service ~~[work]~~ under this article:

(1) by attending:

(A) a work and job skills training program;

(B) a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C) an alcohol or drug abuse program;

(D) a rehabilitation program;

(E) a counseling program, including a self-improvement program;

(F) a mentoring program; or

(G) any similar activity; or

(2) ~~only~~ for:

(A) a governmental entity;

(B) ~~or~~ a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C) an educational institution.

(d-1) An ~~[A governmental]~~ entity ~~[or nonprofit organization]~~ that accepts a defendant under this article to perform community service must agree to supervise, either on-site or remotely, the defendant in the performance of the defendant's community service ~~[work]~~ and report on the defendant's community service ~~[work]~~ to the justice or judge who ordered the ~~[community]~~ service.

(e) A justice or judge may not order a defendant to perform more than 16 hours of community service per week under this article unless the justice or judge determines that requiring the defendant to perform additional hours ~~[of work]~~ does not impose an undue ~~[cause a]~~ hardship on the defendant or the defendant's family. For purposes of this subsection, "family" has the meaning assigned by Section 71.003, Family Code.

(f) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace, municipal court judge, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant under this article to perform community service is not liable for damages arising from an act or failure to act in connection with community service performed by a defendant under this article if the act or failure to act:

(1) was performed pursuant to court order; and

(2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

(h) A defendant is considered to have discharged not less than \$100 of fines or costs for each eight hours of community service performed under this article.

SECTION 20. Article 45.051(a), Code of Criminal Procedure, is amended to read as follows:

(a) On a plea of guilty or nolo contendere by a defendant or on a finding of guilt in a misdemeanor case punishable by fine only and payment of all court costs, the judge may defer further proceedings without entering an adjudication of guilt and place the defendant on probation for a period not to exceed 180 days. In issuing the order of deferral, the judge may impose a special expense fee on the defendant in an amount not to exceed the amount of the fine that could be imposed on the defendant as punishment for the offense. The special expense fee may be collected at any time before the date on which the period of probation ends. The judge may elect not to impose the special expense fee for good cause

shown by the defendant. If the judge orders the collection of a special expense fee, the judge shall require that the amount of the special expense fee be credited toward the payment of the amount of the fine imposed by the judge. An order of deferral under this subsection terminates any liability under a [~~bail bond or an appearance~~] bond given for the charge.

SECTION 21. Article 45.0511(t), Code of Criminal Procedure, is amended to read as follows:

(t) An order of deferral under Subsection (c) terminates any liability under a [~~bail bond or appearance~~] bond given for the charge.

SECTION 22. Article 103.0031(j), Code of Criminal Procedure, is amended to read as follows:

(j) A communication to the accused person regarding the amount of payment that is acceptable to the court under the court's standard policy for resolution of a case must include:

(1) a notice of the person's right to enter a plea or go to trial on any offense charged; and

(2) a statement that, if the person is unable to pay the full amount of payment that is acceptable to the court, the person should contact the court regarding the alternatives to full payment that are available to resolve the case.

SECTION 23. Section 502.010, Transportation Code, is amended by amending Subsections (a) and (c) and adding Subsections (b-1), (i), and (j) to read as follows:

(a) Except as otherwise provided by this section, a [A] county assessor-collector or the department may refuse to register a motor vehicle if the assessor-collector or the department receives information that the owner of the vehicle:

(1) owes the county money for a fine, fee, or tax that is past due; or

(2) failed to appear in connection with a complaint, citation, information, or indictment in a court in the county in which a criminal proceeding is pending against the owner.

(b-1) Information that is provided to make a determination under Subsection (a)(1) and that concerns the past due status of a fine or fee imposed for a criminal offense and owed to the county expires on the second anniversary of the date the information was provided and may not be used to refuse registration after that date. Once information about a past due fine or fee is provided under Subsection (b), subsequent information about other fines or fees that are imposed for a criminal offense and that become past due before the second anniversary of the date the initial information was provided may not be used, either before or after the second anniversary of that date, to refuse registration under this section unless the motor vehicle is no longer subject to refusal of registration because of notice received under Subsection (c).

(c) A county that has a contract under Subsection (b) shall notify the department regarding a person for whom the county assessor-collector or the department has refused to register a motor vehicle on:

(1) the person's payment or other means of discharge, including a waiver, of the past due fine, fee, or tax; or

(2) perfection of an appeal of the case contesting payment of the fine, fee, or tax.

(i) A municipal court judge or justice of the peace who has jurisdiction over the underlying offense may waive an additional fee imposed under Subsection (f) if the judge or justice makes a finding that the defendant is economically unable to pay the fee or that good cause exists for the waiver.

(j) If a county assessor-collector is notified that the court having jurisdiction over the underlying offense has waived the past due fine or fee due to the defendant's indigency, the county may not impose an additional fee on the defendant under Subsection (f).

SECTION 24. Section 502.010(f), Transportation Code, as amended by Chapters 1094 (**SB 1386**) and 1296 (**HB 2357**), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(f) Except as otherwise provided by this section, a [A] county that has a contract under Subsection (b) may impose an additional fee of \$20 to:

(1) a person who fails to pay a fine, fee, or tax to the county by the date on which the fine, fee, or tax is due; or

(2) a person who fails to appear in connection with a complaint, citation, information, or indictment in a court in which a criminal proceeding is pending against the owner. ~~[The additional fee may be used only to reimburse the department or the county for its expenses for providing services under the contract.]~~

SECTION 25. Section 706.005, Transportation Code, is amended to read as follows:

Sec. 706.005. CLEARANCE NOTICE TO DEPARTMENT. (a) A political subdivision shall immediately notify the department that there is no cause to continue to deny renewal of a person's driver's license based on the person's previous failure to appear or failure to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the court in a matter involving an offense described by Section 706.002(a), on payment of a fee as provided by Section 706.006 and:

(1) the perfection of an appeal of the case for which the warrant of arrest was issued or judgment arose;

(2) the dismissal of the charge for which the warrant of arrest was issued or judgment arose, other than a dismissal with prejudice by motion of the appropriate prosecuting attorney for lack of evidence;

(3) the posting of bond or the giving of other security to reinstate the charge for which the warrant was issued;

(4) the payment or discharge of the fine and cost owed on an outstanding judgment of the court; or

(5) other suitable arrangement to pay the fine and cost within the court's discretion.

(b) The department may not continue to deny the renewal of the person's driver's license under this chapter after the department receives notice:

(1) under Subsection (a);

(2) that the person was acquitted of the charge on which the person failed to appear;

(3) that the charge on which the person failed to appear was dismissed with prejudice by motion of the appropriate prosecuting attorney for lack of evidence; or

(4) [4] from the political subdivision that the failure to appear report or court order to pay a fine or cost relating to the person:

(A) was sent to the department in error; or

(B) has been destroyed in accordance with the political subdivision's records retention policy.

SECTION 26. Section 706.006, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1) and (d) to read as follows:

(a) Except as provided by Subsection (d), a [A] person who fails to appear for a complaint or citation for an offense described by Section 706.002(a) shall be required to pay an administrative fee of \$30 for each complaint or citation reported to the department under this chapter, unless:

(1) the person is acquitted of the charges for which the person failed to appear;

(2) the charges on which the person failed to appear were dismissed with prejudice by motion of the appropriate prosecuting attorney for lack of evidence;

(3) the failure to appear report was sent to the department in error; or

(4) the case regarding the complaint or citation is closed and the failure to appear report has been destroyed in accordance with the applicable political subdivision's records retention policy.

(a-1) A [The] person who is required to pay a fee under Subsection (a) shall pay the fee when:

(1) the court enters judgment on the underlying offense reported to the department;

(2) the underlying offense is dismissed, other than a dismissal described by Subsection (a)(2); or

(3) bond or other security is posted to reinstate the charge for which the warrant was issued.

(b) Except as provided by Subsection (d), a [A] person who fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the court orders shall be required to pay an administrative fee of \$30.

(d) If the court having jurisdiction over the underlying offense makes a finding that the person is indigent, the person may not be required to pay an administrative fee under this section. For purposes of this subsection, a person is presumed to be indigent if the person:

(1) is required to attend school full time under Section 25.085, Education Code;

(2) is a member of a household with a total annual income that is below 125 percent of the applicable income level established by the federal poverty guidelines; or

(3) receives assistance from:

(A) the financial assistance program established under Chapter 31, Human Resources Code;

(B) the medical assistance program under Chapter 32, Human Resources Code;

(C) the supplemental nutrition assistance program established under Chapter 33, Human Resources Code;

(D) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786; or

(E) the child health plan program under Chapter 62, Health and Safety Code.

SECTION 27. Article 45.0492(e), Code of Criminal Procedure, as added by Chapter 227 (**HB 350**), Acts of the 82nd Legislature, Regular Session, 2011, is repealed.

SECTION 28. The changes in law made by this Act to Articles 14.06 and 27.14, Code of Criminal Procedure, and Section 502.010 and Chapter 706, Transportation Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 29. The changes in law made by this Act to Articles 42.15, 43.09, 43.091, 45.014, 45.041, 45.046, 45.049, and 45.0491, Code of Criminal Procedure, and Articles 45.0492, Code of Criminal Procedure, as added by Chapter 227 (**HB 350**), Acts of the 82nd Legislature, Regular Session, 2011, and 45.0492, Code of Criminal Procedure, as added by Chapter 777 (**HB 1964**), Acts of the 82nd Legislature, Regular Session, 2011, apply to a sentencing proceeding that commences before, on, or after the effective date of this Act.

SECTION 30. The change in law made by this Act to Articles 43.05 and 45.045, Code of Criminal Procedure, applies only to a capias pro fine issued on or after the effective date of this Act. A capias pro fine issued before the effective date of this Act is governed by the law in effect on the date the capias pro fine was issued, and the former law is continued in effect for that purpose.

SECTION 31. The changes in law made by this Act to Articles 45.016, 45.051, and 45.0511, Code of Criminal Procedure, apply only to a bond executed on or after the effective date of this Act. A bond executed before the effective date of this Act is governed by the law in effect when the bond was executed, and the former law is continued in effect for that purpose.

SECTION 32. The change in law made by this Act to Article 45.048, Code of Criminal Procedure, applies to a defendant who is placed in jail on or after the effective date of this Act for failure to pay the fine and costs imposed on conviction of an offense, regardless of whether the offense for which the defendant was convicted was committed before, on, or after the effective date of this Act.

SECTION 33. This Act takes effect September 1, 2017.

Amendment No. 1 was adopted by (Record 1572): 80 Yeas, 56 Nays, 2 Present, not voting. (The vote was reconsidered later today, and Amendment No. 1 was withdrawn.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bernal; Blanco; Canales; Clardy; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Farrar; Frullo; Geren; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Hinojosa; Howard; Huberty; Israel; Johnson, E.; Johnson, J.; Keough; King, K.; Koop; Kuempel; Lambert; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Muñoz; Murphy; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Shine; Stephenson; Stucky; Thierry; Thompson, S.; Turner; Uresti; Villalba; Walle; White; Wilson; Wu; Zerwas.

Nays — Anderson, R.; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burrows; Button; Cain; Capriglione; Cook; Cospser; Craddick; Dale; Darby; Elkins; Faircloth; Fallon; Flynn; Frank; Goldman; Gonzales; Hefner; Holland; Isaac; Kacal; King, P.; Klick; Krause; Landgraf; Lang; Larson; Leach; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Rinaldi; Roberts; Sanford; Schaefer; Schubert; Shaheen; Simmons; Springer; Stickland; Swanson; Thompson, E.; Tinderholt; Workman; Zedler.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Burns; Hunter; King, T.; Laubenberg; Morrison; Schofield; Smithee; VanDeaver; Wray.

STATEMENTS OF VOTE

When Record No. 1572 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 1572 was taken, I was shown voting yes. I intended to vote no.

Meyer

When Record No. 1572 was taken, I was in the house but away from my desk. I would have voted no.

Morrison

When Record No. 1572 was taken, I was shown voting yes. I intended to vote no.

Stucky

Amendment No. 2

Representative Klick offered the following amendment to **SB 1913**:

Amend **SB 1913** (house committee printing) as follows:

- (1) On page 16, line 19, between "CHILDREN." and "A" insert "(a)".
- (2) On page 17, between lines 4 and 5, insert the following:
 - (b) A defendant is presumed to be indigent if the defendant:

(1) is in the conservatorship of the Department of Family and Protective Services or was in the conservatorship of the Department of Family and Protective Services at the time of the offense; or

(2) is designated as a homeless child or youth or an unaccompanied youth as those terms are defined by 42 U.S.C. Section 11434a or was designated as a homeless child or youth or an unaccompanied youth as those terms are defined by 42 U.S.C. Section 11434a at the time of the offense.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Muñoz offered the following amendment to **SB 1913**:

Amend **SB 1913** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 38, Penal Code, is amended by adding Section 38.124 to read as follows:

Sec. 38.124. PROHIBITED CONDUCT OF BAIL BOND SURETY. (a) A person who is a surety on a bail bond in a criminal case commits an offense if the person knowingly prepares, provides, or otherwise makes available to the defendant in the case a form for a motion to reduce the amount of the defendant's bond or for a motion to change the conditions of the defendant's bond.

(b) It is a defense to prosecution under this section that the actor is currently licensed to practice law in this state, another state, or a foreign country and in good standing with the State Bar of Texas and the state bar or licensing authority of any and all other states and foreign countries where licensed.

(c) An offense under this section is a state jail felony.

Amendment No. 3 was withdrawn.

SB 1913, as amended, failed to pass to third reading by (Record 1573): 64 Yeas, 77 Nays, 2 Present, not voting. (The vote was reconsidered later today, and **SB 1913**, as amended, was passed to third reading by Record No. 1597.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Bernal; Blanco; Burkett; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Farrar; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Hinojosa; Howard; Huberty; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, T.; Klick; Longoria; Lozano; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Thierry; Thompson, S.; Turner; Uresti; Walle; White; Wu.

Nays — Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cosper; Craddick; Dale; Darby; Dean; Dutton; Elkins; Faircloth; Fallon; Flynn;

Frank; Frullo; Goldman; Gooden; Hefner; Holland; Hunter; Isaac; King, K.; King, P.; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Meyer; Miller; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schubert; Shaheen; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Villalba; Wilson; Workman; Zedler; Zerwas.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Morrison; Schofield; VanDeaver; Wray.

STATEMENT OF VOTE

When Record No. 1573 was taken, I was in the house but away from my desk. I would have voted no.

Morrison

SB 762 ON SECOND READING (Moody - House Sponsor)

SB 762, A bill to be entitled An Act relating to the prosecution of offenses involving cruelty to animals; increasing a criminal penalty.

Representative Moody moved to postpone consideration of **SB 762** until 5 p.m. today.

The motion prevailed.

(Speaker in the chair)

SB 1882 ON SECOND READING (Koop - House Sponsor)

SB 1882, A bill to be entitled An Act relating to a school district contract to partner with an open-enrollment charter school to operate a district campus.

Representative Koop moved to postpone consideration of **SB 1882** until 1:45 p.m. today.

The motion prevailed.

CSSB 2212 ON SECOND READING (Kuempel - House Sponsor)

CSSB 2212, A bill to be entitled An Act relating to certain real estate sales, brokerage, and advertising activities, certain functions of the Texas Real Estate Commission, and the authorization of a ground lease with the Texas Facilities Commission to construct or maintain a building.

Amendment No. 1

Representative Kuempel offered the following amendment to **CSSB 2212**:

Amend **CSSB 2212** (house committee printing) as follows:

(1) Strike page 7, lines 2-12.

(2) Strike page 7, line 21, through page 8, line 10, and substitute the following appropriately numbered SECTION:

SECTION _____. This Act takes effect September 1, 2017.

(3) Renumber the SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

CSSB 2212, as amended, was passed to third reading.

CSSB 1233 ON SECOND READING
(S. Thompson - House Sponsor)

CSSB 1233, A bill to be entitled An Act relating to a writ of mandamus by a court of appeals against certain judges.

CSSB 1233 was passed to third reading.

SB 1446 ON SECOND READING
(Clardy - House Sponsor)

SB 1446, A bill to be entitled An Act relating to contested cases conducted under the Administrative Procedure Act.

SB 1446 was passed to third reading.

SB 1559 ON SECOND READING
(G. Bonnen - House Sponsor)

SB 1559, A bill to be entitled An Act relating to a fee exemption for guardianship proceedings of certain military servicemembers and certain law enforcement officers, firefighters, and other first responders.

SB 1559 was passed to third reading.

SB 1404 ON SECOND READING
(Ashby - House Sponsor)

SB 1404, A bill to be entitled An Act relating to requiring school districts and open-enrollment charter schools to report certain information regarding expanded learning opportunities.

Amendment No. 1

Representative Gonzales offered the following amendment to **SB 1404**:

Amend **SB 1404** (house committee printing) by adding the following appropriately numbered SECTION and renumbering SECTIONS of the bill as appropriate:

SECTION _____. (a) The Sunset Advisory Commission, as part of the review of the Expanded Learning Opportunities Council under Chapter 325, Government Code, shall review the information submitted under Section 42.006(a-2), Education Code, as added by this Act, to determine the availability of expanded learning opportunities and the role of regional education service centers in providing those opportunities throughout the state.

(b) Notwithstanding any other provision of law, the Sunset Advisory Commission shall review regional education service centers during the period in which state agencies scheduled to be reviewed or abolished in 2023 are reviewed, and unless continued in existence as provided by Chapter 325, Government Code, the centers are abolished and the law governing the centers and the law administered by the centers expire September 1, 2023.

Amendment No. 1 was adopted by (Record 1574): 127 Yeas, 10 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Collier; Cook; Cortez; Cospér; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Lozano; Lucio; Martinez; 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; Sanford; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Workman; Wray; Wu; Zerwas.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Coleman; Giddings; Keough; King, K.; Laubenberg; Longoria; Rose; Shaheen; Wilson.

STATEMENTS OF VOTE

When Record No. 1574 was taken, I was shown voting yes. I intended to vote no.

Cook

When Record No. 1574 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 1574 was taken, I was shown voting yes. I intended to vote no.

Phillips

SB 1404, as amended, was passed to third reading. (Rinaldi recorded voting no.)

**SB 1318 ON SECOND READING
(Parker - House Sponsor)**

SB 1318, A bill to be entitled An Act relating to designation of mathematics innovation zones by the commissioner of education and to the establishment of pay for success programs to provide necessary funding.

SB 1318 was passed to third reading.

HOUSE AT EASE

At 1:30 p.m., the speaker announced that the house would stand at ease.

(Paddie in the chair)

The chair called the house to order at 1:52 p.m.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 29).

SB 1913 - NOTICE GIVEN

At 1:54 p.m., pursuant to the provisions of Rule 7, Section 37(c) of the House Rules, Representative Smithee gave notice that he would, in one hour, move to reconsider the vote by which **SB 1913**, as amended, failed to pass to third reading by Record No. 1573.

SB 830 - NOTICE GIVEN

At 1:54 p.m., pursuant to the provisions of Rule 7, Section 37(c) of the House Rules, Representative Parker gave notice that he would, in one hour, move to reconsider the vote by which **SB 830** failed to pass to third reading by Record No. 1568.

SB 813 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Smithee, Representatives Clardy and Hefner were authorized as house sponsors to **SB 813**.

**HB 1291 - RETURNED TO SENATE
BY THE SPEAKER**

Pursuant to Rule 13, Section 5A of the House Rules, the speaker returned **HB 1291** with senate amendments to the senate and submitted the following statement:

Pursuant to Rule 13, Section 5A of the House Rules, 85th Legislature, I am returning the attached house bill, with the permission of the author, to the Texas Senate for further action for the following reason:

As **HB 1291** left the house, the sole subject of the bill was to require public school children to have an understanding of the principles underlying the United States government. The bill only dealt with the study of Founding Fathers, the Declaration of Independence, the United States Constitution, the Bill of Rights, and Federalist Papers.

The senate added two nongermane amendments to **HB 1291**. Amendment No. 1 deals with charter schools. Specifically, the amendment deals with appealing the charter application selection process. This amendment is beyond the scope of American principles in public school curriculum. The amendment is not germane to **HB 1291**.

Amendment No. 2 deals with the use of common core state standards. Specifically, the amendment states that a school district may not use common core state standards to comply with any of the "instruction in the essential knowledge and skills," not just instruction in the subject added by the house bill. Additionally, the amendment instructs the State Board of Education to adopt rules necessary to implement this broader requirement. The subject of State Board of Education adoption of rules related to the use of common core standards across all areas of public school instruction does not pertain to the study of American principles. The amendment is not germane to **HB 1291**.

SB 1781 ON SECOND READING (González - House Sponsor)

SB 1781, A bill to be entitled An Act relating to the regulation of certain degree-granting postsecondary educational institutions by the Texas Higher Education Coordinating Board; providing administrative penalties.

Amendment No. 1

Representative González offered the following amendment to **SB 1781**:

Amend **SB 1781** (house committee report) as follows:

(1) On page 2, line 3, strike "and in good standing with" and substitute "and is not operating under sanctions imposed by,".

(2) On page 3, lines 21-22, strike "and remains in good standing with" and substitute "and is not operating under sanctions imposed by".

Amendment No. 1 was adopted.

Amendment No. 2

Representative González offered the following amendment to **SB 1781**:

Amend **SB 1781** (house committee report) as follows:

(1) On page 3, lines 6-7, strike "admit new students in an academic year" and substitute "continue to provide instruction to its enrolled students".

(2) On page 5, line 12, strike "admit new students in an academic year" and substitute "continue to provide instruction to its enrolled students".

Amendment No. 2 was adopted by (Record 1575): 91 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Blanco; Burrows; Button; Canales; Clardy; Coleman; Collier; Cook; Cortez; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Fallon; Farrar; Flynn; Frullo; Geren; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Hinojosa; Howard; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, T.; Koop; Kuempel; Lambert; Larson; Laubenberg; Longoria; Lozano; Lucio; Minjarez; Muñoz; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Perez; Phelan; Phillips; Pickett; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Shine; Simmons; Smithee; Stephenson; Stucky; Thierry; Turner; Uresti; VanDeaver; Walle; Workman; Wray; Wu; Zerwas.

Nays — Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Cain; Capriglione; Cospere; Craddick; Cyrier; Dale; Elkins; Faircloth; Frank; Goldman; Gonzales; Hefner; Holland; Huberty; Isaac; King, P.; Klick; Krause; Landgraf; Lang; Leach; Miller; Morrison; Murphy; Murr; Price; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Springer; Stickland; Swanson; Tinderholt; Villalba; Wilson; Zedler.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Keough; Martinez; Meyer; Moody; Paul; Raney; Thompson, E.; Thompson, S.; White.

STATEMENTS OF VOTE

When Record No. 1575 was taken, I was shown voting yes. I intended to vote no.

Cook

When Record No. 1575 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 1575 was taken, I was temporarily out of the house chamber. I would have voted no.

Keough

When Record No. 1575 was taken, I was in the house but away from my desk. I would have voted yes.

Meyer

When Record No. 1575 was taken, I was shown voting yes. I intended to vote no.

Phillips

When Record No. 1575 was taken, I was in the house but away from my desk. I would have voted no.

E. Thompson

Amendment No. 3

Representative Blanco offered the following amendment to **SB 1781**:

Amend **SB 1781** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter S, Chapter 61, Education Code, is amended by adding Section 61.835 to read as follows:

Sec. 61.835. TRANSFERABLE COLLEGE CREDIT FOR HEROES CURRICULA. (a) To promote the purposes of the College Credit for Heroes program established under Section 302.0031, Labor Code, the board, in consultation with the Texas Workforce Commission, the Texas Veterans Commission, and institutions of higher education, shall:

(1) develop standardized curricula within degree and certificate programs commonly offered by institutions of higher education toward which qualified veterans or military service members may be awarded appropriate academic credit for experience, education, and training earned during military service; and

(2) require the transferability between institutions of higher education of course credit for curricula developed under this section that is awarded to qualified veterans or military service members.

(b) The board shall adopt rules for the administration of this section.

SECTION _____. The Texas Higher Education Coordinating Board shall adopt the initial rules required by Section 61.835, Education Code, as added by this Act, not later than May 1, 2018.

Amendment No. 3 was adopted by (Record 1576): 94 Yeas, 42 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Blanco; Burkett; Burns; Button; Canales; Clardy; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Farrar; Flynn; Frullo; Geren; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, T.; Klick; Koop; Lambert; Larson; Longoria; Lozano; Lucio; Meyer; Minjarez; Muñoz; Murphy; Neave; Nevárez; Oliveira; Ortega; Parker; Perez; Phelan; Phillips; Pickett; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schaefer; Sheffield; Shine; Smithee; Stephenson; Swanson; Thierry; Tinderholt; Turner; Uresti; VanDeaver; White; Workman; Wray; Wu; Zerwas.

Nays — Anderson, C.; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burrows; Cain; Capriglione; Dean; Elkins; Faircloth; Fallon; Frank; Goldman; Gonzales; Hefner; Keough; King, K.; King, P.; Krause; Kuempel; Landgraf;

Lang; Laubenberg; Miller; Murr; Paul; Price; Rinaldi; Sanford; Schofield; Schubert; Shaheen; Simmons; Springer; Stickland; Stucky; Thompson, E.; Villalba; Wilson; Zedler.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Coleman; Dutton; Leach; Martinez; Moody; Morrison; Oliverson; Thompson, S.; Walle.

STATEMENTS OF VOTE

When Record No. 1576 was taken, I was shown voting yes. I intended to vote no.

Cook

When Record No. 1576 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 1576 was taken, I was in the house but away from my desk. I would have voted no.

Morrison

When Record No. 1576 was taken, I was shown voting yes. I intended to vote no.

Phillips

SB 1781, as amended, was passed to third reading by (Record 1577): 96 Yeas, 43 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Arévalo; Ashby; Bailes; Bernal; Blanco; Burns; Burrows; Button; Canales; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Flynn; Frullo; Geren; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Hinojosa; Howard; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, T.; Koop; Kuempel; Lambert; Larson; Laubenberg; Longoria; Lucio; Martinez; Meyer; Minjarez; Moody; Morrison; Muñoz; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Shine; Smithee; Stephenson; Stucky; Thierry; Thompson, E.; Turner; Uresti; VanDeaver; Walle; Workman; Wray; Wu; Zerwas.

Nays — Anderson, C.; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Cain; Capriiglione; Dale; Dean; Faircloth; Frank; Gonzales; Hefner; Holland; Huberty; Isaac; Keough; King, P.; Klick; Krause; Landgraf; Lang; Leach; Miller; Murphy; Murr; Paul; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Simmons; Springer; Stickland; Swanson; Tinderholt; Villalba; White; Wilson; Zedler.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Elkins; Fallon; Goldman; Lozano; Raney; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1577 was taken, I was shown voting no. I intended to vote yes.

G. Bonnen

When Record No. 1577 was taken, I was shown voting yes. I intended to vote no.

Cook

When Record No. 1577 was taken, I was in the house but away from my desk. I would have voted no.

Goldman

When Record No. 1577 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 1577 was taken, I was shown voting yes. I intended to vote no.

Phillips

SB 1911 ON SECOND READING (Farrar - House Sponsor)

SB 1911, A bill to be entitled An Act relating to posting notice of self-help resources on the Internet website of a state court and in the office of the court clerk.

Amendment No. 1

Representative Smithee offered the following amendment to **SB 1911**:

Amend **SB 1911** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 323.021, Local Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The commissioners court of a county by order may establish and maintain a county law library at the county seat or another location determined by the commissioners court.

(c) The commissioners court of a county may establish, maintain, and operate in cooperation with other counties a joint free county law library for the benefit of the cooperating counties in the same manner that a joint county library may be established and operated under Section 323.010.

SECTION _____. Section 323.023(b), Local Government Code, is amended to read as follows:

(b) The clerks of the respective courts shall collect the costs and pay them to the county treasurer, or to any other official who discharges the duties commonly delegated to the county treasurer, for deposit in a fund to be known as the county law library fund. The fund may be used only for:

- (1) establishing the law library after the entry of the order creating it;
- (2) purchasing or leasing library materials, maintaining the library, or acquiring furniture, shelving, or equipment for the library; ~~[or]~~
- (3) purchasing or leasing library materials or acquiring library equipment, including computers, software, and subscriptions to obtain access to electronic research networks for use by judges in the county; or
- (4) establishing and maintaining a self-help center to provide resources to county residents representing themselves in legal matters.

Amendment No. 1 was adopted.

SB 1911, as amended, was passed to third reading.

CSSB 2065 ON SECOND READING
(Kuempel - House Sponsor)

CSSB 2065, A bill to be entitled An Act relating to the licensing and regulation of certain occupations and activities.

Amendment No. 1

Representative Kuempel offered the following amendment to **CSSB 2065**:

Amend **CSSB 2065** (house committee printing) as follows:

- (1) On page 33, line 2, after the underlined semicolon, add "and".
- (2) On page 33, line 4, strike the underlined semicolon.
- (3) On page 33, strike lines 5 through 8.
- (4) On page 33, line 9, strike "twice in a five-year period".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Kuempel offered the following amendment to **CSSB 2065**:

Amend **CSSB 2065** (house committee printing) as follows:

- (1) On page 35, line 8, strike "Section 2308.257" and substitute "Section 2308.257(b)".
- (2) On page 35, line 9, strike "by amending Subsection (b) and adding Subsection (b-1)".
- (3) On page 36, strike lines 2 and 3.

Amendment No. 2 was adopted by (Record 1578): 132 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra;

Guillen; Gutierrez; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Cain; Canales; Faircloth; Keough; Krause; Schaefer; Schofield; Shaheen; Stickland; White; Zedler.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Walle.

Amendment No. 3

Representative Kuempel offered the following amendment to **CSSB 2065**:

Amend **CSSB 2065** (house committee printing) as follows:

(1) On page 36, between lines 15 and 16, insert the following:

(c) A booting company responsible for the installation of more than one boot on a vehicle may not charge a total amount for the removal of the boots that is greater than the amount of the fee for the removal of a single boot.

(2) On page 35, line 8, strike "Section 2308.257" and substitute "Section 2308.257(b)".

(3) On page 35, line 9, strike "by amending Subsection (b) and adding Subsection (b-1)".

(4) On page 36, strike lines 2 and 3.

Amendment No. 3 was adopted.

Amendment No. 4

Representative E. Thompson offered the following amendment to **CSSB 2065**:

Amend **CSSB 2065** (house committee report) by adding the following appropriately number ARTICLE to the bill and renumbering the ARTICLES of the bill accordingly:

ARTICLE ____ . REGISTRATION OF MARKS

SECTION ____ .001. Section 16.051(a), Business & Commerce Code, is amended to read as follows:

(a) A mark that distinguishes an applicant's goods or services from those of others is registrable unless the mark:

(1) consists of or comprises matter that is immoral, deceptive, or scandalous;

(2) consists of or comprises matter that may disparage, falsely suggest a connection with, or bring into contempt or disrepute:

- (A) a person, whether living or dead;
- (B) an institution;
- (C) a belief; or
- (D) a national symbol;

(3) depicts, comprises, or simulates the flag, the coat of arms, the seal, the geographic outline, or other insignia of:

- (A) the United States;
- (B) a state;
- (C) a municipality; or
- (D) a foreign nation;

(4) consists of or comprises the name, signature, or portrait of a particular living individual who has not consented in writing to the mark's registration;

(5) when used on or in connection with the applicant's goods or services:

(A) is merely descriptive or deceptively misdescriptive of the applicant's goods or services; or

(B) is primarily geographically descriptive or deceptively misdescriptive of the applicant's goods or services;

(6) is primarily merely a surname; or

(7) is likely to cause confusion or mistake, or to deceive, because, when used on or in connection with the applicant's goods or services, it resembles:

(A) a mark registered in this state; or

(B) an unabandoned mark registered with the United States Patent and Trademark Office.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Shine offered the following amendment to **CSSB 2065**:

Amend **CSSB 2065** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering the ARTICLES of the bill accordingly:

ARTICLE ____ . SWEEPSTAKES

SECTION ____,001. Subchapter B, Chapter 622, Business & Commerce Code, is amended by adding Section 622.062 to read as follows:

Sec. 622.062. CERTAIN SWEEPSTAKES. (a) This chapter does not apply to a sweepstakes that:

(1) has awarded one or more cash prizes valued at not less than \$1 million based on chance or the random selection of entries in each of the preceding five calendar years;

(2) does not require a purchase or payment for entry in the sweepstakes or to win a prize;

(3) is operated by a person under and in voluntary compliance with a consent judgment to which this state is a party or under a similar agreement between the person and this state that governs the marketing practices of the sweepstakes; and

(4) is operated by a person who has not been subject to an enforcement proceeding under a consent judgment or any other applicable state law regarding advertising or marketing practices during the preceding five years.

(b) For purposes of this section, the value of a cash prize awarded is the greatest of the prize's:

(1) face value;

(2) fair market value; or

(3) present financial value.

Amendment No. 5 failed of adoption.

Amendment No. 6

Representatives Rinaldi, Schofield, Swanson, Lang, Landgraf, Schaefer, R. Anderson, Meyer, Phelan, Kuempel, Cain, Krause, Hefner, Wray, Burns, Cyrier, Klick, Leach, Biedermann, P. King, Murr, Shaheen, Schubert, Dale, Sanford, Parker, Murphy, Dean, Capriglione, Phillips, Stickland, Isaac, Tinderholt, Keough, Zedler, Burrows, Elkins, Goldman, Springer, G. Bonnen, Darby, Fallon, Bell, and Simmons offered the following amendment to **CSSB 2065**:

Amend **CSSB 2065** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and sections of the bill accordingly:

ARTICLE ____ . VOLUNTEER SECURITY SERVICES

SECTION ____ .001. Subchapter N, Chapter 1702, Occupations Code, is amended by adding Section 1702.333 to read as follows:

Sec. 1702.333. PLACE OF RELIGIOUS WORSHIP; CERTAIN VOLUNTEERS. (a) In this section, "volunteer security services" means services or activities that are:

(1) regulated under this chapter; and

(2) provided without compensation or remuneration.

(b) This chapter does not apply to a person who is providing volunteer security services on the premises of a church, synagogue, or other established place of religious worship.

(c) While providing volunteer security services under Subsection (b), a person may not wear a uniform or badge that:

(1) contains the word "security"; or

(2) gives the person the appearance of being a peace officer, personal protection officer, or security officer.

Amendment No. 6 was adopted.

Amendment No. 7

Representatives Dukes and S. Thompson offered the following amendment to **CSSB 2065**:

Amend **CSSB 2065** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering the ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ INDUSTRIALIZED HOUSING AND BUILDINGS

SECTION ____ .001. Section 1202.002(c), Occupations Code, is amended to read as follows:

(c) Industrialized housing does not include:

(1) a residential structure that exceeds 14 [~~four~~] stories or 168 [~~60~~] feet in height;

(2) housing constructed of a sectional or panelized system that does not use a modular component; or

(3) a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

SECTION ____ .002. Section 1202.003(d), Occupations Code, is amended to read as follows:

(d) An industrialized building includes a permanent commercial structure and a commercial structure designed to be transported from one commercial site to another commercial site but does not include:

(1) a commercial structure that exceeds 14 [~~four~~] stories or 168 [~~60~~] feet in height; or

(2) a commercial building or structure that is:

(A) installed in a manner other than on a permanent foundation;

and

(B) either:

(i) not open to the public; or

(ii) less than 1,500 square feet in total area and used other than as a school or a place of religious worship.

Amendment No. 7 was adopted by (Record 1579): 76 Yeas, 65 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bailes; Bernal; Blanco; Canales; Clardy; Coleman; Collier; Cortez; Cyrier; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Farrar; Flynn; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Hinojosa; Howard; Israel; Johnson, E.; King, K.; Kuempel; Lambert; Larson; Longoria; Lucio; Martinez; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paul; Perez; Pickett; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Shine; Smithee; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; Villalba; Walle; Workman.

Nays — Anderson, C.; Anderson, R.; Ashby; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Cain; Capriglione; Cook; Cosper; Craddick; Dale; Darby; Dean; Faircloth; Fallon; Frank; Goldman; Hefner; Holland; Hunter; Isaac; Kacal; Keough; King, P.; Klick; Koop; Krause; Landgraf; Lang; Laubenberg; Leach; Lozano; Meyer; Miller; Murr; Parker; Phelan; Phillips; Price; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Simmons; Springer; Stephenson; Stickland; Stucky; Swanson; Tinderholt; VanDeaver; White; Wilson; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Burkett; Huberty; Johnson, J.; King, T.

STATEMENT OF VOTE

When Record No. 1579 was taken, I was shown voting yes. I intended to vote no.

Lambert

Amendment No. 8

Representative Burkett offered the following amendment to **CSSB 2065**:

Amend **CSSB 2065** (house committee report) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . REPORT ON OCCUPATIONAL LICENSING BY COMPTROLLER

SECTION ____ .01. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.03058 to read as follows:

Sec. 403.03058. REPORT ON OCCUPATIONAL LICENSING. (a) Not later than December 31 of each even-numbered year, the comptroller shall prepare and submit to the legislature a report regarding all occupational licenses, including permits, certifications, and registrations, required by this state. The report must include:

(1) for each type of license:

(A) a description of the license;

(B) the department with regulatory authority for the license;

(C) the number of active licenses;

(D) the cost of an initial application for the license and for a renewal of the license; and

(E) the amount of state revenue generated from the issuance and renewal of the license; and

(2) a list of all statutory provisions requiring a license that were abolished during the previous legislative session.

(b) The comptroller shall post on its Internet website the report prepared under Subsection (a).

SECTION _____.02. Not later than December 31, 2018, the comptroller of public accounts shall provide the initial report to the legislature as required by Section 403.03058, Government Code, as added by this article.

ARTICLE _____. CERTIFICATE OF AUTHORITY; OVER-THE-COUNTER SALE OF EPHEDRINE, PSEUDOEPHEDRINE, AND NORPSEUDOEPHEDRINE BY ESTABLISHMENTS OTHER THAN PHARMACIES

SECTION _____.01. Sections 486.004(a) and (b), Health and Safety Code, are amended to read as follows:

(a) The department shall collect fees for[=

~~[(1) the issuance of a certificate of authority under this chapter; and~~

~~[(2)] an inspection performed in enforcing this chapter and rules adopted under this chapter.~~

(b) The executive commissioner by rule shall set the fees in amounts that allow the department to recover the biennial expenditures of state funds by the department in[=

~~[(1) reviewing applications for the issuance of a certificate of authority under this chapter;~~

~~[(2) issuing certificates of authority under this chapter;~~

~~[(3) inspecting and auditing a business establishment that is issued a certificate of authority under this chapter; and~~

~~[(4) otherwise]~~ implementing and enforcing this chapter.

SECTION _____.02. Section 486.0142(b), Health and Safety Code, is amended to read as follows:

(b) On application by a business establishment that engages in over-the-counter sales of products containing ephedrine, pseudoephedrine, or norpseudoephedrine [~~in accordance with a certificate of authority issued under Section 486.012~~], the department may grant that business establishment a temporary exemption, not to exceed 180 days, from the requirement of using a real-time electronic logging system under this chapter.

SECTION _____.03. Section 486.012, Health and Safety Code, is repealed.

ARTICLE _____. TITLE ATTORNEY LICENSE; ATTORNEY'S TITLE INSURANCE COMPANY

SECTION _____.01. Section 35.001(2), Insurance Code, is amended to read as follows:

(2) "Regulated entity" means each insurer, organization, person, or program regulated by the department, including:

(A) a domestic or foreign, stock or mutual, life, health, or accident insurance company;

(B) a domestic or foreign, stock or mutual, fire or casualty insurance company;

(C) a Mexican casualty company;

(D) a domestic or foreign Lloyd's plan;

(E) a domestic or foreign reciprocal or interinsurance exchange;

(F) a domestic or foreign fraternal benefit society;

(G) a domestic or foreign title insurance company;

(H) [~~an attorney's title insurance company;~~
~~(H)~~] a stipulated premium company;
 (I) [~~(I)~~] a nonprofit legal service corporation;
 (J) [~~(J)~~] a health maintenance organization;
 (K) [~~(K)~~] a statewide mutual assessment company;
 (L) [~~(L)~~] a local mutual aid association;
 (M) [~~(M)~~] a local mutual burial association;
 (N) [~~(N)~~] an association exempt under Section 887.102;
 (O) [~~(O)~~] a nonprofit hospital, medical, or dental service corporation, including a company subject to Chapter 842;
 (P) [~~(P)~~] a county mutual insurance company;
 (Q) [~~(Q)~~] a farm mutual insurance company; and
 (R) [~~(R)~~] an agency or agent of an insurer, organization, person, or program described by this subdivision.

SECTION ____ .02. Section 82.002(a), Insurance Code, is amended to read as follows:

(a) This chapter applies to each company regulated by the commissioner, including:

(1) a domestic or foreign, stock or mutual, life, health, or accident insurance company;

(2) a domestic or foreign, stock or mutual, fire or casualty insurance company;

(3) a Mexican casualty company;

(4) a domestic or foreign Lloyd's plan insurer;

(5) a domestic or foreign reciprocal or interinsurance exchange;

(6) a domestic or foreign fraternal benefit society;

(7) a domestic or foreign title insurance company;

(8) [~~an attorney's title insurance company;~~

~~(8)~~] a stipulated premium insurance company;

(9) [~~(9)~~] a nonprofit legal service corporation;

(10) [~~(10)~~] a health maintenance organization;

(11) [~~(11)~~] a statewide mutual assessment company;

(12) [~~(12)~~] a local mutual aid association;

(13) [~~(13)~~] a local mutual burial association;

(14) [~~(14)~~] an association exempt under Section 887.102;

(15) [~~(15)~~] a nonprofit hospital, medical, or dental service corporation, including a company subject to Chapter 842;

(16) [~~(16)~~] a county mutual insurance company; and

(17) [~~(17)~~] a farm mutual insurance company.

SECTION ____ .03. Section 83.002(a), Insurance Code, is amended to read as follows:

(a) This chapter applies to each company regulated by the commissioner, including:

(1) a domestic or foreign, stock or mutual, life, health, or accident insurance company;

(2) a domestic or foreign, stock or mutual, fire or casualty insurance company;

(3) a Mexican casualty company;

(4) a domestic or foreign Lloyd's plan insurer;

(5) a domestic or foreign reciprocal or interinsurance exchange;

(6) a domestic or foreign fraternal benefit society;

(7) a domestic or foreign title insurance company;

(8) ~~[an attorney's title insurance company;~~

~~(9)~~ a stipulated premium insurance company;

(9) ~~(10)~~ a nonprofit legal service corporation;

(10) ~~(11)~~ a statewide mutual assessment company;

(11) ~~(12)~~ a local mutual aid association;

(12) ~~(13)~~ a local mutual burial association;

(13) ~~(14)~~ an association exempt under Section 887.102;

(14) ~~(15)~~ a nonprofit hospital, medical, or dental service corporation, including a company subject to Chapter 842;

(15) ~~(16)~~ a county mutual insurance company; and

(16) ~~(17)~~ a farm mutual insurance company.

SECTION ____ .04. Section 554.001, Insurance Code, is amended to read as follows:

Sec. 554.001. APPLICABILITY OF CHAPTER. This chapter applies to each insurer or health maintenance organization engaged in the business of insurance or the business of a health maintenance organization in this state, regardless of form and however organized, including:

(1) a stock life, health, or accident insurance company;

(2) a mutual life, health, or accident insurance company;

(3) a stock fire or casualty insurance company;

(4) a mutual fire or casualty insurance company;

(5) a Mexican casualty insurance company;

(6) a Lloyd's plan;

(7) a reciprocal or interinsurance exchange;

(8) a fraternal benefit society;

(9) a title insurance company;

(10) ~~[an attorney's title insurance company;~~

~~(11)~~ a stipulated premium company;

(11) ~~(12)~~ a nonprofit legal services corporation;

(12) ~~(13)~~ a statewide mutual assessment company;

(13) ~~(14)~~ a local mutual aid association;

(14) ~~(15)~~ a local mutual burial association;

(15) ~~(16)~~ an association exempt under Section 887.102;

(16) ~~(17)~~ a nonprofit hospital, medical, or dental service corporation, including a corporation subject to Chapter 842;

(17) ~~(18)~~ a county mutual insurance company;

(18) ~~(19)~~ a farm mutual insurance company; and

(19) [(20)] an insurer or health maintenance organization engaged in the business of insurance or the business of a health maintenance organization in this state that does not hold a certificate of authority issued by the department or is not otherwise authorized to engage in business in this state.

SECTION ____ .05. Section 703.001, Insurance Code, is amended to read as follows:

Sec. 703.001. DEFINITION. In this chapter, "covered entity" means a health maintenance organization or insurer regulated by the department, including:

- (1) a stock life, health, or accident insurance company;
- (2) a mutual life, health, or accident insurance company;
- (3) a stock fire or casualty insurance company;
- (4) a mutual fire or casualty insurance company;
- (5) a Mexican casualty insurance company;
- (6) a Lloyd's plan;
- (7) a reciprocal or interinsurance exchange;
- (8) a fraternal benefit society;
- (9) a title insurance company;

(10) ~~[an attorney's title insurance company;~~

[(11)] a stipulated premium company;

(11) [(12)] a nonprofit legal services corporation;

(12) [(13)] a statewide mutual assessment company;

(13) [(14)] a local mutual aid association;

(14) [(15)] a local mutual burial association;

(15) [(16)] an association exempt under Section 887.102;

(16) [(17)] a nonprofit hospital, medical, or dental service corporation, including a corporation subject to Chapter 842;

(17) [(18)] a county mutual insurance company; and

(18) [(19)] a farm mutual insurance company.

SECTION ____ .06. Section 802.051, Insurance Code, is amended to read as follows:

Sec. 802.051. APPLICABILITY OF SUBCHAPTER. This subchapter applies to each company regulated by the commissioner, including:

- (1) a stock life, health, or accident insurance company;
- (2) a mutual life, health, or accident insurance company;
- (3) a stock fire or casualty insurance company;
- (4) a mutual fire or casualty insurance company;
- (5) a Mexican casualty company;
- (6) a Lloyd's plan;
- (7) a reciprocal or interinsurance exchange;
- (8) a fraternal benefit society;
- (9) a title insurance company;

(10) ~~[an attorney's title insurance company;~~

[(11)] a stipulated premium insurance company;

(11) [(12)] a nonprofit legal service corporation;

(12) [(13)] a health maintenance organization;

(13) ~~[(14)]~~ a statewide mutual assessment company;

(14) ~~[(15)]~~ a local mutual aid association;

(15) ~~[(16)]~~ a local mutual burial association;

(16) ~~[(17)]~~ an association exempt under Section 887.102;

(17) ~~[(18)]~~ a nonprofit hospital, medical, or dental service corporation, including a company subject to Chapter 842;

(18) ~~[(19)]~~ a county mutual insurance company; and

(19) ~~[(20)]~~ a farm mutual insurance company.

SECTION ____.07. Section 2551.053(a), Insurance Code, is amended to read as follows:

(a) A ~~[Except as provided by Section 2552.053(b), a]~~ title insurance company must have a paid-up capital of at least \$1 million and a surplus of at least \$1 million.

SECTION ____.08. Section 2602.003(2), Insurance Code, is amended to read as follows:

(2) "Agent" includes:

(A) a title insurance agent, as defined by Section 2501.003; and

(B) ~~[a title attorney, as defined by Section 2552.002; and~~

~~[(C)]~~ a direct operation or a title insurance company's wholly owned subsidiary or affiliate that performs the services usually and customarily performed by a title insurance agent.

SECTION ____.09. Chapter 2552, Insurance Code, is repealed.

SECTION ____.10. The changes in law made by this article do not affect the right of any individual licensed before the effective date of this Act to engage in the applicable occupation for the remainder of the term for which the license was issued.

ARTICLE ____. EMERGENCY MANAGING GENERAL AGENT LICENSE

SECTION ____.01. Section 4053.052, Insurance Code, is repealed.

SECTION ____.02. The changes in law made by this article do not affect the right of any individual licensed before the effective date of this Act to engage in the applicable occupation for the remainder of the term for which the license was issued.

ARTICLE ____. BINGO UNIT MANAGER LICENSE

SECTION ____.01. Section 2001.431(4), Occupations Code, is amended to read as follows:

(4) "Unit manager" means an individual who is ~~[licensed under this subchapter to be]~~ responsible for the revenues, authorized expenses, and inventory of a unit.

SECTION ____.02. The heading to Section 2001.437, Occupations Code, is amended to read as follows:

Sec. 2001.437. UNIT MANAGER~~[-LICENSE]~~.

SECTION ____.03. Section 2001.437(c), Occupations Code, is amended to read as follows:

(c) ~~[A person may not provide services as a unit manager to licensed authorized organizations that form a unit unless the person holds a unit manager license under this subchapter.]~~ A person designated as an agent under Section 2001.438(b) is not a unit manager on account of that designation for purposes of this section.

SECTION ____ .04. Sections 2001.437(d), (e), (f), and (g), Occupations Code, are repealed.

SECTION ____ .05. The changes in law made by this article do not affect the right of any individual licensed before the effective date of this Act to engage in the applicable occupation for the remainder of the term for which the license was issued.

ARTICLE ____ . AGRICULTURAL, INDUSTRIAL, AND WILDLIFE
CONTROL FIREWORKS PERMIT

SECTION ____ .01. Section 2154.152(a), Occupations Code, is amended to read as follows:

(a) A person must be a licensed distributor if the person:

(1) imports into this state or stores, possesses, and sells Fireworks 1.3G to a licensed pyrotechnic operator or distributor or to a single public display or ~~[]~~ multiple public display ~~[, or agricultural, industrial, and wildlife control fireworks]~~ permit holder; or

(2) imports or stores, possesses, and sells Fireworks 1.4G to a licensed jobber, retailer, or distributor in this state.

SECTION ____ .02. Section 2154.251(b), Occupations Code, is amended to read as follows:

(b) A person may not manufacture, distribute, sell, or use fireworks in a public fireworks display ~~[or for agricultural, industrial, or wildlife control purposes]~~ without an appropriate license or permit. Fireworks manufactured, distributed, sold, or used without an appropriate license or permit are illegal fireworks.

SECTION ____ .03. Section 2154.203, Occupations Code, is repealed.

Amendment No. 8 was adopted.

Amendment No. 9

Representative Walle offered the following amendment to **CSSB 2065**:

Amend **CSSB 2065** (house committee report) as follows:

(1) On page 1, line 5, strike "PRODUCTS".

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

SECTION 1. ____ . Subchapter H, Chapter 2301, Occupations Code, is amended by adding Section 2301.364 to read as follows:

Sec. 2301.364. PROHIBITION: SALE OF RECALLED VEHICLES. (a) In this section:

(1) "Defect" and "motor vehicle safety" have the meanings assigned by 49 U.S.C. Section 30102.

(2) "Repair facility" means a facility in which a person repairs or replaces the mechanical or nonmechanical parts of a damaged motor vehicle.

(b) A dealer with a repair facility on the business premises of the dealer may not sell or offer to sell a used motor vehicle that contains a defect related to motor vehicle safety or that does not comply with applicable federal motor vehicle safety standards about which notice was given under 49 U.S.C. Section 30118(c) or an order was issued under 49 U.S.C. Section 30118(b).

(c) A violation of this section is a false, misleading, or deceptive act or practice within the meaning of Section 17.46, Business & Commerce Code, and is actionable in a public or private suit brought under Subchapter E, Chapter 17, Business & Commerce Code.

Amendment No. 9 was withdrawn.

Amendment No. 10

Representative Schaefer offered the following amendment to **CSSB 2065**:

Amend **CSSB 2065** (house committee report) by adding the following appropriately numbered SECTIONS to ARTICLE 4 of the bill and renumbering the SECTIONS of ARTICLE 4 accordingly:

SECTION 4. ____ . Section 1601.353, Occupations Code, is amended to read as follows:

Sec. 1601.353. **REQUIRED FACILITIES AND EQUIPMENT.** The department may approve an application for a permit for a barber school if the school meets the health and safety standards established by the commission. The commission may not establish building or facility standards that are not related to health and safety, including a requirement that a facility have a specific:

- (1) square footage of floor space ~~[is located in:~~
 - ~~[(A) a municipality with a population of more than 50,000 that has a building of permanent construction containing at least 2,000 square feet of floor space, including classroom and practical areas, covered in a hard surface floor covering of tile or other suitable material; or~~
 - ~~[(B) a municipality with a population of 50,000 or less or an unincorporated area of a county that has a building of permanent construction containing at least 1,000 square feet of floor space, including classroom and practical areas, covered in a hard surface floor covering of tile or other suitable material];~~
- (2) number of chairs ~~[has the following equipment:~~
 - ~~[(A) at least 10 student workstations that include a chair that reclines, a back bar, and a wall mirror;~~
 - ~~[(B) a sink behind every two workstations;~~
 - ~~[(C) adequate lighting for each room;~~
 - ~~[(D) at least 10 classroom chairs and other materials necessary to teach the required subjects; and~~
 - ~~[(E) access to permanent restrooms and adequate drinking fountain facilities]; or [and]~~
- (3) number of sinks ~~[meets any other requirement set by the commission].~~

SECTION 4. ____ . Section 1602.303, Occupations Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) An application for a private beauty culture school license must be accompanied by the required license fee and inspection fee and:

(1) be on a form prescribed by the department;

(2) be verified by the applicant; and

(3) contain a statement that the building meets the health and safety standards established by the commission[-

~~(A) is of permanent construction and is divided into at least two separate areas:~~

~~[(i) one area for instruction in theory; and~~

~~[(ii) one area for clinic work;~~

~~[(B) contains a minimum of:~~

~~[(i) 2,800 square feet of floor space if the building is located in a county with a population of more than 100,000; or~~

~~[(ii) 1,800 square feet of floor space if the building is located in a county with a population of 100,000 or less;~~

~~[(C) has access to permanent restrooms and adequate drinking fountain facilities; and~~

~~[(D) contains, or will contain before classes begin, the equipment established by commission rule as sufficient to properly instruct a minimum of 40 students].~~

(c) The applicant is entitled to a private beauty culture school license if:

(1) the department determines that the applicant is financially sound and capable of fulfilling the school's commitments for training;

(2) the applicant's facilities meet the health and safety standards established by the commission and pass an inspection by the department under Section 1603.103; and

(3) the applicant has not committed an act that constitutes a ground for denial of a license.

(d) The commission may not establish building or facility standards that are not related to health and safety, including a requirement that a facility have a specific:

(1) square footage of floor space;

(2) number of chairs; or

(3) number of sinks.

SECTION 4. _____. As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation shall adopt rules to implement Sections 1601.353 and 1602.303, Occupations Code, as amended by this Act.

The vote of the house was taken on the adoption of Amendment No. 10 and the vote was announced yeas 71, nays 71.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 1580): 73 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Allen; Anderson, C.; Anderson, R.; Ashby; Bell; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Cain; Canales; Capriglione; Coleman; Cosper; Cyrier; Dale; Dean; Deshotel; Elkins; Faircloth; Fallon; Flynn; Frank; Goldman; Gonzales; Hefner; Holland; Huberty; Isaac; Keough; King, P.; Koop; Krause; Lambert; Landgraf; Lang; Laubenberg; Leach; Meyer; Miller; Murphy; Murr; Oliverson; Parker; Paul; Phelan; Phillips; Price; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Swanson; Thompson, E.; Tinderholt; Villalba; Walle; White; Wilson; Workman; Zedler.

Nays — Alonzo; Alvarado; Anchia; Bailes; Bernal; Button; Clardy; Collier; Cook; Cortez; Craddick; Darby; Davis, S.; Dukes; Dutton; Farrar; Frullo; Geren; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Hinojosa; Howard; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; King, T.; Klick; Kuempel; Longoria; Lucio; Minjarez; Moody; Morrison; Muñoz; Neave; Nevárez; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Romero; Rose; Sheffield; Stucky; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Wray; Wu; Zerwas.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Arévalo; Biedermann; Davis, Y.; King, K.; Larson; Lozano; Martinez; Oliveira; Raney; Rodriguez, J.

The chair stated that Amendment No. 10 was adopted by the above vote.

STATEMENTS OF VOTE

When Record No. 1580 was taken, I was temporarily out of the house chamber. I would have voted yes.

Arévalo

When Record No. 1580 was taken, I was shown voting no. I intended to vote yes.

Stucky

Amendment No. 11

Representative Guillen offered the following amendment to **CSSB 2065**:

Amend **CSSB 2065** (house committee report) by adding the following appropriately numbered Article to the bill and renumbering subsequent Articles of the bill accordingly:

ARTICLE ____ . CHARITABLE RAFFLES

SECTION ____ .001 Section 2002.056(b-1), Occupations Code, is amended to read as follows:

(b-1) The value of a residential dwelling offered or awarded as a prize at a raffle that is purchased by the organization or for which the organization provides any consideration may not exceed \$2 million [~~\$250,000~~].

SECTION ____ .002 The change in law made by this Act to Section 2002.056(b-1), Occupations Code, applies only to a charitable raffle conducted under Chapter 2002, Occupations Code, for which the prize is to be awarded on or after the effective date of this Act.

Amendment No. 11 was adopted by (Record 1581): 84 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Ashby; Bailes; Blanco; Button; Canales; Clardy; Coleman; Collier; Cortez; Cosper; Darby; Davis, S.; Dean; Deshotel; Dukes; Dutton; Elkins; Farrar; Flynn; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, T.; Klick; Koop; Kuempel; Lambert; Longoria; Lucio; Meyer; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Ortega; Perez; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Sheffield; Shine; Smithee; Springer; Stephenson; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Workman; Wray; Wu; Zerwas.

Nays — Anderson, C.; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burns; Cain; Capriglione; Cook; Craddick; Cyrier; Dale; Faircloth; Fallon; Frank; Goldman; Hefner; Holland; Isaac; Keough; King, P.; Krause; Landgraf; Lang; Laubenberg; Leach; Miller; Murr; Oliverson; Parker; Paul; Phelan; Phillips; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Simmons; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; White; Wilson; Zedler.

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

Absent, Excused — Herrero; Metcalf; Vo.

Absent — Arévalo; Bernal; Biedermann; Burkett; Burrows; Davis, Y.; Larson; Lozano; Martinez; Oliveira; Raney; Rodriguez, J.; Walle.

STATEMENTS OF VOTE

When Record No. 1581 was taken, my vote failed to register. I would have voted yes.

Arévalo

When Record No. 1581 was taken, I was shown voting yes. I intended to vote no.

Ashby

When Record No. 1581 was taken, I was in the house but away from my desk. I would have voted no.

Lozano

When Record No. 1581 was taken, I was shown voting yes. I intended to vote no.

Springer

Amendment No. 12

Representative Guillen offered the following amendment to **CSSB 2065**:

Amend **CSSB 2065** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering the ARTICLES of the bill and the SECTIONS of those ARTICLES accordingly:

ARTICLE ____ . PLUMBING

SECTION ____ .001. Section 1301.704, Occupations Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) Failure to request a hearing or accept the determination and recommended penalty within the time provided by this section waives the right to a hearing under this chapter.

(d) If the board determines without a hearing that the person committed a violation and a penalty is to be imposed, the board shall:

(1) provide written notice to the person of the board's findings; and

(2) enter an order requiring the person to pay the recommended penalty.

SECTION ____ .002. Section 1301.705(a), Occupations Code, is amended to read as follows:

(a) If the person requests a hearing [~~or fails to respond in a timely manner to the notice~~], the enforcement committee shall set a hearing and give written notice of the hearing to the person. An administrative law judge of the State Office of Administrative Hearings shall hold the hearing.

SECTION ____ .003. The change in law made by this article to Section 1301.704, Occupations Code, applies only to imposition of an administrative penalty against a person who receives notice under Section 1301.703(b), Occupations Code, on or after the effective date of this Act. An administrative penalty for which notice under that section is received before the effective date of this Act is governed by the law in effect on the date the notice was received, and the former law is continued in effect for that purpose.

Amendment No. 12 was adopted.

Amendment No. 13

Representative Craddick offered the following amendment to **CSSB 2065**:

Amend **CSSB 2065** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering the ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . CREDIT SERVICES ORGANIZATIONS

SECTION ____ .001. Section 393.001, Finance Code, is amended by amending Subdivision (3) and adding Subdivisions (2-a), (3-a), (5), (6), (7), (8), (9), and (10) to read as follows:

(2-a) "Credit access business" means a credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit.

(3) "Credit services organization" means a person who provides, or represents that the person can or will provide, for the payment of valuable consideration any of the following services with respect to the extension of consumer credit by others:

(A) improving a consumer's credit history or rating;

(B) obtaining an extension of consumer credit for a consumer in the form of a single-payment deferred presentment transaction, a multiple-payment deferred presentment transaction, a single-payment motor vehicle title loan, or a multiple-payment motor vehicle title loan; or

(C) providing advice or assistance to a consumer with regard to Paragraph (A) or (B).

(3-a) "Deferred presentment transaction" means a single-payment or multiple-payment transaction defined as a deferred presentment transaction by Section 341.001 in connection with which the consumer is not required to provide real or personal property as security.

(5) "Motor vehicle title loan" means a single-payment or multiple-payment loan in which an unencumbered motor vehicle is given as the only security for the loan. The term does not include a retail installment transaction under Chapter 348 or another loan made to finance the purchase of a motor vehicle.

(6) "Multiple-payment deferred presentment transaction" means a deferred presentment transaction that is not a single-payment deferred presentment transaction.

(7) "Multiple-payment motor vehicle title loan" means a motor vehicle title loan that is not a single-payment motor vehicle title loan.

(8) "Refinance" means a rollover, renewal, or other type of transaction in which all or a portion of the principal, fees, or interest due under an outstanding extension of consumer credit becomes due on a later date. The term includes a new extension of consumer credit that:

(A) consists of debt arising from principal, fees, or interest that was not paid in full under an outstanding or previous extension of consumer credit; or

(B) is made on or before the seventh day after the date a previous extension of consumer credit that a credit access business obtained for a consumer or assisted a consumer in obtaining was paid in full.

(9) "Single-payment deferred presentment transaction" means a deferred presentment transaction for which the entire cash advance, interest, and fees are required under the terms of the transaction to be payable in a single payment.

(10) "Single-payment motor vehicle title loan" means a motor vehicle title loan for which the entire principal, interest, and fees are required under the terms of the loan to be payable in a single payment.

SECTION ____ .002. Subchapter A, Chapter 393, Finance Code, is amended by adding Section 393.004 to read as follows:

Sec. 393.004. EFFECT ON MUNICIPAL ORDINANCES. (a) This chapter does not preempt a municipal ordinance regulating a credit access business or any form of an extension of consumer credit that a credit access business is authorized to obtain for a consumer or assist a consumer in obtaining as provided by Section 393.308.

(b) If a municipal ordinance described by Subsection (a) conflicts with a provision of this chapter regulating a credit access business or an extension of consumer credit described by Subsection (a), the more stringent regulation controls to the extent of the conflict.

SECTION _____.003. Section 393.201(c), Finance Code, is amended to read as follows:

(c) A contract with a credit access business[~~, as defined by Section 393.601,~~] for the performance of services described by Section 393.602(a) must, in addition to the requirements of Subsection (b) and Section 393.302:

(1) contain a statement that there is no prepayment penalty;

(2) contain a statement that a credit access business must comply with Chapter 392 and the federal Fair Debt Collection Practices Act (15 U.S.C. Section 1692 et seq.) with respect to an extension of consumer credit [~~described by Section 393.602(a)~~];

(3) contain a statement that a person may not threaten or pursue criminal charges against a consumer related to a check or other debit authorization provided by the consumer as security for a transaction in the absence of forgery, fraud, theft, or other criminal conduct;

(4) contain a statement that a credit access business must comply, to the extent applicable, with 10 U.S.C. Section 987 and any regulations adopted under that law with respect to an extension of consumer credit [~~described by Section 393.602(a)~~];

(5) disclose to the consumer:

(A) the lender from whom the extension of consumer credit is obtained;

(B) the interest paid or to be paid to the lender; and

(C) the specific fees that will be paid to the credit access business for the business's services; and

(6) contain the name and address of the Office of Consumer Credit Commissioner and the telephone number of the office's consumer helpline.

SECTION _____.004. Section 393.203, Finance Code, is amended to read as follows:

Sec. 393.203. ISSUANCE OF CONTRACT AND OTHER DOCUMENTS. (a) A credit services organization shall give to the consumer, when the document is signed, a copy of the completed contract and any other document the organization requires the consumer to sign.

(b) The contract and other documents provided by a credit access business to a consumer under this section in relation to an extension of consumer credit must be:

(1) provided before signing wholly written:

(A) in English; and

(B) if the contract negotiations are not conducted in English, in the language in which the contract is negotiated; and

(2) before signing, read in their entirety in the language in which the contract is negotiated to any consumer who cannot read.

SECTION ____ .005. Section 393.223, Finance Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) Before performing services described by Section 393.602(a) [~~393.221(1)~~], a credit access business must provide to a consumer a written disclosure adopted by rule of the Finance Commission of Texas [~~that discloses the following~~] in a form prescribed by the commission that:

(1) discloses the interest, fees, and annual percentage rates, as applicable, to be charged on a deferred presentment transaction or on a motor vehicle title loan, as applicable, in comparison to interest, fees, and annual percentage rates to be charged on other alternative forms of consumer debt;

(2) discloses the amount of accumulated fees a consumer would incur by renewing or refinancing a deferred presentment transaction or motor vehicle title loan that remains outstanding for a period of two weeks, one month, two months, and three months; [~~and~~]

(3) provides information regarding the typical pattern of repayment of deferred presentment transactions and motor vehicle title loans; and

(4) references nonprofit agencies that provide financial education and training or cash assistance to borrowers.

(b-1) The disclosure and notice required by this section must be:

(1) available in English and Spanish at each location at which the credit access business performs services described by Section 393.602(a); and

(2) provided to a consumer wholly written, and read in their entirety at the time provided to any consumer who cannot read, in the language in which the contract is negotiated.

SECTION ____ .006. Subchapter D, Chapter 393, Finance Code, is amended by adding Section 393.308 to read as follows:

Sec. 393.308. PROHIBITION ON OBTAINING CERTAIN EXTENSIONS OF CONSUMER CREDIT. A credit services organization may not obtain for a consumer or assist a consumer in obtaining an extension of consumer credit in any form other than in the form of a single-payment deferred presentment transaction, a multiple-payment deferred presentment transaction, a single-payment motor vehicle title loan, or a multiple-payment motor vehicle title loan.

SECTION ____ .007. Section 393.501, Finance Code, is amended by adding Subsection (c) to read as follows:

(c) Each day of a continuing violation of a provision of Subchapter C-1 or G constitutes a separate offense.

SECTION ____ .008. Section 393.602(a), Finance Code, is amended to read as follows:

(a) This subchapter applies only to a credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit [~~in the form of:~~

~~[(1) a deferred presentment transaction; or
(2) a motor vehicle title loan].~~

SECTION __.009. Section 393.604(a), Finance Code, is amended to read as follows:

(a) An application for a license under this subchapter must:

(1) be under oath;

(2) contain the applicant's name and the street address, mailing address, facsimile number, and telephone number of the applicant at the location for which the license is sought;

(3) give the approximate location from which the business is to be conducted;

(4) [(3)] identify the business's principal parties in interest;

(5) [(4)] contain the name, physical address, and telephone number of all third-party lender organizations;

(A) with which the business contracts to provide services described by Section 393.602(a); or

(B) from which the business arranges extensions of consumer credit [described by Section 393.602(a)]; and

(6) [(5)] contain other relevant information that the commissioner requires for the findings required under Section 393.607.

SECTION __.010. Section 393.620, Finance Code, is amended to read as follows:

Sec. 393.620. TRANSFER OR ASSIGNMENT OF LICENSE PROHIBITED. A license may not be transferred or assigned ~~[only with the approval of the commissioner].~~

SECTION __.011. Sections 393.622(a) and (b), Finance Code, are amended to read as follows:

(a) The finance commission may:

(1) adopt rules necessary to enforce and administer this subchapter;

(2) adopt rules with respect to the quarterly reporting by a credit access business licensed under this subchapter of summary business information relating to extensions of consumer credit the business obtained for a consumer or assisted a consumer in obtaining [described by Section 393.602(a)]; and

(3) adopt rules with respect to periodic examination by the office relating to extensions of consumer credit the business obtained for a consumer or assisted a consumer in obtaining [described by Section 393.602(a)], including rules related to charges for defraying the reasonable cost of conducting the examinations.

(b) The finance commission may adopt rules under this section to allow the commissioner to review, as part of a periodic examination, any relevant contracts between the credit access business and the third-party lender organizations with which the credit access business contracts to provide services described by Section 393.602(a) or from which the business arranges extensions of consumer credit ~~[described by Section 393.602(a)].~~ A contract or information obtained by

the commissioner under this section is considered proprietary and confidential to the respective parties to the contract, and is not subject to disclosure under Chapter 552, Government Code.

SECTION _____.012. Sections 393.625, 393.626, and 393.627, Finance Code, are amended to read as follows:

Sec. 393.625. MILITARY BORROWERS. An extension of consumer credit [~~described by Section 393.602(a)~~] that is obtained by a credit access business for a member of the United States military or a dependent of a member of the United States military or that the business assisted that person in obtaining must comply with 10 U.S.C. Section 987 and any regulations adopted under that law, to the extent applicable.

Sec. 393.626. DEBT COLLECTION PRACTICES. A violation of Chapter 392 by a credit access business [~~with respect to an extension of consumer credit described by Section 393.602(a)~~] constitutes a violation of this subchapter.

Sec. 393.627. QUARTERLY REPORT TO COMMISSIONER. A credit access business shall file a quarterly report with the commissioner on a form prescribed by the commissioner that provides the following information relating to extensions of consumer credit [~~described by Section 393.602(a)~~] during the preceding quarter:

- (1) the number of consumers for whom the business obtained or assisted in obtaining those extensions of consumer credit;
- (2) the number of those extensions of consumer credit obtained by the business or that the business assisted consumers in obtaining;
- (3) the number of refinancing transactions of the extensions of consumer credit described by Subdivision (2);
- (4) the number of consumers refinancing the extensions of consumer credit described by Subdivision (2);
- (5) the number of consumers refinancing more than once the extensions of consumer credit described by Subdivision (2);
- (6) the average amount of the extensions of consumer credit described by Subdivision (2);
- (7) the total amount of fees charged by the business for the activities described by Subdivision (1);
- (8) the number of vehicles surrendered or repossessed under the terms of an extension of consumer credit in the form of a motor vehicle title loan obtained by the business or that the business assisted a consumer in obtaining;
- (9) the mean, median, and mode of the number of extensions of consumer credit obtained by consumers as a result of entering into the extensions of consumer credit described by Subdivision (2); and
- (10) any related information the commissioner determines necessary.

SECTION _____.013. Subchapter G, Chapter 393, Finance Code, is amended by adding Sections 393.629 through 393.637 to read as follows:

Sec. 393.629. GENERAL LIMITATIONS ON EXTENSIONS OF CONSUMER CREDIT; PAYMENT METHOD. (a) The provisions of this chapter applicable to a credit access business apply to any consumer physically

located in this state at the time the extension of consumer credit is made, regardless of whether the extension of consumer credit was made in person in this state.

(b) A credit access business shall accept a payment made in cash or by electronic transfer, cashier's check, teller's check, or money order offered by the consumer or another party, to retire or otherwise pay down debt incurred under an extension of consumer credit that a credit access business obtained for a consumer or assisted a consumer in obtaining under this chapter.

Sec. 393.630. ESTABLISHMENT OF INCOME. A credit access business must require documentation to establish a consumer's income for purposes of this subchapter. The only acceptable forms of documentation are paper, facsimile, or electronic copies of:

(1) a payroll document;

(2) a paycheck;

(3) a bank, credit union, debit card, or other account statement;

(4) a report from a nationally or regionally recognized credit and data reporting company;

(5) Internal Revenue Service Form W-2 from the preceding year;

(6) the income tax return from the preceding tax year; or

(7) a signed letter from the consumer's employer at the time the extension of consumer credit is sought.

Sec. 393.631. SINGLE-PAYMENT DEFERRED PRESENTMENT TRANSACTION. (a) The sum of all fees, principal, interest, and other amounts due under an extension of consumer credit in the form of a single-payment deferred presentment transaction that a credit access business obtains for a consumer or assists a consumer in obtaining may not exceed 20 percent of the consumer's gross monthly income.

(b) An extension of consumer credit in the form of a single-payment deferred presentment transaction that a credit access business obtains for a consumer or assists a consumer in obtaining may not be refinanced more than three times. An amount from each payment of a refinanced deferred presentment transaction described by this subsection must be used to repay at least 25 percent of the principal amount of the original debt.

Sec. 393.632. MULTIPLE-PAYMENT DEFERRED PRESENTMENT TRANSACTION. (a) The sum of all fees, principal, interest, and other amounts due under all scheduled payments of an extension of consumer credit in the form of a multiple-payment deferred presentment transaction that a credit access business obtains for a consumer or assists a consumer in obtaining may not exceed 20 percent of the consumer's gross monthly income.

(b) An extension of consumer credit in the form of a multiple-payment deferred presentment transaction that a credit access business obtains for a consumer or assists a consumer in obtaining and all fees associated with the debt may not be payable by the consumer in more than four installments. An amount from each payment must be used to repay at least 25 percent of the principal amount of the debt.

(c) An extension of consumer credit in the form of a multiple-payment deferred presentment transaction that a credit access business obtains for a consumer or assists a consumer in obtaining may not be refinanced.

Sec. 393.633. SINGLE-PAYMENT MOTOR VEHICLE TITLE LOAN.

(a) The sum of all fees, principal, interest, and other amounts due under an extension of consumer credit in the form of a single-payment motor vehicle title loan that a credit access business obtains for a consumer or assists a consumer in obtaining may not exceed the lesser of:

- (1) three percent of the consumer's gross annual income; or
- (2) 70 percent of the retail value of the motor vehicle securing the debt.

(b) An extension of consumer credit in the form of a single-payment motor vehicle title loan that a credit access business obtains for a consumer or assists a consumer in obtaining may not be refinanced more than three times. An amount from each payment of a refinanced motor vehicle title loan described by this subsection must be used to repay at least 25 percent of the principal amount of the original debt.

Sec. 393.634. MULTIPLE-PAYMENT MOTOR VEHICLE TITLE LOAN.

(a) The sum of all fees, principal, interest, and other amounts due under all scheduled payments of an extension of consumer credit in the form of a multiple-payment motor vehicle title loan that a credit access business obtains for a consumer or assists a consumer in obtaining may not exceed the lesser of:

- (1) three percent of the consumer's gross annual income; or
- (2) 70 percent of the retail value of the motor vehicle securing the debt.

(b) An extension of consumer credit in the form of a multiple-payment motor vehicle title loan that a credit access business obtains for a consumer or assists a consumer in obtaining and all fees associated with the debt may not be payable by the consumer in more than four installments. An amount from each payment must be used to repay at least 25 percent of the principal amount of the debt.

(c) An extension of consumer credit in the form of a multiple-payment motor vehicle title loan that a credit access business obtains for a consumer or assists a consumer in obtaining may not be refinanced.

Sec. 393.635. REFINANCES. (a) Any refinance of an extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining:

(1) must be authorized under this subchapter;
(2) must be in the same form as the original extension of consumer credit; and

(3) must meet all the requirements applicable to the original extension of consumer credit, including the duration, transaction, and applicable income-based or vehicle value-based limitations under Section 393.631(a) or 393.633(a).

(b) For purposes of this section, a single-payment deferred presentment transaction, a multiple-payment deferred presentment transaction, a single-payment motor vehicle title loan, and a multiple-payment motor vehicle title loan are the different forms of extensions of consumer credit that a credit access business may obtain for a consumer or assist a consumer in obtaining.

(c) A person may not use a device, subterfuge, or pretense to evade the refinance requirements and limitations imposed on a credit access business under this subchapter.

Sec. 393.636. MAINTENANCE OF RECORDS. (a) A credit access business shall maintain a complete set of records of all extensions of consumer credit obtained for consumers by the business or that the business assisted consumers in obtaining. The record pertaining to each extension of consumer credit must be retained until the third anniversary of the date the extension of consumer credit was obtained and must include:

(1) the name and address of the consumer;

(2) the principal amount of the cash advance or loan;

(3) the length of the original term of the extension of consumer credit, the number of installments or refinances, if applicable, and the length of the term of any refinance;

(4) the fees charged by the credit access business for obtaining for a consumer or assisting the consumer in obtaining the extension of consumer credit; and

(5) the documentation used to establish a consumer's income under Section 393.630.

(b) A credit access business shall retain a copy of each written agreement between the business and a consumer pertaining to an extension of consumer credit, including any agreement regarding refinancing an extension of consumer credit, until the third anniversary of the date on which the agreement was entered into.

(c) A credit access business shall retain a copy of each report filed under Section 393.627 until the third anniversary of the date on which the report was filed.

(d) A record described by this section must be available for inspection on request by the office during the normal business hours of the credit access business.

Sec. 393.637. RULES. The finance commission shall adopt any rules necessary to implement Sections 393.629-393.636.

SECTION ____.014. The following laws are repealed:

(1) Section 393.221, Finance Code; and

(2) Sections 393.601(2), (3), and (5), Finance Code.

SECTION ____.015. The changes in law made by this article apply only to an extension of consumer credit made on or after the effective date of this Act. An extension of consumer credit made before the effective date of this Act is governed by the law in effect on the date the extension of consumer credit was

made, and the former law is continued in effect for that purpose. For purposes of this section, a refinance of an extension of consumer credit is considered made on the date the extension of consumer credit being refinanced was made.

SECTION _____.016. (a) The change in law made by this article to Section 393.223, Finance Code, applies only to a disclosure or notice provided by a credit access business on or after January 1, 2018. A disclosure or notice provided by a credit access business before January 1, 2018, is governed by Section 393.223, Finance Code, as that section existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) The Finance Commission of Texas shall adopt rules prescribing forms under Section 393.223(a), Finance Code, as amended by this article, not later than November 1, 2017.

SECTION _____.017. Section 393.636, Finance Code, as added by this article, applies only to a record created on or after the effective date of this Act. A record created before the effective date of this Act is governed by the law in effect when the record was created, and the former law is continued in effect for that purpose.

LEAVE OF ABSENCE GRANTED

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

J. Rodriguez on motion of Collier.

CSSB 2065 - (consideration continued)

Amendment No. 13 - Point of Order

Representative Stickland raised a point of order against further consideration of Amendment No. 13 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

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

Rule 11, Section 2 of the House Rules states that "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."

Amendment No. 13 by Representative Craddick (which was later withdrawn) was an attempt to change the licensing and regulation of the occupation of certain forms of short-term lending or activities directly arising from short-term lending. Representative Stickland asserts that Amendment No. 13 is not germane to **CSSB 2065**. However, **CSSB 2065** is an omnibus occupational regulation bill that relates to the licensing and regulation of certain occupation and activities and provides for certain consumer protection measures and regulates licensed trades. The long list of occupations and activities initially addressed by the bill include:

business & commerce—general

vehicle protection product, including the regulation of persons engaged in the sale of a financial transaction of a vehicle protection product

for-profit legal service contacts, including regulating the form of the legal service contract marketed and sold

temporary common workers

barbers

cosmetologists

tow companies & towing of vehicles

vehicle protection products & warrantors

licensing & regulation, Texas

The omnibus bill before the house was, in effect, a mechanical trades and money lending Christmas tree on which many members could place amendments related to the licensing and regulation of occupations and activities, including financial-service related occupations and activities (such as the offer and sale of vehicle protection products and warranties and for-profit legal service contract.)

The amendment, which adds another financial-service related occupation and activity, falls squarely with the subject of the other portions of the bill. There is no violation of Rule 11, Section 2. The point of order is respectfully overruled.

Amendment No. 14

Representative Capriglione offered the following amendment to Amendment No. 13:

Amend Amendment No. 13 to **CSSB 2065** by Craddick as follows:

(1) Strike page 1, line 5, through page 2, line 31.

(2) On page 3, line 4, strike "does not preempt" and substitute "preempts".

(3) On page 3, strike lines 12-13 and substitute the following:

Subsection (a), this chapter controls.

(4) Strike page 3, line 14, through page 15, line 28.

(Vo now present)

Amendment No. 14 was adopted by (Record 1582): 74 Yeas, 64 Nays, 4 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Cyrier; Dale; Elkins; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guerra; Guillen; Gutierrez; Hefner; Huberty; Isaac; Kacal; Keough; King, T.; Klick; Krause; Kuempel; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lucio; Meyer; Murphy; Murr; Oliverson; Parker; Phelan; Phillips; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Springer; Stephenson; Stickland; Swanson; Tinderholt; VanDeaver; Villalba; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Canales; Clardy; Coleman; Collier; Cortez; Cosper; Craddick; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Faircloth; Farrar; Gervin-Hawkins; Giddings; González; Hernandez; Hinojosa; Holland; Howard; Israel; Johnson, E.;

Johnson, J.; King, P.; Koop; Lambert; Miller; Minjarez; Moody; Morrison; Muñoz; Neave; Nevárez; Ortega; Paul; Perez; Pickett; Price; Raymond; Reynolds; Rodriguez, E.; Romero; Rose; Smithee; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; Vo; Walle; White; Wu.

Present, not voting — Mr. Speaker; Cook; Hunter; Paddie(C).

Absent, Excused — Herrero; Metcalf; Rodriguez, J.

Absent — Biedermann; King, K.; Lozano; Martinez; Oliveira.

STATEMENTS OF VOTE

When Record No. 1582 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

When Record No. 1582 was taken, I was shown voting no. I intended to vote yes.

Miller

When Record No. 1582 was taken, I was shown voting yes. I intended to vote no.

Sheffield

When Record No. 1582 was taken, I was shown voting yes. I intended to vote no.

Villalba

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).

SB 570 - HOUSE SPONSOR AUTHORIZED

On motion of Representative Pickett, Representative Uresti was authorized as a house sponsor to **SB 570**.

CSSB 2065 - (consideration continued)

Amendment No. 13, as amended, was withdrawn.

Amendment No. 15

Representative Guillen offered the following amendment to **CSSB 2065**:

Amend **CSSB 2065** (house committee report) by adding the following appropriately numbered SECTION to Article 4 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 4. _____. Section 1603.351, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding any other law, the commission may adopt rules to:

(1) authorize a school licensed under this chapter, Chapter 1601, or Chapter 1602 to account for any hours of instruction completed under those chapters on the basis of clock hours or credit hours; and

(2) establish standards for determining the equivalency and conversion of clock hours to credit hours and credit hours to clock hours.

Amendment No. 15 was adopted.

Amendment No. 16

Representative Guillen offered the following amendment to **CSSB 2065**:

Amend **CSSB 2065** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 17.46(b), Business & Commerce Code, as amended by Chapters 1023 (**HB 1265**) and 1080 (**HB 2573**), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(b) Except as provided in Subsection (d) of this section, the term "false, misleading, or deceptive acts or practices" includes, but is not limited to, the following acts:

- (1) passing off goods or services as those of another;
- (2) causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services;
- (3) causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another;
- (4) using deceptive representations or designations of geographic origin in connection with goods or services;
- (5) representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which the person does not;
- (6) representing that goods are original or new if they are deteriorated, reconditioned, reclaimed, used, or secondhand;
- (7) representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;
- (8) disparaging the goods, services, or business of another by false or misleading representation of facts;
- (9) advertising goods or services with intent not to sell them as advertised;
- (10) advertising goods or services with intent not to supply a reasonable expectable public demand, unless the advertisements disclosed a limitation of quantity;
- (11) making false or misleading statements of fact concerning the reasons for, existence of, or amount of price reductions;
- (12) representing that an agreement confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law;
- (13) knowingly making false or misleading statements of fact concerning the need for parts, replacement, or repair service;

(14) misrepresenting the authority of a salesman, representative or agent to negotiate the final terms of a consumer transaction;

(15) basing a charge for the repair of any item in whole or in part on a guaranty or warranty instead of on the value of the actual repairs made or work to be performed on the item without stating separately the charges for the work and the charge for the warranty or guaranty, if any;

(16) disconnecting, turning back, or resetting the odometer of any motor vehicle so as to reduce the number of miles indicated on the odometer gauge;

(17) advertising of any sale by fraudulently representing that a person is going out of business;

(18) advertising, selling, or distributing a card which purports to be a prescription drug identification card issued under Section 4151.152, Insurance Code, in accordance with rules adopted by the commissioner of insurance, which offers a discount on the purchase of health care goods or services from a third party provider, and which is not evidence of insurance coverage, unless:

(A) the discount is authorized under an agreement between the seller of the card and the provider of those goods and services or the discount or card is offered to members of the seller;

(B) the seller does not represent that the card provides insurance coverage of any kind; and

(C) the discount is not false, misleading, or deceptive;

(19) using or employing a chain referral sales plan in connection with the sale or offer to sell of goods, merchandise, or anything of value, which uses the sales technique, plan, arrangement, or agreement in which the buyer or prospective buyer is offered the opportunity to purchase merchandise or goods and in connection with the purchase receives the seller's promise or representation that the buyer shall have the right to receive compensation or consideration in any form for furnishing to the seller the names of other prospective buyers if receipt of the compensation or consideration is contingent upon the occurrence of an event subsequent to the time the buyer purchases the merchandise or goods;

(20) representing that a guaranty or warranty confers or involves rights or remedies which it does not have or involve, provided, however, that nothing in this subchapter shall be construed to expand the implied warranty of merchantability as defined in Sections 2.314 through 2.318 and Sections 2A.212 through 2A.216 to involve obligations in excess of those which are appropriate to the goods;

(21) promoting a pyramid promotional scheme, as defined by Section 17.461;

(22) representing that work or services have been performed on, or parts replaced in, goods when the work or services were not performed or the parts replaced;

(23) filing suit founded upon a written contractual obligation of and signed by the defendant to pay money arising out of or based on a consumer transaction for goods, services, loans, or extensions of credit intended primarily

for personal, family, household, or agricultural use in any county other than in the county in which the defendant resides at the time of the commencement of the action or in the county in which the defendant in fact signed the contract; provided, however, that a violation of this subsection shall not occur where it is shown by the person filing such suit that the person neither knew or had reason to know that the county in which such suit was filed was neither the county in which the defendant resides at the commencement of the suit nor the county in which the defendant in fact signed the contract;

(24) failing to disclose information concerning goods or services which was known at the time of the transaction if such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed;

(25) using the term "corporation," "incorporated," or an abbreviation of either of those terms in the name of a business entity that is not incorporated under the laws of this state or another jurisdiction;

(26) selling, offering to sell, or illegally promoting an annuity contract under Chapter 22, Acts of the 57th Legislature, 3rd Called Session, 1962 (Article 6228a-5, Vernon's Texas Civil Statutes), with the intent that the annuity contract will be the subject of a salary reduction agreement, as defined by that Act, if the annuity contract is not an eligible qualified investment under that Act or is not registered with the Teacher Retirement System of Texas as required by Section 8A of that Act;

(27) taking advantage of a disaster declared by the governor under Chapter 418, Government Code, by:

(A) selling or leasing fuel, food, medicine, or another necessity at an exorbitant or excessive price; or

(B) demanding an exorbitant or excessive price in connection with the sale or lease of fuel, food, medicine, or another necessity;

(28) using the translation into a foreign language of a title or other word, including "attorney," "immigration consultant," "immigration expert," "lawyer," "licensed," "notary," and "notary public," in any written or electronic material, including an advertisement, a business card, a letterhead, stationery, a website, or an online video, in reference to a person who is not an attorney in order to imply that the person is authorized to practice law in the United States;

(29) [~~28~~] delivering or distributing a solicitation in connection with a good or service that:

(A) represents that the solicitation is sent on behalf of a governmental entity when it is not; or

(B) resembles a governmental notice or form that represents or implies that a criminal penalty may be imposed if the recipient does not remit payment for the good or service;

(30) [~~29~~] delivering or distributing a solicitation in connection with a good or service that resembles a check or other negotiable instrument or invoice, unless the portion of the solicitation that resembles a check or other negotiable instrument or invoice includes the following notice, clearly and conspicuously printed in at least 18-point type:

"SPECIMEN-NON-NEGOTIABLE";

(31) [~~(30)~~] in the production, sale, distribution, or promotion of a synthetic substance that produces and is intended to produce an effect when consumed or ingested similar to, or in excess of, the effect of a controlled substance or controlled substance analogue, as those terms are defined by Section 481.002, Health and Safety Code:

(A) making a deceptive representation or designation about the synthetic substance; or

(B) causing confusion or misunderstanding as to the effects the synthetic substance causes when consumed or ingested; or

(32) [~~(31)~~] a licensed public insurance adjuster directly or indirectly soliciting employment, as defined by Section 38.01, Penal Code, for an attorney, or a licensed public insurance adjuster entering into a contract with an insured for the primary purpose of referring the insured to an attorney without the intent to actually perform the services customarily provided by a licensed public insurance adjuster, provided that this subdivision may not be construed to prohibit a licensed public insurance adjuster from recommending a particular attorney to an insured.

SECTION _____. Section 406.017, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A person commits an offense if the person is a notary public and the person:

(1) states or implies that the person is an attorney licensed to practice law in this state;

(2) solicits or accepts compensation to prepare documents for or otherwise represent the interest of another in a judicial or administrative proceeding, including a proceeding relating to immigration or admission to the United States, United States citizenship, or related matters;

(3) solicits or accepts compensation to obtain relief of any kind on behalf of another from any officer, agency, or employee of this state or the United States;

(4) uses the phrase "notario" or "notario publico" to advertise the services of a notary public, whether by signs, pamphlets, stationery, or other written communication or by radio or television; or

(5) advertises the services of a notary public in a language other than English, whether by signs, pamphlets, stationery, or other written communication or by radio or television, if the person does not post or otherwise include with the advertisement a notice that complies with Subsection (b).

(a-1) A person does not violate this section by offering or providing language translation or typing services and accepting compensation.

SECTION _____. The change in law made by this Act to Section 17.46(b), Business & Commerce Code, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION _____. The change in law made by this Act to Section 406.017, Government Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION _____. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

Amendment No. 16 was adopted.

LEAVE OF ABSENCE GRANTED

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

Biedermann on motion of Tinderholt.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 22).

CSSB 2065 - (consideration continued)

Amendment No. 17

Representatives Anchia, Burkett, and Koop offered the following amendment to **CSSB 2065**:

Amend **CSSB 2065** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering the ARTICLE and SECTIONS of the bill accordingly:

ARTICLE ____ . PROVISION OF TRANSPORTATION SERVICES TO CERTAIN SCHOOL DISTRICTS

SECTION ____ .001. (a) This Article applies on to a county board of education that provides, without competitive bidding, transportation services in a county with a population of 2.2 million or less.

(b) Transportation services must be placed by bid and if a contract currently exists, it shall be wound down in the manner described below. Each county board of education, board of county school trustees, and office of county school superintendent in a county with a population of 2.2 million or more and that is adjacent to a county with a population of more than 800,000 is abolished effective November 15, 2017, unless the continuation of the county board of education, board of county school trustees, and office of county school superintendent is approved by a majority of voters at an election held on the November 2017 uniform election date in the county in which the county board of education, board of county school trustees, and office of county school superintendent are located. Subsections (b) - (q) of this section do not take effect

in a county if the continuation of the county board of education, board of county school trustees, and office of county school superintendent is approved at the election held in the county under this subsection.

(b) Not later than November 15, 2017, a dissolution committee shall be formed for each county board of education or board of county school trustees to be abolished as provided by Subsection (a) of this section. The dissolution committee is responsible for all financial decisions for each county board of education or board of county school trustees abolished by this Act, including asset distribution and payment of all debt obligations.

(c) A dissolution committee required by this Act shall be appointed by the comptroller and include:

(1) one financial advisor;

(2) the superintendent or the superintendent's designee of each participating component school district that chooses to participate in the dissolution committee;

(3) one certified public accountant;

(4) one auditor who holds a license or other professional credential;

(5) one bond counsel who holds a license or other professional credential;

(6) one member of the county commissioners court;

(7) one additional representative appointed by the commissioner of education.

(d) A dissolution committee created under this Act is subject to the open meetings requirements under Chapter 551, Government Code, and public information requirements under Chapter 552, Government Code.

(e) Members of a dissolution committee may not receive compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing the functions of the dissolution committee.

(f) Subject to the other requirements of this Act, the dissolution committee shall determine the manner in which all assets, liabilities, contracts, and services of the county board of education or board of county school trustees abolished by this Act are divided, transferred, or discontinued. The dissolution committee shall create a sinking fund to deposit all money received in the abolishment of each county board of education or board of county school trustees for the payment of all debts of the county board of education or board of county school trustees.

(g) The dissolution committee shall continue providing transportation services to participating component school districts for the 2017-2018 school year. The dissolution committee shall maintain current operations and personnel needed to provide the transportation services.

(h) At the end of the 2017-2018 school year all school buses, vehicles, and bus service centers shall be transferred to participating component school districts in proportionate shares equal to the amount of buses currently assigned to each district. The dissolution committee shall audit and confirm assignment of buses by vehicle identification numbers or some other agreed upon means assigned to applicable districts. Final distribution and assignment of these assets will be not later than September 1, 2018, at no cost to the districts.

(i) The dissolution committee may employ for the 2017-2018 school year one person to assist in the abolishment of the county board of education or board of county school trustees.

(j) On September 1, 2017, the participating component school district with the largest number of students in average daily attendance has the right of first refusal to buy, at fair market value, the administrative building of the county board of education or board of county school trustees.

(k) An ad valorem tax assessed by a county board of education or board of county school trustees shall continue to be assessed by the county on behalf of the board for the purpose of paying the principal of and interest on any bonds issued by the county board of education or board of county school trustees until all bonds are paid in full. This subsection applies only to a bond issued before the effective date of this Act for which the tax receipts were obligated. On payment of all bonds issued by the county board of education or board of county school trustees the ad valorem tax may not be assessed.

(l) In the manner provided by rule of the commissioner of education, the county shall collect and use any delinquent taxes imposed by or on behalf of the county board of education or board of county school trustees.

(m) The dissolution committee shall distribute the assets remaining after discharge of the liabilities of the county board of education or board of county school trustees to the component school districts in the county in proportionate shares equal to the proportion that the amount of money a district has submitted to the county board of education or board of county school trustees has to the total amount of money submitted by all districts. The dissolution committee shall liquidate board assets as necessary to discharge board liabilities and facilitate the distribution of assets. A person authorized by the dissolution committee shall execute any documents necessary to complete the transfer of assets, liabilities, or contracts.

(n) The dissolution committee shall encourage the component school districts to:

(1) continue sharing services received through the county board of education or board of county school trustees; and

(2) give preference to private sector contractors to continue services provided by the county board of education or board of county school trustees.

(o) The chief financial officer and financial advisor for the county board of education or board of county school trustees shall provide assistance to the dissolution committee in abolishing the county board of education or board of county school trustees.

(p) The Texas Education Agency shall provide assistance to a dissolution committee in the distribution of assets, liabilities, contracts, and services of a county board of education or board of county school trustees abolished by this Act.

(q) Any dissolution committee created as provided by this Act is abolished on the date all debt obligations of the county board of education or board of county school trustees are paid in full and all assets distributed to component school districts.

SECTION ____ .002. Chapter 266 (SB 394), Acts of the 40th Legislature, Regular Session, 1927 (Article 2700a, Vernon's Texas Civil Statutes), is repealed.

Amendment No. 17 was adopted.

CSSB 2065, as amended, was passed to third reading by (Record 1583): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; 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; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; Lucio; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Biedermann; Herrero; Metcalf; Rodriguez, J.

Absent — Lozano; Martinez; Oliveira; White; Wilson.

STATEMENTS OF VOTE

When Record No. 1583 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

When Record No. 1583 was taken, I was in the house but away from my desk. I would have voted yes.

Wilson

SB 2144 ON SECOND READING (Huberty - House Sponsor)

SB 2144, A bill to be entitled An Act relating to the creation of a commission to recommend improvements to the public school finance system.

Amendment No. 1

Representative Simmons offered the following amendment to **SB 2144**:

Amend **SB 2144** (house committee report) on page 3, between lines 26 and 27, by inserting the following:

Sec. 42.6071. STUDY AND REPORT ON SERVICES FOR CHILDREN WITH DISABILITIES. (a) In this section, "child with a disability" means a child who is:

(1) eligible to participate in a school district's special education program under Section 29.003; or

(2) protected by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

(b) The commission shall conduct a study to determine the best educational services for, and methods of delivering those services to, children with disabilities to further the goal of enabling those children to achieve their maximum potential. The study must evaluate the provision of those services in traditional public schools, open-enrollment charter schools, and private schools.

(c) Not later than December 31, 2018, the commission shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over education a report on the results of the study and recommendations regarding the best methods of educating children with disabilities to further the goal of enabling those children to achieve their maximum potential.

Amendment No. 1 was adopted.

(Speaker in the chair)

SB 2144, as amended, was passed to third reading.

SB 1005 ON SECOND READING
(Deshotel - House Sponsor)

SB 1005, A bill to be entitled An Act relating to the use of the SAT or the ACT as a secondary exit-level assessment instrument to allow certain public school students to receive a high school diploma.

Amendment No. 1

Representative VanDeaver offered the following amendment to **SB 1005**:

Amend **SB 1005** (house committee printing) as follows:

(1) On page 2, line 5, strike "the SAT or the ACT" and substitute "the SAT, the ACT, or the Texas Success Initiative (TSI) diagnostic assessment".

(2) On page 2, line 11, strike "the SAT and the ACT" and substitute "the SAT, the ACT, and the Texas Success Initiative (TSI) diagnostic assessment".

Amendment No. 1 was adopted.

SB 1005, as amended, was passed to third reading.

SB 1625 ON SECOND READING
(Cortez, Oliverson, and Guerra - House Sponsors)

SB 1625, A bill to be entitled An Act relating to the Texas Physician Assistant Board and the licensing and regulation of physician assistants.

Amendment No. 1

Representative Cain offered the following amendment to **SB 1625**:

Amend **SB 1625** (house committee report) on page 4, by striking lines 11-13 and substituting the following:

(a) A license issued under this chapter is valid for a term of two or more years, as determined by physician assistant board rule.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Rinaldi offered the following amendment to **SB 1625**:

Amend **SB 1625** (house committee report) as follows:

- (1) Strike SECTION 3 of the bill (page 2, line 17, through page 3, line 16).
- (2) Strike SECTION 6 of the bill (page 4, line 21, through page 5, line 11).
- (3) Strike SECTION 11 of the bill (page 8, lines 2-11).
- (4) Renumber the SECTIONS of the bill accordingly.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Oliverson offered the following amendment to **SB 1625**:

Amend **SB 1625** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 157.0512, Occupations Code, is amended by amending Subsections (e) and (f) and adding Subsection (f-1) to read as follows:

- (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 include ~~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) if the agreement is between a physician and an advanced practice registered nurse, 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; and

(C) if the agreement is between a physician and a physician assistant, periodic meetings between the physician assistant and the physician ~~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.

(f-1) The periodic meetings described by Subsection (e)(9)(C) 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;

(2) be documented; and

(3) take place at least once a month in a manner determined by the physician and the physician assistant.

SECTION _____. Section 157.0512, Occupations Code, as amended by this Act, applies only to a prescriptive authority agreement 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 on the date the agreement was entered into, and the former law is continued in effect for that purpose.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Zerwas offered the following amendment to **SB 1625**:

Amend **SB 1625** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 157.0511, Occupations Code, is amended by amending Subsections (a), (b), (b-1), and (c) and adding Subsection (b-3) to read as follows:

(a) A physician's authority to delegate the prescribing or ordering of a drug or device under this subchapter is limited to:

- (1) nonprescription drugs;
- (2) dangerous drugs; and
- (3) controlled substances to the extent provided by Subsections (b),

~~[and]~~ (b-1), and (b-3).

(b) Except as provided by Subsections ~~[Subsection]~~ (b-1) and (b-3), a physician may delegate the prescribing or ordering of a controlled substance only if:

(1) the prescription is for a controlled substance listed in Schedule III, IV, or V as established by the commissioner of state health services ~~[the Department of State Health Services]~~ under Chapter 481, Health and Safety Code;

(2) the prescription, including any refill ~~[a refill]~~ of the prescription, is for a period not to exceed 90 days;

(3) with regard to the refill of a prescription, the refill is authorized after consultation with the delegating physician and the consultation is noted in the patient's chart; and

(4) with regard to a prescription for a child less than two years of age, the prescription is made after consultation with the delegating physician and the consultation is noted in the patient's chart.

(b-1) A physician may delegate the prescribing or ordering of a controlled substance listed in Schedule II as established by the commissioner of state health services ~~[the Department of State Health Services]~~ under Chapter 481, Health and Safety Code~~[- only]~~:

(1) in a hospital facility-based practice under Section 157.054, in accordance with policies approved by the hospital's medical staff or a committee of the hospital's medical staff as provided by the hospital bylaws to ensure patient safety, and as part of the care provided to a patient who:

(A) has been admitted to the hospital for an intended length of stay of 24 hours or greater; or

(B) is receiving services in the emergency department of the hospital; or

(2) as part of the plan of care for the treatment of a person who has executed a written certification of a terminal illness, has elected to receive hospice care, and is receiving hospice treatment from a qualified hospice provider.

(b-3) A physician may delegate to a physician assistant the prescribing or ordering of a controlled substance listed in Schedule II as established by the commissioner of state health services under Chapter 481, Health and Safety Code, at the practice site.

(c) This subchapter does not modify the authority granted by law for a licensed registered nurse or physician assistant to administer or provide a medication, including a controlled substance listed in Schedule II as established by the commissioner of state health services [~~the Department of State Health Services~~] under Chapter 481, Health and Safety Code, that is authorized by a physician under a physician's order, standing medical order, standing delegation order, or protocol.

Amendment No. 4 was adopted.

SB 1625, as amended, was passed to third reading. (C. Anderson recorded voting no.)

SB 1677 ON SECOND READING
(S. Thompson - House Sponsor)

SB 1677, A bill to be entitled An Act relating to information about services for women veterans provided through certain state agency applications.

SB 1677 was passed to third reading by (Record 1584): 137 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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 — Cain; Schaefer; Stickland; Swanson; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Biedermann; Herrero; Metcalf; Rodriguez, J.

Absent — Burrows; Martinez; Oliveira.

STATEMENTS OF VOTE

When Record No. 1584 was taken, I was shown voting yes. I intended to vote no.

Lang

When Record No. 1584 was taken, I was shown voting yes. I intended to vote no.

Rinaldi

When Record No. 1584 was taken, I was shown voting yes. I intended to vote no.

Shaheen

SB 1649 ON SECOND READING (Moody - House Sponsor)

SB 1649, A bill to be entitled An Act relating to increasing the punishment for certain conduct constituting the offense of criminal trespass.

Amendment No. 1

Representative Moody offered the following amendment to **SB 1649**:

Amend **SB 1649** (house committee report) as follows:

(1) On page 1, line 10, strike "Subsection (d-1)" and substitute "Subsections (d-1) and (d-2)".

(2) On page 2, between lines 21 and 22, insert the following:

(d-2) At the punishment stage of a trial in which the attorney representing the state seeks the increase in punishment provided by Subsection (d)(3)(B), the defendant may raise the issue as to whether, at the time of the instant offense or the previous offense, the defendant was engaging in speech or expressive conduct protected by the First Amendment to the United States Constitution or Section 8, Article I, Texas Constitution. If the defendant proves the issue in the affirmative by a preponderance of the evidence, the increase in punishment provided by Subsection (d)(3)(B) does not apply.

Amendment No. 1 was adopted.

SB 1649, as amended, was passed to third reading. (Hunter and Rinaldi recorded voting no.)

POSTPONED BUSINESS

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

CSSB 1656 ON SECOND READING
(E. Rodriguez and Bernal - House Sponsors)

CSSB 1656, A bill to be entitled An Act relating to the eligibility of certain municipalities to establish homestead preservation districts and reinvestment zones.

CSSB 1656 was read second time on May 21, postponed until 10 a.m. today, and was again postponed until this time.

Representative Price moved to postpone consideration of **CSSB 1656** until 4:30 p.m. today.

The motion prevailed.

SB 1625 - HOUSE SPONSOR AUTHORIZED

On motion of Representative Price, Representative Uresti was authorized as a house sponsor to **SB 1625**.

SB 1882 ON SECOND READING
(Koop - House Sponsor)

SB 1882, A bill to be entitled An Act relating to a school district contract to partner with an open-enrollment charter school to operate a district campus.

SB 1882 was read second time earlier today and was postponed until this time.

SB 1882 - REMARKS

REPRESENTATIVE KOOP: This bill encourages districts and public charters to work together to improve education for all students. Currently, several public schools across the state have entered into agreements with public charters to meet their schools' unique needs. This may be through sharing facilities, academic programs, curriculum, professional development, or other innovative practices. The bill has two provisions to encourage district charter partnerships. First, the school districts in a partnership would receive the higher of the per-student M&O average amount. And second, the bill provides a two-year pause in the accountability for D and F schools. This solves, also, two taxpayer issues: charters' lack of access to facilities and traditional ISDs' empty or underutilized buildings. I have one perfecting amendment.

Amendment No. 1

Representative Koop offered the following amendment to **SB 1882**:

Amend **SB 1882** (house committee printing) on page 2, line 7, after the underlined period, by adding the following:

All rights and protections afforded by current employment contracts or agreements may not be affected by the contract entered into between a school district and an open-enrollment charter school under this section.

AMENDMENT NO. 1 - REMARKS

REPRESENTATIVE KOOP: This puts a little legislative intent around the bill: "All rights and protections afforded to current employment contracts or agreements may not be affected by the contract entered into between a school district and an open-enrollment charter school under this section." This helps our teachers who are currently employed by the public school district.

Amendment No. 1 was adopted by (Record 1585): 133 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospier; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; 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; Longoria; Lozano; Lucio; Meyer; Miller; Minjarez; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Romero; Sanford; Schofield; 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.

Nays — Allen; Cain; Farrar; Krause; Perez; Rinaldi; Rose; Schaefer; Thompson, S.

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

Absent, Excused — Biedermann; Herrero; Metcalf; Rodriguez, J.

Absent — Martinez; Moody.

STATEMENT OF VOTE

When Record No. 1585 was taken, I was shown voting present, not voting. I intended to vote yes.

Phillips

Amendment No. 2

Representative VanDeaver offered the following amendment to **SB 1882**:

Amend **SB 1882** (house committee printing) as follows:

(1) Strike page 1, line 7, through page 2, line 3, and substitute the following:

Sec. 11.174. CONTRACT REGARDING OPERATION OF DISTRICT CAMPUS. (a) A school district campus qualifies for an exemption from intervention as provided by Subsection (f) and qualifies for funding as provided by Section 42.2511 if the board of trustees of the district contracts to partner to operate the district campus as provided by this section with:

(1) the governing body of an open-enrollment charter school; or

(2) on approval by the commissioner, an entity granted a charter by the district under Subchapter C, Chapter 12, that is eligible to be awarded a charter under Section 12.101(a).

(b) The board of trustees of a school district may enter into a contract as provided by Subsection (a) only if:

(1) the charter of the open-enrollment charter school has not been previously revoked;

(2) for the three school years preceding the school year of the proposed operation of the district campus as described by Subsection (a), the open-enrollment charter school has received:

(A) an overall performance rating of acceptable or higher under Subchapter C, Chapter 39; and

(B) a financial accountability rating under Subchapter D, Chapter 39, indicating financial performance of satisfactory or higher; or

(3) the entity considered for a district authorized charter has not previously operated an open-enrollment charter school in which the charter expired or was revoked or surrendered.

(2) On page 2, lines 21 and 22, strike "the open-enrollment charter school operates the district campus" and substitute "of operation of a district campus under Subsection (a)".

(3) Strike page 2, line 27, through page 3, line 6, and substitute the following:

(g) A campus that receives an exemption from a sanction or other action under Subsection (f) may receive another exemption while operating under a subsequent contract only if the campus receives approval for the exemption from the commissioner.

(4) Strike page 3, lines 22-25, and substitute the following appropriately lettered subsections:

() An employee of an entity granted a district authorized charter that enters into a contract under this section to operate a district campus is eligible for membership in and benefits from the Teacher Retirement System of Texas if the employee would be eligible for membership and benefits if holding the same position at the district.

() A district proposing to enter into a contract under Subsection (a)(2) shall notify the commissioner of the district's intent to enter into the contract. The commissioner by rule shall establish the procedures for a district to notify the commissioner under this subsection, including the period within which the notification is required before the school year in which the proposed contract would take effect, and for a district and, if necessary, an entity to submit information as required by the commissioner. The commissioner shall notify the

district whether the proposed contract is approved not later than the 60th day after the date the commissioner receives notice of the proposed contract and all information required by the commissioner to be submitted. If the commissioner fails to notify the district that the proposed contract has been approved or denied within the period prescribed by this subsection, the proposed contract is considered approved.

() Except as expressly provided by this section, the commissioner may not impose additional requirements on an open-enrollment charter school to be eligible for a contract under Subsection (a).

() The commissioner shall adopt rules as necessary to administer this section, including requirements for an entity and the contract with the entity, including the standards required for an entity to receive approval under Subsection (a)(2).

(5) Reletter subsequent subsections of Section 11.174, Education Code, accordingly.

(6) Strike page 4, lines 4-7, and substitute the following:

Sec. 42.2511. SCHOOL DISTRICT ENTITLEMENT FOR CERTAIN STUDENTS. (a) This section applies only to:

(1) a school district and an open-enrollment charter school that enter into a contract to operate a district campus as provided by Section 11.174; and

(2) a charter granted by a school district for a program operated by an entity that has entered into a contract under Section 11.174, provided that the district does not appoint a majority of the governing body of the charter holder.

AMENDMENT NO. 2 - REMARKS

REPRESENTATIVE VANDEAVER: Members, what this amendment does is it extends the incentives to a school district that partners with other entities that are eligible for a charter instead of limiting it to the open-enrollment charters. We've worked extensively with TEA and with Representative Koop's office, and I appreciate her working with us on this. I believe it is acceptable to the author.

Amendment No. 2 was adopted by (Record 1586): 123 Yeas, 21 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; 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.; Romero;

Sanford; Schubert; Sheffield; Shine; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Allen; Burrows; Cain; Dale; Farrar; Holland; Isaac; Krause; Lang; Phillips; Rinaldi; Rose; Schaefer; Schofield; Shaheen; Simmons; Stickland; Swanson; Thompson, S.; Tinderholt; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Biedermann; Herrero; Metcalf; Rodriguez, J.

Absent — Martinez.

STATEMENT OF VOTE

When Record No. 1586 was taken, I was shown voting yes. I intended to vote no.

Wilson

Amendment No. 3

Representative Israel offered the following amendment to **SB 1882**:

Amend **SB 1882** (house committee printing) as follows:

(1) On page 3, between lines 21 and 22, add the following appropriately lettered subsection:

() Notwithstanding any provision of a contract executed by the board of trustees of a school district and the governing body of an open-enrollment charter school under this section, an employee of the school district retains all rights and protections provided by Chapters 21 and 22.

(2) Reletter subsequent subsections accordingly.

AMENDMENT NO. 3 - REMARKS

REPRESENTATIVE ISRAEL: Members, this amendment makes clear that employees of a school district contracting with a charter retain their rights and protections under Chapter 21 and Chapter 22. Those protections include teacher certification, duty-free lunches, planning and preparation time, and personal leave time. Essentially, if we're going to be moving forward with this legislation which will change the way in which public schools and charter schools interact, we want to maintain some sense of security and support for our public school teachers.

REPRESENTATIVE KOOP: Representative Israel, the intent amendment that I just passed when we first laid this out really addresses the situation that you're talking about with the teachers. We're all for our public school teachers. That helps them. I just want to reiterate what it does: "All rights and protections afforded to current employment contracts or agreements may not be affected by the contract entered into between a school district and an open-enrollment charter school under this section." Additionally, I just want to point out to the members, especially our pro-ISD members of which I am one, that this is a partnership between the district and the charter and only can be entered into by a vote of the school board.

ISRAEL: Well, that wasn't a question, but I know that was your intent. We had talked about this earlier. Your amendment doesn't speak to Chapter 21 and Chapter 22 protections under the law, but what I think you're saying is you didn't intend for a public school teacher who interacts in this kind of partnership to be penalized in any way because of that partnership. Is that what I'm hearing you say?

KOOP: That's true. That was the intent of my amendment, yes.

REPRESENTATIVE PHILLIPS: What I heard is that if they have a current contract, but I guess that doesn't mean that that contract would continue after the expiration of that. So if there's really no desire to do away with the protections we're talking about, those things that protect teachers, then there really shouldn't be any reason to not accept your amendment is what it sounds like. I don't understand—is the amendment acceptable to the author?

ISRAEL: I don't believe so. My understanding is that Representative Koop had the previously adopted amendment with her name on it to provide some protections. The difference between her amendment and my amendment is that my amendment specifically lines out Chapter 21 and Chapter 22.

PHILLIPS: Those protections that our public school teachers have in our districts?

ISRAEL: Regardless of contract, yes.

PHILLIPS: So to support our public school teachers in this situation, we would vote for your amendment as a stronger amendment to make sure that those protections are there.

ISRAEL: A little bit stronger language—more protection.

KOOP: Members, I'm going to ask you respectfully to please vote down this amendment. We have really worked hard on this agreement. We also have worked with the teachers. Several teacher groups are on board with the perfecting amendment with the intent language that I just laid out. This is a very innovative bill that we're getting ready to adopt here. With what Mr. VanDeaver just put on as an amendment, this allows schools to not only partner with charters, which they have the perfect right to do right now—there are several of your school districts that have partnerships with charters right this very minute. The VanDeaver amendment added to that nonprofits like hospitals to be able to partner with ISDs. I will tell you that the Richardson ISD has a partnership right now with a hospital where their nurses come over and help teach kids in the art of medicine, all different types of medicine. This is an innovative bill. Please stick with me on the motion to oppose this amendment. I will be voting no.

REPRESENTATIVE HUBERTY: Members, this is a bill that came through the Public Education Committee, dealing specifically with charter schools, and while I respect what Representative Israel is trying to do, what we're doing here is adding Chapter 21 and Chapter 22 into the language on charter schools. Charter schools have freedoms. They are public schools—we get that. This is a bad amendment. This is something that we've discussed and we've debated during

our public policy that we had for hours and hours in Education. Representative Koop is right. We cannot accept this amendment. This is not good for the process of allowing the KIPPs and the YESes and the groups that are out. The idea is for them to be able to be innovative as they continue to grow. And for that reason, I know that she's going to move to table, and I also move to table this amendment.

ISRAEL: Members, this is stronger language that will protect our public school teachers regardless of contract.

REPRESENTATIVE GONZÁLEZ: Your amendment is very similar to what we just accepted. So we're adding some suspenders to protections for our public school teachers. Is that correct?

ISRAEL: As much as I hate to use the word "suspenders," yes.

GONZÁLEZ: And we have fought for a long time on this house floor to make sure that our public school teachers do have some protections with Chapter 21 and Chapter 22, and so you just want to make sure that we don't have any unintended consequences and that our public school teachers aren't impacted. While we want to do innovation—great. We also want to make sure that we don't have unintended consequences, correct?

ISRAEL: Yes, we did not intend for this amendment to impact a charter school employee who was working with the public school but rather the reverse—a public school employee who might be in a charter setting but who is an employee with all the rights and benefits that go with that.

GONZÁLEZ: That's a great clarification, that we are trying to take care of the people in the public school setting right now.

ISRAEL: They're already part of our system, yes, ma'am.

Representative Koop moved to table Amendment No. 3.

The motion to table prevailed by (Record 1587): 94 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospér; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; Hunter; Isaac; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Meyer; Miller; Morrison; Murphy; Murr; Oliveira; Oliverson; Paddie; Parker; Paul; Phelan; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alvarado; Arévalo; Bernal; Blanco; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; González; Guerra; Guillen; Gutierrez; Hernandez; Hinojosa; Howard; Israel; Johnson, E.; Johnson,

J.; King, T.; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; Ortega; Perez; Phillips; Pickett; Raymond; Reynolds; Rodriguez, E.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Biedermann; Herrero; Metcalf; Rodriguez, J.

Absent — Alonzo; Anchia; Tinderholt.

STATEMENTS OF VOTE

When Record No. 1587 was taken, my vote failed to register. I would have voted no.

Alonzo

When Record No. 1587 was taken, my vote failed to register. I would have voted yes.

Anchia

When Record No. 1587 was taken, I was shown voting yes. I intended to vote no.

Giddings

REMARKS ORDERED PRINTED

Representative Israel moved to print all remarks on **SB 1882**.

The motion prevailed.

SB 1882 - REMARKS

REPRESENTATIVE KOOP: Thank you, members, and thank you for letting me lay out this really exciting bill. We're so excited to have this occur, and thank you for all the support we have here.

REPRESENTATIVE ISRAEL: For one more clarification, Representative, because I know that we did work on this language. It was not your intention, as you move forward with this bill, to have public school employees be treated in any way differently than their contract year to year. Is that correct?

KOOP: That was the intent.

ISRAEL: And in the case of some teachers, though, who are on a year-to-year contract, and that contract is up at the end of the school year, there is that concern for those that are starting under that new contract. If that new contract is under, say, a new job description, for example, the intent was not for them to lose the rights that they already had as a public school teacher. Is that correct?

KOOP: I think in general that is what is going to happen.

REPRESENTATIVE URESTI: Basically, it's the same question, Ms. Koop. I'm supporting your bill. I actually voted for it. My finger is melting because it's the first time that I worked with public schools and charter schools. It's going to

work, but I just want to clarify that no teachers that are working in the public school system right now are going to lose anything whatsoever that they have now. I just want to make sure that is clarified.

KOOP: When their contracts are renewed, as they are every year, if they are still a public school teacher, they could choose to go with a charter if they wish. By the way, TRS is already in this bill. If you look at the bill language, TRS is embedded in that bill.

URESTI: So they'll still be able to give to their TRS funding. That's not going to change a bit?

KOOP: No.

URESTI: Okay, the retirement doesn't change; nothing changes.

KOOP: If their contract is extended as an either district teacher or as a charter teacher then they—if their contract is extended as a district teacher, they're a district teacher, and that comes with whatever the provisions are for district teachers. If I may just reiterate one more time, if y'all don't understand. I have done it three times now. I understand that you're concerned about it, but this is the language that was put into the bill just a second ago: "All rights and protections afforded to current employment contracts or agreements may not be affected by the contract entered into between a school district and an open-enrollment charter school under this section."

URESTI: My goal is just to protect my teachers, that's all.

KOOP: I understand that, and I want to protect them, too, but I also want to have innovation here as well.

REPRESENTATIVE GERVIN-HAWKINS: Representative Koop, are charter school teachers public school teachers also?

KOOP: Yes.

GERVIN-HAWKINS: So when we talk about public schools and charter schools, we're talking about the gamut of public schools, what we're all responsible for. Would you agree with that?

KOOP: Yes, I absolutely agree with that.

GERVIN-HAWKINS: This bill seeks to try to hopefully bridge a closer relationship. Is it your intent to build a closer relationship with traditional public and public charter schools?

KOOP: Absolutely.

GERVIN-HAWKINS: And so as we move forward with this bill, our hope is that we can stop the divisiveness and bring together a joint interest for all of Texas' public school students. Would you agree with that, Representative Koop?

KOOP: I absolutely would agree with that, and I think that everybody is on board. We have a few that are concerned. This is an innovative bill, but right now, as you know, Representative, charter schools and public schools can enter into an agreement and a contract. That is happening in Spring, Texas; that is happening in Grand Prairie.

GERVIN-HAWKINS: And finally, Representative Koop, wouldn't you agree that none of us want to hurt traditional public school teachers or the traditional public school environment? We're just adding some additional supports to the traditional public school environment. Would you agree with that, Representative?

KOOP: Yes. I'm on the Public Education Committee and we—yes, ma'am. The dean of women says pass the bill.

GERVIN-HAWKINS: Let's pass it.

REPRESENTATIVE HINOJOSA: Representative Koop, what I'm concerned about is most teachers—I don't know of any teachers, except for maybe the school district that I represent, where teachers have anything longer than a yearlong contract. So I worry that after a year public school teachers will no longer be employed, and instead, charter school teachers that don't have to meet the same requirements or often don't have pensions or aren't paid as much will replace public school teachers. Is there anything in the bill—I'm sincerely asking—that will prevent against that happening?

KOOP: I don't know if there's anything that would prevent that from happening with some teachers, but I will tell you that embedded within the bill there is an opportunity and a provision for the teachers to get together with the school administration so they can come together in a collaboration so that they can get their needs met. Some teachers may perhaps be moved to another school. I don't know. We don't know that. That is why we are creating the district charter. Let me tell you, there are D and F schools out there, and there are tons of them. This bill was originally created to help those schools, to bring in a charter with a specific type of teaching to help these D and F schools. It gives them a pause in the D and F years that they have. It also brings in more money to the schools. You're concentrating on just one thing, just one tiny aspect of it. Please don't let this ruin a wonderful bill.

HINOJOSA: One more question, please. And to that point, I talked to you briefly about making sure that the public school doesn't adopt any policies that prohibit kids with disciplinary records or anything else from entering the public school.

KOOP: On the D and the F schools—good point. They have to have the children that are within the attendance zone. They have to address them. They have to be in the school.

HINOJOSA: Even if they have a disciplinary record?

KOOP: If they're a D and F school and they're in that school right now, they have to remain in that school.

REPRESENTATIVE PHILLIPS: So I just want to know, would you accept an amendment to make sure that those D and F charter schools have to partner with public schools?

KOOP: No, sir, not at this time.

PHILLIPS: I just don't understand, what we're saying is we have a school—is this for your school district?

KOOP: It's not. We don't have any D and F schools in my school district.

PHILLIPS: So it sounds like to me we just don't have to have school districts anymore and just have charter schools. Is that what we're doing?

KOOP: That's not the intent.

PHILLIPS: It's a question of whether we're going to have public education and support public education or create alternative schools and not remedy the situation, require those so-called D and F schools, because their attendance wasn't as well or however it's created, and require those to shut down. Are we going to hold the public schools accountable? Or are we going to create all these other situations, including this, so we can try to lower costs to make it about a business instead of the education of children? Is that what we're doing with this?

KOOP: No, sir.

SB 1882, as amended, was passed to third reading by (Record 1588): 115 Yeas, 30 Nays, 1 Present, not voting.

Yeas — Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Bernal; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Cook; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Dutton; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; Gooden; Guerra; Guillen; Gutierrez; Hefner; 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; Longoria; Lozano; Lucio; Meyer; Miller; Minjarez; Morrison; Murphy; Murr; Neave; Oliveira; Oliverson; Paddie; Parker; Paul; Phelan; Pickett; Price; Raney; Raymond; Rinaldi; Roberts; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Tinderholt; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Arévalo; Blanco; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Farrar; Giddings; González; Hernandez; Hinojosa; Johnson, J.; Martinez; Moody; Muñoz; Nevárez; Ortega; Perez; Phillips; Reynolds; Rodriguez, E.; Rose; Thompson, S.; Turner; Uresti; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Biedermann; Herrero; Metcalf; Rodriguez, J.

STATEMENTS OF VOTE

When Record No. 1588 was taken, I was shown voting no. I intended to vote yes.

Arévalo

When Record No. 1588 was taken, I was excused because of important business in the district. I would have voted yes.

Biedermann

When Record No. 1588 was taken, I was shown voting no. I intended to vote yes.

Cortez

When Record No. 1588 was taken, I was shown voting no. I intended to vote yes.

Deshotel

When Record No. 1588 was taken, I was shown voting no. I intended to vote yes.

Giddings

When Record No. 1588 was taken, I was shown voting no. I intended to vote yes.

Ortega

GENERAL STATE CALENDAR

(consideration continued)

SB 1009 ON SECOND READING

(Larson - House Sponsor)

SB 1009, A bill to be entitled An Act relating to administrative completeness requirements for permit and permit amendment applications for groundwater conservation districts.

Amendment No. 1

Representative Larson offered the following amendment to **SB 1009**:

Amend **SB 1009** (house committee printing) on page 2, by striking line 8 and substituting "district by law is authorized to consider."

(Kacal in the chair)

Amendment No. 1 was adopted.

SB 1009, as amended, was passed to third reading.

MESSAGE FROM THE SENATE

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

SB 674 ON SECOND READING
(S. Davis and Coleman - House Sponsors)

SB 674, A bill to be entitled An Act relating to an expedited licensing process for certain physicians specializing in psychiatry; authorizing a fee.

Amendment No. 1

Representative Burkett offered the following amendment to **SB 674**:

Amend **SB 674** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 155.056, Occupations Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), an [Am] applicant must pass each part of an examination within three attempts.

(a-1) The limit on the number of examination attempts under Subsection (a) does not apply to the Texas medical jurisprudence examination.

SECTION _____. Subchapter A, Chapter 156, Occupations Code, is amended by adding Section 156.010 to read as follows:

Sec. 156.010. REFUSAL FOR VIOLATION OF BOARD ORDER. The board may refuse to renew a registration permit issued under this chapter if the license holder is in violation of a board order.

SECTION _____. The heading to Section 205.251, Occupations Code, is amended to read as follows:

Sec. 205.251. ~~[ANNUAL]~~ RENEWAL REQUIRED.

SECTION _____. Section 205.251(a), Occupations Code, is amended to read as follows:

(a) The medical board by rule shall provide for the annual or biennial renewal of a license to practice acupuncture.

SECTION _____. Subchapter F, Chapter 205, Occupations Code, is amended by adding Section 205.256 to read as follows:

Sec. 205.256. REFUSAL FOR VIOLATION OF BOARD ORDER. The acupuncture board may refuse to renew a license issued under this chapter if the license holder is in violation of an acupuncture board order.

SECTION _____. Subchapter E, Chapter 206, Occupations Code, is amended by adding Section 206.215 to read as follows:

Sec. 206.215. REFUSAL FOR VIOLATION OF BOARD ORDER. The medical board may refuse to renew a license issued under this chapter if the license holder is in violation of a medical board order.

SECTION _____. Subchapter C, Chapter 601, Occupations Code, is amended by adding Section 601.113 to read as follows:

Sec. 601.113. REFUSAL FOR VIOLATION OF BOARD ORDER. The advisory board may refuse to renew a certificate issued under this chapter if the certificate holder is in violation of an advisory board order.

SECTION _____. Section 601.155, Occupations Code, is amended to read as follows:

Sec. 601.155. STUDENTS. A person is not required to hold a certificate issued under this chapter [~~or to comply with the registration requirements adopted under Section 601.252~~] if the person:

(1) is a student enrolled in a training program that meets the minimum standards adopted under Section 601.201; and

(2) is performing a radiologic procedure in an academic or clinical setting as part of the training program.

SECTION _____. Section 601.156, Occupations Code, is amended to read as follows:

Sec. 601.156. PROCEDURE PERFORMED AS PART OF CONTINUING EDUCATION PROGRAM. A person is not required to hold a certificate issued under this chapter [~~or to comply with the registration requirements adopted under Section 601.252~~] if the person is:

(1) licensed or otherwise registered as a medical radiologic technologist by another state, the American Registry of Radiologic Technologists, the American Registry of Clinical Radiography Technologists, or a professional organization or association recognized by the advisory board;

(2) enrolled in a continuing education program that meets the requirements adopted under Section 601.108; and

(3) performing a radiologic procedure as part of the continuing education program for not more than 10 days.

SECTION _____. Section 601.203(b), Occupations Code, is amended to read as follows:

(b) The following conditions are considered to be a hardship for the purposes of Subsection (a):

(1) that the applicant:

(A) reports an inability to attract and retain medical radiologic technologists; and

(B) is located in a county with a population of less than 50,000;

(2) that the applicant is located at a great distance from a school of medical radiologic technology;

(3) that there is a list of qualified persons who have applied to a school of medical radiologic technology whose admissions are pending because of a lack of faculty or space;

(4) that the school of medical radiologic technology produces an insufficient number of graduates in medical radiologic technology to meet the needs of the applicant; or

(5) any other criteria determined by advisory board rule.

SECTION _____. Sections 601.252(c) and (d), Occupations Code, are amended to read as follows:

(c) Rules adopted under this section by the State Board of Dental Examiners must:

(1) require an authorized person who performs radiologic procedures under the delegation of a dentist, other than a registered nurse, to register with the dental board [~~agency that licenses the practitioner under whom the person performs radiologic procedures~~];

(2) establish reasonable and necessary fees to cover the administrative costs incurred by the dental board [~~agency~~] in administering a registration program created under this subsection;

(3) establish grounds for the suspension, revocation, or nonrenewal of a registration issued under this subsection; and

(4) establish standards, in addition to those required by this chapter, for training and supervising the operators of the equipment.

(d) In adopting rules under Subsection (c), the State Board of Dental Examiners [~~an agency~~] may take into account whether the radiologic procedure will be performed by a registered nurse.

SECTION _____. Subchapter E, Chapter 602, Occupations Code, is amended by adding Section 602.214 to read as follows:

Sec. 602.214. REFUSAL FOR VIOLATION OF BOARD ORDER. The medical board may refuse to renew a license issued under this chapter if the license holder is in violation of a medical board order.

SECTION _____. Section 603.252(a), Occupations Code, is amended to read as follows:

(a) An applicant for a perfusionist license must submit an [~~a sworn~~] application accompanied by the application fee.

SECTION _____. Subchapter G, Chapter 603, Occupations Code, is amended by adding Section 603.306 to read as follows:

Sec. 603.306. REFUSAL FOR VIOLATION OF BOARD ORDER. The medical board may refuse to renew a license issued under this chapter if the license holder is in violation of a medical board order.

SECTION _____. Subchapter D, Chapter 604, Occupations Code, is amended by adding Section 604.158 to read as follows:

Sec. 604.158. REFUSAL FOR VIOLATION OF BOARD ORDER. The advisory board may refuse to renew a certificate or temporary permit issued under this chapter if the certificate or permit holder is in violation of an advisory board order.

Amendment No. 1 was adopted.

SB 674, as amended, was passed to third reading.

POSTPONED BUSINESS

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

CSSB 1066 ON SECOND READING

(Lozano - House Sponsor)

CSSB 1066, A bill to be entitled An Act relating to meeting the graduate medical education needs of new medical degree programs offered by public institutions of higher education and to the employment status of certain residents participating in certain graduate medical education programs.

CSSB 1066 was read second time earlier today and was postponed until this time.

CSSB 1066 was passed to third reading.

GENERAL STATE CALENDAR
(consideration continued)
SB 1912 ON SECOND READING
(Hinojosa - House Sponsor)

SB 1912, A bill to be entitled An Act relating to certain notice requirements and filing requirements in court proceedings involving persons with mental illness and representation of proposed patients in proceedings for court-ordered mental health services.

SB 1912 was passed to third reading by (Record 1589): 127 Yeas, 13 Nays, 3 Present, not voting.

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

Nays — Burrows; Cain; Fallon; Krause; Lang; Leach; Rinaldi; Sanford; Shaheen; Stickland; Swanson; Tinderholt; Zedler.

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

Absent, Excused — Biedermann; Herrero; Metcalf; Rodriguez, J.

Absent — Morrison; Pickett; Schaefer.

STATEMENTS OF VOTE

When Record No. 1589 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

When Record No. 1589 was taken, I was in the house but away from my desk. I would have voted yes.

Schaefer

SB 1679 ON SECOND READING
(Gutierrez - House Sponsor)

SB 1679, A bill to be entitled An Act relating to the use of the fund for veterans' assistance to provide grants to support veterans county service offices.

SB 1679 was passed to third reading.

SB 854 ON SECOND READING
(Flynn - House Sponsor)

SB 854, A bill to be entitled An Act relating to the purchase of food and beverages by the Texas Division of Emergency Management for certain persons.

SB 854 was passed to third reading.

SB 869 ON SECOND READING
(Farrar and Smithee - House Sponsors)

SB 869, A bill to be entitled An Act relating to authorizing a beneficiary designation that transfers a motor vehicle at the owner's death.

SB 869 was passed to third reading.

SB 744 ON SECOND READING
(Phelan and Fallon - House Sponsors)

SB 744, A bill to be entitled An Act relating to a tree planting credit to offset tree mitigation fees imposed by a municipality.

Amendment No. 1

Representative Darby offered the following amendment to **SB 744**:

Amend **SB 744** (house committee printing) on page 2, between lines 22 and 23, by adding the following appropriately lettered subsection:

() In this section, "tree mitigation fee" includes a parkland dedication or the payment of a fee in lieu of a dedication.

Amendment No. 1 was adopted.

SB 744, as amended, was passed to third reading.

SB 315 ON SECOND READING
(Burkett, S. Thompson, Flynn, and Raymond - House Sponsors)

SB 315, A bill to be entitled An Act relating to the enforcement of subpoenas and the regulation of pain management clinics by the Texas Medical Board.

SB 1480 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Huberty, Representatives Shine, Frank, and Gervin-Hawkins were authorized as house sponsors to **SB 1480**.

SB 1481 - HOUSE SPONSOR AUTHORIZED

On motion of Representative Huberty, Representative Howard was authorized as a house sponsor to **SB 1481**.

SB 315 - (consideration continued)

SB 315 was passed to third reading by (Record 1590): 127 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; 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.; Romero; Rose; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Workman; Wray; Wu; Zerwas.

Nays — Cain; Fallon; Hefner; Krause; Lang; Rinaldi; Sanford; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; Wilson; Zedler.

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

Absent, Excused — Biedermann; Herrero; Metcalf; Rodriguez, J.

Absent — Canales; Walle; White.

STATEMENTS OF VOTE

When Record No. 1590 was taken, I was excused because of important business in the district. I would have voted no.

Biedermann

When Record No. 1590 was taken, I was shown voting yes. I intended to vote no.

Keough

CSSB 1660 ON SECOND READING**(K. King - House Sponsor)**

CSSB 1660, A bill to be entitled An Act relating to the minutes of operation required for public school districts, charter schools, and other education programs and to calculating the average daily attendance for certain education programs.

Amendment No. 1

Representatives Faircloth, Krause, Isaac, Shine, Keough, Dean, Israel, Tinderholt, Cortez, Biedermann, Gervin-Hawkins, Ortega, Raney, Martinez, Blanco, Paul, Gutierrez, and Stephenson offered the following amendment to **CSSB 1660**:

Amend **CSSB 1660** (house committee report) as follows:

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

SECTION _____. Section 12A.003(b), Education Code, is amended to read as follows:

(b) A local innovation plan must:

(1) provide for a comprehensive educational program for the district, which program may include:

(A) innovative curriculum, instructional methods, and provisions regarding community participation, campus governance, and parental involvement;

(B) except as provided by Section 12A.004(a), modifications to the school day or year;

(C) provisions regarding the district budget and sustainable program funding;

(D) accountability and assessment measures that exceed the requirements of state and federal law; and

(E) any other innovations prescribed by the board of trustees; and

(2) identify requirements imposed by this code that inhibit the goals of the plan and from which the district should be exempted on adoption of the plan, subject to Section 12A.004.

SECTION _____. Section 12A.004(a), Education Code, is amended to read as follows:

(a) A local innovation plan may not provide for the exemption of a district designated as a district of innovation from the following provisions of this title:

(1) a state or federal requirement applicable to an open-enrollment charter school operating under Subchapter D, Chapter 12;

(2) Subchapters A, C, D, and E, Chapter 11, except that a district may be exempt from Sections 11.1511(b)(5) and (14) and Section 11.162;

(3) state curriculum and graduation requirements adopted under Chapter 28; ~~and~~

(4) academic and financial accountability and sanctions under Chapter 39; and

(5) the first day of instruction requirement under Section 25.0811.

SECTION _____. Section 25.0811, Education Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (a), a school district may begin instruction for students for a school year on or after the third Wednesday in August if beginning instruction on the fourth Monday in August results in five or fewer instructional days in the month of August.

(2) On page 7, line 10, strike "This" and substitute "(a) Except as otherwise provided by this section, this".

(3) On page 7, between lines 11 and 12, insert the following:

(b) Sections 12A.003 and 12A.004, Education Code, as amended by this Act, apply only to a local innovation plan adopted or renewed on or after the effective date of this Act. A local innovation plan adopted or renewed before the effective date of this Act is governed by the law in effect on the date the plan was adopted or renewed, and the former law is continued in effect for that purpose.

(c) Section 25.0811, Education Code, as amended by this Act, applies beginning with the 2017-2018 school year.

Representative K. King moved to table Amendment No. 1.

The motion to table prevailed by (Record 1591): 96 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson, R.; Ashby; Bailes; Bell; Bernal; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Capriglione; Clardy; Coleman; Cook; Cospers; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Fallon; Farrar; Flynn; Frank; Frullo; Giddings; Goldman; Gonzales; Gooden; Guerra; Hefner; Hinojosa; Holland; Howard; Huberty; Isaac; Johnson, E.; Johnson, J.; Kacal(C); King, K.; Klick; Koop; Kuempel; Lambert; Lang; Larson; Leach; Longoria; Meyer; Miller; Moody; Murphy; Neave; Nevarez; Oliverson; Paddie; Parker; Perez; Phillips; Raney; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Romero; Rose; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Springer; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Alvarado; Anderson, C.; Arévalo; Blanco; Burkett; Cain; Canales; Collier; Cortez; Craddick; Dale; Elkins; Faircloth; Geren; Gervin-Hawkins; González; Guillen; Gutierrez; Hernandez; Hunter; Israel; Keough; King, P.; King, T.; Krause; Landgraf; Laubenberg; Lozano; Lucio; Martinez; Minjarez; Morrison; Muñoz; Murr; Oliveira; Paul; Phelan; Price; Raymond; Sanford; Smithee; Stephenson; Stickland; Swanson; Tinderholt; Walle; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Biedermann; Herrero; Metcalf; Rodriguez, J.

Absent — Ortega; Pickett.

STATEMENT OF VOTE

When Record No. 1591 was taken, I was excused because of important business in the district. I would have voted yes.

Biedermann

Amendment No. 2

Representative Isaac offered the following amendment to **CSSB 1660**:

Amend **CSSB 1660** (house committee printing) as follows:

(1) On page 5, line 10, between "Subsections" and "(i)", insert "(g-1)".

(2) On page 6, between lines 1 and 2, insert the following:

(g-1) The commissioner shall adopt rules to calculate the average daily attendance for students participating in:

(1) a blended learning program in which classroom instruction is supplemented with online learning or applied workforce learning opportunities, including participation of students in internships, externships, and apprenticeships; or

(2) a full-time online learning program operated by the school district only for the benefit of students who are eligible to enroll in the district under Section 25.001.

Amendment No. 2 - Point of Order

Representative Gooden raised a point of order against further consideration of Amendment No. 2.

The point of order was withdrawn.

Representative K. King moved to table Amendment No. 2.

The motion to table prevailed by (Record 1592): 91 Yeas, 43 Nays, 4 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Blanco; Burns; Button; Canales; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Flynn; Frullo; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; King, K.; King, T.; Koop; Kuempel; Lambert; Larson; Longoria; Lucio; Martinez; Minjarez; Moody; Murphy; Murr; Neave; Nevárez; Oliveira; Ortega; Paddie; Parker; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Schofield; Schubert; Sheffield; Shine; Springer; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Vo; Walle; Workman; Wray; Wu; Zerwas.

Nays — Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burrows; Cain; Capriglione; Dale; Elkins; Fallon; Frank; Geren; Goldman; Gonzales; Guillen; Isaac; Johnson, J.; Keough; King, P.; Klick; Krause; Landgraf; Lang; Laubenberg; Leach; Meyer; Miller; Muñoz; Oliverson; Paul; Rinaldi; Sanford; Schaefer; Shaheen; Smithee; Stephenson; Stickland; Swanson; Tinderholt; Villalba; White; Wilson; Zedler.

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

Absent, Excused — Biedermann; Herrero; Metcalf; Rodriguez, J.

Absent — Bernal; Faircloth; Farrar; Gutierrez; Morrison; Perez; Raney; Simmons.

STATEMENT OF VOTE

When Record No. 1592 was taken, I was in the house but away from my desk. I would have voted no.

Morrison

CSSB 1660 was passed to third reading.

**CSSB 537 ON SECOND READING
(Lozano - House Sponsor)**

CSSB 537, A bill to be entitled An Act relating to requiring the disclosure of special course fees at public institutions of higher education.

CSSB 537 was passed to third reading.

**SB 1709 ON SECOND READING
(Moody - House Sponsor)**

SB 1709, A bill to be entitled An Act relating to the requirement of a guardian to provide information regarding a ward's health and residence to certain relatives of the ward.

SB 1709 was passed to third reading.

SB 928 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Morrison, Representatives C. Anderson, Bernal, Blanco, G. Bonnen, Burkett, Clardy, Craddick, Dale, Faircloth, Farrar, Frank, Frullo, González, Guillen, Hinojosa, Howard, Isaac, Israel, E. Johnson, Kacal, T. King, Kuempel, Landgraf, Larson, Leach, Lozano, Meyer, Moody, Ortega, Paddie, Phillips, Price, Raney, Rinaldi, E. Rodriguez, Romero, Rose, Turner, Villalba, Workman, and Wu were authorized as house sponsors to **SB 928**.

SB 1091 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Lozano, Representatives Howard and Morrison were authorized as house sponsors to **SB 1091**.

**CSSB 277 ON SECOND READING
(Frank - House Sponsor)**

CSSB 277, A bill to be entitled An Act relating to the eligibility of certain property for certain ad valorem tax incentives relating to wind-powered energy devices.

CSSB 277 - POINT OF ORDER

Representative K. King raised a point of order against further consideration of **CSSB 277** under Rule 4, Section 32(c)(2) 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:

Specifically, Representative K. King complains that the bill analysis is in error because the term "wind-powered energy device" is improperly believed to mean only giant wind turbines or vast windfarms and does not denote smaller devices such as the mechanical windmill. Other representatives point to documents prepared by the Senate Research Center and the Legislative Budget Board which discuss "encroaching wind farms" and "enormous sized wind turbines."

The point of order is respectfully overruled. While the Senate Research Center and the LBB might (or might not) have been duped into believing the bill only dealt with vast wind farms and giant turbines, the bill analysis did not. The bill analysis consistently used the correct term "wind-powered energy device" throughout the bill analysis and the bill analysis in the side by side noted that the term was defined in Section 11.27 of the Tax Code. The bill analysis did not discuss any of the slippery slope arguments raised by Representative K. King and others. In short, the bill analysis was correct and not a violation of Rule 4, Section 32.

(Speaker in the chair)

Amendment No. 1

Representative Price offered the following amendment to **CSSB 277**:

Amend **CSSB 277** (house committee report) as follows:

(1) On page 2, strike lines 1 through 3 and substitute the following:
entered into on or after September 1, 2017, if, on or after that date, a wind-powered energy device is installed or

(2) On page 2, strike lines 21 through 23 and substitute the following:
September 1, 2017, if, on or after that date, a wind-powered energy device is

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

SECTION _____. Notwithstanding Sections 312.0021 and 313.024(b-1), Tax Code, as added by this Act, the change in law made by this Act does not apply to a tax abatement agreement under Chapter 312, Tax Code, or an application for a limitation on appraised value under Chapter 313, Tax Code, the approval of which is pending on the effective date of this Act.

Amendment No. 1 was adopted.

CSSB 277, as amended, was passed to third reading by (Record 1593): 76 Yeas, 65 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Arévalo; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Coleman; Collier; Cook; Cortez; Cosper; Cyrier; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Geren; Goldman; Gonzales; Gutierrez; Hefner; Holland; Hunter; Isaac; Israel; Johnson, J.; Keough; King, P.; Klick; Koop; Krause; Lambert; Landgraf; Lang; Laubenberg; Leach; Longoria; Lozano; Martinez; Meyer; Miller; Moody; Morrison; Murr; Nevárez; Oliverson; Ortega; Parker; Paul; Phillips; Pickett;

Price; Rinaldi; Sanford; Schaefer; Schubert; Shaheen; Shine; Simmons; Springer; Swanson; Thompson, E.; Thompson, S.; Tinderholt; VanDeaver; Villalba; Wilson; Zedler.

Nays — Allen; Alonzo; Alvarado; Anchia; Ashby; Bailes; Bell; Burrows; Cain; Clardy; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Frullo; Gervin-Hawkins; Gooden; Guerra; Guillen; Hernandez; Hinojosa; Howard; Huberty; Johnson, E.; Kacal; King, K.; King, T.; Kuempel; Larson; Lucio; Minjarez; Muñoz; Murphy; Neave; Oliveira; Paddie; Perez; Phelan; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Schofield; Sheffield; Smithee; Stephenson; Stucky; Thierry; Turner; Uresti; Vo; Walle; White; Workman; Wray; Wu; Zerwas.

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

Absent, Excused — Biedermann; Herrero; Metcalf; Rodriguez, J.

Absent — Bernal; Giddings; González.

STATEMENTS OF VOTE

When Record No. 1593 was taken, I was in the house but away from my desk. I would have voted yes.

Bernal

When Record No. 1593 was taken, I was excused because of important business in the district. I would have voted no.

Biedermann

When Record No. 1593 was taken, I was shown voting no. I intended to vote yes.

Cain

When Record No. 1593 was taken, I was shown voting no. I intended to vote yes.

Hernandez

When Record No. 1593 was taken, I was shown voting no. I intended to vote yes.

Lucio

When Record No. 1593 was taken, I was shown voting no. I intended to vote yes.

Raymond

When Record No. 1593 was taken, I was shown voting no. I intended to vote yes.

E. Rodriguez

When Record No. 1593 was taken, I was shown voting present, not voting. I intended to vote yes.

Stickland

When Record No. 1593 was taken, I was shown voting no. I intended to vote yes.

Uresti

When Record No. 1593 was taken, I was shown voting no. I intended to vote yes.

Vo

When Record No. 1593 was taken, I was shown voting no. I intended to vote yes.

Workman

(Kacal in the chair)

**CSSB 578 ON SECOND READING
(Gutierrez and Blanco - House Sponsors)**

CSSB 578, A bill to be entitled An Act relating to measures to facilitate the delivery of certain mental health services for veterans.

CSSB 578 was passed to third reading.

**SB 59 ON SECOND READING
(Kuempel - House Sponsor)**

SB 59, A bill to be entitled An Act relating to energy and water management planning and reporting requirements for state agencies and institutions of higher education.

SB 59 was passed to third reading.

POSTPONED BUSINESS

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

**CSSB 1656 ON SECOND READING
(E. Rodriguez and Bernal - House Sponsors)**

CSSB 1656, A bill to be entitled An Act relating to the eligibility of certain municipalities to establish homestead preservation districts and reinvestment zones.

CSSB 1656 was read second time on May 21, postponed until 10 a.m. today, postponed until 1:30 p.m. today, and was again postponed until this time.

(Herrero now present)

Amendment No. 1

Representatives Isaac and Larson offered the following amendment to **CSSB 1656**:

Amend **CSSB 1656** (house committee report) as follows:

(1) On page 1, line 6, strike "Subsection (a-1)" and substitute "Subsections (a-1) and (c)".

(2) On page 1, between lines 20 and 21, insert the following:

(c) Notwithstanding any other law, a municipality to which this chapter applies may not designate a district under this chapter if the municipality has adopted a requirement in any form, including through an ordinance or regulation or as a condition for granting a building permit, that establishes a maximum sales price for a privately produced housing unit or residential building lot. The restriction described by this subsection does not apply to property that is part of an urban land bank program.

Amendment No. 1 was adopted.

The vote of the house was taken on the passage to third reading of **CSSB 1656**, as amended, and the vote was announced yeas 70, nays 72.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 1594): 72 Yeas, 66 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bailes; Bernal; Blanco; Canales; Coleman; Collier; Cortez; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Frank; Gervin-Hawkins; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; King, K.; King, T.; Kuempel; Larson; Longoria; Lozano; Lucio; Martinez; Minjarez; Moody; Muñoz; Murphy; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Price; Reynolds; Rodriguez, E.; Romero; Rose; Sheffield; Stephenson; Stucky; Thierry; Thompson, S.; Turner; Uresti; Villalba; Vo; Walle; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Ashby; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cyrier; Dean; Elkins; Faircloth; Fallon; Flynn; Geren; Goldman; Gooden; Hefner; Holland; Keough; Klick; Koop; Krause; Lambert; Landgraf; Lang; Laubenberg; Leach; Meyer; Miller; Morrison; Murr; Oliverson; Parker; Paul; Phelan; Phillips; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Simmons; Smithee; Springer; Stickland; Swanson; Thompson, E.; Tinderholt; VanDeaver; White; Wilson; Wray; Zedler.

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

Absent, Excused — Biedermann; Metcalf; Rodriguez, J.

Absent — Cospere; Farrar; Frullo; King, P.; Paddie; Raymond; Workman.

The chair stated that **CSSB 1656**, as amended, was passed to third reading by the above vote.

STATEMENTS OF VOTE

When Record No. 1594 was taken, I was excused because of important business in the district. I would have voted no.

Biedermann

When Record No. 1594 was taken, I was in the house but away from my desk. I would have voted no.

Cosper

LEAVES OF ABSENCE GRANTED

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

Frullo on motion of Kuempel.

Paddie on motion of Kuempel.

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

Raymond on motion of Muñoz.

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

Cosper on motion of Holland.

SB 762 ON SECOND READING (Moody - House Sponsor)

SB 762, A bill to be entitled An Act relating to the prosecution of offenses involving cruelty to animals; increasing a criminal penalty.

SB 762 was read second time earlier today and was postponed until this time.

Representative Moody moved to postpone consideration of **SB 762** until 6 a.m. tomorrow.

The motion prevailed by (Record 1595): 89 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bonnen, D.; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Farrar; Flynn; Frank; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; King, K.; King, T.; Kuempel; Lambert; Larson; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; Oliverson; Ortega; Perez; Phelan; Pickett; Price; Raney; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Sanford; Schubert; Sheffield; Shine; Smithee; Stephenson; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Wray; Wu.

Nays — Anderson, R.; Bell; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Cain; Craddick; Cyrier; Dale; Faircloth; Fallon; Goldman; Hefner; Isaac; Keough; Klick; Koop; Krause; Landgraf; Lang; Leach; Lozano; Meyer; Miller;

Morrison; Murphy; Murr; Parker; Paul; Phillips; Rinaldi; Schaefer; Shaheen; Simmons; Springer; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; White; Wilson; Zedler; Zerwas.

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

Absent, Excused — Biedermann; Cosper; Frullo; Metcalf; Paddie; Raymond; Rodriguez, J.

Absent — Holland; King, P.; Laubenberg; Oliveira; Schofield; Workman.

STATEMENTS OF VOTE

When Record No. 1595 was taken, I was in the house but away from my desk. I would have voted no.

Holland

When Record No. 1595 was taken, I was shown voting no. I intended to vote yes.

Koop

When Record No. 1595 was taken, I was shown voting no. I intended to vote yes.

Krause

When Record No. 1595 was taken, I was shown voting no. I intended to vote yes.

Wilson

LEAVE OF ABSENCE GRANTED

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

P. King on motion of Morrison.

SB 830 - VOTE RECONSIDERED

Representative Parker moved to reconsider the vote by which **SB 830** failed to pass to third reading by Record No. 1568 earlier today.

The motion to reconsider prevailed by (Record 1596): 101 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Burkett; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Farrar; Flynn; Frank; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; King, K.; King, T.; Koop; Lambert; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Meyer; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Ortega; Parker; Perez; Phelan; Pickett; Price; Raney; Reynolds; Roberts; Rodriguez, E.; Romero;

Rose; Sanford; Schubert; Sheffield; Shine; Smithee; Stephenson; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Wray; Wu; Zerwas.

Nays — Bohac; Bonnen, D.; Bonnen, G.; Burns; Cain; Cyrier; Dale; Fallon; Goldman; Hefner; Holland; Isaac; Keough; Krause; Landgraf; Lang; Leach; Miller; Murr; Oliverson; Paul; Phillips; Rinaldi; Schofield; Shaheen; Simmons; Springer; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Wilson; Zedler.

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

Absent, Excused — Biedermann; Cospers; Frullo; King, P.; Metcalf; Paddie; Raymond; Rodriguez, J.

Absent — Klick; Kuempel; Schaefer; White; Workman.

SB 830 ON SECOND READING
(Walle - House Sponsor)

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

SB 830, A bill to be entitled An Act relating to the provision of accounting statements by mortgage servicers for certain loans secured by a lien on residential real property.

SB 830 was read second time earlier today and failed to pass to third reading by Record No. 1568.

Amendment No. 1

Representative R. Anderson offered the following amendment to **SB 830**:

Amend **SB 830** (house committee report) on page 3, by striking lines 7 through 11 and substituting the following:

(1) the borrower is not liable for any fees, penalties, or late charges, or any other amounts except for any principal and interest that may be due for the preceding calendar year; and

Amendment No. 1 was adopted.

SB 830, as amended, was passed to third reading. (Rinaldi recorded voting no.)

SB 1913 - VOTE RECONSIDERED

Representative Smithee moved to reconsider the vote by which **SB 1913**, as amended, failed to pass to third reading by Record No. 1573 earlier today.

The motion to reconsider prevailed.

SB 1913 ON SECOND READING
(S. Thompson - House Sponsor)

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

SB 1913, A bill to be entitled An Act relating to the administrative, civil, and criminal consequences, including fines, fees, and costs, imposed on persons arrested for, charged with, or convicted of certain criminal offenses.

SB 1913 was read second time earlier today and failed to pass to third reading, as amended, by Record No. 1573.

Amendment No. 1 - Vote Reconsidered

Representative S. Thompson moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

SB 1913, as amended, was passed to third reading by (Record 1597): 100 Yeas, 31 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Bailes; Bernal; Blanco; Bohac; Burkett; Button; Canales; Capriglione; Coleman; Collier; Cook; Cortez; Cyrier; Dale; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Farrar; Flynn; Frank; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Keough; King, K.; King, T.; Koop; Lambert; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Perez; Pickett; Raney; Reynolds; Rodriguez, E.; Romero; Rose; Sanford; Schofield; Schubert; Sheffield; Shine; Smithee; Stephenson; Stickland; Thierry; Thompson, S.; Turner; Uresti; Villalba; Vo; Walle; White; Wilson; Wray; Wu; Zerwas.

Nays — Ashby; Bell; Bonnen, D.; Burrows; Cain; Clardy; Darby; Fallon; Hefner; Holland; Klick; Krause; Kuempel; Landgraf; Lang; Leach; Paul; Phelan; Phillips; Rinaldi; Roberts; Schaefer; Shaheen; Simmons; Springer; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Zedler.

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

Absent, Excused — Biedermann; Cosper; Frullo; King, P.; Metcalf; Paddie; Raymond; Rodriguez, J.

Absent — Bonnen, G.; Burns; Craddick; Dukes; Morrison; Murr; Parker; Price; Workman.

STATEMENTS OF VOTE

When Record No. 1597 was taken, I was shown voting yes. I intended to vote no.

R. Anderson

When Record No. 1597 was taken, I was excused because of important business in the district. I would have voted no.

Biedermann

When Record No. 1597 was taken, my vote failed to register. I would have voted yes.

G. Bonnen

When Record No. 1597 was taken, I was in the house but away from my desk. I would have voted yes.

Burns

When Record No. 1597 was taken, I was in the house but away from my desk. I would have voted no.

Craddick

When Record No. 1597 was taken, I was shown voting yes. I intended to vote no.

Meyer

When Record No. 1597 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

When Record No. 1597 was taken, I was in the house but away from my desk. I would have voted no.

Murr

When Record No. 1597 was taken, I was in the house but away from my desk. I would have voted no.

Parker

When Record No. 1597 was taken, my vote failed to register. I would have voted no.

Price

When Record No. 1597 was taken, I was shown voting no. I intended to vote yes.

Roberts

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).

HB 1779 - WITH SENATE AMENDMENTS

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

HB 1779, A bill to be entitled An Act relating to the authority of the Department of Public Safety to obtain and use criminal history record information for the purpose of performing certain departmental functions.

HB 1779 - POINT OF ORDER

Representative Blanco raised a point of order against further consideration of **HB 1779** under Article III, Section 30 and Article III, Section 35 of the Texas Constitution on the grounds that the senate amendments are not germane to the bill.

(Raymond now present)

**MESSAGE FROM THE GOVERNOR
OF THE STATE OF TEXAS**

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

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

The Texas Constitution grants the governor power to approve or disapprove legislation passed by both houses of the legislature in Article IV, Sections 14 and 15. Nothing in those sections or the remainder of the Texas Constitution anticipates or describes the process of returning a bill to the legislature for the purpose of clerical correction and amendment once it has been delivered to the governor for review. There is, however, judicial precedent suggesting the validity of this practice, and previous governors have granted requests of this nature. *Teem v. State*, 183 S.W. 1144 (Tex. Crim. App. 1916).

SB 622 by Burton was passed by the legislature and properly transmitted to my executive clerk on Thursday, May 11, 2017. The legislature has now passed and properly transmitted to my executive clerk **HCR 143** by Lozano requesting that I return **SB 622** to the legislature for corrections due to a clerical error in the engrossing and enrolling of the bill.

I have taken no formal action on **SB 622**. By way of this message, I neither approve nor disapprove **SB 622**. While I am under no obligation to comply with the legislature's request, I hereby grant the request and return the enrolled copy of **SB 622** with this message, as a courtesy to the legislature, for correction and further consideration.

Respectfully submitted,

Greg Abbott
Governor

Austin, Texas
May 22, 2017

HB 1779 - (consideration continued)**HB 1779 - POINT OF ORDER DISPOSITION**

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

Representative Blanco raises a point of order under Article III, Section 30 and Article III, Section 35 of the Texas Constitution. The point of order is sustained, and **HB 1779** is returned to the senate for further consideration for the following reason.

As **HB 1779** left the house, the sole subject of the bill was the authority of the Department of Public Safety to use and obtain criminal history information for the purpose of performing certain departmental functions. DPS was authorized to obtain and use criminal history on five classes of persons holding state licenses. One of the license holders who DPS is able to obtain and use criminal history information are a holder of a private security license under Chapter 1702 of the Occupations Code.

The senate adds two pages of text that are not germane to the original house bill and that also added an impermissible second subject. Specifically, the senate amendments sought to directly regulate person regulated by Chapter 1702 of the Occupations Code, including changing the qualifications of owning or possessing a firearm by a private security license holder, the applications date for security officer applicants, and the expiration date of a security officer commission. All of these added nongermane and foreign separate subjects to the original house bill in violation the Texas Constitution.

HB 1779 was returned to the senate.

**HB 3078 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative S. Thompson called up with senate amendments for consideration at this time,

HB 3078, A bill to be entitled An Act relating to transfer of the regulation of podiatry to the Texas Department of Licensing and Regulation; authorizing a reduction in fees.

Representative S. Thompson moved to concur in the senate amendments to **HB 3078**.

The motion to concur in the senate amendments to **HB 3078** prevailed by (Record 1598): 139 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; 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.; Keough; King, K.; King,

T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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; Wilson; Wray; Wu; Zedler; Zerwas.

Nays — Tinderholt.

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

Absent, Excused — Biedermann; Cosper; Frullo; King, P.; Metcalf; Paddie; Rodriguez, J.

Absent — Workman.

Senate Committee Substitute

CSHB 3078, A bill to be entitled An Act relating to sunset review of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation and the transfer of the regulation of podiatry to the Texas Department of Licensing and Regulation; authorizing a reduction in fees.

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

SECTION 1. Section 51.002, Occupations Code, is amended to read as follows:

Sec. 51.002. APPLICATION OF SUNSET ACT. The Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission and the department are abolished September 1, 2021 [~~2019~~].

SECTION 2. Subchapter D, Chapter 51, Occupations Code, is amended by adding Section 51.2032 to read as follows:

Sec. 51.2032. RULES REGARDING PODIATRY; PROVISION OF INFORMATION. (a) In this section, "advisory board" means the Podiatric Medical Examiners Advisory Board.

(b) The commission may not adopt a new rule relating to the scope of practice of, a health-related standard of care for, or the ethical practice of the profession of podiatry unless the rule has been proposed by the advisory board. The commission shall adopt rules prescribing the procedure by which the advisory board may propose rules described by this subsection.

(c) For each rule proposed under Subsection (b), the commission shall either adopt the rule as proposed or return the rule to the advisory board for revision. The commission retains authority for final adoption of all rules and is responsible for ensuring compliance with all laws regarding the rulemaking process.

(d) The commission shall adopt rules clearly specifying the manner in which the department and commission will solicit input from, and on request provide information to, the advisory board regarding:

(1) continuing education requirements; and

(2) the general investigative, enforcement, or disciplinary procedures of the department or commission.

SECTION 3. Section 202.001(a), Occupations Code, is amended by amending Subdivisions (1) and (2) and adding Subdivisions (1-a) and (1-b) to read as follows:

(1) "Advisory board" ["Board"] means the Podiatric Medical Examiners Advisory Board [Texas State Board of Podiatric Medical Examiners].

(1-a) "Commission" means the Texas Commission of Licensing and Regulation.

(1-b) "Department" means the Texas Department of Licensing and Regulation.

(2) "Executive director" means the executive director of the Texas Department of Licensing and Regulation [employee of the board who manages the board's day-to-day operations].

SECTION 4. The heading to Subchapter B, Chapter 202, Occupations Code, is amended to read as follows:

SUBCHAPTER B. [TEXAS STATE BOARD OF] PODIATRIC MEDICAL EXAMINERS ADVISORY BOARD

SECTION 5. Section 202.051(a), Occupations Code, is amended to read as follows:

(a) The [Texas State Board of] Podiatric Medical Examiners Advisory Board consists of nine members appointed by the governor as follows:

(1) six members who are licensed in this state to practice podiatry and [are reputable practicing podiatrists who have resided in this state and] have been actively engaged in the practice of podiatry for the five years preceding appointment; and

(2) three members who represent the public.

SECTION 6. Section 202.053, Occupations Code, is amended to read as follows:

Sec. 202.053. PUBLIC MEMBER ELIGIBILITY. A person is not eligible for appointment as a public member of the advisory board if the person or the person's spouse:

(1) is registered, certified, or licensed by an occupational regulatory agency in the field of health care;

(2) is employed by or participates in the management of a business entity or other organization regulated by the department [board] or receiving funds from the department [board];

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the department [board] or receiving funds from the department [board]; or

(4) uses or receives a substantial amount of tangible goods, services, or funds from the department [~~board~~], other than [~~compensation or~~] reimbursement authorized by law for advisory board membership, attendance, or expenses.

SECTION 7. Sections 202.054(b) and (c), Occupations Code, are amended to read as follows:

(b) A person may not be a member of the advisory board [~~and may not be a board employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.)~~] if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of health care; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of health care.

(c) A person may not be a member of the advisory board [~~or act as the general counsel to the board~~] if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the advisory board.

SECTION 8. Section 202.055, Occupations Code, is amended to read as follows:

Sec. 202.055. TERMS; VACANCIES. (a) Members of the advisory board serve staggered six-year terms, with the term of three members expiring on February 1 of each odd-numbered year. At the expiration of the term of each member, the governor shall appoint a successor.

(b) If a vacancy occurs during a term, the governor shall appoint a replacement who meets the qualifications of the vacated position to serve for the remainder of the term.

SECTION 9. Section 202.056, Occupations Code, is amended to read as follows:

Sec. 202.056. GROUND FOR REMOVAL. (a) It is a ground for removal from the advisory board that a member:

(1) does not have at the time of taking office the qualifications required by Section 202.051 or 202.053;

(2) does not maintain during service on the advisory board the qualifications required by Section 202.051 or 202.053;

(3) is ineligible for membership under Section 202.054;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(5) is absent from more than half of the regularly scheduled advisory board meetings that the member is eligible to attend during a calendar year unless the absence is excused by a majority vote of the advisory board.

(b) The validity of an action of the advisory board is not affected by the fact that the action is taken when a ground for removal of an advisory [~~a~~] board member exists.

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the ~~[president of the board of the potential ground. The president shall then notify the]~~ governor and the attorney general that a potential ground for removal exists. ~~[If the potential ground for removal involves the president, the executive director shall notify the next highest ranking officer of the board, who shall then notify the governor and the attorney general that a potential ground for removal exists.]~~

SECTION 10. Section 202.057, Occupations Code, is amended to read as follows:

Sec. 202.057. COMPENSATION [PER-DIEM]; REIMBURSEMENT OF EXPENSES. An advisory board member may not receive compensation but is entitled to [(a) Each board member is entitled to a per diem as set by legislative appropriation for each day the member engages in the business of the board.

~~[(b) A member may receive]~~ reimbursement for actual and necessary expenses incurred in performing the functions of the advisory board, subject to [travel expenses, including expenses for meals, lodging, and transportation, as prescribed by] the General Appropriations Act.

~~[(c) The secretary of the board is entitled to reimbursement for the secretary's necessary expenses incurred in the performance of services for the board.]~~

SECTION 11. Section 202.058, Occupations Code, is amended to read as follows:

Sec. 202.058. PRESIDING OFFICER [OFFICERS]. ~~[(a)]~~ The governor shall appoint one [designate a member] of the advisory board members to serve as presiding officer [the president] of the advisory board at the pleasure of the governor. The presiding officer may vote on any matter before the advisory board [to serve in that capacity at the pleasure of the governor].

~~[(b) At the first regular scheduled meeting of each biennium, the board shall elect from its members a vice president and secretary.]~~

SECTION 12. Section 202.059(a), Occupations Code, is amended to read as follows:

(a) The advisory board shall meet at the call of the presiding officer of the commission or the executive director [hold regular meetings at least twice a year and special meetings as necessary. The board shall hold the meetings at times and places the board considers most convenient for applicants for license examinations].

SECTION 13. Section 202.061, Occupations Code, is amended to read as follows:

Sec. 202.061. TRAINING. (a) A person who is appointed to and qualifies for office as a member of the advisory board may not vote, deliberate, or be counted as a member in attendance at a meeting of the advisory board until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

- (1) this chapter;

(2) ~~and~~ the department's programs, functions, and rules with respect to this chapter~~[- and budget of the board];~~

(3) ~~(2)~~ the results of the most recent formal audit of the department with respect to this chapter ~~[board];~~

(4) the scope and limitations on the rulemaking authority of the advisory board;

(5) ~~(3)~~ the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and

(B) other laws applicable to members of the advisory board in performing the members' duties; and

(6) ~~(4)~~ any applicable ethics policies adopted by the commission ~~[board]~~ or the Texas Ethics Commission.

(c) The executive director shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each advisory board member. On receipt of the training manual, each advisory board member shall sign and submit to the executive director a statement acknowledging receipt of the training manual. ~~[A person appointed to the board may be entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.]~~

SECTION 14. Subchapter B, Chapter 202, Occupations Code, is amended by adding Section 202.062 to read as follows:

Sec. 202.062. DUTIES OF ADVISORY BOARD. The advisory board shall provide advice and recommendations to the department on technical matters relevant to the administration of this chapter.

SECTION 15. The heading to Subchapter D, Chapter 202, Occupations Code, is amended to read as follows:

SUBCHAPTER D. ~~[BOARD]~~ POWERS AND DUTIES

SECTION 16. Subchapter D, Chapter 202, Occupations Code, is amended by adding Section 202.1515 to read as follows:

Sec. 202.1515. GENERAL POWERS AND DUTIES. (a) The executive director shall administer and enforce this chapter.

(b) The commission shall adopt rules necessary to administer and enforce this chapter.

SECTION 17. Section 202.153, Occupations Code, is amended to read as follows:

Sec. 202.153. FEES. ~~(a)~~ The commission ~~[board]~~ by rule shall establish fees in amounts reasonable and necessary to cover the cost of administering this chapter. ~~[The board may not set a fee that existed on September 1, 1993, in an amount less than the amount of that fee on that date.]~~

~~(b) The board may not maintain unnecessary fund balances, and fee amounts shall be established in accordance with this requirement.]~~

SECTION 18. Section 202.160, Occupations Code, is amended to read as follows:

Sec. 202.160. INFORMATION PROVIDED TO LICENSE HOLDERS. At least once each biennium, the department [board] shall provide to license holders information on:

(1) prescribing and dispensing pain medications, with particular emphasis on Schedule II and Schedule III controlled substances;

(2) abusive and addictive behavior of certain persons who use prescription pain medications;

(3) common diversion strategies employed by certain persons who use prescription pain medications, including fraudulent prescription patterns; and

(4) the appropriate use of pain medications and the differences between addiction, pseudo-addiction, tolerance, and physical dependence.

SECTION 19. Section 202.161, Occupations Code, is amended to read as follows:

Sec. 202.161. POISON CONTROL CENTER INFORMATION. The department [board] shall provide to license holders information regarding the services provided by poison control centers.

SECTION 20. The heading to Subchapter E, Chapter 202, Occupations Code, is amended to read as follows:

SUBCHAPTER E. ~~[PUBLIC INTEREST INFORMATION AND]~~ COMPLAINT PROCEDURES

SECTION 21. Subchapter E, Chapter 202, Occupations Code, is amended by adding Section 202.2025 to read as follows:

Sec. 202.2025. COMPLAINT PRIORITY. The executive director shall develop, implement, and enforce a written policy for determining the complaints filed under this chapter that will be given priority for investigation and resolution by the department.

SECTION 22. Subchapter E, Chapter 202, Occupations Code, is amended by adding Sections 202.2031 and 202.2032 to read as follows:

Sec. 202.2031. NOTIFICATION TO PARTIES REGARDING COMPLAINT. (a) The department shall notify a license holder who is the subject of a complaint filed with the department that a complaint has been filed and shall notify the license holder of the nature of the complaint.

(b) The department is not required to provide notice under this section if the notice would jeopardize an investigation.

Sec. 202.2032. REQUIREMENTS FOR CERTAIN COMPLAINTS. (a) In this section:

(1) "Anonymous complaint" means a complaint that lacks sufficient information to identify the source or the name of the person who filed the complaint.

(2) "Insurance agent" means a person licensed under Chapter 4054, Insurance Code.

(3) "Insurer" means an insurance company or other entity authorized to engage in the business of insurance under Subtitle C, Title 6, Insurance Code.

(4) "Third-party administrator" means a person required to have a certificate of authority under Chapter 4151, Insurance Code.

(b) The department may not accept anonymous complaints.

(c) Notwithstanding any confidentiality requirements under Chapter 552, Government Code, or this chapter, a complaint filed with the department by an insurance agent, insurer, pharmaceutical company, or third-party administrator against a license holder must include the name and address of the insurance agent, insurer, pharmaceutical company, or third-party administrator filing the complaint.

(d) Not later than the 15th day after the date the complaint is filed with the department, the department shall notify the license holder who is the subject of the complaint of the name and address of the insurance agent, insurer, pharmaceutical company, or third-party administrator who filed the complaint, unless the notice would jeopardize an investigation.

SECTION 23. Sections 202.252(a), (b), (e), and (f), Occupations Code, are amended to read as follows:

(a) An application for a license under this chapter must be submitted in the manner and on a form prescribed by the executive director ~~[A person who desires to practice podiatry in this state shall apply in writing to the board for a license on a form prescribed by the board].~~

(b) The commission by rule shall establish the information and documentation required to be submitted as part of an application for a license under this chapter ~~[applicant shall submit any information reasonably required by the board]~~, including evidence satisfactory to the commission or department ~~[board]~~ that the applicant:

- (1) is at least 21 years of age;
- (2) ~~[is of good moral character;~~

~~[(3)]~~ has completed at least 90 semester hours of college courses acceptable at the time of completion for credit toward a bachelor's degree at an institution of higher education determined by the department to have acceptable standards ~~[The University of Texas];~~

(3) [(4)] is a graduate of a reputable school of podiatry or chiropody;
and

(4) [(5)] has successfully completed any other course of training reasonably required by commission ~~[board]~~ rule relating to the safe care and treatment of patients.

(e) All educational attainments or credits for evaluation under this chapter must be completed within the United States. The department ~~[board]~~ may not accept educational credits attained in a foreign country that are not approved by the department ~~[acceptable to The University of Texas for credit toward a bachelor's degree]~~.

(f) For purposes of this section, a podiatry or chiropody school is reputable if:

(1) the course of instruction consists of four terms of approximately eight months each, or the substantial equivalent; and

- (2) the school is approved by the department ~~[board]~~.

SECTION 24. Subchapter F, Chapter 202, Occupations Code, is amended by adding Section 202.2525 to read as follows:

Sec. 202.2525. CRIMINAL HISTORY RECORD INFORMATION FOR LICENSE ISSUANCE. (a) The department shall require that an applicant for a license submit a complete and legible set of fingerprints, on a form prescribed by the executive director, to the department or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) The department may not issue a license to a person who does not comply with the requirement of Subsection (a).

(c) The department shall conduct a criminal history record information check of each applicant for a license using information:

(1) provided by the individual under this section; and

(2) made available to the department by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.

(d) The department may:

(1) enter into an agreement with the Department of Public Safety to administer a criminal history record information check required under this section; and

(2) authorize the Department of Public Safety to collect from each applicant the costs incurred by the Department of Public Safety in conducting the criminal history record information check.

SECTION 25. Section 202.253, Occupations Code, is amended to read as follows:

Sec. 202.253. GROUNDS FOR DENIAL OF LICENSE. (a) The commission may refuse to issue a license or certificate to a person who violates this chapter, a rule adopted under this chapter, or an order of the commission or executive director.

(a-1) The commission or department [board] may refuse to admit a person to an examination, and may refuse to issue a license to practice podiatry to a person, for:

(1) presenting [~~to the board~~] a license, certificate, or diploma that was illegally or fraudulently obtained or engaging in fraud or deception in passing the examination;

(2) being convicted of:

(A) a felony;

(B) a crime that involves moral turpitude; or

(C) an offense under Section 202.606;

(3) engaging in habits of intemperance or drug addiction that in the department's [board's] opinion would endanger the health, well-being, or welfare of patients;

(4) engaging in grossly unprofessional or dishonorable conduct of a character that in the department's [board's] opinion is likely to deceive or defraud the public;

(5) directly or indirectly violating or attempting to violate this chapter or a rule adopted under this chapter as a principal, accessory, or accomplice;

(6) using any advertising statement of a character tending to mislead or deceive the public;

(7) advertising professional superiority or the performance of professional service in a superior manner;

(8) purchasing, selling, bartering, or using or offering to purchase, sell, barter, or use a podiatry degree, license, certificate, diploma, or a transcript of a license, certificate, or diploma, in or incident to an application [~~to the board~~] for a license to practice podiatry;

(9) altering, with fraudulent intent, a podiatry license, certificate, diploma, or a transcript of a podiatry license, certificate, or diploma;

(10) using a podiatry license, certificate, or diploma, or a transcript of a podiatry license, certificate, or diploma, that has been fraudulently purchased, issued, counterfeited, or materially altered;

(11) impersonating, or acting as proxy for, another person in a podiatry license examination;

(12) impersonating a license holder, or permitting another person to use the license holder's license to practice podiatry in this state, to treat or offer to treat, by any method, conditions and ailments of human feet;

(13) directly or indirectly employing a person whose license to practice podiatry has been suspended or associating in the practice of podiatry with a person whose license to practice podiatry has been suspended or who has been convicted of the unlawful practice of podiatry in this state or elsewhere;

(14) wilfully making in the application for a license to practice podiatry a material misrepresentation or material untrue statement;

(15) being unable to practice podiatry with reasonable skill and safety to a patient because of age, illness, drunkenness, or excessive use of drugs, narcotics, chemicals, or other substances or as a result of a mental or physical condition;

(16) failing to practice podiatry in an acceptable manner consistent with public health and welfare;

(17) being removed, suspended, or disciplined in another manner by the podiatrist's peers in a professional podiatry association or society, whether local, regional, state, or national in scope, or being disciplined by a licensed hospital or the medical staff of a hospital, including removal, suspension, limitation of hospital privileges, or other disciplinary action, if the commission or department [~~board~~] determines that the action was:

(A) based on unprofessional conduct or professional incompetence likely to harm the public; and

(B) appropriate and reasonably supported by evidence submitted to the association, society, hospital, or medical staff; or

(18) having repeated or recurring meritorious health care liability claims filed against the podiatrist that in the commission's or department's [~~board's~~] opinion are evidence of professional incompetence likely to injure the public.

(b) In enforcing Subsection (a-1)(15) [~~(a)(15)~~], the department [board], on probable cause, shall request the affected podiatrist to submit to a mental or physical examination by a physician designated by the department [board]. If the podiatrist refuses to submit to the examination, the commission or executive director [board] shall issue an order requiring the podiatrist to show cause why the podiatrist will not submit to the examination and shall schedule a hearing on the order not later than the 30th day after the date notice is served on the podiatrist. The podiatrist shall be notified by either personal service or certified mail with return receipt requested.

(c) At the hearing, the podiatrist and the podiatrist's attorney may present testimony and other evidence to show why the podiatrist should not be required to submit to the examination. After a complete hearing, the commission or executive director [board] shall issue an order either requiring the podiatrist to submit to the examination or withdrawing the request for examination.

SECTION 26. Sections 202.254(a), (b), and (c), Occupations Code, are amended to read as follows:

(a) Except as provided by Section 202.261, each applicant for a license to practice podiatry in this state must pass an examination approved by the department [board]. [~~Each applicant shall pay to the board an examination fee at least 15 days before the date of the scheduled examination.~~]

(b) The department shall recognize, prepare, administer, or arrange for the administration of an examination under this chapter [board may adopt and enforce rules of procedure for administering this section. A public board member may not participate in any part of the examination process for applicants for a license issued by the board that requires knowledge of the practice of podiatry].

(c) The license examination must consist of a written and practical component. The department [board] shall determine the passing score for the examination using accepted criterion-referenced methods. The department [board] shall have the examination validated by an independent testing professional.

SECTION 27. Section 202.257, Occupations Code, is amended to read as follows:

Sec. 202.257. ISSUANCE OF LICENSE. The department [board] shall issue a license to each applicant who possesses the qualifications required for a license and passes the examination.

SECTION 28. Section 202.259(a), Occupations Code, is amended to read as follows:

(a) The commission [board] by rule may adopt a procedure for the issuance of a temporary license to an applicant other than an applicant for a provisional license under Section 202.260.

SECTION 29. Sections 202.260(a), (b), (c), and (d), Occupations Code, are amended to read as follows:

(a) On application, the department [board] shall grant a provisional license to practice podiatry to an applicant who:

(1) is licensed in good standing as a podiatrist in another state that has licensing requirements that are substantially equivalent to the requirements of this chapter;

(2) has passed a national or other examination recognized by the department [board] relating to the practice of podiatry; and

(3) is sponsored by a person licensed under this chapter with whom the provisional license holder may practice under this section.

(b) The department [board] may excuse an applicant for a provisional license from the requirement of Subsection (a)(3) if the department [board] determines that compliance with that subdivision [subsection] constitutes a hardship to the applicant.

(c) A provisional license is valid until the date the department [board] approves or denies the provisional license holder's application for a license. Except as provided by Subsection (e), the department [board] shall issue a license under this chapter to the holder of a provisional license under this section if:

(1) the provisional license holder passes the examination required by Section 202.254;

(2) the department [board] verifies that the provisional license holder has the academic and experience requirements for a license under this chapter; and

(3) the provisional license holder satisfies any other license requirements under this chapter.

(d) The department [board] shall complete the processing of a provisional license holder's application for a license not later than the 180th day after the date the provisional license is issued. The department [board] may extend that deadline to allow for the receipt of pending examination results.

SECTION 30. Sections 202.261(a) and (b), Occupations Code, are amended to read as follows:

(a) The department [board] may issue a license to practice podiatry without administering the examination under Section 202.254 to a podiatrist who:

(1) at the time of applying for a license has accepted an appointment or is serving as a full-time member of the faculty of an educational institution in this state offering an approved or accredited course of study or training leading to a degree in podiatry;

(2) is licensed to practice podiatry in another state that has licensing requirements substantially equivalent to those established by this state; and

(3) otherwise satisfies the requirements of Section 202.252.

(b) For purposes of Subsection (a)(1), a course of study, training, or education is considered to be approved or accredited if it is approved or accredited by the department [board] as constituting a reputable course of study, training, or education. In deciding whether to approve or accredit a course of study, training, or education, the department [board] shall consider whether the course is approved or accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association or its successor organization.

SECTION 31. Section 202.262, Occupations Code, is amended to read as follows:

Sec. 202.262. DISPLAY OF LICENSE. (a) A person licensed under this chapter must conspicuously display both the license and an unexpired [an annual] renewal certificate [for the current year of practice] at the location where the person practices.

(b) The person shall exhibit the license and renewal certificate to a department [board] representative on the representative's official request for examination or inspection.

SECTION 32. Section 202.263, Occupations Code, is amended to read as follows:

Sec. 202.263. ISSUANCE OF DUPLICATE OR AMENDED LICENSE. (a) If a license issued by the department [board] is lost, destroyed, or stolen from the person to whom it was issued, the license holder shall report the fact to the department and [board in an affidavit. The affidavit must] include detailed information as to the loss, destruction, or theft, giving dates, place, and circumstances.

(b) A license holder may apply to the department [board] for an amended license because of a lawful change in the person's name or degree designation or for any other lawful and sufficient reason. The license holder must state the reasons that the issuance of an amended license is requested.

(c) The department [board] shall issue a duplicate or amended license on application by a license holder and payment of a fee set by the commission [board] for the duplicate or amended license. The department [board] may not issue a duplicate or amended license unless:

(1) the license holder submits sufficient evidence to prove the license has been lost, destroyed, or stolen or establishes the lawful reason that an amended license should be issued; and

(2) the department's [board's] records show a license had been issued and was in effect at the time of the loss, destruction, or theft or on the date of the request for an amended license.

(d) If an amended license is issued, the license holder shall return the original license to the department [board].

SECTION 33. Subchapter G, Chapter 202, Occupations Code, is amended by adding Section 202.3015 to read as follows:

Sec. 202.3015. TERM AND RENEWAL. (a) A license issued under this chapter is valid for one or two years as determined by commission rule.

(b) The commission by rule shall establish the requirements for renewing a license and issuing a renewal certificate under this chapter, including payment of applicable fees.

SECTION 34. Subchapter G, Chapter 202, Occupations Code, is amended by adding Section 202.3025 to read as follows:

Sec. 202.3025. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE RENEWAL. (a) An applicant renewing a license issued under this chapter shall submit a complete and legible set of fingerprints for purposes of performing a criminal history record information check of the applicant as provided by Section 202.2525.

(b) The department may administratively suspend or refuse to renew the license of a person who does not comply with the requirement of Subsection (a).

(c) A license holder is not required to submit fingerprints under this section for the renewal of the license if the license holder has previously submitted fingerprints under:

(1) Section 202.2525 for the initial issuance of the license; or

(2) this section as part of a prior license renewal.

SECTION 35. Section 202.303, Occupations Code, is amended to read as follows:

Sec. 202.303. PRACTICE WITHOUT RENEWING LICENSE. A person who practices podiatry with ~~without~~ an expired ~~annual~~ renewal certificate ~~for the current year~~ is considered to be practicing without a license and is subject to all the penalties of the practice of podiatry without a license.

SECTION 36. Sections 202.304(a) and (b), Occupations Code, are amended to read as follows:

(a) Except as provided by Subsection (c), this section applies to a podiatrist whose license has been suspended or revoked, or whose most recently issued ~~annual~~ renewal certificate has expired, while the podiatrist has been:

(1) engaged in federal service or on active duty with:

- (A) the United States Army;
- (B) the United States Navy;
- (C) the United States Marine Corps;
- (D) the United States Coast Guard; or
- (E) the United States Air Force;

(2) called into service or training of the United States; or

(3) in training or education under the supervision of the United States before induction into military service.

(b) A podiatrist subject to this section may renew the podiatrist's license without paying a renewal fee for the expired license or passing an examination if, not later than the first anniversary of the date of the termination of service, training, or education described by Subsection (a), other than by dishonorable discharge, the podiatrist furnishes to the department ~~board~~ an affidavit stating that the podiatrist has been so engaged and that the service, training, or education has terminated.

SECTION 37. Section 202.305, Occupations Code, is amended to read as follows:

Sec. 202.305. CONTINUING EDUCATION. (a) The commission by rule shall establish the minimum number of hours of continuing education required for license renewal.

(a-1) The department [board] shall develop a mandatory continuing education program in accordance with commission rules. In developing its program, the department [board] shall:

(1) [establish by rule the minimum hours of continuing education required for license renewal];

[(2)] identify the key factors that lead to the competent performance of professional duties;

(2) [(3)] develop a process to evaluate and approve continuing education courses; and

(3) [(4)] develop a process to assess the participation and performance of license holders in continuing education courses to enable the department [board] to evaluate the overall effectiveness of the program.

(b) The department [board] may assess the continuing education needs of a license holder and require the license holder to attend continuing education courses specified by the department [board].

SECTION 38. The heading to Section 202.352, Occupations Code, is amended to read as follows:

Sec. 202.352. ~~[BOARD]~~ APPROVAL OF NAMES UNDER WHICH PODIATRIST MAY PRACTICE.

SECTION 39. Sections 202.352(a) and (b), Occupations Code, are amended to read as follows:

(a) The commission [board] may adopt rules establishing standards or guidelines for the name, including a trade name or assumed name, under which a podiatrist may conduct a practice in this state. In its rules, the commission [board] may also establish procedures to review and make determinations approving or disapproving a specific name submitted to the department [board] by one or more podiatrists desiring to practice under a particular name.

(b) The authority granted to the commission and department [board] by this section includes any form of business organization under which a podiatrist conducts a practice, including:

- (1) a sole proprietorship;
- (2) an association;
- (3) a partnership;
- (4) a professional corporation;
- (5) a clinic;
- (6) a health maintenance organization; and
- (7) a group practice with a practitioner of another branch of the healing art.

SECTION 40. Sections 202.353(a), (c), (d), (e), (f), (g), (h), and (i), Occupations Code, are amended to read as follows:

(a) An insurer who delivers or issues for delivery in this state professional liability insurance coverage to a podiatrist who practices in this state shall furnish to the department [board] the information specified in Subsection (b) relating to:

(1) a notice of claim letter or a complaint filed against the insured in a court, if the notice of claim letter or the complaint seeks the recovery of damages based on the insured's conduct in providing or failing to provide medical or health care services; or

(2) a settlement of a claim or other legal action made by the insurer on behalf of the insured.

(c) If a podiatrist who practices in this state is not covered by professional liability insurance or is insured by an insurer who is not authorized to write professional liability insurance for podiatrists in this state, the affected podiatrist

shall submit information to the department [board] relating to any malpractice action brought against that podiatrist. The podiatrist shall submit the information as required by rules adopted by the commission [board] under Subsections (d)-(f).

(d) In consultation with the commissioner of insurance, the commission [board] shall adopt rules for reporting the information required under Subsections (a) and (b) and any additional information required by the department [board].

(e) The department [board] shall consider other claim reports required under state or federal law in determining:

- (1) any additional information to be reported;
- (2) the form of the report; and
- (3) reasonable reporting intervals.

(f) The department [board] may require additional information, including:

- (1) the date of a judgment, dismissal, or settlement of a malpractice action;
- (2) whether an appeal has been taken and the identity of the party appealing; and
- (3) the amount of any judgment or settlement.

(g) An insurer, an agent or employee of the insurer, a commission [board] member, or an employee or representative of the department [board] is not liable or subject to a cause of action for an action taken as required under this section.

(h) A report or information submitted to the department [board] under this section or the fact that a report or information has been submitted may not be offered in evidence or in any manner used in the trial of an action brought against a podiatrist based on the podiatrist's conduct in providing or failing to provide medical or health care services.

(i) The department [board] shall review the information relating to a podiatrist against whom three or more malpractice claims have been reported during any five-year period in the same manner as if a complaint against that podiatrist had been made to the department [board] under Subchapter E.

SECTION 41. Subchapter H, Chapter 202, Occupations Code, is amended by adding Section 202.354 to read as follows:

Sec. 202.354. DUTIES RELATED TO CERTAIN PRESCRIPTIONS. (a) A podiatrist may not prescribe a drug listed in Subsection (b) to a patient unless the podiatrist has reviewed the patient's prescription history by accessing the prescription information submitted to the Texas State Board of Pharmacy as authorized by Section 481.076(a)(5), Health and Safety Code.

(b) Subsection (a) applies only to the prescribing of:

- (1) opioids;
- (2) benzodiazepines;
- (3) barbiturates; or
- (4) carisoprodol.

(c) Failure by a podiatrist to comply with the requirements of this section is grounds for disciplinary action under Subchapters F and G, Chapter 51.

SECTION 42. Sections 202.404(d) and (e), Occupations Code, are amended to read as follows:

(d) The privilege and confidentiality requirements under this subchapter do not apply in a criminal investigation of or criminal proceeding against a podiatrist in which the department [board] is participating or assisting by providing certain records obtained from the podiatrist. This subsection does not authorize the release of any confidential information to instigate or substantiate criminal charges against a patient.

(e) The department [board] shall protect the identity of a patient whose podiatric records are examined or provided under Subsection (c) or (d), other than a patient who:

(1) is covered under Subsection (a)(1); or

(2) has submitted written consent to the release of the patient's podiatric records as provided by Section 202.406.

SECTION 43. Section 202.452(a), Occupations Code, is amended to read as follows:

(a) Written or oral communications made to a podiatric peer review committee and the records and proceedings of a peer review committee may be disclosed to:

(1) another podiatric peer review committee;

(2) an appropriate state or federal agency;

(3) a national accreditation body; or

(4) the department [board] or the state board of registration or licensing of podiatrists in another state.

SECTION 44. Section 202.453, Occupations Code, is amended to read as follows:

Sec. 202.453. INFORMATION PROVIDED TO AFFECTED PODIATRIST. A podiatric peer review committee that takes action that could result in censure or suspension, restriction, limitation, or revocation of a license by the commission or executive director [board] or a denial of a podiatrist's membership or privileges in a health care entity shall provide the affected podiatrist a written copy of the committee's recommendation and a copy of the final decision, including a statement of the basis for the decision.

SECTION 45. Section 202.455(f), Occupations Code, is amended to read as follows:

(f) The disclosure of documents or information under a subpoena issued by the department [board] does not constitute a waiver of the confidentiality privilege associated with a podiatric peer review committee proceeding.

SECTION 46. Section 202.456(b), Occupations Code, is amended to read as follows:

(b) A person, including a health care entity or podiatric peer review committee, that participates in podiatric peer review activity or furnishes records, information, or assistance to a podiatric peer review committee or to the department [board] is immune from civil liability arising from those acts if the person acted in good faith and without malice.

SECTION 47. The heading to Section 202.501, Occupations Code, is amended to read as follows:

Sec. 202.501. ~~[BOARD]~~ DISCIPLINARY POWERS; ADMINISTRATIVE PROCEDURE.

SECTION 48. Sections 202.501(a) and (d), Occupations Code, are amended to read as follows:

(a) The commission or executive director ~~[board]~~ shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for violating the law regulating the practice of podiatry or a rule adopted by the commission under this chapter ~~[board]~~.

(d) A person whose license to practice podiatry has been revoked or suspended by order of the commission or executive director ~~[board]~~ may appeal the action to a district court in Travis County. The ~~[board's]~~ decision of the commission or the executive director may not be enjoined or stayed except on application to the district court after notice to the department ~~[board]~~.

SECTION 49. Section 202.502, Occupations Code, is amended to read as follows:

Sec. 202.502. REVOCATION AND SUSPENSION OF LICENSE FOR DRUG-RELATED FELONY CONVICTION. (a) The commission or executive director ~~[board]~~ shall suspend a person's license after an administrative hearing conducted in accordance with Chapter 2001, Government Code, in which the commission or executive director ~~[board]~~ determines that the license holder has been convicted of a felony under Chapter 481 or 483, Health and Safety Code, or Section 485.033, Health and Safety Code.

(b) On the person's final conviction, the commission or executive director ~~[board]~~ shall revoke the person's license.

(c) The department ~~[board]~~ may not reinstate or reissue a license to a person whose license is suspended or revoked under this section except on an express determination based on substantial evidence contained in an investigative report indicating that the reinstatement or reissuance of the license is in the best interests of the public and of the person whose license has been suspended or revoked.

SECTION 50. The heading to Section 202.503, Occupations Code, is amended to read as follows:

Sec. 202.503. PROBATION~~[; HEARING]~~.

SECTION 51. Section 202.503(a), Occupations Code, is amended to read as follows:

(a) The commission or executive director ~~[board, on majority vote,]~~ may probate an order revoking ~~[or suspending]~~ a podiatrist's license conditioned on the podiatrist conforming to any order or rule the commission ~~[board]~~ adopts as the condition of probation. The commission or executive director ~~[board]~~, at the time of probation, shall set the term of the probationary period.

SECTION 52. Section 202.504, Occupations Code, is amended to read as follows:

Sec. 202.504. REISSUANCE OF LICENSE. (a) On application, the department ~~[board]~~ may reissue a license to practice podiatry to a person whose license has been revoked or suspended.

(b) A person whose license has been revoked may not apply for a reissued license before the first anniversary of the date of the revocation. The person shall apply for the license in the manner and form required by the department [board].

SECTION 53. Section 202.505, Occupations Code, is amended to read as follows:

Sec. 202.505. REEXAMINATION IF LICENSE SUSPENDED OR REVOKED. The department [board] may refuse to reinstate a license or to issue a new license until a podiatrist has passed the regular license examination if the commission or executive director [board] suspended or revoked the license for:

(1) failure to satisfy continuing education requirements under Section 202.305; or

(2) nonpayment of the [annual] license renewal fee.

SECTION 54. Subchapter K, Chapter 202, Occupations Code, is amended by adding Section 202.5071 to read as follows:

Sec. 202.5071. SUBPOENA AUTHORITY. The department may issue a subpoena as provided by Section 51.3512.

SECTION 55. Section 202.5085, Occupations Code, is amended to read as follows:

Sec. 202.5085. REFUND. (a) Subject to Subsection (b), the commission or executive director [board] may order a person licensed under this chapter to pay a refund to a consumer as provided in an agreed settlement, default order, or commission order [~~agreement resulting from an informal settlement conference~~] instead of or in addition to imposing an administrative penalty against the person [~~under this chapter~~].

(b) The amount of a refund ordered [~~as provided in an agreement resulting from an informal settlement conference~~] may not exceed the amount the consumer paid to the person for a service regulated by this chapter. The commission or executive director [board] may not require payment of other damages or estimate harm in a refund order.

SECTION 56. Section 202.509, Occupations Code, is amended to read as follows:

Sec. 202.509. CONFIDENTIALITY AND DISCLOSURE OF INVESTIGATIVE INFORMATION. (a) Except as provided by Subsections (b), (d), and (f) of this section, Section 202.2031, and Section 202.2032, a [A] complaint, report, investigation file, or other investigative information in the possession of or received or gathered by the department [board] or an employee or agent of the department [board] that relates to a license holder, a license application, or a criminal investigation or proceeding is privileged, confidential, and not subject to discovery, subpoena, or any other legal method of compelling release.

(b) Subject to any other privilege or restriction established by law, not later than the 30th day after the date the department [board] receives a written request from a license holder, or the license holder's attorney, who is the subject of a formal complaint, the department [board] shall provide the license holder with access to all information in the department's [board's] possession that the department [board] intends to offer into evidence at the contested case hearing on

the complaint. The department [board] may provide access to the information to the license holder after the 30th day after the date the department [board] receives a request only on a showing of good cause.

(c) The department [board] is not required under Subsection (b) to provide access to the department's [board's] investigative reports or memoranda, release the identity of a complainant who will not testify at the hearing, or release information that is an attorney's work product or protected by the attorney-client privilege or another privilege recognized by the Texas Rules of Civil Procedure or Texas Rules of Evidence. ~~[The furnishing of information under Subsection (b) does not constitute a waiver of any privilege or confidentiality provision under law.]~~

(d) Investigative information in the department's [board's] possession that relates to a disciplinary action regarding a license holder may be disclosed to:

(1) a licensing agency regulating the practice of podiatry in another state or country in which the license holder is also licensed or has applied for a license; ~~[or]~~

(2) a peer review committee reviewing a license holder's application for privileges or the license holder's qualifications with regard to retaining the privileges;

(3) a person involved with the department in a disciplinary action against the license holder;

(4) a peer assistance program approved by the commission under Chapter 467, Health and Safety Code;

(5) a law enforcement agency; and

(6) a person engaged in bona fide research, provided all individual-identifying information has been deleted.

(e) The department [board] shall report to the appropriate law enforcement agency information obtained by the department [board] in the course of an investigation that indicates that a crime may have been committed. The department [board] shall cooperate and assist a law enforcement agency conducting a criminal investigation of a license holder by providing relevant information to the agency. Information provided to a law enforcement agency by the department [board] is confidential and may not be disclosed except as necessary to conduct the investigation.

(f) The department [board] shall provide information to a health care entity on the written request of the entity concerning:

(1) a complaint filed against a license holder that was resolved after an investigation by the department [board] or resolved by an agreed settlement; and

(2) the basis for and status of an active investigation concerning a license holder.

(g) The department's disclosure of information under Subsection (b), (d), or (f) of this section, Section 202.2031, or Section 202.2032 does not constitute a waiver of privilege or confidentiality under this chapter or any other law.

(h) The department shall protect the identity of a complainant to the extent possible.

SECTION 57. The heading to Subchapter M, Chapter 202, Occupations Code, is amended to read as follows:

SUBCHAPTER M. [~~OTHER~~] PENALTIES AND ENFORCEMENT
PROVISIONS

SECTION 58. Subchapter M, Chapter 202, Occupations Code, is amended by adding Section 202.6011 to read as follows:

Sec. 202.6011. PENALTY SCHEDULE. The commission by rule shall develop a standardized penalty schedule, including recommended penalty amounts for each category of punishable conduct listed in the schedule, based on the criteria listed in Section 51.302(b).

SECTION 59. Section 202.602, Occupations Code, is amended to read as follows:

Sec. 202.602. MONITORING AND INSPECTION OF LICENSE HOLDER. (a) The commission [~~board~~] by rule shall develop a system to monitor a podiatrist's compliance with this chapter. The system must include:

- (1) procedures for determining whether a podiatrist is in compliance with an order issued by the commission or executive director [~~board~~]; and
- (2) a method of identifying and monitoring each podiatrist who represents a risk to the public.

(b) The department [~~board~~], during reasonable business hours, may enter the business premises of a person regulated by the department under this chapter [~~board~~] without notice to:

- (1) investigate a complaint filed with the department [~~board~~]; or
- (2) determine compliance with an order of the commission or executive director issued under this chapter [~~board~~].

SECTION 60. Subchapter M, Chapter 202, Occupations Code, is amended by adding Section 202.6025 to read as follows:

Sec. 202.6025. MONITORING HARMFUL PRESCRIBING PATTERNS. (a) The department shall periodically check the prescribing information submitted to the Texas State Board of Pharmacy as authorized by Section 481.076(a)(1), Health and Safety Code, to determine whether a podiatrist licensed under this chapter is engaging in potentially harmful prescribing patterns or practices.

(b) The department, in coordination with the advisory board and the Texas State Board of Pharmacy, shall determine, subject to approval by the commission, the conduct that constitutes a potentially harmful prescribing pattern or practice for purposes of Subsection (a). In determining the conduct that constitutes a potentially harmful prescribing pattern or practice, the department shall consider:

- (1) the number of times a podiatrist prescribes a drug listed in Section 202.354(b); and

(2) for prescriptions described by Subdivision (1), patterns of prescribing combinations of those drugs and other dangerous combinations of drugs identified by the department in coordination with the advisory board.

(c) If the department suspects that a podiatrist licensed under this chapter may be engaging in potentially harmful prescribing patterns or practices, the department may notify the podiatrist of the potentially harmful prescribing pattern or practice.

(d) The department may initiate a complaint against a podiatrist based on information obtained under this section.

SECTION 61. Section 202.603, Occupations Code, is amended to read as follows:

Sec. 202.603. PROSECUTION OF VIOLATION. The department [~~board~~] shall take action to ensure the prosecution of each person who violates this chapter and may incur reasonably necessary related expenses.

SECTION 62. Section 202.604, Occupations Code, is amended to read as follows:

Sec. 202.604. CIVIL PENALTY: USE OF TRADE NAME; INJUNCTION. (a) A person who violates Section 202.352 or a rule adopted or a determination made by the commission [~~board~~] under that section is subject to a civil penalty of not less than \$50 or more than \$500 for each day of violation.

(b) If it appears that a person has violated or is violating Section 202.352 or a rule adopted or determination made by the commission [~~board~~] under that section, the department [~~board~~] may institute a civil action in district court for:

- (1) injunctive relief to restrain the person from continuing the violation;
- (2) the assessment and recovery of a civil penalty under Subsection (a);

or

- (3) both injunctive relief and the civil penalty.

(c) At the request of the department [~~board~~], the attorney general shall institute and conduct the action in the name of the state.

SECTION 63. Section 481.352, Health and Safety Code, is amended to read as follows:

Sec. 481.352. MEMBERS. The work group is composed of:

(1) the executive director of the board or the executive director's designee, who serves as chair of the work group;

(2) the commissioner of state health services or the commissioner's designee;

(3) the executive director of the Texas Medical Board or the executive director's designee;

(4) the executive director of the Texas Board of Nursing or the executive director's designee;

(5) the executive director of the Texas Physician Assistant Board or the executive director's designee;

(6) the executive director of the State Board of Dental Examiners or the executive director's designee;

(7) the executive director of the Texas Optometry Board or the executive director's designee;

(8) the executive director of the Texas Department of Licensing and Regulation [~~State Board of Podiatric Medical Examiners~~] or the executive director's designee;

(9) the executive director of the State Board of Veterinary Medical Examiners or the executive director's designee; and

- (10) a medical examiner appointed by the board.

SECTION 64. The following provisions of the Occupations Code are repealed:

- (1) Section 202.002;
- (2) Section 202.052;
- (3) Sections 202.059(b) and (c);
- (4) Section 202.060;
- (5) Subchapter C, Chapter 202;
- (6) Section 202.151;
- (7) Section 202.152;
- (8) Section 202.1525;
- (9) Section 202.154;
- (10) Section 202.1545;
- (11) Section 202.155;
- (12) Section 202.156;
- (13) Section 202.157;
- (14) Section 202.158;
- (15) Section 202.162;
- (16) Section 202.163;
- (17) Section 202.201;
- (18) Section 202.202;
- (19) Section 202.203;
- (20) Section 202.204;
- (21) Section 202.205;
- (22) Sections 202.252(c) and (d);
- (23) Section 202.254(e);
- (24) Section 202.255;
- (25) Section 202.264;
- (26) Section 202.301;
- (27) Section 202.302;
- (28) Section 202.501(b);
- (29) Sections 202.503(b), (c), (d), and (e);
- (30) Section 202.507;
- (31) Section 202.508;
- (32) Section 202.510;
- (33) Subchapter L, Chapter 202;
- (34) Section 202.601; and
- (35) Section 202.6015.

SECTION 65. (a) In this section:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

(3) "Former board" means the Texas State Board of Podiatric Medical Examiners.

(b) On September 1, 2017:

(1) all functions and activities performed by the former board immediately before that date are transferred to the department;

(2) all rules, fees, policies, procedures, decisions, and forms adopted by the former board are continued in effect as rules, fees, policies, procedures, decisions, and forms of the commission or the department, as applicable, and remain in effect until amended or replaced by the commission or department;

(3) a complaint, investigation, contested case, or other proceeding before the former board that is pending on September 1, 2017, is transferred without change in status to the department or the commission, as appropriate;

(4) all money, contracts, leases, property, and obligations of the former board are transferred to the department;

(5) all property in the custody of the former board is transferred to the department; and

(6) the unexpended and unobligated balance of any money appropriated by the legislature for the former board is transferred to the department.

(c) The former board shall provide the department with access to any systems or information necessary for the department to accept the program transferred under this Act, including:

(1) licensing, revenue, and expenditure systems;

(2) rights to service contracts and licensing agreements;

(3) use of online renewal and new application systems; and

(4) review and resolution of pending judgments and outstanding expenditures.

(d) Unless the context indicates otherwise, a reference to the former board in a law or administrative rule means the commission or the department, as applicable.

(e) A license or certificate issued by the former board is continued in effect as a license or certificate of the department.

(f) On September 1, 2017, all full-time equivalent employee positions at the former board that primarily concern the administration or enforcement of Chapter 202, Occupations Code, become positions at the department. The department shall post the positions for hiring and, when filling the positions, shall give first consideration to, but is not required to hire, an applicant who, as of August 31, 2017, was an employee at the former board primarily involved in administering or enforcing Chapter 202, Occupations Code.

SECTION 66. (a) On September 1, 2017, the terms of the members serving on the Texas State Board of Podiatric Medical Examiners expire, and the Texas State Board of Podiatric Medical Examiners is abolished.

(b) Not later than December 1, 2017, the governor shall appoint members to the Podiatric Medical Examiners Advisory Board in accordance with Section 202.051, Occupations Code, as amended by this Act. A member whose term expired under Subsection (a) of this section is eligible for reappointment to the advisory board.

(c) The members whose terms expire under Subsection (a) of this section shall continue to provide advice to the Texas Department of Licensing and Regulation until a majority of the members of the advisory board are appointed under Subsection (b) of this section and qualified.

SECTION 67. Section 202.061, Occupations Code, as amended by this Act, applies only to a member of the Podiatric Medical Examiners Advisory Board appointed on or after the effective date of this Act.

SECTION 68. (a) As soon as possible after the effective date of this Act, the Texas Commission of Licensing and Regulation shall adopt the rules necessary to implement Section 202.252, Occupations Code, as amended by this Act.

(b) Not later than September 1, 2019, the Texas Department of Licensing and Regulation shall obtain criminal history record information on each person who, on the effective date of this Act, holds a license issued under Chapter 202, Occupations Code, and did not undergo a criminal history record information check based on the license holder's fingerprints on initial application for the license. The department may suspend the license of a license holder who does not provide the criminal history record information as required by the department and this subsection.

SECTION 69. Section 202.354, Occupations Code, as added by this Act, applies only to a prescription issued on or after September 1, 2018. A prescription issued before September 1, 2018, is governed by the law in effect on the date the prescription is issued, and the former law is continued in effect for that purpose.

SECTION 70. The changes in law made by this Act do not affect the validity of a disciplinary action or other proceeding that was initiated before the effective date of this Act and that is pending before a court or other governmental entity on the effective date of this Act.

SECTION 71. (a) A violation of a law that is repealed by this Act is governed by the law in effect when the violation was committed, and the former law is continued in effect for that purpose.

(b) For purposes of this section, a violation was committed before the effective date of this Act if any element of the violation occurred before that date.

SECTION 72. This Act takes effect September 1, 2017.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 3078** (senate committee report) as follows:

(1) Strike SECTION 41 of the bill, adding Section 202.354, Occupations Code (page 12, lines 9 through 24).

(2) Strike SECTION 60 of the bill, adding Section 202.6025, Occupations Code (page 15, line 50, through page 16, line 8).

(3) Strike SECTION 69 of the bill, adding transition language for Section 202.354, Occupations Code (page 18, lines 40 through 44).

(4) Renumber the SECTIONS of the bill accordingly.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 3078** (senate committee report) as follows:

(1) In SECTION 13 of the bill, in amended Section 202.061(b), Occupations Code (page 4, between lines 11 and 12), insert the following appropriately numbered subdivision:

() the types of rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by persons engaged in a profession or business regulated under this chapter, including rules, interpretations, and enforcement actions that:

(A) regulate the scope of practice of persons in a profession or business regulated under this chapter;

(B) restrict advertising by persons in a profession or business regulated under this chapter;

(C) affect the price of goods or services provided by persons in a profession or business regulated under this chapter; and

(D) restrict participation in a profession or business regulated under this chapter;

(2) Renumber the subdivisions of amended Section 202.061(b), Occupations Code, and cross-references to those subdivisions appropriately.

SB 1913 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Moody, Representatives Canales and Wu were authorized as house sponsors to **SB 1913**.

HB 3257 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3257, A bill to be entitled An Act relating to the regulation and inspection of boilers.

Representative Price moved to concur in the senate amendments to **HB 3257**.

The motion to concur in the senate amendments to **HB 3257** prevailed by (Record 1599): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; 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.; Keough; King, K.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; 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; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Biedermann; Cosper; Frullo; King, P.; Metcalf; Paddie; Rodriguez, J.

Absent — Workman.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 3257** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 755, Health and Safety Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. REGULATION OF BOILERS AND FUEL GAS SYSTEMS

Sec. 755.071. RESTRICTION ON REGULATION. Notwithstanding any other law, a state agency or political subdivision may not restrict the use or installation of a specific fuel gas pipe product that is approved for use and installation by the International Fuel Gas Code.

Sec. 755.072. CONFLICT OF LAW. To the extent of a conflict between this subchapter and another law, this subchapter controls.

SB 533 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Geren, the house granted the request of the senate for the appointment of a Conference Committee on **SB 533**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 533**: Geren, chair; Capriglione, Price, Longoria, and Howard.

PROVIDING FOR ADJOURNMENT

At 7 p.m., Representative Sanford moved that, at the conclusion of the receipt of messages from the senate, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

(Geren in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

ADJOURNMENT

In accordance with a previous motion, the house, at 8:48 a.m. Tuesday, May 23, adjourned until 10 a.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 29

HB 25, HB 66, HB 129, HB 431, HB 626, HB 651, HB 655, HB 657, HB 678, HB 789, HB 791, HB 834, HB 871, HB 874, HB 932, HB 938, HB 965, HB 998, HB 1103, HB 1117, HB 1449, HB 1625, HB 1645, HB 1699, HB 1704, HB 1729, HB 1921, HB 2067, HB 2180, HB 2788, HB 2927, HB 3049, HB 3101, HB 3481, HB 3903, HCR 30, HCR 45, HCR 56, HCR 105, HCR 122

Senate List No. 22

SB 489, SB 573, SB 693, SB 720, SB 754, SB 966, SB 1096, SCR 48, SCR 49

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 22, 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:

HB 4 Burkett SPONSOR: Schwertner
Relating to monetary assistance provided by the Department of Family and Protective Services to certain relative or designated caregivers; creating a criminal offense; creating a civil penalty.
(Committee Substitute/Amended)

HB 45 Flynn SPONSOR: Huffman
Relating to requiring the Texas Supreme Court to adopt rules and provide judicial instruction regarding the application of foreign laws in certain family law cases.

HB 136 Bell SPONSOR: Uresti

Relating to inclusion of career and technology education and workforce training in the mission of public education.

(Amended)

HB 1003 Capriglione SPONSOR: West

Relating to investment of public funds.

(Committee Substitute/Amended)

HB 1075 Thompson, Ed SPONSOR: Hancock

Relating to the frequency of criminal background checks for sports officials registered with the University Interscholastic League.

HB 1455 Bohac SPONSOR: Whitmire

Relating to the creation of the Harris County Municipal Utility District No. 552; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 2004 Anderson, Charles "Doc" SPONSOR: Perry

Relating to the Texas economic development fund for the Department of Agriculture.

(Committee Substitute)

HB 2220 Elkins SPONSOR: Whitmire

Relating to the powers and duties of the West Harris County Municipal Utility District No. 21; providing authority to issue bonds; providing authority to impose fees and taxes.

HB 2533 Geren SPONSOR: Estes

Relating to civil suits brought by local governments or certain other persons for violations of certain laws under the jurisdiction of, or rules adopted or orders or permits issued by, the Texas Commission on Environmental Quality.

(Committee Substitute/Amended)

HB 2559 Reynolds SPONSOR: Burton

Relating to public inspection of mail ballot applications.

HB 2578 Thompson, Senfronia SPONSOR: Zaffirini

Relating to the elimination of certain fees for licensure and the disposition of certain fees collected by the Texas Lottery Commission under the Bingo Enabling Act.

HB 2825 Gooden SPONSOR: Hall

Relating to the dissolution of a levee improvement district by a commissioners court.

(Committee Substitute)

HB 3016 Thompson, Senfronia SPONSOR: Hughes

Relating to the eligibility of a criminal defendant for an order of nondisclosure of criminal history record information.

(Committee Substitute/Amended)

HB 3125 Kuempel SPONSOR: Hinojosa

Relating to charitable raffles conducted by the charitable foundations of certain professional sports teams.

HB 3647 Dale SPONSOR: Watson

Relating to the Texas Peace Officers' Memorial Monument and Ceremony.
(Committee Substitute)

HB 3921 Parker SPONSOR: Hancock
Relating to the financial exploitation of certain vulnerable adults.

HB 4147 Kacal SPONSOR: Birdwell
Relating to a defendant's right to appeal from a judgment or conviction in a municipal court of record.

HJR 100 Kuempel SPONSOR: Hinojosa
Proposing a constitutional amendment on professional sports team charitable foundations conducting charitable raffles.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 22, 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:

HB 284 Springer SPONSOR: Buckingham
Relating to authorization for certain health care facilities to secure residents with wheelchair self-release seat belts.
(Amended)

HB 501 Capriglione SPONSOR: Taylor, Van
Relating to the disclosure of certain contracts, services, and compensation in personal financial statements filed by public officers and candidates.
(Committee Substitute)

HB 658 Bernal SPONSOR: Hughes
Relating to priority voting for voters with certain disabilities substantially impairing mobility.
(Amended)

HB 1207 Gooden SPONSOR: Hall
Relating to the powers and duties of the Kaufman County Fresh Water Supply District No. 1-A; providing authority to issue bonds and levy assessments.
(Committee Substitute)

HB 1217 Parker SPONSOR: Creighton

Relating to appointment of and performance of notarial acts by an online notary public and online acknowledgment and proof of written instruments; authorizing a fee and creating a criminal offense.

HB 1724 Guillen SPONSOR: Rodríguez
Relating to the establishment of the commercial license buyback account managed by the Parks and Wildlife Department.

HB 1877 Murr SPONSOR: Zaffirini
Relating to a penalty for independent executors who misrepresent in an affidavit in lieu of the inventory, appraisal, and list of claims that certain beneficiaries received the inventory and appraisal.

HB 1884 Anderson, Charles "Doc" SPONSOR: Kolkhorst
Relating to the penalties for certain littering offenses.
(Amended)

HB 2015 Paul SPONSOR: Taylor, Larry
Relating to the disclosure of certain registration information by the voter registrar.

HB 2552 Thompson, Senfronia SPONSOR: Huffman
Relating to measures to address and deter certain criminal or other unlawful activity, including trafficking of persons, sexual offenses, prostitution, and activity that may constitute a public nuisance; increasing criminal penalties; creating a criminal offense.
(Amended)

HB 2848 Burkett SPONSOR: Perry
Relating to consultations with contracted physician networks and physician systems during certain investigations of child abuse and neglect.
(Committee Substitute/Amended)

HB 3055 Guillen SPONSOR: Lucio
Relating to the restrictions on political activities for a county elections administrator.

HB 3056 Meyer SPONSOR: Huffines
Relating to the participation in the Texas Municipal Retirement System of certain employees of certain municipalities subject to the Texas Local Fire Fighters Retirement Act.

HB 3198 Darby SPONSOR: Estes
Relating to the eligibility of land to continue to be appraised for ad valorem tax purposes as qualified open-space land if the land begins to be used for oil and gas operations.
(Committee Substitute)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 22, 2017 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 1608 Minjarez SPONSOR: Uresti
Relating to creating a pilot program to provide summer internships for foster youth.
(Committee Substitute)

HB 2610 Guillen SPONSOR: Lucio
Relating to the term for a lease of land owned by certain navigation districts.

HB 3391 Geren SPONSOR: Birdwell
Relating to the creation of a specialty court for certain public safety employees who commit a criminal offense; imposing fees for participation and testing, counseling, and treatment.

HB 3442 Cook SPONSOR: Schwertner
Relating to the Fairfield Hospital District.

HB 3952 Phillips SPONSOR: Perry
Relating to suspension of the activities of the Texas Grain Producer Indemnity Board.

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 312
Senate Conferees: Nichols - Chair/Hancock/Hinojosa/Taylor, Van/Watson

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, May 23, 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:

HB 5 Frank SPONSOR: Schwertner
Relating to the powers and duties of the Department of Family and Protective Services and the transfer of certain powers and duties from the Health and Human Services Commission.
(Committee Substitute/Amended)

HB 10 Price SPONSOR: Zaffirini
Relating to access to and benefits for mental health conditions and substance use disorders.

HB 273 Gonzales, Larry SPONSOR: Campbell
Relating to the content of local and state propositions on the ballot.
(Amended)

HB 490 Anderson, Rodney SPONSOR: Kolkhorst
Relating to health benefit plan coverage of hearing aids and cochlear implants for certain individuals.

HB 555 Springer SPONSOR: Hughes
Relating to an additional fee for issuing a marriage license to applicants who are not residents of this state.
(Amended)

HB 785 Raney SPONSOR: Perry
Relating to the provision of embryo donation information.

HB 1099 Canales SPONSOR: Lucio
Relating to a residential tenant's right to summon police or other emergency assistance.

HB 1208 Gooden SPONSOR: Hall
Relating to the powers and duties of the Kaufman County Fresh Water Supply District No. 1-D; providing authority to issue bonds and levy assessments.
(Committee Substitute)

HB 1260 Phelan SPONSOR: Creighton
Relating to the regulation of commercial shrimp unloading; requiring an occupational license; authorizing a fee.

HB 1486 Price SPONSOR: Schwertner

Relating to peer specialists, peer services, and the provision of those services under the medical assistance program.

(Committee Substitute)

HB 1644 Springer SPONSOR: Birdwell
Relating to transferring charge and control of a painting entitled "The Spirit of the Alamo Lives On."

HB 1764 Israel SPONSOR: Watson
Relating to the operation of metropolitan rapid transit authorities.
(Committee Substitute)

HB 1904 Capriglione SPONSOR: Burton
Relating to the powers and compensation of criminal law magistrates in Tarrant County.

HB 2087 VanDeaver SPONSOR: Taylor, Larry
Relating to restricting the use of covered information, including student personally identifiable information, by an operator of a website, online service, online application, or mobile application for a school purpose.

HB 2098 Geren SPONSOR: Watson
Relating to allowing certain wholesalers and distributors to purchase beer, ale, and malt liquor from the holder of a brewpub license.
(Committee Substitute/Amended)

HB 2252 Faircloth SPONSOR: Taylor, Larry
Relating to the feasibility of creating and maintaining a coastal barrier system.

HB 2279 Goldman SPONSOR: Hancock
Relating to the regulation of residential service contracts.
(Committee Substitute)

HB 2671 Dean SPONSOR: Hughes
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.
(Committee Substitute/Amended)

HB 2762 Workman SPONSOR: Campbell
Relating to broker agreements for the sale of certain surplus property by a county.
(Amended)

HB 2774 Phelan SPONSOR: Rodríguez
Relating to the installation of unsafe motor vehicle tires; creating a criminal offense.
(Committee Substitute)

HB 2994 Ashby SPONSOR: Hinojosa
Relating to workforce continuing education offered by public junior colleges.
(Committee Substitute/Amended)

HB 3019 Burkett SPONSOR: Menéndez
Relating to the prosecution for the offense of injury to a child, elderly individual, or disabled individual.

HB 3066 Guillen SPONSOR: Menéndez

Relating to certain benefits and protections for service members of the Texas military forces ordered to state active duty or to state training and other duty.
(Amended)

HB 3178 Anchia SPONSOR: Huffines
Relating to the use of a broker for the sale or lease of real property by the Dallas County Hospital District.
(Committee Substitute)

HB 3287 Goldman SPONSOR: Seliger
Relating to the sale of ale and beer by certain brewers and manufacturers.
(Committee Substitute/Amended)

HB 3294 Parker SPONSOR: Estes
Relating to the eligibility of certain NASCAR events to receive funding through the Major Events Reimbursement Program.
(Amended)

HB 3423 Lambert SPONSOR: Uresti
Relating to the recording by a county clerk of certain documents relating to the sale or lease of public school land.

HB 3496 Shine SPONSOR: Kolkhorst
Relating to voting procedures for policyholders of farm mutual insurance companies.
(Amended)

HB 3521 Lambert SPONSOR: Buckingham
Relating to the issuance of specialty license plates for certain veterans.
(Amended)

HB 3784 Holland SPONSOR: Taylor, Van
Relating to persons approved by the Department of Public Safety to administer online the classroom instruction part of the handgun proficiency course.
(Amended)

HB 4064 Bohac SPONSOR: Taylor, Larry
Relating to staff development and continuing education requirements for public school educators regarding digital education methods.
(Amended)

HCR 136 Gutierrez
Convening a joint memorial session to honor Texans killed in combat while serving in the United States military.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 42 (26 Yeas, 5 Nays)

SB 74 (31 Yeas, 0 Nays)

SB 291 (31 Yeas, 0 Nays)

SB 304 (31 Yeas, 0 Nays)

SB 313 (31 Yeas, 0 Nays)

SB 500 (31 Yeas, 0 Nays)

SB 826 (31 Yeas, 0 Nays)
SB 944 (31 Yeas, 0 Nays)
SB 957 (31 Yeas, 0 Nays)
SB 1758 (31 Yeas, 0 Nays)
SB 2087 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 21

Agriculture and Livestock - **HR 2042**

Criminal Jurisprudence - **SB 707, SB 1338, SB 1487**

Natural Resources - **SB 1268**

Special Purpose Districts - **SB 2276, SB 2293**

ENROLLED

May 21 - HB 25, HB 66, HB 129, HB 626, HB 651, HB 655, HB 657, HB 789, HB 791, HB 834, HB 871, HB 874, HB 932, HB 938, HB 965, HB 1449, HB 1625, HB 1729, HB 1921, HB 2180, HB 2788, HB 2927, HB 3049, HB 3101, HB 3481, HB 3903, HCR 30, HCR 45, HCR 56, HCR 105, HCR 122