

HOUSE JOURNAL

EIGHTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-FOURTH DAY — MONDAY, APRIL 29, 2019

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 767).

Present — Mr. Speaker(C); Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Absent, Excused — Johnson, E.; Lambert; Toth.

The invocation was offered by Ruben Treviño, pastor, C3: Community Connect Church, San Antonio, as follows:

Dear Heavenly Father, I come before you with a humble and grateful heart thanking you for another day of life and allowing us to arrive safely here today. I ask you to lift up those who are seated in places of authority over our state, the speaker of this house, those representing me in the senate, and those in the house, with your mighty hand. Please give them wisdom on the difficult issues they are discussing and deciding on my behalf. I ask you to give insight to my state governor and all those in our state legislature. Give them your guidance as they determine the policies that will govern in our state and our local communities. I ask that each representative submit themselves to you, God, the ultimate authority in each one of our lives. Help them to recognize you in all they do. We pray they would use government to help secure peaceful and quiet living in our communities while respecting the proper role of your institutions of family and

the church. We are all subject to falling short. I pray you give us all an extra measure of humility so we can have the wisdom that only comes from you, Lord. Give them the tenacity and fortitude to do their God-given job to the best of their ability. Give them insight as they legislate for the good of our amazing state. Please protect and strengthen each one of their families, especially during times of separation. We speak blessing and favor on their lives and their respective families. We ask all this in your precious name. Amen.

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

LEAVES OF ABSENCE GRANTED

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

E. Johnson on motion of Raymond.

Toth on motion of Noble.

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

Lambert on motion of Stucky.

CAPITOL PHYSICIAN

The chair recognized Representative Zerwas who presented Dr. Alfred Wettermark of Katy as the "Doctor for the Day."

The house welcomed Dr. Wettermark and thanked him for his 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 Minjarez and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 20).

(Goldman in the chair)

LEAVES OF ABSENCE GRANTED

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

Farrar on motion of Allen.

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

Bowers on motion of Allen.

HR 1316 - ADOPTED
(by Nevárez)

Representative Nevárez moved to suspend all necessary rules to take up and consider at this time **HR 1316**.

The motion prevailed.

The following resolution was laid before the house:

HR 1316, Congratulating the Marfa Martians of Marfa Elementary School for placing an experiment aboard the International Space Station.

HR 1316 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Nevárez who introduced members of the Marfa Martians.

HR 1403 - ADOPTED
(by White)

Representative White moved to suspend all necessary rules to take up and consider at this time **HR 1403**.

The motion prevailed.

The following resolution was laid before the house:

HR 1403, Congratulating Sunnie Wilkinson of Colmesneil on her winning performance in the calf scramble at the 2019 Fort Worth Stock Show & Rodeo.

HR 1403 was adopted.

On motion of Representative Flynn, the names of all the members of the house were added to **HR 1403** as signers thereof.

HR 1273 - INTRODUCTION OF GUESTS

The chair recognized Representative Guerra who introduced members of Mariachi Oro.

HB 4762 - PERMISSION TO INTRODUCE

Representative Guillen requested permission to introduce and have placed on first reading **HB 4762**.

Permission to introduce was granted by (Record 768): 135 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Buckley; Bucy; Burns; Burrows; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick;

Kuempel; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lucio; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Bowers; Farrar; Johnson, E.; Lambert; Toth.

Absent — Allen; Button; Harris; Krause; Lozano; Martinez; Moody; Sanford.

STATEMENT OF VOTE

When Record No. 768 was taken, I was in the house but away from my desk. I would have voted yes.

Krause

HR 1255 - INTRODUCTION OF GUESTS

The chair recognized Representative Herrero who introduced family members of Alivia Casey Adair.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative Guillen moved to set a congratulatory and memorial calendar for 9 a.m. Friday, May 3.

The motion prevailed.

PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

Representative Morrison moved to set a local, consent, and resolutions calendar for 9 a.m. Friday, May 3.

The motion prevailed.

FIVE-DAY POSTING RULE SUSPENDED

Representative S. Thompson moved to suspend the five-day posting rule to allow the Committee on Public Health to consider **HB 4145** at 10:30 a.m. or upon final adjournment/recess or during bill referral, if permission granted, Wednesday, May 1 in E2.026.

The motion prevailed.

HR 1402 - ADOPTED
(by Zwiener)

Representative Zwiener moved to suspend all necessary rules to take up and consider at this time **HR 1402**.

The motion prevailed.

The following resolution was laid before the house:

HR 1402, Recognizing the significance of the Texas Hill Country American Viticultural Area.

HR 1402 was adopted.

HB 61 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 61, A bill to be entitled An Act relating to the use of certain lighting equipment on escort flag vehicles.

Representative White moved to concur in the senate amendments to **HB 61**.

The motion to concur in the senate amendments to **HB 61** prevailed by (Record 769): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Bowers; Farrar; Johnson, E.; Lambert; Toth.

Absent — Allen; Allison; Dominguez; Flynn.

STATEMENT OF VOTE

When Record No. 769 was taken, I was in the house but away from my desk. I would have voted yes.

Flynn

Senate Committee Substitute

CSHB 61, A bill to be entitled An Act relating to highway maintenance or construction vehicles, certain service vehicles, and escort flag vehicles, including the use of certain lighting equipment on those vehicles.

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

SECTION 1. Section 545.157(a), Transportation Code, is amended to read as follows:

(a) This section applies only to the following vehicles:

(1) a stationary authorized emergency vehicle using visual signals that meet the requirements of Sections 547.305 and 547.702;

(2) a stationary tow truck using equipment authorized by Section 547.305(d); ~~and~~

(3) a Texas Department of Transportation vehicle or a highway maintenance or construction vehicle operated pursuant to a contract awarded under Subchapter A, Chapter 223, not separated from the roadway by a traffic control channelizing device and using visual signals that comply with the standards and specifications adopted under Section 547.105;

(4) a service vehicle used by or for a utility, as defined by Section 203.091, and using visual signals that comply with the standards and specifications adopted under Section 547.105; and

(5) a stationary vehicle used exclusively to transport municipal solid waste, as defined by Section 361.003, Health and Safety Code, or recyclable material, as defined by Section 361.421, Health and Safety Code, while being operated in connection with the removal or transportation of municipal solid waste or recyclable material from a location adjacent to the highway.

SECTION 2. Section 547.001(2-b), Transportation Code, is amended to read as follows:

(2-b) "Highway maintenance or construction vehicle" means a highway or traffic maintenance or construction vehicle designated by the Texas Department of Transportation. The term includes equipment for:

(A) road maintenance or construction, including:

(i) equipment for snow removal, line striping, skid resistance testing, sweeping, ~~and~~ spraying, guardrail repair, sign maintenance, and temporary traffic-control device placement or removal;

(ii) aerial platform lift machines; and

(iii) road profiler machines; and

(B) road construction or off-road use, including motor graders, road rollers, excavators, pneumatic tire equipment, movers, and tractors.

SECTION 3. The heading to Section 547.105, Transportation Code, is amended to read as follows:

Sec. 547.105. [~~MAINTENANCE AND SERVICE VEHICLE~~] LIGHTING STANDARDS FOR CERTAIN VEHICLES.

SECTION 4. Sections 547.105(a) and (b), Transportation Code, are amended to read as follows:

(a) The Texas Department of Transportation shall adopt standards and specifications that:

(1) apply to lamps on highway maintenance or construction vehicles and service vehicles; and

(2) correlate with and conform as closely as possible to standards and specifications approved by the American Association of State Highway and Transportation Officials.

(b) The Texas Department of Transportation may adopt standards and specifications for lighting that permit the use of flashing lights for identification purposes on highway maintenance or construction vehicles and service vehicles.

SECTION 5. Section 547.305, Transportation Code, is amended by amending Subsections (e) and (f) and adding Subsections (e-3) and (e-4) to read as follows:

(e) A person may not operate a highway maintenance or construction vehicle or service vehicle that is not equipped with lamps or that does not display lighted lamps as required by the standards and specifications adopted by the Texas Department of Transportation.

(e-3) An escort flag vehicle may be equipped with alternating or flashing blue and amber lights.

(e-4) A vehicle described by Section 545.157(a) may be equipped with flashing blue lights.

(f) In this section:

(1) "Escort flag vehicle" means a vehicle that precedes or follows an oversize or overweight vehicle described by Subtitle E for the purpose of facilitating the safe movement of the oversize or overweight vehicle over roads.

(2) "Security patrol vehicle" means a motor vehicle being used for the purpose of providing security services by:

(A) a guard company described by Section 1702.108, Occupations Code; or

(B) a security officer as defined by Section 1702.002, Occupations Code.

(3) [~~(2)~~] "Tow truck" means a motor vehicle or mechanical device that is adapted or used to tow, winch, or move a disabled vehicle.

SECTION 6. As soon as practicable after the effective date of this Act, the Texas Department of Transportation shall adopt standards and specifications relating to lamps and lighting on highway construction vehicles, as required by Section 547.105, Transportation Code, as amended by this Act.

SECTION 7. This Act takes effect September 1, 2019.

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

SB 607 ON THIRD READING
(Flynn - House Sponsor)

SB 607, A bill to be entitled An Act relating to the operations and functions of the Veterans' Land Board and the sunset review date for and programs administered by the board.

SB 607 was passed by (Record 770): 142 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Canales.

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

Absent, Excused — Bowers; Farrar; Johnson, E.; Lambert; Toth.

STATEMENT OF VOTE

When Record No. 770 was taken, I was shown voting no. I intended to vote yes.

Canales

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 872 ON THIRD READING
(Springer and Frank - House Sponsors)

SB 872, A bill to be entitled An Act relating to the composition of the board of directors of the Gateway Groundwater Conservation District.

SB 872 was passed by (Record 771): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Bowers; Farrar; Johnson, E.; Lambert; Toth.

Absent — Wilson.

SB 325 ON THIRD READING **(Landgraf - House Sponsor)**

SB 325, A bill to be entitled An Act relating to establishing a protective order registry and the duties of court personnel and other persons and entities in regard to the registry.

SB 325 was passed by (Record 772): 137 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee;

Springer; Stephenson; Stickland; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Krause; Schaefer; Swanson; Tinderholt; Wilson; Zedler.

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

Absent, Excused — Bowers; Farrar; Johnson, E.; Lambert; Toth.

STATEMENTS OF VOTE

When Record No. 772 was taken, I was shown voting no. I intended to vote yes.

Krause

When Record No. 772 was taken, I was shown voting no. I intended to vote yes.

Swanson

When Record No. 772 was taken, I was shown voting no. I intended to vote yes.

Tinderholt

When Record No. 772 was taken, I was shown voting no. I intended to vote yes.

Zedler

POSTPONED BUSINESS

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

CSHB 282 ON SECOND READING

(by Neave)

CSHB 282, A bill to be entitled An Act relating to the training of peace officers on cases involving child abuse and neglect, family violence, and sexual assault.

CSHB 282 was read second time on April 23 and was postponed until 10 a.m. today.

Representative Nevárez moved to postpone consideration of **CSHB 282** until 10 a.m. Wednesday, May 1.

The motion prevailed.

SB 753 ON SECOND READING

(Raney, Stucky, Anchia, Harless, Lambert, et al. - House Sponsors)

SB 753, A bill to be entitled An Act relating to wage requirements for community rehabilitation programs participating in the purchasing from people with disabilities program.

SB 753 was considered in lieu of **CSHB 885**.

SB 753 was read second time and was passed to third reading.

CSHB 885 - LAID ON THE TABLE SUBJECT TO CALL

Representative Raney moved to lay **CSHB 885** on the table subject to call.

The motion prevailed.

SB 319 ON SECOND READING

(Fullo - House Sponsor)

SB 319, A bill to be entitled An Act relating to the authority of the Lubbock County Hospital District of Lubbock County, Texas, to employ and commission peace officers.

SB 319 was considered in lieu of **HB 1378**.

SB 319 was read second time and was passed to third reading.

HB 1378 - LAID ON THE TABLE SUBJECT TO CALL

Representative Fullo moved to lay **HB 1378** on the table subject to call.

The motion prevailed.

(Bowers now present)

RECESS

Representative S. Thompson moved that the house recess until 1:30 p.m. today.

The motion prevailed.

The house accordingly, at 11:42 a.m., recessed until 1:30 p.m. today.

AFTERNOON SESSION

The house met at 1:48 p.m. and was called to order by the speaker.

LEAVE OF ABSENCE GRANTED

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

S. Davis on motion of Wu.

MAJOR STATE CALENDAR**HOUSE BILLS****SECOND READING**

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

CSHB 2730 ON SECOND READING

(by Leach, Price, Moody, Burrows, and Meyer)

CSHB 2730, A bill to be entitled An Act relating to civil actions involving the exercise of certain constitutional rights.

Amendment No. 1

Representatives Moody and Leach offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the bill:

SECTION _____. The heading to Section 27.006, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 27.006. ~~PROOF [EVIDENCE].~~

(2) On page 4, line 9, strike "~~should be dismissed under~~" and substitute "or should be dismissed under".

(3) On page 7, line 20, strike "advertisement," and substitute "or advertisement".

(4) Renumber SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

CSHB 2730, as amended, was passed to engrossment.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 2387 ON SECOND READING
(by G. Bonnen)**

CSHB 2387, A bill to be entitled An Act relating to the regulation of utilization review, independent review, and peer review for health benefit plan and workers' compensation coverage.

Amendment No. 1

Representative G. Bonnen offered the following amendment to **CSHB 2387**:

Amend **CSHB 2387** (house committee report) as follows:

(1) On page 13, line 14, strike "The change in law made by this Act applies" and substitute "The changes in law made by this Act to Chapters 1305, 4201, and 4202, Insurance Code, Chapters 408 and 413, Labor Code, and Chapter 151, Occupations Code, apply".

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

SECTION _____. Section 843.348(b), Insurance Code, is amended to read as follows:

(b) A health maintenance organization that uses a preauthorization process for health care services shall provide each participating physician or provider, not later than the fifth ~~fourth~~ business day after the date a request is made, a list of health care services that ~~do not~~ require preauthorization and information concerning the preauthorization process.

SECTION _____. Subchapter J, Chapter 843, Insurance Code, is amended by adding Sections 843.3481, 843.3482, 843.3483, and 843.3484 to read as follows:

Sec. 843.3481. POSTING OF PREAUTHORIZATION REQUIREMENTS.

(a) A health maintenance organization that uses a preauthorization process for health care services shall make the requirements and information about the preauthorization process readily accessible to enrollees, physicians, providers, and the general public by posting the requirements and information on the health maintenance organization's Internet website.

(b) The preauthorization requirements and information described by Subsection (a) must:

(1) be posted:

(A) conspicuously in a location on the Internet website that does not require the use of a log-in or other input of personal information to view the information; and

(B) in a format that is easily searchable and accessible;

(2) be written in plain language that is easily understandable by enrollees, physicians, providers, and the general public;

(3) include a detailed description of the preauthorization process and procedure; and

(4) include an accurate and current list of the health care services for which the health maintenance organization requires preauthorization that includes the following information specific to each service:

(A) the effective date of the preauthorization requirement;

(B) a list or description of any supporting documentation that the health maintenance organization requires from the physician or provider ordering or requesting the service to approve a request for that service;

(C) the applicable screening criteria using Current Procedural Terminology codes and International Classification of Diseases codes; and

(D) statistics regarding preauthorization approval and denial rates for the service in the preceding year and for each previous year the preauthorization requirement was in effect, including statistics in the following categories:

(i) physician or provider type and specialty, if any;

(ii) indication offered;

(iii) reasons for request denial;

(iv) denials overturned on internal appeal;

(v) denials overturned on external appeal; and

(vi) total annual preauthorization requests, approvals, and

denials for the service.

Sec. 843.3482. CHANGES TO PREAUTHORIZATION REQUIREMENTS. (a) Except as provided by Subsection (b), not later than the 60th day before the date a new or amended preauthorization requirement takes effect, a health maintenance organization that uses a preauthorization process for health care services shall provide each participating physician or provider written

notice of the new or amended preauthorization requirement and disclose the new or amended requirement in the health maintenance organization's newsletter or network bulletin, if any.

(b) For a change in a preauthorization requirement or process that removes a service from the list of health care services requiring preauthorization or amends a preauthorization requirement in a way that is less burdensome to enrollees or participating physicians or providers, a health maintenance organization shall provide each participating physician or provider written notice of the change in the preauthorization requirement and disclose the change in the health maintenance organization's newsletter or network bulletin, if any, not later than the fifth day before the date the change takes effect.

(c) Not later than the fifth day before the date a new or amended preauthorization requirement takes effect, a health maintenance organization shall update its Internet website to disclose the change to the health maintenance organization's preauthorization requirements or process and the date and time the change is effective.

Sec. 843.3483. REMEDY FOR NONCOMPLIANCE; AUTOMATIC WAIVER. In addition to any other penalty or remedy provided by law, a health maintenance organization that uses a preauthorization process for health care services that violates this subchapter with respect to a required publication, notice, or response regarding its preauthorization requirements, including by failing to comply with any applicable deadline for the publication, notice, or response, waives the health maintenance organization's preauthorization requirements with respect to any health care service affected by the violation, and any health care service affected by the violation is considered preauthorized by the health maintenance organization.

Sec. 843.3484. EFFECT OF PREAUTHORIZATION WAIVER. A waiver of preauthorization requirements under Section 843.3483 may not be construed to:

(1) authorize a physician or provider to provide health care services outside of the physician's or provider's applicable scope of practice as defined by state law; or

(2) require the health maintenance organization to pay for a health care service provided outside of the physician's or provider's applicable scope of practice as defined by state law.

SECTION _____. Section 1301.135(a), Insurance Code, is amended to read as follows:

(a) An insurer that uses a preauthorization process for medical care or ~~and~~ health care services shall provide to each preferred provider, not later than the fifth ~~10th~~ business day after the date a request is made, a list of medical care and health care services that require preauthorization and information concerning the preauthorization process.

SECTION _____. Subchapter C-1, Chapter 1301, Insurance Code, is amended by adding Sections 1301.1351, 1301.1352, 1301.1353, and 1301.1354 to read as follows:

Sec. 1301.1351. POSTING OF PREAUTHORIZATION REQUIREMENTS. (a) An insurer that uses a preauthorization process for medical care or health care services shall make the requirements and information about the preauthorization process readily accessible to insureds, physicians, health care providers, and the general public by posting the requirements and information on the insurer's Internet website.

(b) The preauthorization requirements and information described by Subsection (a) must:

(1) be posted:

(A) conspicuously in a location on the Internet website that does not require the use of a log-in or other input of personal information to view the information; and

(B) in a format that is easily searchable and accessible;

(2) be written in plain language that is easily understandable by insureds, physicians, health care providers, and the general public;

(3) include a detailed description of the preauthorization process and procedure; and

(4) include an accurate and current list of medical care and health care services for which the insurer requires preauthorization that includes the following information specific to each service:

(A) the effective date of the preauthorization requirement;

(B) a list or description of any supporting documentation that the insurer requires from the physician or health care provider ordering or requesting the service to approve a request for the service;

(C) the applicable screening criteria using Current Procedural Terminology codes and International Classification of Diseases codes; and

(D) statistics regarding the insurer's preauthorization approval and denial rates for the medical care or health care service in the preceding year and for each previous year the preauthorization requirement was in effect, including statistics in the following categories:

(i) physician or health care provider type and specialty, if any;

(ii) indication offered;

(iii) reasons for request denial;

(iv) denials overturned on internal appeal;

(v) denials overturned on external appeal; and

(vi) total annual preauthorization requests, approvals, and denials for the service.

(c) The provisions of this section may not be waived, voided, or nullified by contract.

Sec. 1301.1352. CHANGES TO PREAUTHORIZATION REQUIREMENTS. (a) Except as provided by Subsection (b), not later than the 60th day before the date a new or amended preauthorization requirement takes effect, an insurer that uses a preauthorization process for medical care or health care services shall provide to each preferred provider written notice of the new or amended preauthorization requirement and disclose the new or amended requirement in the insurer's newsletter or network bulletin, if any.

(b) For a change in a preauthorization requirement or process that removes a service from the list of medical care or health care services requiring preauthorization or amends a preauthorization requirement in a way that is less burdensome to insureds, physicians, or health care providers, an insurer shall provide each preferred provider written notice of the change in the preauthorization requirement and disclose the change in the insurer's newsletter or network bulletin, if any, not later than the fifth day before the date the change takes effect.

(c) Not later than the fifth day before the date a new or amended preauthorization requirement takes effect, an insurer shall update its Internet website to disclose the change to the insurer's preauthorization requirements or process and the date and time the change is effective.

(d) The provisions of this section may not be waived, voided, or nullified by contract.

Sec. 1301.1353. REMEDY FOR NONCOMPLIANCE; AUTOMATIC WAIVER. (a) In addition to any other penalty or remedy provided by law, an insurer that uses a preauthorization process for medical care or health care services that violates this subchapter with respect to a required publication, notice, or response regarding its preauthorization requirements, including by failing to comply with any applicable deadline for the publication, notice, or response, waives the insurer's preauthorization requirements with respect to any medical care or health care service affected by the violation, and any medical care or health care service affected by the violation is considered preauthorized by the insurer.

(b) The provisions of this section may not be waived, voided, or nullified by contract.

Sec. 1301.1354. EFFECT OF PREAUTHORIZATION WAIVER. (a) A waiver of preauthorization requirements under Section 1301.1353 may not be construed to:

(1) authorize a physician or health care provider to provide medical care or health care services outside of the physician's or health care provider's applicable scope of practice as defined by state law; or

(2) require the insurer to pay for a medical care or health care service provided outside of the physician's or health care provider's applicable scope of practice as defined by state law.

(b) The provisions of this section may not be waived, voided, or nullified by contract.

SECTION ____ . The changes in law made by this Act to Chapters 843 and 1301, Insurance Code, apply only to a request for preauthorization of medical care or health care services made on or after January 1, 2020, under a health benefit plan delivered, issued for delivery, or renewed on or after that date. A request for preauthorization of medical care or health care services made before January 1, 2020, or on or after January 1, 2020, under a health benefit plan delivered, issued for delivery, or renewed before that date is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 1 was adopted.

Amendment No. 2

Representative J.E. Johnson offered the following amendment to **CSHB 2387**:

Amend **CSHB 2387** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 533.005, Government Code, is amended by adding Subsection (e) to read as follows:

(e) In addition to the requirements under Subsection (a), a contract described by that subsection must require the managed care organization to comply with Section 541.062, Insurance Code.

SECTION _____. Subchapter D, Chapter 4201, Insurance Code, is amended by adding Section 4201.156 to read as follows:

Sec. 4201.156. REVIEW PROCEDURES FOR EMERGENCY CARE CLAIMS. (a) Utilization review of an emergency care claim must be made by a utilization review agent who is a physician licensed under Subtitle B, Title 3, Occupations Code.

(b) With respect to an enrollee's emergency medical condition that is the basis for an emergency care claim, a utilization review agent:

(1) may not make an adverse determination for the emergency care claim predominately based on the condition's classification under a Current Procedural Terminology or International Classification of Diseases code; and

(2) must review the enrollee's medical records.

SECTION _____. Section 4201.156, Insurance Code, as added by this Act, applies only to a health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2020. A health benefit plan delivered, issued for delivery, or renewed before January 1, 2020, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION _____. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision under the waiver or authorization is granted.

Amendment No. 2 was adopted.

CSHB 2387, as amended, was passed to engrossment.

CSHB 70 ON SECOND READING
(by M. González, Zwiener, Fierro, and Guillen)

CSHB 70, A bill to be entitled An Act relating to a strategic plan goal by the Department of Agriculture to prevent crop diseases and plant pests in this state.

CSHB 70 was passed to engrossment.

(Goldman in the chair)

HB 2899 ON SECOND READING**(by Leach, Cyrier, Deshotel, and Gervin-Hawkins)**

HB 2899, A bill to be entitled An Act relating to civil liability and responsibility for defects in the plans, specifications, or other documents for the construction or repair of roads, highways, and related improvements.

Amendment No. 1

Representative Leach offered the following amendment to **HB 2899**:

Amend **HB 2899** (house committee printing) as follows:

(1) On page 1, line 6, between "SECTION 1." and "Title", insert "Subtitle Z,".

(2) On page 1, line 14, strike "entity," and substitute "entity"

(3) On page 2, strike lines 3 through 6 and substitute the following:

(3) "Governmental entity" means:

(A) the Texas Department of Transportation; or

(B) any political subdivision of the state that is acting under Chapter 284, 366, 370, or 431.

(4) On page 2, line 9, between "under" and "separate", insert "a".

(5) On page 2, lines 11-12, strike "OF CHAPTER TO GOVERNMENTAL ENTITIES".

(6) On page 2, line 17, strike "as defined by this chapter".

(7) On page 2, line 20, strike "that is" and substitute "to the extent".

(8) On page 2, line 24, between "under" and "separate", insert "a".

(9) On page 2, line 27, between "promise" and "in", insert "contained".

(10) On page 3, lines 1-2, strike "it conflicts with Subsection (a)" and substitute "that the covenant or promise conflicts with Subsection (a)".

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

(c) This section does not apply to a consultant retained in a separate contract by a governmental entity to expressly monitor the compliance with project specifications by another contractor with whom the governmental entity has entered into a contract.

(d) This section does not relieve a contractor from the contractor's obligations or liability under a contract with a governmental entity.

Sec. 473.004. ENGINEER'S OR ARCHITECT'S STANDARD OF CARE. A governmental entity may not require that engineering or architectural services be performed to a level of professional skill and care beyond the level that would be provided by an ordinarily prudent engineer or architect with the same professional license and under the same or similar circumstances in a contract:

(1) for engineering or architectural services; or

(2) that contains engineering or architectural services as a component part.

(12) On page 3, line 8, strike "this chapter" and substitute "Chapter 473, Transportation Code, as added by this Act".

Amendment No. 1 was adopted.

A record vote was requested by Representative Wu.

HB 2899, as amended, was passed to engrossment by (Record 773): 103 Yeas, 32 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cole; Cortez; Craddick; Cyrier; Darby; Dean; Deshotel; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Guerra; Guillen; Harless; Harris; Hefner; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Landgraf; Lang; Larson; Leach; Leman; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Ortega; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Raney; Reynolds; Rodriguez; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; White; Wilson; Wray; Zedler; Zerwas; Zwiener.

Nays — Anchia; Beckley; Blanco; Calanni; Canales; Coleman; Collier; Davis, Y.; Dominguez; Dutton; González, J.; González, M.; Goodwin; Gutierrez; Herrero; Hinojosa; Howard; Johnson, J.E.; Lopez; Neave; Nevárez; Pacheco; Ramos; Raymond; Romero; Rosenthal; Sherman; Thierry; Thompson, S.; Vo; Walle; Wu.

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

Absent, Excused — Farrar; Johnson, E.; Lambert; Toth.

Absent, Excused, Committee Meeting — Davis, S.

Absent — Bowers; Bucy; Hernandez; Israel; Johnson, J.D.; Longoria; Rose; Talarico.

STATEMENTS OF VOTE

When Record No. 773 was taken, I was in the house but away from my desk. I would have voted yes.

Bowers

When Record No. 773 was taken, I was temporarily out of the house chamber. I would have voted no.

Bucy

When Record No. 773 was taken, I was shown voting yes. I intended to vote no.

Guerra

When Record No. 773 was taken, I was shown voting no. I intended to vote yes.

Lopez

When Record No. 773 was taken, I was shown voting yes. I intended to vote no.

Morales

When Record No. 773 was taken, I was shown voting no. I intended to vote yes.

Romero

When Record No. 773 was taken, I was in the house but away from my desk. I would have voted no.

Rose

When Record No. 773 was taken, I was temporarily out of the house chamber. I would have voted no.

Talarico

When Record No. 773 was taken, I was shown voting yes. I intended to vote no.

Zwiener

CSHB 823 ON SECOND READING
(by Y. Davis and Clardy)

CSHB 823, A bill to be entitled An Act relating to an expedited on-site health inspection process for assisted living facility license applicants.

CSHB 823 was passed to engrossment.

CSHB 3224 ON SECOND READING
(by Lozano)

CSHB 3224, A bill to be entitled An Act relating to the creation of a defense under the Solid Waste Disposal Act for persons engaged in certain recycling transactions.

Amendment No. 1

Representative Lozano offered the following amendment to **CSHB 3224**:

Amend **CSHB 3224** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. (a) In this section:

(1) "Commission" means the Texas Commission on Environmental Quality.
(2) "Recyclable material" has the meaning assigned by 42 U.S.C. Section 9627(b).

(b) The commission, in consultation with industry stakeholders, shall:

(1) conduct a study on the potential impacts of creating a defense to liability under Section 361.271(a)(3) or (4), Health and Safety Code, for persons who arrange for recycling of recyclable material who would not be liable for the recyclable material under 42 U.S.C. Section 9607(a)(3) or (4) based on the person meeting the applicable criteria established under 42 U.S.C. Section 9627; and

(2) propose legislative recommendations based on the study.

(c) The commission shall establish a workgroup composed of members determined by the commission and industry stakeholders for the purpose of assisting the commission in proposing legislative recommendations under Subsection (b)(2) of this section.

(d) Not later than November 1, 2020, the commission shall submit to the legislature a report on the findings of the study and legislative recommendations based on the study.

(e) This Act expires January 1, 2021.

SECTION 2. This Act takes effect September 1, 2019.

Amendment No. 1 was adopted.

CSHB 3224, as amended, was passed to engrossment.

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. 13).

GENERAL STATE CALENDAR

(consideration continued)

HB 1542 ON SECOND READING

(by Martinez)

HB 1542, A bill to be entitled An Act relating to changes made by certain design-build contractors to the design-build team for transportation projects.

HB 1542 was passed to engrossment.

CSHB 2439 ON SECOND READING

(by Phelan, Rodriguez, Collier, and Schaefer)

CSHB 2439, A bill to be entitled An Act relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction or renovation of residential or commercial buildings.

Amendment No. 1

Representative Phelan offered the following amendment to **CSHB 2439**:

Amend **CSHB 2439** (house committee printing) as follows:

(1) On page 4, lines 1 through 3, strike "certified local government under the National Historic Preservation Act (54 U.S.C. 300101 et seq.)" and substitute "municipality described by Subsection (c)(3)(A) or (B)".

(2) On page 4, line 5, strike "a municipality" and substitute "the municipality".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Nevárez offered the following amendment to **CSHB 2439**:

Amend **CSHB 2439** (house committee printing) on page 2, between lines 26 and 27, by inserting the following appropriately numbered subdivisions and renumbering subsequent subdivisions of the subsection accordingly:

() an ordinance or other regulation that:

(A) regulates outdoor lighting for the purpose of reducing light pollution; and

(B) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark Sky Association as part of the International Dark Sky Places Program;

() an ordinance or order that:

(A) regulates outdoor lighting; and

(B) is adopted under Subchapter B, Chapter 229, Local Government Code, or Subchapter B, Chapter 240, Local Government Code;

Amendment No. 2 was adopted.

A record vote was requested by Representative Stickland.

CSHB 2439, as amended, was passed to engrossment by (Record 774): 130 Yeas, 11 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Raney; Raymond; Reynolds; Rodriguez; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas.

Nays — Anchia; Goodwin; Hinojosa; Holland; Morales; Nevárez; Ramos; Romero; Rose; Talarico; Zwiener.

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

Absent, Excused — Farrar; Johnson, E.; Lambert; Toth.

Absent, Excused, Committee Meeting — Davis, S.

Absent — Bucy.

STATEMENTS OF VOTE

When Record No. 774 was taken, I was in the house but away from my desk. I would have voted no.

Bucy

When Record No. 774 was taken, I was shown voting yes. I intended to vote no.

Neave

(Speaker pro tempore in the chair)

**CSHB 808 ON SECOND READING
(by Dutton)**

CSHB 808, A bill to be entitled An Act relating to the consideration of certain student differentials based on sex under the public school accountability system.

CSHB 808 was passed to engrossment.

**CSHB 3106 ON SECOND READING
(by Goldman, Krause, Tinderholt, Howard, Neave, et al.)**

CSHB 3106, A bill to be entitled An Act relating to a requirement that law enforcement agencies enter into the Texas Data Exchange information related to investigations of sexual assault or other sex offenses.

Amendment No. 1

Representative Goldman offered the following amendment to **CSHB 3106**:

Amend **CSHB 3106** (house committee report) as follows:

(1) On page 1, line 8, strike "Section 420.035" and substitute "Sections 420.035 and 420.036".

(2) On page 2, between lines 15 and 16, insert the following:

Sec. 420.036. DUTY TO ENTER CERTAIN INFORMATION INTO VIOLENT CRIMINAL APPREHENSION PROGRAM DATABASE. (a) In this section, "database" means the national database of the Violent Criminal Apprehension Program established and maintained by the Federal Bureau of Investigation, or a successor database.

(b) Each law enforcement agency in this state shall request access from the Federal Bureau of Investigation to enter information into the database.

(c) A law enforcement agency that investigates a sexual assault or other sex offense shall enter into the database the following information regarding the investigation of the sexual assault or other sex offense, as available:

(1) the suspect's name and date of birth;

(2) the specific offense being investigated;

(3) a description of the manner in which the offense was committed, including any pattern of conduct occurring during the course of multiple offenses suspected to have been committed by the suspect; and

(4) any other information required by the Federal Bureau of Investigation for inclusion in the database.

(d) Information entered into the database under this section is excepted from required disclosure under Chapter 552 in the manner provided by Section 552.108.

(3) On page 2, line 16, strike "Section 420.035" and substitute "Sections 420.035 and 420.036".

(4) On page 2, line 17, strike "applies" and substitute "apply".

Amendment No. 1 was adopted.

CSHB 3106, as amended, was passed to engrossment.

CSHB 1307 ON SECOND READING
(by Hinojosa, Huberty, Deshotel, and Phelan)

CSHB 1307, A bill to be entitled An Act relating to the creation of a disaster case management system by the Texas Division of Emergency Management.

CSHB 1307 was passed to engrossment.

CSHB 3006 ON SECOND READING
(by Burrows)

CSHB 3006, A bill to be entitled An Act relating to the administration of the mixed beverage sales tax.

CSHB 3006 was passed to engrossment.

CSHB 914 ON SECOND READING
(by S. Thompson)

CSHB 914, A bill to be entitled An Act relating to the regulation of bingo games.

Amendment No. 1

Representative S. Thompson offered the following amendment to **CSHB 914**:

Amend **CSHB 914** (house committee printing) as follows:

(1) On page 4, strike lines 1 through 3 and substitute "each calendar year, beginning January 1 following the date the license is [~~12 month period that ends on an anniversary of the date the two year license was~~] issued.".

(2) On page 4, strike lines 6 and 7 and substitute "operations over each calendar year, beginning January 1 following the date the unit is formed.".

Amendment No. 1 was adopted.

CSHB 914, as amended, was passed to engrossment.

HB 4009 ON SECOND READING
(by Toth, Wu, E. Thompson, Canales, et al.)

HB 4009, A bill to be entitled An Act relating to the establishment, operation, and funding of victim-offender mediation programs; authorizing fees.

Representative Noble moved to postpone consideration of **HB 4009** until 10 a.m. tomorrow.

The motion prevailed.

CSHB 1806 ON SECOND READING
(by T. King)

CSHB 1806, A bill to be entitled An Act relating to the use of water withdrawn from the Edwards Aquifer by certain entities.

Amendment No. 1

Representative Biedermann offered the following amendment to **CSHB 1806**:

Amend **CSHB 1806** (house committee printing) as follows:

(1) On page 1, lines 18 and 19, strike "where the utility may provide retail water service" and substitute "within the utility's certificated service area".

(2) On page 1, at the end of line 23, add "The municipally owned utility owned by the City of San Antonio must obtain the consent of the Kendall County Commissioners Court for a sale of water under this subsection if:

(1) the water is sold for use in Kendall County; and

(2) the sale would cause the total sales of water under this subsection for use in Kendall County to exceed 1,500 acre feet of water per year."

Amendment No. 1 was adopted.

CSHB 1806, as amended, was passed to engrossment.

(Goldman in the chair)

CSHB 1619 ON SECOND READING
(by Leach)

CSHB 1619, A bill to be entitled An Act relating to court reporters and shorthand reporting firms; imposing a fee; creating a criminal offense.

Amendment No. 1

Representative Leach offered the following amendment to **CSHB 1619**:

Amend **CSHB 1619** (house committee printing) as follows:

(1) On page 2, strike lines 11 through 17 and substitute the following:

Sec. 52.011. PROVISION OF SIGNED CERTIFICATION. On request of a court reporter who reported a deposition, a court reporting firm shall provide the reporter with a copy of the document related to the deposition, known as the further certification, that the reporter has signed or to which the reporter's signature has been applied.

(2) On page 12, line 8, strike "154.115(b)" and substitute "154.115".

(3) On page 12, between lines 9 and 10, insert the following:

Sec. 154.115. PROHIBITED CONTRACTS. (a) A court reporter or shorthand reporting firm may not enter into or provide services under any contractual agreement, written or oral, exclusive or nonexclusive, that:

(1) undermines the impartiality of the court reporter;

(2) requires a court reporter to relinquish control of an original deposition transcript and copies of the transcript before it is certified and delivered to the custodial attorney;

(3) requires a court reporter to provide any service not made available to all parties to an action; ~~or~~

(4) gives or appears to give an exclusive advantage to any party; or

(5) restricts an attorney's choice in the selection of a court reporter or shorthand reporting firm.

Amendment No. 1 was adopted.

CSHB 1619, as amended, was passed to engrossment.

HB 2169 ON SECOND READING
(by Allen, Rosenthal, Wu, and Ramos)

HB 2169, A bill to be entitled An Act relating to reporting concerning female prisoners who are confined in county jails and to the provision of feminine hygiene products to female prisoners.

HB 2169 was passed to engrossment.

CSHB 2100 ON SECOND READING
(by Cain, Oliverson, Goldman, Phelan, Wilson, et al.)

CSHB 2100, A bill to be entitled An Act relating to the protection of expressive activities at public institutions of higher education.

CSHB 2100 - POINT OF ORDER

Representative M. González raised a point of order against further consideration of **CSHB 2100** under Rule 4, Section 32(c)(2), of the House Rules on the grounds that the bill analysis does not accurately describe the bill.

The point of order was withdrawn.

Amendment No. 1

Representative Cain offered the following amendment to **CSHB 2100**:

Amend **CSHB 2100** (house committee report) as follows:

(1) On page 6, between lines 2 and 3, insert the following appropriately lettered subsections and reletter subsequent subsections and cross-references to those subsections accordingly:

() Each institution of higher education shall adopt procedures for the institution's disciplinary process regarding an alleged violation of the institution's student code of conduct involving expressive activities and provide notice of those procedures to each student enrolled at the institution. At a minimum, the procedures must entitle the student alleged to have violated the institution's student code of conduct to:

(1) receive written notice of the allegation before the initiation of the disciplinary process;

(2) review evidence supporting the allegation;

(3) present a defense, including by calling witnesses for the student and confronting witnesses against the student;

(4) have the institution's determination of responsibility made by an impartial arbiter or panel;

(5) appeal a determination finding the student responsible for the violation; and

(6) if a potential sanction for the violation is suspension for a period of more than 30 days or expulsion from the institution, have assistance of counsel during each stage of the disciplinary process.

() On the second or any subsequent determination by an institution of higher education that a student is responsible for violating the institution's student code of conduct by materially and substantially interfering with the expressive activities of others, the institution shall:

(1) suspend the student for at least one semester or term; or

(2) not later than two weeks after resolving the disciplinary process, provide to the committee on free expression for the institution established under this section an explanation of the reason the institution did not impose a sanction on the student under Subdivision (1).

(2) On page 8, strike lines 13 through 18 and substitute the following appropriately lettered subsection:

() The governing board of each institution of higher education or university system shall create a committee on free expression to address free speech issues at the institution or institutions governed by the board. The committee must consist of at least five members. Not later than September 1 of each year, the committee shall prepare and submit to the governor, the members of the legislature, and the governing board a report on free speech issues that arose at the institution or institutions during the preceding academic year. The report must include, for each institution governed by the board:

(1) a description of any barriers to or disruptions of expressive activities at the institution;

(2) a summary of the institution's handling of free speech issues, including any disciplinary action taken related to the policies adopted under this section and any explanations regarding those actions provided to the committee by the institution as required under this section;

(3) an analysis of any substantial difficulties, controversies, or successes in maintaining the institution's official position of neutrality on matters of public concern; and

(4) any recommendations for legislative or other action.

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

SECTION _____. Not later than September 1, 2019, the governing board of each public institution of higher education or university system shall create the committee on free expression required under Section 51.9315, Education Code, as added by this Act. Each governing board's committee shall prepare and submit its initial report required under that section not later than September 1, 2020.

Amendment No. 1 - Point of Order

Representative Ortega raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2, and Rule 11, Section 6(e), of the House Rules on the grounds that the amendment is not germane to the bill, and the amendment is a substantial substitute that exceeds one page, but was not prefiled with the chief clerk 12 hours in advance.

The point of order was withdrawn.

Amendment No. 2

Representative Wu offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Cain to **CSHB 2100** as follows:

- (1) On page 1, line 3, strike "subsections" and substitute "subsection".
- (2) Strike page 1, line 25, through page 2, line 6.

Amendment No. 2 failed of adoption.

Amendment No. 1 was adopted.

Amendment No. 3

Representative Leach offered the following amendment to **CSHB 2100**:

Amend **CSHB 2100** (house committee report) as follows:

(1) On page 2, strike lines 5 through 13 and substitute the following appropriately numbered subdivision:

() "Matter of public concern" means a statement or activity related to:

(A) a public official, public figure, or other person who has drawn substantial public attention due to the person's official acts, fame, notoriety, or celebrity;

(B) a matter of political, governmental, social, or other concern to the community; or

(C) a subject of general interest and of value and concern to the public.

(2) In each of the following places, between "engage in" and "expressive activities", insert ", observe, or listen to":

(A) page 2, lines 19 and 20;

(B) page 3, lines 1 and 2; and

(C) page 4, lines 8 and 9.

(3) On page 3, strike lines 5 and 6 and substitute the following:

(B) does not materially and substantially:

(i) disrupt the functioning of the institution; or

(ii) interfere with the rights of others to engage in, observe, or listen to expressive activities.

(4) On page 3, strike lines 23 and 24 and substitute the following appropriately lettered subsection:

() Subsections (c) and (d) do not:

(1) limit the right of student expression at other campus locations; or

(2) prohibit faculty members from maintaining order in the classroom.

(5) On page 4, strike lines 14 through 16 and substitute the following appropriately numbered subdivision:

() establish disciplinary sanctions for students or student groups or organizations who materially and substantially interfere with the rights of others to engage in, observe, or listen to expressive activities on campus;

(6) On page 4, line 20, strike "including unpopular, controversial, or offensive ideas" and substitute "regardless of the content or viewpoint expressed".

(7) On page 4, line 24, between "engaging in" and "expressive activities", insert ", observing, or listening to".

(8) On page 5, between lines 1 and 2, insert the following appropriately numbered subdivision and renumber subsequent subdivisions accordingly:

() prohibit any institution official or employee from disinviting a speaker who has been approved by the institution to speak on campus and has been invited to speak on campus by a student enrolled at the institution, a student group or organization at the institution, or an employee of the institution;

(9) On page 5, strike lines 17 through 19 and substitute the following:

(A) it is not the proper role of the institution to shield persons from speech or expressive conduct protected by the First Amendment to the United States Constitution or Section 8, Article I, Texas Constitution, including, without limitation, ideas or opinions that those persons may find unwelcome or disagreeable; and

(10) On page 5, between lines 26 and 27, insert the following appropriately numbered subdivision and renumber subsequent subdivisions accordingly:

() contain a statement that, pursuant to Section 51.935, a person commits an offense if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of an institution of higher education;

Amendment No. 3 was adopted.

Amendment No. 4

Representative Canales offered the following amendment to **CSHB 2100**:

Amend **CSHB 2100** (house committee report) as follows:

(1) On page 7, strike the sentence beginning on line 7 and substitute the following:

In an action for damages brought under this subsection, the court:

(1) shall, if the court finds that an institution of higher education has violated this section, award the aggrieved person the greater of:

(A) the amount of the person's compensatory damages; or

(B) \$1,000; and

(2) may award reasonable attorney's fees to the prevailing party.

(2) On page 7, between lines 23 and 24, insert the following appropriately lettered subsection and reletter subsequent subsections accordingly:

() An institution of higher education's sovereign immunity to suit and from liability is waived and abolished to the extent of liability created under this section.

A record vote was requested by Representative C. Turner.

Amendment No. 4 was adopted by (Record 775): 82 Yeas, 56 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Craddick; Cyrier; Darby; Dean; Deshotel; Flynn; Frank; Frullo; Geren; Harless; Hefner; Holland; Huberty; Hunter; Kacal; King, P.; Klick; Krause; Kuempel; Landgraf; Lang; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Miller; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Pacheco; Paddie; Parker; Patterson; Paul; Phelan; Price; Raney; Raymond; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Bernal; Blanco; Bowers; Bucy; Calanni; Cole; Coleman; Collier; Cortez; Davis, Y.; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; King, T.; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Minjarez; Moody; Morales; Neave; Nevárez; Ortega; Perez; Ramos; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

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

Absent, Excused — Farrar; Johnson, E.; Lambert; Toth.

Absent, Excused, Committee Meeting — Davis, S.

Absent — Guillen; Harris; King, K.; Longoria; Thierry.

STATEMENT OF VOTE

When Record No. 775 was taken, I was in the house but away from my desk. I would have voted yes.

Harris

COMMITTEE GRANTED PERMISSION TO MEET

Representative Geren requested permission for the Committee on House Administration to meet while the house is in session, at 4 p.m. today, in 3W.9, to consider referred business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

House Administration, 4 p.m. today, 3W.9, for a formal meeting, to consider referred business.

CSHB 2100 - (consideration continued)**Amendment No. 5**

Representative Wu offered the following amendment to **CSHB 2100**:

Amend **CSHB 2100** (house committee report) on page 5 by striking lines 2 through 4 and renumbering subsequent subdivisions accordingly.

A record vote was requested by Representative C. Turner.

Amendment No. 5 failed of adoption by (Record 776): 65 Yeas, 75 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, Y.; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; King, T.; Larson; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Minjarez; Moody; Morales; Muñoz; Neave; Nevárez; Ortega; Pacheco; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Craddick; Cyrier; Darby; Dean; Flynn; Frank; Frullo; Harless; Harris; Hefner; Holland; Huberty; Hunter; Kacal; King, P.; Klick; Krause; Kuempel; Landgraf; Lang; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Miller; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Price; Raney; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

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

Absent, Excused — Farrar; Johnson, E.; Lambert; Toth.

Absent, Excused, Committee Meeting — Davis, S.

Absent — Deshotel; Geren; King, K.

STATEMENTS OF VOTE

When Record No. 776 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 776 was taken, I was shown voting yes. I intended to vote no.

Larson

Amendment No. 6

Representative Wu offered the following amendment to **CSHB 2100**:

Amend **CSHB 2100** (house committee report) on page 5, line 5, between "(8)" and "require", by inserting "to the extent consistent with state and federal law,".

Amendment No. 6 was adopted.

LEAVES OF ABSENCE GRANTED

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

Anchia on motion of Krause.

Anderson on motion of Krause.

Flynn on motion of Krause.

Geren on motion of Krause.

Howard on motion of Krause.

Ortega on motion of Krause.

Parker on motion of Krause.

Sanford on motion of Krause.

Sherman on motion of Krause.

Thierry on motion of Krause.

E. Thompson on motion of Krause.

CSHB 2100 - (consideration continued)**Amendment No. 7**

Representative Wu offered the following amendment to **CSHB 2100**:

Amend **CSHB 2100** (house committee report) on page 6 by striking lines 3 through 22 and substituting the following appropriately lettered subsection:

() In determining whether to approve a speaker to speak on campus or in determining the amount of a fee to be charged for use of the institution's facilities for purposes of engaging in expressive activities, an institution of higher education may consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, such as:

(1) the proposed venue and the expected size of the audience;

(2) any anticipated need for campus security;

(3) any necessary accommodations; and

(4) any relevant history of compliance or noncompliance by the requesting student, student group or organization, or employee with the institution's policy adopted under Subsection (g) and any other relevant policies.

Amendment No. 7 was adopted.

(Howard, Ortega, Sanford, and E. Thompson now present)

Amendment No. 8

Representative C. Turner offered the following amendment to **CSHB 2100**:

Amend **CSHB 2100** (house committee report) as follows:

(1) On page 3, strike lines 12 through 14 and substitute the following appropriately numbered subdivision:

() are narrowly tailored to serve a significant institutional interest;

(2) Strike page 3, line 25, through page 4, line 1, and reletter subsequent subsections and cross references to those subsections accordingly.

(3) On page 4, lines 11 and 12, strike "students, student groups and organizations, and employees" and substitute "student organizations and faculty".

(4) On page 4, strike lines 19 through 24, substitute the following appropriately numbered subdivision, and renumber subsequent subdivisions accordingly:

() encourage the free and open exchange of ideas;

(Anchia, Anderson, Flynn, Parker, and Thierry now present)

A record vote was requested by Representative C. Turner.

Amendment No. 8 failed of adoption by (Record 777): 59 Yeas, 78 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Cole; Coleman; Collier; Cortez; Davis, Y.; Dominguez; Dutton; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.E.; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Minjarez; Moody; Morales; Morrison; Muñoz; Neave; Nevárez; Ortega; Pacheco; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Craddick; Cyrier; Darby; Dean; Fierro; Flynn; Frank; Frullo; Guerra; Harless; Harris; Hefner; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Landgraf; Lang; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Miller; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Price; Raney; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

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

Absent, Excused — Farrar; Johnson, E.; Lambert; Toth.

Absent, Excused, Committee Meeting — Davis, S.; Geren; Sherman.

Absent — Canales; Deshotel; Johnson, J.D.; King, T.

STATEMENTS OF VOTE

When Record No. 777 was taken, I was in the house but away from my desk. I would have voted yes.

Canales

When Record No. 777 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

Amendment No. 9

Representative J. Turner offered the following amendment to **CSHB 2100**:

Amend **CSHB 2100** (house committee report) on page 7 by striking lines 1 through 18, substituting the following appropriately lettered subsection, and relettering subsequent subsections accordingly:

() Not later than the first anniversary of the date that a violation of this section is alleged to have occurred at an institution of higher education, a person whose expressive rights have been violated under this section may bring an action for injunctive relief to compel the institution to comply with this section. The person may seek recovery of court costs and reasonable attorney's fees associated with the action.

A record vote was requested by Representative C. Turner.

Amendment No. 9 failed of adoption by (Record 778): 61 Yeas, 76 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Cole; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.E.; King, T.; Longoria; Lopez; Martinez; Martinez Fischer; Meza; Minjarez; Moody; Morales; Muñoz; Neave; Nevárez; Ortega; Pacheco; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Craddick; Cyrier; Darby; Dean; Flynn; Frank; Frullo; Harless; Harris; Hefner; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Landgraf; Lang; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Miller; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Price; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

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

Absent, Excused — Farrar; Johnson, E.; Lambert; Toth.

Absent, Excused, Committee Meeting — Davis, S.; Geren; Sherman.

Absent — Canales; Johnson, J.D.; Lucio; Raney.

STATEMENT OF VOTE

When Record No. 778 was taken, I was in the house but away from my desk. I would have voted yes.

Canales

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).

(Geren now present)

CSHB 2100 - (consideration continued)**Amendment No. 10**

Representative J. González offered the following amendment to **CSHB 2100**:

Amend **CSHB 2100** as follows:

On page 6, between lines 22 and 23, insert the following appropriately lettered subsection:

() In determining whether to approve a speaker to speak on campus or in determining the amount of a fee to be charged for use of the institution's facilities for purposes of engaging in expressive activities under Subsection (h), an institution of higher education may also consider whether the speaker belongs to or is reasonably associated with a hate group.

Amendment No. 10 - Point of Order

Representative Stickland raised a point of order against further consideration of Amendment No. 10 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 10 was withdrawn.

(Sherman now present)

A record vote was requested by Representative Stickland.

CSHB 2100, as amended, was passed to engrossment by (Record 779): 82 Yeas, 59 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Coleman; Craddick; Cyrier; Darby; Dean; Flynn; Frank; Frullo; Geren; Guillen; Harless; Harris; Hefner; Herrero; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Landgraf; Lang; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Miller; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Price; Raney; Raymond; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bucy; Calanni; Canales; Cole; Collier; Cortez; Davis, Y.; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; King, T.; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Minjarez; Moody; Morales; Muñoz; Neave; Nevárez; Ortega; Pacheco; Perez; Ramos; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

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

Absent, Excused — Farrar; Johnson, E.; Lambert; Toth.

Absent, Excused, Committee Meeting — Davis, S.

Absent — Bowers; Deshotel.

STATEMENTS OF VOTE

When Record No. 779 was taken, I was in the house but away from my desk. I would have voted no.

Bowers

When Record No. 779 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

FIVE-DAY POSTING RULE SUSPENDED

Representative Larson moved to suspend the five-day posting rule to allow the Committee on Natural Resources to consider **SB 7** and **SB 8** at 10:30 a.m. or upon final adjournment/recess or during bill referral, if permission granted, tomorrow in E2.010.

The motion prevailed.

(S. Davis now present)

GENERAL STATE CALENDAR (consideration continued)

CSHB 63 ON SECOND READING (by Moody, Collier, White, Dutton, Phelan, et al.)

CSHB 63, A bill to be entitled An Act relating to the civil and criminal penalties for possession of certain small amounts of marihuana and an exception to prosecution for possession of associated drug paraphernalia; creating a criminal offense.

HB 63 - REMARKS

REPRESENTATIVE MOODY: I'm so proud to be here on the floor talking about a bill I've been working on for years now. When I first proposed changing our criminal penalty for personal use marihuana possession to a civil penalty, there was some support but even more caution and unfortunately a whole lot of chuckles about stoners and munchies. I get that. Like most people, I also didn't

realize how serious the problems with our current system were until a constituent of mine, Mr. Colt DeMorris, reached out and gave me some perspective. After he helped educate me on the toll these laws were taking on ordinary Texans, I drove into the data and found out just how right he was. I've been trying to pass that along in the years since by telling all of you about the \$734 million we spend in Texas every year on enforcement, about the 75,000 arrests every year that take police off the street, about the devastating collateral consequences that haunt young people for their whole lives. I've also listened to your input even when we've disagreed. I appreciate the feedback from members, advocates, and criminal justice professionals, and I've worked with everyone who has brought me concerns in good faith.

The result is a very strong, functional, bipartisan bill. That's reflected in the endorsement of both major parties. This reform is actually a plank of the Texas Republican Party platform. That's reflected in the joint author sheet made up entirely of chairs. Thank you, Mr. Dutton, Mr. White, Ms. Collier, and Mr. Phelan. That's reflected in the dozens of members who've signed on as coauthors, and there's still time for more of you. But as much as I appreciate all those signatures, there's still one signature I have to think about. And just as I've worked with everyone else, today I'm prepared to work in the lanes the governor has laid out to get this done. With that, I have an amendment.

Amendment No. 1

Representative Moody offered the following amendment to **CSHB 63**:

Amend **CSHB 63** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 481.121(b), Health and Safety Code, is amended to read as follows:

(b) An offense under Subsection (a) is:

(1) a Class C misdemeanor if the amount of marihuana possessed is one ounce or less;

(2) a Class B misdemeanor if the amount of marihuana possessed is two ounces or less but more than one ounce;

(3) [~~2~~] a Class A misdemeanor if the amount of marihuana possessed is four ounces or less but more than two ounces;

(4) [~~3~~] a state jail felony if the amount of marihuana possessed is five pounds or less but more than four ounces;

(5) [~~4~~] a felony of the third degree if the amount of marihuana possessed is 50 pounds or less but more than 5 pounds;

(6) [~~5~~] a felony of the second degree if the amount of marihuana possessed is 2,000 pounds or less but more than 50 pounds; and

(7) [~~6~~] punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 5 years, and a fine not to exceed \$50,000, if the amount of marihuana possessed is more than 2,000 pounds.

SECTION 2. Section 481.126(a), Health and Safety Code, is amended to read as follows:

(a) A person commits an offense if the person:

(1) barter property or expends funds the person knows are derived from the commission of an offense under this chapter punishable by imprisonment in the Texas Department of Criminal Justice for life;

(2) barter property or expends funds the person knows are derived from the commission of an offense under Section 481.121(a) that is punishable under Section 481.121(b)(6) [~~481.121(b)(5)~~];

(3) barter property or finances or invests funds the person knows or believes are intended to further the commission of an offense for which the punishment is described by Subdivision (1); or

(4) barter property or finances or invests funds the person knows or believes are intended to further the commission of an offense under Section 481.121(a) that is punishable under Section 481.121(b)(6) [~~481.121(b)(5)~~].

SECTION 3. Sections 481.134(c), (d), (e), and (f), Health and Safety Code, are amended to read as follows:

(c) The minimum term of confinement or imprisonment for an offense otherwise punishable under Section 481.112(c), (d), (e), or (f), 481.112(b)(2), (3), or (4), 481.113(c), (d), or (e), 481.114(c), (d), or (e), 481.115(c)-(f), 481.1151(b)(2), (3), (4), or (5), 481.116(c), (d), or (e), 481.1161(b)(4), (5), or (6), 481.117(c), (d), or (e), 481.118(c), (d), or (e), 481.120(b)(4), (5), or (6), or 481.121(b)(5), (6), or (7) [~~481.121(b)(4), (5), or (6)~~] is increased by five years and the maximum fine for the offense is doubled if it is shown on the trial of the offense that the offense was committed:

(1) in, on, or within 1,000 feet of the premises of a school, the premises of a public or private youth center, or a playground; or

(2) on a school bus.

(d) An offense otherwise punishable under Section 481.112(b), 481.1121(b)(1), 481.113(b), 481.114(b), 481.115(b), 481.1151(b)(1), 481.116(b), 481.1161(b)(3), 481.120(b)(3), or 481.121(b)(4) [~~481.121(b)(3)~~] is a felony of the third degree if it is shown on the trial of the offense that the offense was committed:

(1) in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board, the premises of a public or private youth center, or a playground; or

(2) on a school bus.

(e) An offense otherwise punishable under Section 481.117(b), 481.119(a), 481.120(b)(2), or 481.121(b)(3) [~~481.121(b)(2)~~] is a state jail felony if it is shown on the trial of the offense that the offense was committed:

(1) in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board, the premises of a public or private youth center, or a playground; or

(2) on a school bus.

(f) An offense otherwise punishable under Section 481.118(b), 481.119(b), 481.120(b)(1), or 481.121(b)(2) [~~481.121(b)(1)~~] is a Class A misdemeanor if it is shown on the trial of the offense that the offense was committed:

(1) in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board, the premises of a public or private youth center, or a playground; or

(2) on a school bus.

SECTION 4. Article 14.06, Code of Criminal Procedure, is amended by adding Subsection (b-1) and amending Subsection (d) to read as follows:

(b-1) A peace officer who is charging a person with committing an offense under Section 481.121(b)(1) or 481.125(a), Health and Safety Code, may not arrest the person and shall issue the person a citation as provided by Subsection (b).

(d) Subsection (c) applies only to a person charged with committing an offense under:

(1) Section 481.121, Health and Safety Code, if the offense is punishable under Subsection (b)(2) or (3) [~~(b)(1) or (2)~~] of that section;

(1-a) Section 481.1161, Health and Safety Code, if the offense is punishable under Subsection (b)(1) or (2) of that section;

(2) Section 28.03, Penal Code, if the offense is punishable under Subsection (b)(2) of that section;

(3) Section 28.08, Penal Code, if the offense is punishable under Subsection (b)(2) or (3) of that section;

(4) Section 31.03, Penal Code, if the offense is punishable under Subsection (e)(2)(A) of that section;

(5) Section 31.04, Penal Code, if the offense is punishable under Subsection (e)(2) of that section;

(6) Section 38.114, Penal Code, if the offense is punishable as a Class B misdemeanor; or

(7) Section 521.457, Transportation Code.

SECTION 5. Articles 42A.551(a) and (c), Code of Criminal Procedure, are amended to read as follows:

(a) Except as otherwise provided by Subsection (b) or (c), on conviction of a state jail felony under Section 481.115(b), 481.1151(b)(1), 481.116(b), 481.1161(b)(3), 481.121(b)(4) [~~481.121(b)(3)~~], or 481.129(g)(1), Health and Safety Code, that is punished under Section 12.35(a), Penal Code, the judge shall suspend the imposition of the sentence and place the defendant on community supervision.

(c) Subsection (a) does not apply to a defendant who:

(1) under Section 481.1151(b)(1), Health and Safety Code, possessed more than five abuse units of the controlled substance;

(2) under Section 481.1161(b)(3), Health and Safety Code, possessed more than one pound, by aggregate weight, including adulterants or dilutants, of the controlled substance; or

(3) under Section 481.121(b)(4) [~~481.121(b)(3)~~], Health and Safety Code, possessed more than one pound of marihuana.

SECTION 6. Article 45.051, Code of Criminal Procedure, is amended by adding Subsections (a-2) and (e-1) to read as follows:

(a-2) Unless the defendant has previously received a deferral of disposition for an offense under Section 481.121(b)(1) or 481.125(a), Health and Safety Code, committed within the 12-month period preceding the date of the commission of the instant offense, on plea of guilty or nolo contendere for either offense, the judge shall defer further proceedings without entering an adjudication of guilt and place the defendant on probation under the provisions of this article.

(e-1) Regardless of whether the person has filed a petition for expunction, a court that dismisses a complaint under this article for a person charged with an offense under Section 481.121(b)(1) or 481.125(a), Health and Safety Code, shall order all documents relating to the offense to be expunged from the person's record. The dismissed complaint is not a conviction and may not be used against the person for any purpose.

SECTION 7. Section 411.0728(a), Government Code, is amended to read as follows:

(a) This section applies only to a person:

(1) who is placed on community supervision under Chapter 42A, Code of Criminal Procedure, after conviction for an offense under:

(A) Section 481.120, Health and Safety Code, if the offense is punishable under Subsection (b)(1);

(B) Section 481.121, Health and Safety Code, if the offense is punishable under Subsection ~~(b)(2)~~ ~~[(b)(1)]~~;

(C) Section 31.03, Penal Code, if the offense is punishable under Subsection (e)(1) or (2);

(D) Section 43.02, Penal Code; or

(E) Section 43.03(a)(2), Penal Code, if the offense is punishable as a Class A misdemeanor; and

(2) with respect to whom the conviction is subsequently set aside by the court under Article 42A.701, Code of Criminal Procedure.

SECTION 8. Section 521.371(3), Transportation Code, is amended to read as follows:

(3) "Drug offense" has the meaning assigned under 23 U.S.C. Section 159(c) and includes an offense under Section 49.04, 49.07, or 49.08, Penal Code, that is committed as a result of the introduction into the body of any substance the possession of which is prohibited under the Controlled Substances Act. The term does not include an offense punishable by fine only under the laws of this state.

SECTION 9. The changes in law made by this Act 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 was committed before that date.

SECTION 10. (a) Except as otherwise provided by this section, this Act takes effect September 1, 2019.

(b) Section 521.371, Transportation Code, as amended by this Act, takes effect on the 91st day after the date the office of the attorney general publishes in the Texas Register a finding that:

(1) the legislature of this state has adopted a resolution expressing the legislature's opposition to a law meeting the requirements of 23 U.S.C. Section 159 in suspending, revoking, or denying the driver's license of a person convicted of a drug offense punishable by fine only for a period of six months;

(2) the governor of this state has submitted to the United States secretary of transportation:

(A) a written certification of the governor's opposition to the enactment or enforcement of a law required under 23 U.S.C. Section 159 as that law relates to offenses punishable by fine only; and

(B) a written certification that the legislature has adopted the resolution described by Subdivision (1) of this subsection; and

(3) the United States secretary of transportation has responded to the governor's submission and certified that highway funds will not be withheld from this state in response to the partial repeal of the law required under 23 U.S.C. Section 159.

Amendment No. 2

Representative Moody offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Moody to **CSHB 63** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.02161 to read as follows:

Art. 45.02161. EXPUNCTION OF CERTAIN RECORDS. (a) This article applies only to a person charged with an offense under Section 481.121(b)(1) or 481.125(a), Health and Safety Code.

(b) Records of a person relating to a complaint may be expunged under this article if:

(1) the complaint was dismissed under Article 45.051 or 45.052 or other law; and

(A) at least 180 days has elapsed from the date of the dismissal; or

(B) at least one year has elapsed from the date of the citation; or

(2) the person was acquitted of the offense.

(c) The person must make a written request to have the records expunged. The request must be under oath.

(d) The court shall order all complaints, verdicts, sentences, and prosecutorial and law enforcement records, and any other documents relating to the offense expunged from the person's record if the court finds that the person satisfies the requirements of this article.

(e) The justice or municipal court shall require a person who requests expungement under this article to pay a fee in the amount of \$30 to defray the cost of notifying state agencies of orders of expungement under this article.

(f) The procedures for expunction provided under this article are separate and distinct from the expunction procedures under Chapter 55.

(2) On page 3, between lines 30 and 31, insert the following:

(b-2) Subsection (b-1) does not apply to an officer making an arrest for an offense other than an offense under Section 481.121(b)(1) or 481.125(a), Health and Safety Code.

(3) On page 5, strike lines 16 through 22 and substitute the following:

(e-1) A court that dismisses a complaint under this article for a person charged with an offense under Section 481.121(b)(1) or 481.125(a), Health and Safety Code, shall notify the defendant in writing of the person's expunction rights under Article 45.02161 and provide them with a copy of that article. The dismissed complaint is not a conviction and may not be used against the person for any purpose.

Amendment No. 2 was adopted.

AMENDMENT NO. 1 - REMARKS

REPRESENTATIVE MOODY: Since this is a big change, let me give you the "what" before I give you the "why." The amendment you have in front of you now keeps a criminal penalty for personal use possession of marihuana instead of moving to a civil system. It just reduces the penalty and works to remove disproportionate collateral consequences as much as we're able to within the criminal justice system. This is an approach the governor has supported publicly. Like the original version of the bill, it deals with possession of one ounce or less, which is only half the amount punished by our current lowest penalty. The amendment makes that a Class C misdemeanor. I want to be clear that this amendment doesn't affect our laws on concentrates or other forms of THC which are covered in a different section of the code. Beyond that, because we changed the numbering of these penalties, a lot of what the amendment does is make conforming changes to areas of several codes to keep the existing law the same.

Here are the substantive changes in the amendment. First, it requires a citation instead of an arrest if a person's only offense is possession of an ounce or less or possession of drug paraphernalia. The amendment to the amendment clarified that this doesn't apply to someone making an arrest for something else. In other words, if you're getting arrested for something like a DWI and you have an ounce or less of marihuana, you can be charged with both. Second, it requires a court to defer adjudication of guilt and place the offender on probation for those offenses if they haven't gone through the process in the last 12 months. Third, those who successfully complete are eligible to have their records expunged. That's the law right now, but this amendment, specifically the amendment to the amendment that we brought on to the amendment, streamlines the procedures for that and allows expunction a little earlier than the general expunction statute which normally requires a wait of two years or more from the time of arrest. The procedures are largely modeled after expunctions in minor and possession cases, except unlike with MIP, this amendment doesn't allow an outright conviction to be expunged. Finally, the amendment removes the automatic six-month driver's license suspension that comes with any drug conviction. To make that work, we're also going to have to pass a separate resolution telling the federal government we oppose them holding our federal highway funds hostage if we change our law. That keeps our highway funds flowing and tells Washington that

Texas is going to make its own laws. That resolution was filed by Mr. White and should be in front of you soon. I do want to be clear that this part of the amendment is contingent on that resolution so no funding is in danger. That's why the effective dates at the end of the amendment are a little bit complicated.

So that's the "what," and the "why" is simply this. Although this compromise isn't as far as I'd like to go, I'm not going to sacrifice the good for the perfect. If this is what we can do, then this is what we must do. We can't keep spending three-quarters of a billion dollars on this every year. We can't keep hauling 75,000 Texans to jail every year. We can't keep distracting police and prosecutors from crime we should genuinely be afraid of with a crime that at worst we're mad about. And all that disgraceful waste of resources aside, we've got to do something about the collateral consequences our system has created for people. We're tagging young people, and arrest data shows it's mostly young people, with criminal records. About half of those 75,000 annual arrests result in a conviction or non-expungeable probation, which is a barrier to education, financial aid, housing, military service, and employment. It can affect freedoms like completing the naturalization process or having a license to carry a firearm. And if someone overcomes all that, then six months without a driver's license is also a serious problem. Our current law means that a 20-year-old college kid caught with \$5 worth of marihuana can end up being treated like a criminal at a job interview 30 years later, and that's if they even get the interview in the first place. And that's wrong. And all that's for nothing, because usage rates have been steady. What we're doing now has absolutely zero deterrent value. No business in the world would keep making a three-quarter-billion-dollar annual investment when it's never had a positive return in the past, but we keep doing it every session. It's time to stop throwing away taxpayer money and law enforcement resources and be smarter. **CSHB 63** is that solution.

There are some people, and I'm encouraged that there aren't many, but there are some people who have drawn a line in the sand and refuse to take any step forward whatsoever on reform. They say it's a slippery slope to full-on legalization. The amendment in front of you isn't legalization. It's not even decriminalization. We can't legislate in fear of what some future legislature might do. We're here to solve the problems of today. I also want to remind everyone that this isn't about whether marihuana is good or bad. It's about whether what we're doing on enforcement right now is good policy. We all know it's not. **CSHB 63** provides a smarter, fairer path forward for this state. This is a bipartisan issue that has overwhelming support from Texans across the political spectrum. I hope it has your support, too, because the time for reform is now.

LEAVE OF ABSENCE GRANTED

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

Lopez on motion of Collier.

CSHB 63 - (consideration continued)

Amendment No. 1, as amended, was adopted.

A record vote was requested by Representative Hefner.

CSHB 63, as amended, was passed to engrossment by (Record 780): 98 Yeas, 43 Nays, 3 Present, not voting.

Yeas — Allen; Anchia; Bailes; Beckley; Bernal; Biedermann; Blanco; Bowers; Bucy; Button; Cain; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Darby; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Fierro; Frank; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; King, T.; Krause; Landgraf; Larson; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Ortega; Pacheco; Parker; Patterson; Perez; Phelan; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Schaefer; Sheffield; Sherman; Springer; Stickland; Talarico; Thierry; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Allison; Anderson; Ashby; Bell, C.; Bell, K.; Bohac; Bonnen; Buckley; Burns; Burrows; Capriglione; Craddick; Cyrier; Flynn; Frullo; Harless; Harris; Hefner; Holland; Kacal; King, K.; King, P.; Kuempel; Lang; Leman; Metcalf; Middleton; Murr; Noble; Oliverson; Paddie; Paul; Price; Sanford; Shaheen; Shine; Smith; Smithee; Stephenson; Stucky; Swanson; Thompson, E.; VanDeaver.

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

Absent, Excused — Farrar; Johnson, E.; Lambert; Lopez; Toth.

Absent — Dean.

STATEMENT OF VOTE

When Record No. 780 was taken, I was in the house but away from my desk. I would have voted no.

Dean

COMMITTEE GRANTED PERMISSION TO MEET

Representative Burrows requested permission for the Committee on Ways and Means to meet while the house is in session, at 5:45 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Ways and Means, 5:45 p.m. today, 3W.15, for a formal meeting, to consider pending business.

GENERAL STATE CALENDAR
(consideration continued)

CSHB 1543 ON SECOND READING
(by Springer, Flynn, Schaefer, and Paddie)

CSHB 1543, A bill to be entitled An Act relating to methods to enhance the enforcement of the collection of the use tax due on certain off-highway vehicles purchased outside this state; providing a civil penalty.

Amendment No. 1

Representative Springer offered the following amendment to **CSHB 1543**:

Amend **CSHB 1543** (house committee report) as follows:

(1) Strike page 4, line 27 through page 5, line 2, and substitute the following:

(c) The comptroller shall promulgate forms to be used by each county assessor-collector for purposes of implementing this section.

(d) The comptroller may adopt rules as necessary to implement this section, including rules that define "satisfactory evidence" for purposes of this section.

(2) On page 5, line 8, strike "the effective date of this Act" and substitute "March 1, 2020".

(3) On page 5, line 9, strike "the effective date of this Act" and substitute "March 1, 2020,".

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

SECTION _____. (a) As soon as practicable after the effective date of this Act, the comptroller of public accounts shall establish a workgroup composed of members determined by the comptroller and the Tax Assessor-Collectors Association of Texas for the purpose of assisting the comptroller in developing the forms required by Section 501.0301(c), Transportation Code, as added by this Act.

(b) Not later than March 1, 2020, the forms described by Subsection (a) of this section shall be completed and distributed to each county assessor-collector in this state.

(c) This section expires and the workgroup established under Subsection (a) of this section is abolished April 1, 2020.

Amendment No. 1 was adopted.

A record vote was requested by Representative Stickland.

CSHB 1543, as amended, was passed to engrossment by (Record 781): 126 Yeas, 16 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Dean; Deshotel; Dominguez; Dutton; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero;

Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Kuempel; Landgraf; Larson; Leach; Leman; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wilson; Wray; Wu; Zerwas; Zwiener.

Nays — Anderson; Biedermann; Cain; Clardy; Flynn; King, P.; Krause; Lang; Middleton; Patterson; Schaefer; Shaheen; Stickland; Tinderholt; White; Zedler.

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

Absent, Excused — Farrar; Johnson, E.; Lambert; Lopez; Toth.

Absent — Davis, Y.

STATEMENTS OF VOTE

When Record No. 781 was taken, I was shown voting no. I intended to vote yes.

Flynn

When Record No. 781 was taken, I was shown voting no. I intended to vote yes.

Schaefer

When Record No. 781 was taken, I was shown voting yes. I intended to vote no.

Wilson

CSHB 2668 ON SECOND READING

(by C. Turner)

CSHB 2668, A bill to be entitled An Act relating to the dissolution of a direct-support organization established by the Prepaid Higher Education Tuition Board and the transfer of funds related to prepaid higher education tuition scholarships to the Texas Match the Promise Foundation or a successor entity.

CSHB 2668 was passed to engrossment.

CSHB 2188 ON SECOND READING

(by Frullo and Larson)

CSHB 2188, A bill to be entitled An Act relating to the operation of electric and nonelectric bicycles.

CSHB 2188 was passed to engrossment.

CSHB 1865 ON SECOND READING**(by Landgraf, S. Thompson, Meyer, Ortega, Harless, et al.)**

CSHB 1865, A bill to be entitled An Act relating to the licensing and regulation of massage therapy; requiring a student permit; authorizing fees.

A record vote was requested by Representative Stickland.

CSHB 1865 was passed to engrossment by (Record 782): 122 Yeas, 20 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Blanco; Bohac; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Kuempel; Landgraf; Larson; Leach; Leman; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wray; Wu; Zerwas; Zwiener.

Nays — Bell, C.; Biedermann; Bonnen; Cain; Hefner; King, P.; Krause; Lang; Middleton; Oliverson; Patterson; Schaefer; Shaheen; Stickland; Swanson; Thompson, E.; Tinderholt; White; Wilson; Zedler.

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

Absent, Excused — Farrar; Johnson, E.; Lambert; Lopez; Toth.

Absent — Klick.

STATEMENTS OF VOTE

When Record No. 782 was taken, I was shown voting yes. I intended to vote no.

Sanford

When Record No. 782 was taken, I was shown voting yes. I intended to vote no.

Springer

When Record No. 782 was taken, I was shown voting no. I intended to vote yes.

E. Thompson

CSHB 2845 ON SECOND READING
(by Canales, Darby, Clardy, Phelan, Burrows, et al.)

CSHB 2845, A bill to be entitled An Act relating to the removal of wind power facilities.

(Speaker in the chair)

Amendment No. 1

Representative Canales offered the following amendment to **CSHB 2845**:

Amend **CSHB 2845** (house committee report) as follows:

(1) On page 2, line 27, through page 3, line 1, strike "at least three feet from the grade of the land affected by the foundation" and substitute "to a depth of at least three feet below the surface grade of the land in which the foundation is installed".

(2) On page 3, lines 8 and 9, strike "at least three feet below the grade of the land affected by the cable" and substitute "to a depth of at least three feet below the surface grade of the land in which the cable is installed".

(3) On page 4, strike lines 11 through 23 and substitute the following:

(d) The landowner shall make a request under Subsection (b) or (c) not later than the 180th day after the later of:

(1) the date on which the wind power facility is no longer capable of generating electricity in commercial quantities; or

(2) the date the landowner receives written notice of intent to decommission the wind power facility from the grantee.

Sec. 301.0004. REQUIRED AGREEMENT PROVISIONS ON FINANCIAL ASSURANCE. (a) A wind power facility agreement must provide that the grantee shall obtain and deliver to the landowner evidence of financial assurance that conforms to the requirements of this section to secure the performance of the grantee's obligation to remove the grantee's wind power facilities located on the landowner's property as described by Section 301.0003. Acceptable forms of financial assurance include a parent company guaranty with a minimum investment grade credit rating for the parent company issued by a major domestic credit rating agency, a letter of credit, a bond, or another form of financial assurance acceptable to the landowner.

(4) Strike "bond or other" in each of the following places:

(A) page 4, line 24; and

(B) page 5, lines 18 and 25.

(5) Strike "a bond or other" in each of the following places:

(A) page 5, lines 21-22; and

(B) page 6, line 11.

(6) On page 6, lines 15-16, strike "a replacement bond or".

Amendment No. 1 was adopted.

CSHB 2845, as amended, was passed to engrossment.

HB 2623 ON SECOND READING**(by White)**

HB 2623, A bill to be entitled An Act relating to the requirements for a change of name for a person with a final felony conviction or a person required to register as a sex offender.

HB 2623 was passed to engrossment.

CSHB 3842 ON SECOND READING**(by T. King)**

CSHB 3842, A bill to be entitled An Act relating to the requirement that a motor vehicle dealer obtain a general distinguishing number for a consignment location.

CSHB 3842 was passed to engrossment.

HB 985 ON SECOND READING**(by Parker, et al.)**

HB 985, A bill to be entitled An Act relating to the effect of certain agreements with a collective bargaining organization on certain state-funded public work contracts.

A record vote was requested by Representative Stickland.

HB 985 was passed to engrossment by (Record 783): 79 Yeas, 64 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Craddick; Cyrier; Darby; Davis, S.; Dean; Flynn; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Landgraf; Lang; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Miller; Morales; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Price; Raney; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; King, T.; Longoria; Lucio; Martinez; Martinez Fischer; Meza; Minjarez; Moody; Muñoz; Neave; Nevárez; Ortega; Pacheco; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Johnson, E.; Lambert; Lopez; Toth.

Absent — Middleton.

STATEMENTS OF VOTE

When Record No. 783 was taken, I was in the house but away from my desk. I would have voted yes.

Middleton

When Record No. 783 was taken, I was shown voting yes. I intended to vote no.

Morales

When Record No. 783 was taken, I was shown voting no. I intended to vote yes.

VanDeaver

CSHB 1139 ON SECOND READING

(by S. Thompson, Leach, Moody, White, Walle, et al.)

CSHB 1139, A bill to be entitled An Act relating to the applicability of the death penalty to a capital offense committed by a person with an intellectual disability.

Amendment No. 1

Representative S. Thompson offered the following amendment to **CSHB 1139**:

Amend **CSHB 1139** (house committee printing) as follows:

(1) On page 1, lines 5 and 6, strike "Article 44.01(a), Code of Criminal Procedure, is amended" and substitute "Article 44.01, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (a-1)".

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

(a-1) The state's appeal of an order issued under Chapter 46E is a direct appeal to the court of criminal appeals. The court of criminal appeals shall expeditiously review the appeal.

(3) On page 2, lines 22 and 23, strike "the 180th day before the date the trial is scheduled to begin" and substitute "the first anniversary of the date of the defendant's indictment".

(4) Strike page 2, line 26, through page 3, line 1, and reletter subsequent subsections of added Article 46E.003, Code of Criminal Procedure, and cross-references to those subsections, accordingly.

(5) On page 3, lines 3 through 5, strike "and was accompanied by any evidence from a credible source indicating that the defendant is a person with an intellectual disability".

(6) On page 3, strike lines 6 and 7 and substitute the following: hearing to determine the issue. The hearing must be held:

(1) not earlier than 180 days after the date that the written request was submitted under Subsection (a); and

(2) not later than the 120th day before the date the trial is scheduled to begin.

(7) Strike page 3, lines 15 through 22.

Amendment No. 1 was adopted.

CSHB 1139, as amended, was passed to engrossment. (Flynn and Hunter recorded voting no.)

CSHB 3143 ON SECOND READING

(by Murphy, Button, Sanford, Noble, Shaheen, et al.)

CSHB 3143, A bill to be entitled An Act relating to the Property Redevelopment and Tax Abatement Act.

CSHB 3143 was passed to engrossment.

CSHB 2611 ON SECOND READING

(by Morrison)

CSHB 2611, A bill to be entitled An Act relating to the treatment of certain limited liability companies as passive entities for purposes of the franchise tax.

CSHB 2611 was passed to engrossment.

HB 4429 ON SECOND READING

(by Blanco)

HB 4429, A bill to be entitled An Act relating to the inclusion of mental health first aid training in the mental health program for veterans.

HB 4429 was passed to engrossment.

CSHB 1111 ON SECOND READING

(by S. Davis, Springer, Guerra, S. Thompson, C. Turner, et al.)

CSHB 1111, A bill to be entitled An Act relating to maternal and newborn health care.

Amendment No. 1

Representative S. Davis offered the following amendment to **CSHB 1111**:

Amend **CSHB 1111** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 81.090(c), Health and Safety Code, is amended to read as follows:

(c) A physician or other person in attendance at a delivery shall:

(1) take or cause to be taken a sample of blood or other appropriate specimen from the mother on admission for delivery; and

(2) submit the sample to an appropriately certified laboratory for diagnostic testing approved by the United States Food and Drug Administration for hepatitis B infection and syphilis.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Thierry offered the following amendment to **CSHB 1111**:

Amend **CSHB 1111** (house committee report) on page 2, line 17, between "pregnancy" and the underlined semicolon, by inserting the following: based on recognized maternal mortality and morbidity risk assessment tools that indicate the participant's:

- (A) maternal age;
- (B) maternal race;
- (C) prior pregnancies that resulted in a live birth, stillbirth, or miscarriage; and
- (D) family history of disease

Amendment No. 2 was adopted.

Amendment No. 3

Representative Thierry offered the following amendment to **CSHB 1111**:

Amend **CSHB 1111** (house committee report) on page 2, line 25, immediately following the underlined period, by inserting the following: The commission may consider as a criteria for the financial incentives whether the health care provider in a maternity management team will implement strategies and best practices recommended by the Maternal Mortality and Morbidity Task Force established under Chapter 34, Health and Safety Code, for reducing maternal mortality rates and maternal health disparities for African American women in this state.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Thierry offered the following amendment to **CSHB 1111**:

Amend **CSHB 1111** (house committee report) as follows:

(1) On page 2, line 14, between "location" and the underlined semicolon, insert:

in:

(A) a zip code with a high rate of maternal mortality and morbidity;

or

(B) an area with limited access to health care providers who provide obstetrical care

(2) On page 2, line 21, after "pregnancy", add "and for a reasonable amount of time postpartum".

(3) On page 2, line 22, between "outcomes" and the underlined period, insert "and pregnancy-related maternal deaths occurring postpartum".

(4) On page 8, between lines 7 and 8, insert the following and renumber subsequent subdivisions accordingly:

(1) total number of live births;

Amendment No. 4 was adopted.

Amendment No. 5

Representative Thierry offered the following amendment to **CSHB 1111**:

Amend **CSHB 1111** (house committee report) on page 3, by striking lines 18-19 and substituting the following:

(f-1) The report required under Subsection (f) may include statistical information and findings based on confidential information collected under Section 34.019, Health and Safety Code, provided the information and findings:

(1) are aggregated; and

(2) do not include any personally identifying information of a woman, her family, or a health care provider.

(g) The executive commissioner shall:

(1) adopt rules to implement this section; and

(2) adopt and implement policies and procedures to ensure that confidential information obtained under this section is not disclosed in violation of state or federal law.

Amendment No. 5 was adopted.

CSHB 1111, as amended, was passed to engrossment.

HB 2282 ON SECOND READING

(by Parker)

HB 2282, A bill to be entitled An Act relating to the applicability of certain limitations on the capture and use of biometric identifiers to financial institutions.

HB 2282 was passed to engrossment.

MESSAGE FROM THE SENATE

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

COMMITTEES GRANTED PERMISSION TO MEET

Representative Leach moved that the house grant permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings or recess motions.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative C. Turner moved to suspend the five-day posting rule to allow the Committee on Higher Education to consider **HB 3853** at 8 a.m. Wednesday, May 1 in E1.014.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Local and Consent Calendars, upon final adjournment or during bill referral, if permission granted, today, 1W.14, for a formal meeting, to consider pending business.

State Affairs, upon final adjournment or during bill referral, if permission granted, today, 1W.14, for a formal meeting, to consider pending business.

Calendars, upon final adjournment or during bill referral, if permission granted, today, 3W.9, for a formal meeting, to consider a calendar.

Energy Resources, upon final adjournment/recess or during bill referral, if permission granted, today, 1W.14, for a formal meeting, to consider pending business.

REMARKS ORDERED PRINTED

Representative Neave moved to print the opening remarks and remarks on Amendment No. 1, as amended, by Representative Moody on **CSHB 63**.

The motion prevailed.

PROVIDING FOR ADJOURNMENT

At 6:16 p.m., Representative Fierro moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List Nos. 1 and 2.)

(Geren in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 6:31 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HR 1282 (By Bucy), Congratulating Peyton Phillips of Austin on winning the 2019 K1 Speed E-World Championship.

To Resolutions Calendars.

HR 1283 (By Morrison), In memory of Joyce Kathleen Giddens Matthews of Victoria.

To Resolutions Calendars.

HR 1285 (By Huberty), Commending Abby Caldwell of Humble for her service as an intern in the district office of State Representative Dan Huberty.

To Resolutions Calendars.

HR 1287 (By Harris), In memory of Bascom William Bentley IV.

To Resolutions Calendars.

HR 1288 (By Toth), Honoring Samuel Askins for his service to his fellow veterans at Camp Hope in Houston.

To Resolutions Calendars.

HR 1290 (By Paul), Recognizing May 18-24, 2019, as National Safe Boating Week.

To Resolutions Calendars.

HR 1291 (By Dutton), Congratulating Mamie Frank Lewis of Barrett Station on her 102nd birthday.

To Resolutions Calendars.

HR 1292 (By Patterson), Congratulating Hannah Lee of Wakeland High School on her record-setting performance at the 2019 Texas State Academic Decathlon.

To Resolutions Calendars.

HR 1293 (By Goodwin), Honoring the Islamic Center of Lake Travis on the first anniversary of its rebuilding and its second Ramadan observance and on hiring its first full-time imam.

To Resolutions Calendars.

HR 1294 (By Holland), Commemorating the 2019 Liechty family reunion in Rockwall County.

To Resolutions Calendars.

HR 1295 (By Gutierrez), Commemorating the 2019 Wild West BBQ Cook-Off in Bexar County.

To Resolutions Calendars.

HR 1296 (By D. Bonnen), Congratulating Texas Gulf Coast Regional Airport for being named the 2019 General Aviation Airport of the Year.

To Resolutions Calendars.

HR 1298 (By C. Turner), Commemorating the reopening of the Grand Prairie Animal Services and Adoption Center.

To Resolutions Calendars.

HR 1299 (By Zwiener), In memory of Mountain City mayor Phillip Lee Taylor.

To Resolutions Calendars.

HR 1302 (By Hunter, G. Bonnen, Middleton, D. Bonnen, and S. Thompson), In memory of former state senator A. R. "Babe" Schwartz of Galveston.

To Resolutions Calendars.

HR 1303 (By Cyrier), Commending Jacob Henry Neidig of Elgin High School for his academic achievements.

To Resolutions Calendars.

HR 1304 (By White), Congratulating Laci Kaye Booth of Livingston on her selection as a Top 10 finalist on American Idol.

To Resolutions Calendars.

HR 1305 (By White), Congratulating the Livingston High School robotics team on winning the Tech Challenge 1A-4A Division at the 2019 UIL FIRST Robotics State Championships.

To Resolutions Calendars.

HR 1306 (By Huberty), Commending Praveena Javvadi for her service as a legislative intern in the office of State Representative Dan Huberty.

To Resolutions Calendars.

HR 1307 (By K. Bell), In memory of Robert Jefferson Dobbs of Forney.

To Resolutions Calendars.

HR 1308 (By K. Bell), In memory of James Dewey Welch of Mabank.

To Resolutions Calendars.

HR 1309 (By Anchia), In memory of Larry Temple, executive director of the Texas Workforce Commission.

To Resolutions Calendars.

HR 1311 (By Button), Commemorating the 50th anniversary of The University of Texas at Dallas.

To Resolutions Calendars.

HR 1312 (By Hernandez), Congratulating Gloria E. López on her election as judge of the 308th Family Court in Harris County.

To Resolutions Calendars.

HR 1313 (By Kacal), In memory of Dr. Thomas Lee Charlton of Fort Worth.

To Resolutions Calendars.

HR 1314 (By Morrison), In memory of former Port Lavaca mayor Ida Mae "Tiney" Browning.

To Resolutions Calendars.

HR 1317 (By Talarico), Recognizing May 1, 2019, as Hutto Day at the State Capitol.

To Resolutions Calendars.

HR 1318 (By Neave), Congratulating Dirk Nowitzki of the Dallas Mavericks on his retirement from the NBA.

To Resolutions Calendars.

HR 1320 (By Israel), Congratulating Alyssa VanDyke of the Girl Scouts of Central Texas Troop No. 1628 in Georgetown on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1321 (By Israel), Congratulating Lizette Wong of the Girl Scouts of Central Texas Troop No. 8260 in Temple on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1322 (By Israel), Congratulating Cassandra Williams of the Girl Scouts of Central Texas Troop No. 8121 in Belton on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1323 (By Israel), Congratulating Anna Wicker of the Girl Scouts of Central Texas Troop No. 116 in Austin on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1324 (By Israel), Congratulating Jenna Warfield of the Girl Scouts of Central Texas Troop No. 287 in Austin on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1325 (By Israel), Congratulating Claire Tinker of the Girl Scouts of Central Texas Troop No. 609 in Austin on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1326 (By Israel), Congratulating Victoria Saucedo of the Girl Scouts of Central Texas Troop No. 4130 in Stephenville on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1327 (By Israel), Congratulating Isabelle Richter of the Girl Scouts of Central Texas Troop No. 1897 in Austin on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1328 (By Israel), Congratulating Annie Reckart of the Girl Scouts of Central Texas Troop No. 809 in Spicewood on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1329 (By Israel), Congratulating Sruthi Ramaswamy of the Girl Scouts of Central Texas Troop No. 1922 in Austin on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1330 (By Israel), Congratulating Erin Ray of the Girl Scouts of Central Texas Troop No. 1177 in Austin on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1331 (By Israel), Congratulating Megan Purcell of the Girl Scouts of Central Texas Troop No. 80 in Austin on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1332 (By Parker), Congratulating Jack Tolbert of Keller on his 80th anniversary as a pilot.

To Resolutions Calendars.

HR 1333 (By Leach), Congratulating Michelle Johnson on her receipt of the 2018 Plano ISD Secondary Teacher of the Year Award.

To Resolutions Calendars.

HR 1334 (By Leach), Congratulating Dr. Keishon Ireland of Mitchell Elementary School on his receipt of the 2018 Plano ISD Elementary Teacher of the Year Award.

To Resolutions Calendars.

HR 1335 (By Leach), Congratulating Gabriela Arzola on her receipt of a 2018 Plano ISD Excellence in Elementary Teaching Award.

To Resolutions Calendars.

HR 1336 (By Leach), Congratulating Bernard Aikens on his receipt of a 2018 Plano ISD Excellence in Secondary Teaching Award.

To Resolutions Calendars.

HR 1337 (By Israel), Congratulating Rachel Ply of the Girl Scouts of Central Texas Troop No. 158 in Manchaca on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1338 (By Israel), Congratulating Katherine Pizer of the Girl Scouts of Central Texas Troop No. 1129 in Leander on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1339 (By Leach), Congratulating Ashley Dantzler on her receipt of a 2018 Plano ISD Excellence in Elementary Teaching Award.

To Resolutions Calendars.

HR 1340 (By Israel), Congratulating Hannah Parks of the Girl Scouts of Central Texas Troop No. 260 in Round Rock on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1341 (By Israel), Congratulating Gauri Pargaonkar of the Girl Scouts of Central Texas Troop No. 609 in Austin on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1342 (By Israel), Congratulating Lauren McKeown of the Girl Scouts of Central Texas Troop No. 1388 in Austin on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1343 (By Leach), Congratulating Cheryl Lombardo on her receipt of a 2018 Plano ISD Excellence in Elementary Teaching Award.

To Resolutions Calendars.

HR 1344 (By Leach), Congratulating LaTunya "Shanae" Austin on her receipt of a 2018 Plano ISD Excellence in Secondary Teaching Award.

To Resolutions Calendars.

HR 1345 (By Israel), Congratulating Ellie Rose Mattoon of the Girl Scouts of Central Texas Troop No. 1948 in Austin on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1346 (By Israel), Congratulating Mackenzie Matheson of the Girl Scouts of Central Texas Troop No. 1388 in Austin on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1347 (By Leach), Congratulating Ben Dixon on his receipt of a 2018 Plano ISD Excellence in Secondary Teaching Award.

To Resolutions Calendars.

HR 1348 (By Leach), Congratulating Harold White on his receipt of a 2018 Plano ISD Excellence in Elementary Teaching Award.

To Resolutions Calendars.

HR 1349 (By Israel), Congratulating Lila Kirkendall of the Girl Scouts of Central Texas Troop No. 23 in Austin on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1350 (By Leach), Congratulating Travis Smith of Williams High School on his receipt of a 2018 Plano ISD Excellence in Secondary Teaching Award.

To Resolutions Calendars.

HR 1351 (By Israel), Congratulating Tanvi Jankay of the Girl Scouts of Central Texas Troop No. 609 in Austin on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1352 (By Israel), Congratulating Faith Ann Jones of the Girl Scouts of Central Texas Troop No. 788 in Austin on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1353 (By Israel), Congratulating Rebekah Hubacek of the Girl Scouts of Central Texas Troop No. 9325 in Bryan on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1354 (By Israel), Congratulating Katie Harris of the Girl Scouts of Central Texas Troop No. 2281 in Austin on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1355 (By Israel), Congratulating Cecilia Gruber of the Girl Scouts of Central Texas Troop No. 313 in Austin on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1356 (By Israel), Congratulating Grace Guthrie of the Girl Scouts of Central Texas Troop No. 917 in Austin on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1357 (By Israel), Congratulating Taryn Gibbs of the Girl Scouts of Central Texas Troop No. 4127 in Stephenville on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1358 (By Israel), Congratulating Sreya Gandra of the Girl Scouts of Central Texas Troop No. 1170 in Cedar Park on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1359 (By Israel), Congratulating Rebecca Frazier of the Girl Scouts of Central Texas Troop No. 1925 in Caldwell on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1360 (By Israel), Congratulating Madeline Fitch of the Girl Scouts of Central Texas Troop No. 917 in Austin on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1361 (By Israel), Congratulating Kaitlyn Evoy of the Girl Scouts of Central Texas Troop No. 158 in Buda on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1362 (By Leach), Congratulating Renee Nelson on her selection as the Allen ISD 2017-2018 Elementary Teacher of the Year.

To Resolutions Calendars.

HR 1363 (By Israel), Congratulating Isha Chhabra of the Girl Scouts of Central Texas Troop No. 1922 in Austin on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1364 (By Leach), Congratulating Tasha Mills on her selection as the Allen Independent School District 2017-2018 Secondary Teacher of the Year.
To Resolutions Calendars.

HR 1365 (By Israel), Congratulating Tabitha Burke of the Girl Scouts of Central Texas Troop No. 426 in College Station on her receipt of the Girl Scout Gold Award.
To Resolutions Calendars.

HR 1366 (By Israel), Congratulating Tannah Brister of the Girl Scouts of Central Texas Troop No. 9553 in College Station on her receipt of the Girl Scout Gold Award.
To Resolutions Calendars.

HR 1367 (By Israel), Congratulating Abigail Bowlin of the Girl Scouts of Central Texas Troop No. 3941 in Bastrop on her receipt of the Girl Scout Gold Award.
To Resolutions Calendars.

HR 1368 (By Israel), Congratulating Lauren Blaydon of the Girl Scouts of Central Texas Troop No. 1991 in Austin on her receipt of the Girl Scout Gold Award.
To Resolutions Calendars.

HR 1369 (By Israel), Congratulating Haley Betron of the Girl Scouts of Central Texas Troop No. 917 in Austin on her receipt of the Girl Scout Gold Award.
To Resolutions Calendars.

HR 1370 (By Israel), Congratulating Morgan Berasley of the Girl Scouts of Central Texas Troop No. 2002 in Austin on her receipt of the Girl Scout Gold Award.
To Resolutions Calendars.

HR 1371 (By Israel), Congratulating Mary-Frances Benes of the Girl Scouts of Central Texas Troop No. 5130 in San Angelo on her receipt of the Girl Scout Gold Award.
To Resolutions Calendars.

HR 1372 (By Israel), Congratulating Dawn Arnold-Garcia of the Girl Scouts of Central Texas Troop No. 9000 in College Station on her receipt of the Girl Scout Gold Award.
To Resolutions Calendars.

HR 1373 (By Israel), Honoring Carol Fletcher for her service as a trustee of the Pflugerville Independent School District.
To Resolutions Calendars.

HR 1374 (By Zerwas), Congratulating Gina Gallegos on her selection as the 2019 Woman of the Year in Transportation by WTS International.
To Resolutions Calendars.

HR 1375 (By Cyrier), Honoring the Commemorative Air Force for its restoration of That's All, Brother, a World War II C-47 troop transport plane.

To Resolutions Calendars.

HR 1377 (By Minjarez), Commending Rey A. Saldaña for his service on the San Antonio City Council.

To Resolutions Calendars.

HR 1379 (By Rodriguez), Commemorating the groundbreaking ceremony for the New Blazier Relief Campus in Austin.

To Resolutions Calendars.

HR 1380 (By Wray), In memory of Marie Therese Kleinpeter Chambers of Waxahachie.

To Resolutions Calendars.

HR 1381 (By White), Congratulating Jack Lewis of Hardin-Jefferson High School on becoming a two-time district tennis champion.

To Resolutions Calendars.

HR 1382 (By Wray), Honoring the service of K-9 officer Cross of the Waxahachie Police Department.

To Resolutions Calendars.

HR 1384 (By Romero), Congratulating Elisa Perez and Judge Pete Perez of Fort Worth on their 60th wedding anniversary.

To Resolutions Calendars.

HR 1385 (By White), Congratulating Zach Kreg and Mallory McWhorter of Livingston High School on winning the sports nutrition state championship at the 2019 FCCLA State Leadership Conference.

To Resolutions Calendars.

HR 1386 (By Toth), Congratulating Ellen Crawford of The Woodlands on receiving the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1387 (By S. Thompson), Commemorating the 50th anniversary of the opening of George Bush Intercontinental Airport in Houston.

To Resolutions Calendars.

HR 1389 (By Dominguez, Guerra, Muñoz, Guillen, and Lucio), Congratulating the chess team of The University of Texas Rio Grande Valley on winning the 2019 President's Cup.

To Resolutions Calendars.

HR 1391 (By Rose), Recognizing April 2019 as Minority Cancer Awareness Month.

To Resolutions Calendars.

HR 1392 (By Holland), Congratulating Tarita Jaganathan of Frisco on her selection as a winner of the 2019 Treasures of the Texas Coast Children's Art Contest.

To Resolutions Calendars.

HR 1394 (By White), Congratulating the Lumberton High School girls' soccer team on its success during the 2018-2019 season.

To Resolutions Calendars.

HR 1395 (By Raney), Recognizing the Texas A&M University Agricultural and Natural Resources Policy Internship Program and the Public Policy Internship Program and the programs' interns for the 86th legislative session.

To Resolutions Calendars.

HR 1396 (By Murr), In memory of Phillip F. Becker of Tarpley.

To Resolutions Calendars.

HR 1397 (By Goodwin), In memory of Dr. Michael James Babineaux of Austin.

To Resolutions Calendars.

HR 1398 (By Calanni), Congratulating Maria D. Seng on her retirement from Jack and Sharon Rhoads Elementary School in Katy.

To Resolutions Calendars.

HR 1399 (By Leach), Congratulating the Allen High School boys' wrestling team on winning the 6A title at the 2019 UIL Wrestling State Tournament.

To Resolutions Calendars.

HR 1400 (By D. Bonnen), Honoring the UTMB Health Angleton Danbury Campus on its 50th anniversary.

To Resolutions Calendars.

HR 1401 (By Bucy), Congratulating Rehm Nathanael Maham of Boy Scout Troop No. 271 in Cedar Park on attaining the rank of Eagle Scout.

To Resolutions Calendars.

HR 1404 (By Darby), In memory of Charles H. Jackson.

To Resolutions Calendars.

SB 9 to Elections.

SB 25 to Higher Education.

SB 29 to State Affairs.

SB 288 to Ways and Means.

SB 340 to Homeland Security and Public Safety.

SB 405 to Criminal Jurisprudence.

SB 422 to Land and Resource Management.

SB 466 to Elections.

SB 534 to Environmental Regulation.

SB 592 to Land and Resource Management.

SB 597 to Ways and Means.

SB 662 to State Affairs.

SB 668 to Public Education.

- SB 693** to Homeland Security and Public Safety.
- SB 751** to Elections.
- SB 772** to Judiciary and Civil Jurisprudence.
- SB 903** to Elections.
- SB 974** to Elections.
- SB 982** to Homeland Security and Public Safety.
- SB 991** to Homeland Security and Public Safety.
- SB 1000** to Urban Affairs.
- SB 1007** to Ways and Means.
- SB 1055** to International Relations and Economic Development.
- SB 1124** to Public Health.
- SB 1164** to Criminal Jurisprudence.
- SB 1225** to Elections.
- SB 1235** to Human Services.
- SB 1268** to Criminal Jurisprudence.
- SB 1323** to Higher Education.
- SB 1350** to County Affairs.
- SB 1370** to Judiciary and Civil Jurisprudence.
- SB 1402** to County Affairs.
- SB 1445** to Human Services.
- SB 1455** to Public Education.
- SB 1565** to Judiciary and Civil Jurisprudence.
- SB 1702** to Juvenile Justice and Family Issues.
- SB 1769** to Licensing and Administrative Procedures.
- SB 1774** to Judiciary and Civil Jurisprudence.
- SB 1776** to Public Education.
- SB 1780** to Human Services.
- SB 1784** to Judiciary and Civil Jurisprudence.
- SB 1819** to Defense and Veterans' Affairs.
- SB 1820** to Criminal Jurisprudence.
- SB 1834** to Human Services.
- SB 1835** to County Affairs.
- SB 1840** to Judiciary and Civil Jurisprudence.
- SB 1941** to State Affairs.

SB 1949 to Pensions, Investments, and Financial Services.

SB 1975 to Judiciary and Civil Jurisprudence.

SB 2015 to Transportation.

SB 2073 to Public Education.

SB 2180 to Public Education.

SB 2182 to Culture, Recreation, and Tourism.

SB 2206 to State Affairs.

SB 2223 to Transportation.

SB 2244 to Public Education.

SB 2299 to State Affairs.

SB 2317 to Higher Education.

SCR 2 to Culture, Recreation, and Tourism.

List No. 2

HB 4762 (By Guillen), Relating to the designation of a portion of Farm-to-Market Road 716 as the Pete Salinas Trail.
To Transportation.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 20

HB 1254

Senate List No. 13

SB 213, SB 928, SB 1142, SJR 32

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, April 29, 2019

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 41** Metcalf SPONSOR: Alvarado
Relating to paid leave for a state employee who is a search and rescue volunteer.
- HB 1264** Thompson, Senfronia SPONSOR: Buckingham
Relating to pharmacist communications to prescribing practitioners regarding certain dispensed biological products.
- HCR 155** Craddick SPONSOR: Seliger
Commemorating the 50th anniversary of PermianCare.
- SB 583** Hinojosa
Relating to the appointment of a local public defender's office to represent indigent defendants in criminal cases.
- SB 686** Alvarado
Relating to courses in personal financial literacy and economics for high school students in public schools.
- SB 1205** Campbell
Relating to an appropriation of money from the general revenue fund to the State Soil and Water Conservation Board for the purpose of eradicating Carrizo cane, contingent on the receipt of federal funds for the same purpose.
- SB 1281** Birdwell
Relating to assessments for water and energy improvements in certain municipalities and counties.
- SB 1778** Paxton
Relating to excess wear and use waivers in connection with the lease of motor vehicles; providing a civil penalty.
- SB 1879** Schwertner
Relating to firearms training for county jailers.
- SB 2070** Menéndez
Relating to a prohibition of the land application of grease or grit trap waste.
- SB 2138** Hinojosa
Relating to the authority of the Health and Human Services Commission to retain certain money received by the commission to administer certain Medicaid programs.
- SB 2296** Powell
Relating to definition of a common paymaster.
- SB 2381** Hughes
Relating to the places where certain knives are prohibited.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, April 29, 2019 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 511 Rodríguez
Relating to the installation of unsafe motor vehicle tires; providing a civil penalty.

SB 562 Zaffirini
Relating to criminal or juvenile procedures regarding persons who are or may be persons with a mental illness or intellectual disability.

SB 641 Huffman
Relating to dangerous wild animals; providing penalties; creating a criminal offense; authorizing a fee.

SB 723 Campbell
Relating to requiring an independent school district to post a superintendent's annual compensation on its Internet website.

SB 1120 Lucio
Relating to health professional continuing education to address communicable and other diseases in border counties.

SB 1193 Flores
Relating to the liability of and issuance of titles and permits for motor vehicles purchased from motor vehicle dealers that go out of business.

SB 1258 Buckingham
Relating to the prosecution of limited liability companies and other business entities under the Penal Code.

SB 1593 Rodríguez
Relating to training by the Texas Department of Transportation on the recognition and prevention of smuggling and trafficking of persons.

SB 1746 Miles
Relating to the inclusion of certain students as students at risk of dropping out of school.

SB 1779 Paxton
Relating to security for state agency information and information technologies.

SB 1793 Zaffirini

Relating to purchasing and contracting by governmental entities; authorizing fees.

SB 1794 Zaffirini

Relating to the calculation of costs in interagency contracts between certain state agencies and the State Office of Administrative Hearings.

SB 2075 Paxton

Relating to public school compliance with dyslexia screening, reading instrument requirements, and a requirement that a school district notify certain parents or guardians of a program providing students with reading disabilities the ability to borrow audiobooks free of charge.

SB 2286 Fallon

Relating to the creation and operations of health care provider participation programs in certain counties.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 26

Appropriations - **HB 1917, HB 3397**

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