

HOUSE JOURNAL

EIGHTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-EIGHTH DAY — FRIDAY, MAY 17, 2019

The house met at 11:35 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 1448).

Present — Mr. Speaker; 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; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody(C); Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; 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; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Absent, Excused — Johnson, E.

Absent — Raymond.

(Raymond now present)

LEAVES OF ABSENCE GRANTED

On motion of Representative Morrison and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative Morrison moved to suspend all necessary rules to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed.

MOTION FOR ONE RECORD VOTE

On motion of Representative Morrison and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following the bill number).

(Record 1449): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — 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; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; 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; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Johnson, E.

HB 4765 (Allison, Ashby, Biedermann, G. Bonnen, Cain, Clardy, Darby, Dean, Goldman, Harris, Hefner, Holland, Krause, Lang, Middleton, Noble, Patterson, Shaheen, Shine, Tinderholt, Toth, and Zedler - no) (125 - 22 - 2) (Swanson requested to be recorded voting no after the deadline established by Rule 5, Section 52, of the House Rules.)

SB 73 (Biedermann, Cain, Lang, Patterson, and Toth - no) (142 - 5 - 2)

SB 195 (Biedermann, Cain, Lang, Noble, Tinderholt, and Toth - no) (141 - 6 - 2)

SB 386 (K. Bell, Biedermann, Burns, Cain, Clardy, Cyrier, Darby, Dean, Hefner, Holland, Krause, Landgraf, Lang, Middleton, Murr, Noble, Oliverson, Patterson, Schaefer, Shaheen, Shine, Stickland, Swanson, Tinderholt, Toth, VanDeaver, Wilson, Wray, and Zedler - no) (118 - 29 - 2)

SB 401 (K. Bell, Biedermann, Cain, Lang, Noble, Stickland, Swanson, Tinderholt, Toth, and Zedler - no) (137 - 10 - 2)

SB 430 (Ashby, G. Bonnen, Burrows, Harris, and Stickland - no) (142 - 5 - 2)

SB 476 (Harris, Holland, Landgraf, and Murr - no) (143 - 4 - 2)

SB 496 (Biedermann, Cain, Schaefer, Stickland, and Tinderholt - no) (142 - 5 - 2)

SB 522 (Dean, Hefner, Noble, and Toth - no) (143 - 4 - 2)

SB 942 (Biedermann, Cain, Krause, Lang, Patterson, Schaefer, Stickland, Tinderholt, Toth, and Wilson - no) (137 - 10 - 2)

SB 1024

SB 1082 (Dean, Hefner, Lang, Noble, Shaheen, Stickland, Tinderholt, and Toth - no) (139 - 8 - 2)

SB 1164

SB 1210 (Stickland - no) (146 - 1 - 2)

SB 1239 (K. Bell, Biedermann, Cain, Dean, Lang, Noble, Patterson, Schaefer, Shaheen, Stickland, Swanson, Tinderholt, Toth, and Zedler - no) (133 - 14 - 2) (Swanson requested to be recorded voting no after the deadline established by Rule 5, Section 52, of the House Rules.)

SB 1262 (Allison, Ashby, K. Bell, Biedermann, G. Bonnen, Burns, Burrows, Cain, Clardy, Cyrier, Darby, Dean, Harris, Hefner, Holland, Landgraf, Lang, Middleton, Murr, Noble, Oliverson, Patterson, Schaefer, Shaheen, Shine, Stickland, Swanson, Tinderholt, Toth, VanDeaver, Wilson, Wray, and Zedler - no) (114 - 33 - 2)

SB 1268

SB 1682

SB 1822

SB 1824 (K. Bell, Biedermann, Cain, Dean, Lang, Noble, Oliverson, Patterson, Shaheen, Swanson, Tinderholt, Toth, and Zedler - no) (134 - 13 - 2)

SB 1827 (Stickland - no) (146 - 1 - 2)

SB 1856

SB 1876

SB 1887

SB 2151 (Biedermann, Cain, Harris, Lang, Stickland, and Tinderholt - no) (141 - 6 - 2)

SB 2208 (Allison, K. Bell, Biedermann, Burns, Cain, Clardy, Cyrier, Darby, Dean, Hefner, Holland, Landgraf, Lang, Middleton, Murr, Noble, Oliverson, Patterson, Schaefer, Shaheen, Shine, Stickland, Swanson, Tinderholt, Toth, VanDeaver, Wilson, Wray, and Zedler - no) (118 - 29 - 2)

SB 2224

SB 2315 (Ashby, K. Bell, Biedermann, G. Bonnen, Cain, Darby, Harris, Hefner, Krause, Lang, Noble, Oliverson, Patterson, Schaefer, Shine, Swanson, Tinderholt, Toth, Wilson, and Zedler - no) (127 - 20 - 2)

SB 2448 (K. Bell, Biedermann, G. Bonnen, Cain, Darby, Hefner, Krause, Lang, Middleton, Oliverson, Patterson, Schaefer, Shine, Swanson, Tinderholt, Toth, Wilson, and Zedler - no) (129 - 18 - 2)

SB 2502 (Allison, K. Bell, Biedermann, G. Bonnen, Burrows, Cain, Clardy, Darby, Dean, Goldman, Hefner, Holland, Krause, Lang, Middleton, Noble, Patterson, Schaefer, Shaheen, Shine, Swanson, Tinderholt, Toth, Wilson, and Zedler - no) (122 - 25 - 2)

SB 2535 (Allison, Ashby, K. Bell, Biedermann, G. Bonnen, Burrows, Cain, Clardy, Darby, Dean, Goldman, Harris, Hefner, Holland, Krause, Lang, Middleton, Noble, Patterson, Schaefer, Shine, Swanson, Tinderholt, Toth, and Zedler - no) (121 - 26 - 2)

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

REGULAR ORDER OF BUSINESS SUSPENDED

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

**SB 22 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative Phelan moved to suspend Rule 8, Section 5(d), of the House Rules to designate as co-sponsors for **SB 22** all co-authors for **HB 1929**.

The motion prevailed.

**SB 2231 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative C. Turner moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representative Metcalf as a co-sponsor to **SB 2231**.

The motion prevailed.

HR 1490 - INTRODUCTION OF GUESTS

The chair recognized Representative Y. Davis who introduced Charis Caprice Nyelle Nelson and members of her family.

SB 20 - RECOMMITTED

Representative Collier moved to recommit **SB 20** to the Committee on Criminal Jurisprudence.

The motion prevailed.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to meet with the house conferees on **HB 3**:

Ashby on motion of Goldman.

Huberty on motion of Murphy.

K. King on motion of Goldman.

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 608 ON THIRD READING
(Paddie - House Sponsor)**

SB 608, A bill to be entitled An Act relating to the continuation and functions of the School Land Board.

SB 608 was passed by (Record 1450): 142 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; 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; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Stickland.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

Absent — Canales.

SB 615 ON THIRD READING
(Paddie - House Sponsor)

SB 615, A bill to be entitled An Act relating to the operations and functions of the Texas Windstorm Insurance Association and the sunset review date for and programs administered by the association; authorizing a fee.

SB 615 was passed by (Record 1451): 140 Yeas, 2 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; 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; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Hunter; Stickland.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

Absent — Canales.

SB 616 ON THIRD READING
(Paddie - House Sponsor)

SB 616, A bill to be entitled An Act relating to the continuation and functions of the Department of Public Safety of the State of Texas, the conditional transfer of the driver licensing program to the Texas Department of Motor Vehicles, the abolition of the Texas Private Security Board, the transfer of the motorcycle and off-highway vehicle operator training programs to the Texas Department of Licensing and Regulation, and the regulation of other programs administered by the Department of Public Safety; imposing an administrative penalty; authorizing and repealing the authorization for fees.

SB 616 was passed by (Record 1452): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; 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; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

Absent — Canales; Zwiener.

SB 619 ON THIRD READING
(Paddie - House Sponsor)

SB 619, A bill to be entitled An Act relating to the sunset review process and certain governmental entities subject to that process.

Amendment No. 1

Representative Paddie offered the following amendment to **SB 619**:

Amend **SB 619** on third reading by adding the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumbering SECTIONS of ARTICLE 2 as appropriate:

SECTION 2. ____ . REVIEW OF PROGRAMS TRANSFERRED TO TEXAS DEPARTMENT OF LICENSING AND REGULATION. Subchapter A, Chapter 51, Occupations Code, is amended by adding Section 51.0021 to read as follows:

Sec. 51.0021. SUNSET REVIEW OF TRANSFERRED PROGRAMS. (a) Separate from the review of the commission and department required under Section 51.002, the commission and department are subject to a limited review under Chapter 325, Government Code (Texas Sunset Act), of the programs transferred to the department on or after September 1, 2016. The review shall be conducted during the period in which state agencies abolished in 2023 are reviewed.

(b) This section expires September 1, 2023.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Pacheco offered the following amendment to **SB 619**:

Amend **SB 619** (house committee report) on third reading as follows:

(1) By adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION 3. ____ . BEXAR MEDINA ATASCOSA WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1., Subchapter A, Chapter 9007, Special District Local Laws Code, is amended by adding Section 9007.200 to read as follows:

2001.002. APPLICATION OF SUNSET ACT. (a) The district is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the district were a state agency scheduled to be abolished September 1, 2025, and every 12th year after that year.

(b) The district shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

(2) On page 15, between lines 22 and 23, insert the following and renumber subsequent subdivisions accordingly:

(3) Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.

Amendment No. 2 was withdrawn.

SB 619, as amended, was passed by (Record 1453): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; 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; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; 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; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

Absent — Farrar; Pacheco.

SB 8 ON THIRD READING
(Larson - House Sponsor)

SB 8, A bill to be entitled An Act relating to state and regional flood planning.

Representative Larson moved to postpone consideration of **SB 8** until 7 a.m. Monday, May 20.

The motion prevailed.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 16 ON THIRD READING
(Stucky, S. Thompson, P. King, Meyer, Minjarez, et al. - House Sponsors)

SB 16, A bill to be entitled An Act relating to a student loan repayment assistance program for certain full-time peace officers in this state.

SB 16 was passed by (Record 1454): 132 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; 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; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morrison; Muñoz; Murphy; Murr; Neave; 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; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zerwas; Zwiener.

Nays — Cain; Hefner; Middleton; Schaefer; Stickland; Swanson; Tinderholt; Wilson; Zedler.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

Absent — Farrar; Morales; Nevárez.

STATEMENT OF VOTE

When Record No. 1454 was taken, my vote failed to register. I would have voted yes.

Morales

SB 1259 ON THIRD READING

(Klick, Howard, S. Thompson, Button, Noble, et al. - House Sponsors)

SB 1259, A bill to be entitled An Act relating to the prosecution of the offense of sexual assault.

SB 1259 was passed by (Record 1455): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; 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; Craddick; Cyrier; Davis, S.; Davis, Y.; Dean; Dominguez; Dutton; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; 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; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

Absent — Cortez; Darby; Deshotel; Farrar; Sanford.

SB 282 ON THIRD READING

(Buckley, Beckley, Shine, and Bowers - House Sponsors)

SB 282, A bill to be entitled An Act relating to the allocation of money associated with delays of transportation projects.

SB 282 was passed by (Record 1456): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; 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; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

Absent — Cole; Deshotel.

SB 2135 ON THIRD READING
(Cortez - House Sponsor)

SB 2135, A bill to be entitled An Act relating to information a law enforcement agency is required to share with a school district about a person who may be a student.

SB 2135 was passed by (Record 1457): 137 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; 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; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; 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; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Hunter; Stickland; White; Wilson.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

Absent — Bell, K.; Deshotel.

STATEMENT OF VOTE

When Record No. 1457 was taken, I was in the house but away from my desk. I would have voted yes.

K. Bell

SB 1415 ON THIRD READING
(Geren - House Sponsor)

SB 1415, A bill to be entitled An Act relating to the ownership, control, or operation of a franchised or nonfranchised dealer or dealership by certain motor vehicle manufacturers and distributors.

SB 1415 was passed by (Record 1458): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; 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; Thiery; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

Absent — Lucio; Nevárez.

SB 1575 ON THIRD READING (Krause - House Sponsor)

SB 1575, A bill to be entitled An Act relating to governmental immunity for and adjudication of claims arising from a local governmental entity's disaster recovery contract.

SB 1575 was passed by (Record 1459): 141 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; 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; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; 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; Sanford; Schaefer; Shaheen; Sheffield; Sherman;

Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Stickland.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

Absent — Klick.

SB 700 ON THIRD READING
(Geren - House Sponsor)

SB 700, A bill to be entitled An Act relating to retail public utilities that provide water or sewer service.

SB 700 was passed by (Record 1460): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Lemán; Longoria; Lopez; Lozano; Lucio; Martinez; 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; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Stickland.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

Absent — Smith; Walle.

STATEMENT OF VOTE

When Record No. 1460 was taken, my vote failed to register. I would have voted yes.

Walle

SB 494 ON THIRD READING
(Walle - House Sponsor)

SB 494, A bill to be entitled An Act relating to certain procedures applicable to meetings under the open meetings law and the disclosure of public information under the public information law in the event of an emergency, urgent public necessity, or catastrophic event.

SB 494 was passed by (Record 1461): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; 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; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithe; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

SB 1584 ON THIRD READING
(Paul - House Sponsor)

SB 1584, A bill to be entitled An Act relating to satisfaction of continuing education requirements for certain insurance adjusters.

SB 1584 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HINOJOSA: The current process at TDI seems to be working well and continuing education credits are being approved within 24 hours right now. Does this bill preclude anyone from going through the current process or is this simply an alternative option?

REPRESENTATIVE PAUL: I can't speak to TDI timelines, but you are correct that this is strictly an alternative.

HINOJOSA: Strictly an alternative, thank you.

REMARKS ORDERED PRINTED

Representative Hinojosa moved to print remarks between Representative Paul and Representative Hinojosa on **SB 1584**.

The motion prevailed.

SB 1584 was passed by (Record 1462): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; 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; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

Absent — Canales.

SB 935 ON THIRD READING

(Shine, Martinez Fischer, Darby, and Cortez - House Sponsors)

SB 935, A bill to be entitled An Act relating to reimbursement of federal military treatment facilities under the workers' compensation system.

SB 935 was passed by (Record 1463): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.;

King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; 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; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

**SB 891 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative Leach moved to suspend Rule 8, Section 5(d), of the House Rules to designate as house sponsors and co-sponsors for **SB 891** all joint authors and co-authors for **HB 2120** who sign on to **HB 2120** before **SB 891** passes the house on third reading.

The motion prevailed.

**SB 891 ON THIRD READING
(Leach, Holland, S. Thompson, Moody, Toth, et al. - House Sponsors)**

SB 891, A bill to be entitled An Act relating to the operation and administration of and practice in and grants provided by courts in the judicial branch of state government; imposing a fee; creating a criminal offense.

Amendment No. 1

Representative Nevárez offered the following amendment to **SB 891**:

Amend **SB 891** on third reading as follows:

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

ARTICLE ____ . RETIRED AND FORMER JUDGES

SECTION ____ .01. Section 74.055(c), Government Code, is amended to read as follows:

(c) To be eligible to be named on the list, a retired or former judge must:

(1) have served as an active judge for at least 96 months in a district, statutory probate, statutory county, or appellate court;

(2) have developed substantial experience in the judge's area of specialty;

(3) not have been removed from office;

(4) certify under oath to the presiding judge, on a form prescribed by the state board of regional judges, that the judge has not:

(A) in the preceding 10 years [the judge has never] been publicly reprimanded or censured by the State Commission on Judicial Conduct in relation to behavior on the bench or judicial duties, provided the judge served as an active judge for at least four terms of office; or [and]

(B) been convicted of a felony or a crime involving domestic violence or moral turpitude [the judge:

~~[(i) did not resign or retire from office after the State Commission on Judicial Conduct notified the judge of the commencement of a full investigation into an allegation or appearance of misconduct or disability of the judge as provided in Section 33.022 and before the final disposition of that investigation; or~~

~~[(ii) if the judge did resign from office under circumstances described by Subparagraph (i), was not publicly reprimanded or censured as a result of the investigation];~~

(5) annually demonstrate that the judge has completed in the past state fiscal year the educational requirements for active district, statutory probate, and statutory county court judges; and

(6) certify to the presiding judge a willingness not to appear and plead as an attorney in any court in this state for a period of two years.

SECTION _____.02. Section 74.055(c), Government Code, as amended by this Act, applies only to the appointment of a retired or former judge that occurs on or after the effective date of this Act. The appointment of a retired or former judge before the effective date of this Act is governed by the law in effect when the judge was appointed, and that law is continued in effect for that purpose.

(2) In SECTION 13.02 of the bill, insert the following appropriately numbered subdivision and renumber subsequent subdivisions of the SECTION accordingly:

(____) Section 74.055(f);

Amendment No. 1 was adopted. (Anderson, Burns, Burrows, Darby, Goldman, Holland, Lang, Lozano, Metcalf, Meyer, Murr, Patterson, Phelan, and VanDeaver recorded voting no.)

SB 891, as amended, was passed by (Record 1464): 141 Yeas, 2 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; 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; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Stickland.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

STATEMENT OF VOTE

When Record No. 1464 was taken, I was shown voting present, not voting. I intended to vote yes.

Dean

SB 891 - HOUSE SPONSOR AUTHORIZED

Pursuant to a previous motion, Representatives Leach, S. Thompson, Holland, Moody, and Toth were designated as house sponsors to **SB 891** and Representatives K. Bell, Biedermann, and Middleton were designated as co-sponsors to **SB 891**.

SB 1742 ON THIRD READING (J.E. Johnson - House Sponsor)

SB 1742, A bill to be entitled An Act relating to physician and health care provider directories for certain health benefit plans.

Amendment No. 1

Representative J.E. Johnson offered the following amendment to **SB 1742**:

Amend **SB 1742** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 843.321, Insurance Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A health maintenance organization or health maintenance organization's agent that provides a notice under Subsection (a)(3) must provide the notice to a physician or provider, including a licensed clinical social worker, in a manner that is trackable and indicates the date and time the notice was sent, including:

(1) by certified mail, return receipt requested, to the physician's or provider's address; or

(2) by e-mail to an e-mail address specified by the physician or provider.

SECTION _____. Section 1301.136, Insurance Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) An insurer or insurer's agent that provides a notice under Subsection (a)(3) must provide the notice to a preferred provider, including a licensed clinical social worker, in a manner that is trackable and indicates the date and time the notice was sent, including:

(1) by certified mail, return receipt requested, to the preferred provider's address; or

(2) by e-mail to an e-mail address specified by the preferred provider.

SECTION _____. Chapter 1452, Insurance Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. CREDENTIALING OF PHYSICIANS AND PROVIDERS
BY MANAGED CARE PLAN ISSUER

Sec. 1452.251. DEFINITIONS. In this subchapter:

(1) "Enrollee" means an individual who is eligible to receive health care services under a managed care plan.

(2) "Health benefit plan" means a plan that provides benefits for medical, surgical, or other treatment expenses incurred as a result of a health condition, a mental health condition, an accident, sickness, or substance abuse, including:

(A) an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is issued by:

(i) an insurance company;

(ii) a group hospital service corporation operating under Chapter 842;

(iii) a health maintenance organization operating under Chapter 843;

(iv) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844;

(v) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846;

(vi) a stipulated premium company operating under Chapter 884;

(vii) a fraternal benefit society operating under Chapter 885;

(viii) a Lloyd's plan operating under Chapter 941; or

(ix) an exchange operating under Chapter 942;

(B) a small employer health benefit plan written under Chapter 1501;

(C) a health benefit plan issued under Chapter 1551, 1575, 1579, or 1601; or

(D) a health benefit plan issued under the Medicaid managed care program under Chapter 533, Government Code.

(3) "Health care practitioner" means an individual, other than a physician, who is licensed to provide and provides health care services.

(4) "Managed care plan" means a health benefit plan under which health care services are provided to enrollees through contracts with physicians or health care practitioners and that requires enrollees to use participating providers or that provides a different level of coverage for enrollees who use participating providers.

(5) "Participating provider" means a physician or health care practitioner who has contracted with a managed care plan issuer to provide services to enrollees.

(6) "Physician" means an individual licensed to practice medicine in this state.

Sec. 1452.252. PROMPT CREDENTIALING REQUIRED. A managed care plan issuer shall determine in a reasonable time in accordance with commissioner rule whether to credential a physician or health care practitioner who is not eligible for expedited credentialing under Subchapter C.

Sec. 1452.253. ELIGIBILITY REQUIREMENTS. To qualify for credentialing under this subchapter and payment under Section 1452.254, an applicant must:

(1) be licensed in this state by, and in good standing with, the Texas Medical Board or other appropriate licensing authority;

(2) submit all documentation and other information required by the issuer of the managed care plan as necessary to enable the issuer to begin the credentialing process required by the issuer to include the applicant in the issuer's managed care plan network; and

(3) agree to comply with the terms of the applicable managed care plan's participating provider contract.

Sec. 1452.254. PAYMENT OF APPLICANT DURING CREDENTIALING PROCESS. (a) On election by the applicant after receiving notice under Subsection (b) and on agreement to participating provider contract terms by the applicant and managed care plan issuer, and for payment purposes only, the issuer shall treat the applicant as if the applicant is a participating provider in the managed care plan network when the applicant provides services to the managed care plan's enrollees, including:

(1) authorizing the applicant to collect copayments from the enrollees;
and

(2) making payments to the applicant.

(b) On receipt of a credentialing application, a managed care plan issuer shall provide notice to the applicant of the effect of failure to meet the issuer's credentialing requirements under Section 1452.255 if the applicant elects to be considered a participating provider under Subsection (a).

Sec. 1452.255. EFFECT OF FAILURE TO MEET CREDENTIALING REQUIREMENTS. If, on completion of the credentialing process, the managed care plan issuer determines that an applicant who made an election under Section 1452.254 does not meet the issuer's credentialing requirements:

(1) the managed care plan issuer may recover from the applicant an amount equal to the difference between payments for in-network benefits and out-of-network benefits; and

(2) the applicant may retain any copayments collected or in the process of being collected as of the date of the issuer's determination.

Sec. 1452.256. ENROLLEE HELD HARMLESS. An enrollee in the managed care plan is not responsible and shall be held harmless for the difference between in-network copayments paid by the enrollee to an applicant who is determined to be ineligible under Section 1452.255 and the managed care plan's charges for out-of-network services. The applicant may not charge the enrollee for any portion of the amount that is not paid or reimbursed by the enrollee's managed care plan.

Sec. 1452.257. LIMITATION ON MANAGED CARE PLAN ISSUER LIABILITY. A managed care plan issuer that complies with this subchapter is not subject to liability for damages arising out of or in connection with, directly or indirectly, the payment by the issuer of an applicant as if the applicant were a participating provider in the managed care plan network.

Sec. 1452.258. DEPARTMENT AUDIT. A managed care plan issuer shall make available all relevant information to the department to allow the department to audit the credentialing process to determine compliance with this subchapter.

Sec. 1452.259. PUBLIC INSURANCE COUNSEL REPORT. Using existing resources, the office of public insurance counsel shall create and publish an annual report on the counsel's Internet website of the largest managed care plan issuers in this state and include information for each issuer on:

(1) the issuer's network adequacy;

(2) the percentage of enrollees receiving a bill from an out-of-network provider due to provider charges unpaid by the issuer and the enrollee's responsibility under the managed care plan; and

(3) the impact of managed care plan issuer credentialing policies on network adequacy and enrollee payment of out-of-network charges.

SECTION _____. The heading to Chapter 1453, Insurance Code, is amended to read as follows:

CHAPTER 1453. DISCLOSURE OF REIMBURSEMENT GUIDELINES AND AMOUNTS UNDER MANAGED CARE PLAN

SECTION _____. Section 1453.001(1), Insurance Code, is amended to read as follows:

(1) "Health care provider" means:

(A) a hospital, emergency clinic, outpatient clinic, or other facility providing health care services; or

(B) an individual who is licensed in this state to provide health care services, including a physician who is licensed to practice medicine in this state.

SECTION _____. Chapter 1453, Insurance Code, is amended by adding Section 1453.004 to read as follows:

Sec. 1453.004. NOTICE OF CHANGE TO REIMBURSEMENT AMOUNT. (a) A managed care entity shall provide to each health care provider, including a licensed clinical social worker, under contract with the managed care entity notice of any change to a reimbursement amount that will be paid to the health care provider for a good or service provided by the health care provider. The notice must be provided before the effective date of the change.

(b) The notice required by this section must be sent:

(1) directly to each health care provider that may be affected by the reimbursement amount change; and

(2) in a manner that is trackable and indicates the date and time the notice was sent, including:

(A) by certified mail, return receipt requested, to the provider's address; or

(B) by e-mail to an e-mail address specified by the provider.

Amendment No. 1 was adopted. (Metcalf recorded voting no.)

Amendment No. 2

Representative S. Davis offered the following amendment to **SB 1742**:

Amend **SB 1742** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION _____. Section 842.261, Insurance Code, is amended by adding Subsection (a-1) and amending Subsection (c) to read as follows:

(a-1) The listing required by Subsection (a) must meet the requirements of a provider directory under Sections 1451.504 and 1451.505. Notwithstanding Subsection (b), the group hospital service corporation is subject to the requirements of Sections 1451.504 and 1451.505, including, with respect to the listing, the time limits for updating the Internet site to reflect directory corrections and updates.

(c) The commissioner may adopt rules as necessary to implement this section. The rules may govern the form and content of the information required to be provided under this section [~~Subsection (a)~~].

SECTION _____. Section 843.2015, Insurance Code, is amended by adding Subsection (a-1) and amending Subsection (c) to read as follows:

(a-1) The listing required by Subsection (a) must meet the requirements of a provider directory under Sections 1451.504 and 1451.505. Notwithstanding Subsection (b), the health maintenance organization is subject to the requirements of Sections 1451.504 and 1451.505, including, with respect to the listing, the time limits for updating the Internet site to reflect directory corrections and updates.

(c) The commissioner may adopt rules as necessary to implement this section. The rules may govern the form and content of the information required to be provided under this section [~~Subsection (a)~~].

SECTION _____. Sections 1301.0056(a) and (d), Insurance Code, are amended to read as follows:

(a) The commissioner shall [~~may~~] examine an insurer to determine the quality and adequacy of a network used by a preferred provider benefit plan or an exclusive provider benefit plan offered by the insurer under this chapter. An insurer is subject to a qualifying examination of the insurer's preferred provider benefit plans and exclusive provider benefit plans and subsequent quality of care and network adequacy examinations by the commissioner at least once every three [~~five~~] years and whenever the commissioner considers an examination

necessary. Documentation provided to the commissioner during an examination conducted under this section is confidential and is not subject to disclosure as public information under Chapter 552, Government Code.

(d) The department shall deposit an assessment collected under this section to the credit of the ~~[Texas Department of Insurance operating]~~ account with the Texas Treasury Safekeeping Trust Company described by Section 401.156. Money deposited under this subsection shall be used to pay the salaries and expenses of examiners and all other expenses relating to the examination of insurers under this section.

SECTION _____. Section 1301.1591, Insurance Code, is amended by adding Subsection (a-1) and amending Subsection (c) to read as follows:

(a-1) The listing required by Subsection (a) must meet the requirements of a provider directory under Sections 1451.504 and 1451.505. Notwithstanding Subsection (b), the insurer is subject to the requirements of Sections 1451.504 and 1451.505, including, with respect to the listing, the time limits for updating the Internet site to reflect directory corrections and updates.

(c) The commissioner may adopt rules as necessary to implement this section. The rules may govern the form and content of the information required to be provided under this section ~~[Subsection (a)]~~.

SECTION _____. The heading to Section 1451.505, Insurance Code, is amended to read as follows:

Sec. 1451.505. ACCESSIBILITY AND ACCURACY OF PHYSICIAN AND HEALTH CARE PROVIDER DIRECTORY ~~[ON INTERNET WEBSITE]~~.

SECTION _____. Section 1451.505, Insurance Code, is amended by amending Subsections (d) and (e) and adding Subsections (d-1), (d-2), and (f) through (p) to read as follows:

(d) The health benefit plan issuer shall conduct an ongoing review of the directory and correct or update the information as necessary. Except as provided by Subsections (d-1), (d-2), and (f) ~~[Subsection (e)]~~, corrections and updates, if any, must be made not less than once each month.

(d-1) Except as provided by Subsection (d-2), the health benefit plan issuer shall update the directory to reflect a change in a physician's or provider's network participation status not later than two business days after the effective date of the change.

(d-2) If the termination of the physician's or health care provider's contract was not at the request of the physician or health care provider and the health benefit plan issuer is subject to Section 843.308 or 1301.160, the health benefit plan issuer shall update the directory to reflect the change in the physician's or provider's network participation status not later than two business days after the later of:

(1) the date of a formal recommendation under Section 843.306 or 1301.057, as applicable; or

(2) the effective date of the termination.

(e) The health benefit plan issuer shall conspicuously display in at least 10-point boldfaced font in the directory required by Section 1451.504 a notice that an individual may report an inaccuracy in the directory to the health benefit plan issuer or the department. The health benefit plan issuer shall include in the notice:

(1) an e-mail address and a toll-free telephone number to which any individual may report any inaccuracy in the directory to the health benefit plan issuer; and

(2) an e-mail address and Internet website address or link for the appropriate complaint division of the department.

(f) Notwithstanding any other law, if ~~[#]~~ the health benefit plan issuer receives an oral or written ~~[a]~~ report from any person that specifically identified directory information may be inaccurate, the issuer shall:

(1) immediately:

(A) inform the individual of the individual's right to report inaccurate directory information to the department; and

(B) provide the individual with an e-mail address and Internet website address or link for the appropriate complaint division of the department;

(2) investigate the report and correct the information, as necessary, not later than:

(A) the second business ~~[seventh]~~ day after the date the report is received if the report concerns the health benefit plan issuer's representation of the network participation status of the physician or health care provider; or

(B) the fifth day after the date the report is received if the report concerns any other type of information in the directory; and

(3) promptly enter the report in the log required under Subsection (h).

(g) A health benefit plan issuer that receives an oral report that specifically identified directory information may be inaccurate may not require the individual making the oral report to file a written report to trigger the time limits and requirements of this section.

(h) The health benefit plan issuer shall create and maintain for inspection by the department a log that records all reports regarding inaccurate network directories or listings. The log required under this subsection must include supporting information as required by the commissioner by rule, including:

(1) the name of the person, if known, who reported the inaccuracy and whether the person is an insured, enrollee, physician, health care provider, or other individual;

(2) the alleged inaccuracy that was reported;

(3) the date of the report;

(4) steps taken by the health benefit plan issuer to investigate the report, including the date each of the steps was taken;

(5) the findings of the investigation of the report;

(6) a copy of the health benefit plan issuer's correction or update, if any, made to the network directory as a result of the investigation, including the date of the correction or update;

(7) proof that the health benefit plan issuer made the disclosure required by Subsection (f)(1); and

(8) the total number of reports received each month for each network offered by the health benefit plan issuer.

(i) A health benefit plan issuer shall submit the log required by Subsection (h) at least once annually on a date specified by the commissioner by rule and as otherwise required by Subsection (l).

(j) A health benefit plan issuer shall retain the log for three years after the last entry date unless the commissioner by rule requires a longer retention period.

(k) The following elements of a log provided to the department under this section are confidential and are not subject to disclosure as public information under Chapter 552, Government Code:

(1) personally identifiable information or medical information about the individual making the report; and

(2) personally identifiable information about a physician or health care provider.

(l) If, in any 30-day period, the health benefit plan issuer receives three or more reports that allege the health benefit plan issuer's directory inaccurately represents a physician's or a health care provider's network participation status and that are confirmed by the health benefit plan issuer's investigation, the health benefit plan issuer shall immediately report that occurrence to the commissioner and provide to the department a copy of the log required by Subsection (h).

(m) The department shall review a log submitted by a health benefit plan issuer under Subsection (i) or (l). If the department determines that the health benefit plan issuer appears to have engaged in a pattern of maintaining an inaccurate network directory, the commissioner shall examine the health benefit plan issuer's compliance with Subsections (d-1) and (d-2).

(n) A health benefit plan issuer examined under this section shall pay the cost of the examination in an amount determined by the commissioner.

(o) The department shall collect an assessment in an amount determined by the commissioner from the health benefit plan issuer at the time of the examination to cover all expenses attributable directly to the examination, including the salaries and expenses of department employees and all reasonable expenses of the department necessary for the administration of this section. The department shall deposit an assessment collected under this section to the credit of the account with the Texas Treasury Safekeeping Trust Company described by Section 401.156.

(p) Money deposited under this section shall be used to pay the salaries and expenses of examiners and all other expenses related to the examination of a health benefit plan issuer under this section.

SECTION _____. The heading to Chapter 1467, Insurance Code, is amended to read as follows:

CHAPTER 1467. OUT-OF-NETWORK CLAIM DISPUTE RESOLUTION;
NETWORK ADEQUACY

SECTION _____. The heading to Subchapter D, Chapter 1467, Insurance Code, is amended to read as follows:

SUBCHAPTER D. COMPLAINTS; CONSUMER PROTECTION; NETWORK ADEQUACY

SECTION _____. Subchapter D, Chapter 1467, Insurance Code, is amended by adding Sections 1467.152 and 1467.153 to read as follows:

Sec. 1467.152. NETWORK ADEQUACY EXAMINATIONS AND FEES.

(a) At the beginning of each calendar year, the department shall review mediation request information collected by the department for the preceding calendar year to identify the two insurers with the highest percentage of claims that are subject to mediation requests under this chapter in comparison to other insurers offering health benefit plans subject to mediation for the reviewed year.

(b) Not later than May 1 of each year, the department shall examine any insurer identified under Subsection (a) to determine the quality and adequacy of networks offered by the insurer.

(c) Documentation provided to the commissioner during an examination conducted under this section is confidential and is not subject to disclosure as public information under Chapter 552, Government Code.

(d) An insurer examined under this section shall pay the cost of the examination in an amount determined by the commissioner.

(e) The department shall collect an assessment in an amount determined by the commissioner from the insurer at the time of the examination to cover all expenses attributable directly to the examination, including the salaries and expenses of department employees and all reasonable expenses of the department necessary for the administration of this section. The department shall deposit an assessment collected under this section to the credit of the account with the Texas Treasury Safekeeping Trust Company described by Section 401.156.

(f) Money deposited under this section shall be used to pay the salaries and expenses of examiners and all other expenses related to the examination of an insurer under this section.

(g) An examination conducted by the department under this section is in addition to any examination of an insurer required by other law, including Section 1301.0056.

(h) The commissioner shall publish and make available on the department's Internet website for at least 10 years after the date of the examination information regarding an examination under this section, including:

(1) the name of an insurer and health benefit plan whose networks were examined under this section; and

(2) each year in which the insurer was subject to an examination under this section.

Sec. 1467.153. TERMINATION WITHOUT CAUSE. (a) In this section, "termination without cause" means the termination of the provider network or preferred provider contract between a physician, practitioner, health care provider, or facility and an insurer for a reason other than:

(1) at the request of the physician, practitioner, health care provider, or facility; or

(2) fraud or a material breach of contract.

(b) An insurer shall notify the department on the 15th day of each month of the total number of terminations without cause made by the insurer during the preceding month with respect to a health benefit plan that is subject to this chapter. The notification shall include information identifying:

(1) the type and number of physicians, practitioners, health care providers, or facilities that were terminated;

(2) the location of the physician, practitioner, health care provider, or facility that was terminated; and

(3) each health benefit plan offered by the insurer that is affected by the termination.

(c) The department may investigate any insurer notifying the department of a significant number of terminations without cause with respect to a health benefit plan subject to this chapter. The investigation must emphasize terminations without cause that:

(1) may impact the quality or adequacy of a health benefit plan's network; or

(2) occur within the first three months after an open enrollment period closes.

(d) Except for good cause shown, the department shall impose an administrative penalty in accordance with Chapter 84 on an insurer if the department makes a determination that the terminations without cause made by an insurer caused, wholly or partly, an inadequate network to be used by a health benefit plan that is offered by the insurer. The department may not grant a waiver from any related network adequacy requirements to an insurer offering a health benefit plan with an inadequate network caused, wholly or partly, by terminations without cause made by the insurer.

(e) Personally identifiable information regarding a physician or practitioner included in documentation provided to or collected by the department under this section is confidential and is not subject to disclosure as public information under Chapter 552, Government Code.

A record vote was requested by Representative Stickland.

Amendment No. 2 was adopted by (Record 1465): 121 Yeas, 22 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddock; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Holland; Howard; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, T.; Kuempel; Lambert; Larson; Leach; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal;

Sheffield; Sherman; Shine; Smith; Smithee; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Bell, C.; Cain; Harris; Hefner; King, P.; Klick; Krause; Landgraf; Lang; Leman; Middleton; Noble; Patterson; Sanford; Schaefer; Shaheen; Springer; Stephenson; Stickland; Swanson; Tinderholt; Wilson.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

Absent — Fierro.

STATEMENTS OF VOTE

When Record No. 1465 was taken, I was shown voting yes. I intended to vote no.

Cyrier

When Record No. 1465 was taken, I was shown voting yes. I intended to vote no.

Metcalf

Amendment No. 3

Representative Zedler offered the following amendment to **SB 1742**:

Amend **SB 1742** (house committee report) on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 843.348, Insurance Code, is amended by adding Subsection (g-1) to read as follows:

(g-1) Nothing in Subsection (g) may be construed to:

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

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

SECTION _____. The heading to Chapter 1217, Insurance Code, is amended to read as follows:

CHAPTER 1217. ~~[STANDARD REQUEST FORM FOR]~~ PRIOR AUTHORIZATION OF HEALTH CARE OR DENTAL CARE SERVICES

SECTION _____. Chapter 1217, Insurance Code, is amended by adding Section 1217.008 to read as follows:

Sec. 1217.008. PROHIBITION OF DENIAL OF PAYMENT FOR PREAUTHORIZED HEALTH CARE OR DENTAL CARE SERVICES. (a) If a health benefit plan issuer has given prior authorization for health care or dental care services, the health benefit plan issuer may not deny or reduce payment to the physician, dentist, or health care provider for those services based on medical necessity or appropriateness of care unless the physician, dentist, or health care

provider materially misrepresented the proposed health care or dental care services or substantially failed to perform the proposed health care or dental care services.

(b) Nothing in this section limits the liability of a physician, dentist, or health care provider:

(1) in an action brought under Chapter 36, Human Resources Code; or

(2) for a violation of state or federal law governing medical assistance under Chapter 32, Human Resources Code, including medical assistance delivered through a managed care model or health benefits provided under the state child health plan program under Chapter 62, Health and Safety Code.

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

(1) a denial, recoupment, or suspension of or reduction in a payment to a physician, dentist, or health care provider made by a managed care organization under the direction of the Health and Human Services Commission's office of the inspector general, under the office's authority to prevent, detect, audit, inspect, review, and investigate fraud, waste, and abuse in the provision and delivery of all health and human services in the state under Section 531.102, Government Code; or

(2) a recovery by a managed care organization under Section 531.1131, Government Code.

(d) Nothing in Subsection (a) may be construed to:

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

(2) require the health benefit plan issuer to pay for a health care service provided outside of the scope of a health care provider's practice as defined by applicable state law.

SECTION _____. Section 1301.135, Insurance Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) Nothing in Subsection (f) may be construed to:

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

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

Amendment No. 3 was adopted.

Amendment No. 4

Representative Sheffield offered the following amendment to **SB 1742**:

Amend **SB 1742** (house committee printing) on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 843.010, Insurance Code, is amended to read as follows:

Sec. 843.010. APPLICABILITY OF CERTAIN PROVISIONS TO GOVERNMENTAL HEALTH BENEFIT PLANS. Sections 843.306(f), 843.322, and 843.363(a)(4) do not apply to coverage under:

(1) the child health plan program under Chapter 62, Health and Safety Code, or the health benefits plan for children under Chapter 63, Health and Safety Code; or

(2) a Medicaid program, including a Medicaid managed care program operated under Chapter 533, Government Code.

SECTION _____. Subchapter I, Chapter 843, Insurance Code, is amended by adding Section 843.322 to read as follows:

Sec. 843.322. USE OF EXTRAPOLATION PROHIBITED. (a) In this section, "extrapolation" means a mathematical process or technique used by a health maintenance organization in the audit of a participating physician or provider to estimate audit results or findings for a larger batch or group of claims not reviewed by the health maintenance organization.

(b) A health maintenance organization may not use extrapolation to complete an audit of a participating physician or provider. Any additional payment due a participating physician or provider or any refund due the health maintenance organization must be based on the actual overpayment or underpayment and may not be based on an extrapolation.

SECTION _____. Subchapter B, Chapter 1301, Insurance Code, is amended by adding Section 1301.0642 to read as follows:

Sec. 1301.0642. USE OF EXTRAPOLATION PROHIBITED. (a) In this section, "extrapolation" means a mathematical process or technique used by an insurer in the audit of a preferred or nonpreferred provider to estimate audit results or findings for a larger batch or group of claims not reviewed by the insurer.

(b) An insurer may not use extrapolation to complete an audit of a preferred or nonpreferred provider. Any additional payment due a preferred or nonpreferred provider or any refund due the insurer must be based on the actual overpayment or underpayment and may not be based on an extrapolation.

(c) If a payment for which a patient has signed an agreement to pay is due a preferred or nonpreferred provider, the patient is considered to have assumed full financial responsibility for the payment, and the payment may not be used as a basis for a claim of nonpayment against the insurer.

SECTION _____. Section 843.010, Insurance Code, as amended by this Act, and Sections 843.322 and 1301.0642, Insurance Code, as added by this Act, apply only to the audit of a physician or provider under a contract with an insurer or health maintenance organization entered into or renewed on or after the effective date of this Act.

Amendment No. 4 was adopted.

Amendment No. 5

Representative G. Bonnen offered the following amendment to **SB 1742**:

Amend **SB 1742** (house committee printing) on third reading as follows:

(1) Add the following appropriately numbered ARTICLE heading to the bill, transfer SECTIONS 1, 2, 3, and 4 of the bill to that ARTICLE, and renumber those SECTIONS accordingly:

ARTICLE ____ . PHYSICIAN AND HEALTH CARE PROVIDER
DIRECTORIES

(2) On page 3, line 24, strike "Act" and substitute "article".

(3) Add the following appropriately numbered ARTICLES to the bill:
ARTICLE ____ . REGULATION OF UTILIZATION REVIEW, INDEPENDENT
REVIEW, AND PEER REVIEW AND PREAUTHORIZATION
REQUIREMENTS

SECTION ____ .01. 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 4201.156, Insurance Code.

SECTION ____ .02. 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 ____ .03. 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 ____ .04. 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 ~~fourth~~ 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 ____ .05. 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 ____ .06. Section 4201.002(12), Insurance Code, is amended to read as follows:

(12) "Provider of record" means the physician or other health care provider with primary responsibility for the health care~~[-treatment, and]~~ services provided to or requested on behalf of an enrollee or the physician or other health care provider that has provided or has been requested to provide the health care services to the enrollee. The term includes a health care facility where the health care services are ~~[if treatment is]~~ provided on an inpatient or outpatient basis.

SECTION ____ .07. Sections 4201.151 and 4201.152, Insurance Code, are amended to read as follows:

Sec. 4201.151. UTILIZATION REVIEW PLAN. A utilization review agent's utilization review plan, including reconsideration and appeal requirements, must be reviewed by a physician licensed to practice medicine in this state and conducted in accordance with standards developed with input from appropriate health care providers and approved by a physician licensed to practice medicine in this state.

Sec. 4201.152. UTILIZATION REVIEW UNDER ~~[DIRECTION OF]~~ PHYSICIAN. A utilization review agent shall conduct utilization review under the supervision and direction of a physician licensed to practice medicine in this ~~[by a]~~ state ~~[licensing agency in the United States].~~

SECTION ____ .08. Subchapter D, Chapter 4201, Insurance Code, is amended by adding Section 4201.1525 to read as follows:

Sec. 4201.1525. UTILIZATION REVIEW BY PHYSICIAN. (a) A utilization review agent that uses a physician to conduct utilization review may only use a physician licensed to practice medicine in this state.

(b) A payor that conducts utilization review on the payor's own behalf is subject to Subsection (a) as if the payor were a utilization review agent.

SECTION ____ .09. Section 4201.153(d), Insurance Code, is amended to read as follows:

(d) Screening criteria must be used to determine only whether to approve the requested treatment. Before issuing an adverse determination, a utilization review agent must obtain a determination of medical necessity by referring a proposed ~~[A]~~ denial of requested treatment ~~[must be referred]~~ to:

(1) an appropriate physician, dentist, or other health care provider; or
(2) if the treatment is requested, ordered, provided, or to be provided by a physician, a physician licensed to practice medicine in this state who is of the same or a similar specialty as that physician [to determine medical necessity].

SECTION ____ .10. Sections 4201.155, 4201.206, and 4201.251, Insurance Code, are amended to read as follows:

Sec. 4201.155. LIMITATION ON NOTICE REQUIREMENTS AND REVIEW PROCEDURES. (a) A utilization review agent may not establish or impose a notice requirement or other review procedure that is contrary to the requirements of the health insurance policy or health benefit plan.

(b) This section may not be construed to release a health insurance policy or health benefit plan from full compliance with this chapter or other applicable law.

Sec. 4201.206. OPPORTUNITY TO DISCUSS TREATMENT BEFORE ADVERSE DETERMINATION. (a) Subject to Subsection (b) and the notice requirements of Subchapter G, before an adverse determination is issued by a utilization review agent who questions the medical necessity, the [or] appropriateness, or the experimental or investigational nature[er] of a health care service, the agent shall provide the health care provider who ordered, requested, provided, or is to provide the service a reasonable opportunity to discuss with a physician licensed to practice medicine in this state the patient's treatment plan and the clinical basis for the agent's determination.

(b) If the health care service described by Subsection (a) was ordered, requested, or provided, or is to be provided by a physician, the opportunity described by that subsection must be with a physician licensed to practice medicine in this state who is of the same or a similar specialty as that physician.

Sec. 4201.251. DELEGATION OF UTILIZATION REVIEW. A utilization review agent may delegate utilization review to qualified personnel in the hospital or other health care facility in which the health care services to be reviewed were or are to be provided. The delegation does not release the agent from the full responsibility for compliance with this chapter or other applicable law, including the conduct of those to whom utilization review has been delegated.

SECTION ____ .11. 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 predominantly 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 ____ .12. Sections 4201.252(a) and (b), Insurance Code, are amended to read as follows:

(a) Personnel employed by or under contract with a utilization review agent to perform utilization review must be appropriately trained and qualified and meet the requirements of this chapter and other applicable law, including licensing requirements.

(b) Personnel, other than a physician licensed to practice medicine in this state, who obtain oral or written information directly from a patient's physician or other health care provider regarding the patient's specific medical condition, diagnosis, or treatment options or protocols must be a nurse, physician assistant, or other health care provider qualified and licensed or otherwise authorized by law and the appropriate licensing agency in this state to provide the requested service.

SECTION ____ .13. Section 4201.356, Insurance Code, is amended to read as follows:

Sec. 4201.356. DECISION BY PHYSICIAN REQUIRED; SPECIALTY REVIEW. (a) The procedures for appealing an adverse determination must provide that a physician licensed to practice medicine in this state makes the decision on the appeal, except as provided by Subsection (b) or (c).

(b) For a health care service ordered, requested, provided, or to be provided by a physician, the procedures for appealing an adverse determination must provide that a physician licensed to practice medicine in this state who is of the same or a similar specialty as that physician makes the decision on appeal, except as provided by Subsection (c).

(c) If not later than the 10th working day after the date an appeal is denied the enrollee's health care provider states in writing good cause for having a particular type of specialty provider review the case, a health care provider who is of the same or a similar specialty as the health care provider who would typically manage the medical or dental condition, procedure, or treatment under consideration for review and who is licensed or otherwise authorized by the appropriate licensing agency in this state to manage the medical or dental condition, procedure, or treatment shall review the decision denying the appeal. The specialty review must be completed within 15 working days of the date the health care provider's request for specialty review is received.

SECTION ____ .14. Sections 4201.357(a), (a-1), and (a-2), Insurance Code, are amended to read as follows:

(a) The procedures for appealing an adverse determination must include, in addition to the written appeal, a procedure for an expedited appeal of a denial of emergency care or a denial of continued hospitalization. That procedure must include a review by a health care provider who:

(1) has not previously reviewed the case; ~~and~~

(2) is of the same or a similar specialty as the health care provider who would typically manage the medical or dental condition, procedure, or treatment under review in the appeal; and

(3) for a review of a health care service:

(A) ordered, requested, provided, or to be provided by a health care provider who is not a physician, is licensed or otherwise authorized by the appropriate licensing agency in this state to provide the service in this state; or

(B) ordered, requested, provided, or to be provided by a physician, is licensed to practice medicine in this state.

(a-1) The procedures for appealing an adverse determination must include, in addition to the written appeal and the appeal described by Subsection (a), a procedure for an expedited appeal of a denial of prescription drugs or intravenous infusions for which the patient is receiving benefits under the health insurance policy. That procedure must include a review by a health care provider who:

(1) has not previously reviewed the case; ~~and~~

(2) is of the same or a similar specialty as the health care provider who would typically manage the medical or dental condition, procedure, or treatment under review in the appeal; and

(3) for a review of a health care service:

(A) ordered, requested, provided, or to be provided by a health care provider who is not a physician, is licensed or otherwise authorized by the appropriate licensing agency in this state to provide the service in this state; or

(B) ordered, requested, provided, or to be provided by a physician, is licensed to practice medicine in this state.

(a-2) An adverse determination under Section 1369.0546 is entitled to an expedited appeal. The physician or, if appropriate, other health care provider deciding the appeal must consider atypical diagnoses and the needs of atypical patient populations. The physician must be licensed to practice medicine in this state and the health care provider must be licensed or otherwise authorized by the appropriate licensing agency in this state.

SECTION ____ .15. Section 4201.359, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) A physician described by Subsection (b)(2) must comply with this chapter and other applicable laws and be licensed to practice medicine in this state. A health care provider described by Subsection (b)(2) must comply with this chapter and other applicable laws and be licensed or otherwise authorized by the appropriate licensing agency in this state.

SECTION ____ .16. Sections 4201.453 and 4201.454, Insurance Code, are amended to read as follows:

Sec. 4201.453. UTILIZATION REVIEW PLAN. A specialty utilization review agent's utilization review plan, including reconsideration and appeal requirements, must be:

(1) reviewed by a health care provider of the appropriate specialty who is licensed or otherwise authorized to provide the specialty health care service in this state; and

(2) conducted in accordance with standards developed with input from a health care provider of the appropriate specialty who is licensed or otherwise authorized to provide the specialty health care service in this state.

Sec. 4201.454. UTILIZATION REVIEW UNDER DIRECTION OF PROVIDER OF SAME SPECIALTY. A specialty utilization review agent shall conduct utilization review under the direction of a health care provider who is of

the same specialty as the agent and who is licensed or otherwise authorized to provide the specialty health care service in this [by a] state [licensing agency in the United States].

SECTION ____ .17. Sections 4201.455(a) and (b), Insurance Code, are amended to read as follows:

(a) Personnel who are employed by or under contract with a specialty utilization review agent to perform utilization review must be appropriately trained and qualified and meet the requirements of this chapter and other applicable law of this state, including licensing laws.

(b) Personnel who obtain oral or written information directly from a physician or other health care provider must be a nurse, physician assistant, or other health care provider of the same specialty as the agent and who are licensed or otherwise authorized to provide the specialty health care service in this [by a] state [licensing agency in the United States].

SECTION ____ .18. Sections 4201.456 and 4201.457, Insurance Code, are amended to read as follows:

Sec. 4201.456. OPPORTUNITY TO DISCUSS TREATMENT BEFORE ADVERSE DETERMINATION. Subject to the notice requirements of Subchapter G, before an adverse determination is issued by a specialty utilization review agent who questions the medical necessity, the ~~[or]~~ appropriateness, or the experimental or investigational nature~~[,]~~ of a health care service, the agent shall provide the health care provider who ordered, requested, provided, or is to provide the service a reasonable opportunity to discuss the patient's treatment plan and the clinical basis for the agent's determination with a health care provider who is:

(1) of the same specialty as the agent; and

(2) licensed or otherwise authorized to provide the specialty health care service in this state.

Sec. 4201.457. APPEAL DECISIONS. A specialty utilization review agent shall comply with the requirement that a physician or other health care provider who makes the decision in an appeal of an adverse determination must be:

(1) of the same or a similar specialty as the health care provider who would typically manage the specialty condition, procedure, or treatment under review in the appeal; and

(2) licensed or otherwise authorized to provide the health care service in this state.

SECTION ____ .19. Section 4202.002, Insurance Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The standards adopted under Subsection (b)(3) must:

(1) ensure that personnel conducting independent review for a health care service are licensed or otherwise authorized to provide the same or a similar health care service in this state; and

(2) be consistent with the licensing laws of this state.

SECTION ____ .20. Section 408.0043, Labor Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (b), if a health care service is requested, ordered, provided, or to be provided by a physician, a person described by Subsection (a)(1), (2), or (3) who reviews the service with respect to a specific workers' compensation case must be of the same or a similar specialty as that physician.

SECTION ____21. Subchapter B, Chapter 151, Occupations Code, is amended by adding Section 151.057 to read as follows:

Sec. 151.057. APPLICATION TO UTILIZATION REVIEW. (a) In this section:

(1) "Adverse determination" means a determination that health care services provided or proposed to be provided to an individual in this state by a physician or at the request or order of a physician are not medically necessary or are experimental or investigational.

(2) "Payor" has the meaning assigned by Section 4201.002, Insurance Code.

(3) "Utilization review" has the meaning assigned by Section 4201.002, Insurance Code, and the term includes a review of:

(A) a step therapy protocol exception request under Section 1369.0546, Insurance Code; and

(B) prescription drug benefits under Section 1369.056, Insurance Code.

(4) "Utilization review agent" means:

(A) an entity that conducts utilization review under Chapter 4201, Insurance Code;

(B) a payor that conducts utilization review on the payor's own behalf or on behalf of another person or entity;

(C) an independent review organization certified under Chapter 4202, Insurance Code; or

(D) a workers' compensation health care network certified under Chapter 1305, Insurance Code.

(b) A person who does the following is considered to be engaged in the practice of medicine in this state and is subject to appropriate regulation by the board:

(1) makes on behalf of a utilization review agent or directs a utilization review agent to make an adverse determination, including:

(A) an adverse determination made on reconsideration of a previous adverse determination;

(B) an adverse determination in an independent review under Subchapter I, Chapter 4201, Insurance Code;

(C) a refusal to provide benefits for a prescription drug under Section 1369.056, Insurance Code; or

(D) a denial of a step therapy protocol exception request under Section 1369.0546, Insurance Code;

(2) serves as a medical director of an independent review organization certified under Chapter 4202, Insurance Code;

(3) reviews or approves a utilization review plan under Section 4201.151, Insurance Code;

(4) supervises and directs utilization review under Section 4201.152, Insurance Code; or

(5) discusses a patient's treatment plan and the clinical basis for an adverse determination before the adverse determination is issued, as provided by Section 4201.206, Insurance Code.

(c) For purposes of Subsection (b), a denial of health care services based on the failure to request prospective or concurrent review is not considered an adverse determination.

SECTION _____.22. Section 1305.351(d), Insurance Code, is amended to read as follows:

(d) A ~~[Notwithstanding Section 4201.152, a]~~ utilization review agent or an insurance carrier that uses doctors to perform reviews of health care services provided under this chapter, including utilization review, or peer reviews under Section 408.0231(g), Labor Code, may only use doctors licensed to practice in this state.

SECTION _____.23. Section 1305.355(d), Insurance Code, is amended to read as follows:

(d) The department shall assign the review request to an independent review organization. An ~~[Notwithstanding Section 4202.002, an]~~ independent review organization that uses doctors to perform reviews of health care services under this chapter may only use doctors licensed to practice in this state.

SECTION _____.24. Section 408.023(h), Labor Code, is amended to read as follows:

(h) A ~~[Notwithstanding Section 4201.152, Insurance Code, a]~~ utilization review agent or an insurance carrier that uses doctors to perform reviews of health care services provided under this subtitle, including utilization review, may only use doctors licensed to practice in this state.

SECTION _____.25. Section 413.031(e-2), Labor Code, is amended to read as follows:

(e-2) An ~~[Notwithstanding Section 4202.002, Insurance Code, an]~~ independent review organization that uses doctors to perform reviews of health care services provided under this title may only use doctors licensed to practice in this state.

SECTION _____.26. The changes in law made by this article 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.

SECTION ____ .27. The changes in law made by this article to Chapters 1305, 4201, and 4202, Insurance Code, Chapters 408 and 413, Labor Code, and Chapter 151, Occupations Code, apply only to utilization, independent, or peer review that was requested on or after the effective date of this Act. Utilization, independent, or peer review requested before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION ____ .28. Section 4201.156, Insurance Code, as added by this article, 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 ____ .29. If before implementing any provision of this article 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 until the waiver or authorization is granted.

ARTICLE ____ . DISCLOSURES REGARDING CERTAIN PREAUTHORIZED MEDICAL AND HEALTH CARE SERVICES

SECTION ____ .01. Subchapter F, Chapter 843, Insurance Code, is amended by adding Section 843.2025 to read as follows:

Sec. 843.2025. DISCLOSURES CONCERNING CERTAIN PREAUTHORIZED SERVICES. (a) In this section:

(1) "Elective" means non-emergent, medically necessary, and able to be scheduled at least 24 hours in advance.

(2) "Facility-based provider" means a physician or provider who provides a health care service to a patient of a licensed medical facility and bills for the service provided.

(3) "Licensed medical facility" means:

(A) a hospital licensed under Chapter 241, Health and Safety Code;

(B) an ambulatory surgical center licensed under Chapter 243, Health and Safety Code; or

(C) a birthing center licensed under Chapter 244, Health and Safety Code.

(4) "Preauthorization" has the meaning assigned by Section 843.348.

(b) A health maintenance organization that preauthorizes an enrollee's health care service shall provide a disclosure to the enrollee at the time the health maintenance organization issues a determination preauthorizing the service if the service:

(1) will be provided at a licensed medical facility;

(2) is elective; and

(3) must be preauthorized as a condition of payment by the health maintenance organization for the service.

(c) The disclosure provided to an enrollee under Subsection (b) must include:

(1) a statement of the name and network status of any facility-based provider that the health maintenance organization reasonably expects will provide and bill for the preauthorized service or any anesthesia, pathology, or radiology services associated with the preauthorized service;

(2) an estimate of:

(A) the payment that the health maintenance organization will make for the preauthorized service and any anesthesia, pathology, or radiology services associated with the preauthorized service; and

(B) the enrollee's financial responsibility, including any copayment or other out-of-pocket amount, for the preauthorized service and any anesthesia, pathology, or radiology services associated with the preauthorized service;

(3) a statement that the actual charges and payment for the preauthorized service and the enrollee's financial responsibility for the service may vary from the estimate provided by the health maintenance organization based on the enrollee's actual medical condition and other factors associated with the performance of the service;

(4) a statement substantially similar to the following: "This notice may not reflect all the physicians and health care providers who may be involved in and bill for your care. Despite your health maintenance organization's best efforts to disclose all physicians and health care providers who we reasonably expect to participate in your care, circumstances, including facility scheduling, staff changes, or complications, or other factors associated with your care, may result in different or additional physicians or health care providers providing and billing for care provided to you."; and

(5) a statement that the enrollee may be personally liable for the amount charged for health care services provided to the enrollee depending on the enrollee's health benefit plan coverage.

(d) A general statement that some facility-based providers may be out-of-network does not satisfy the requirement in Subsection (c)(1).

SECTION _____.02. Subchapter C-1, Chapter 1301, Insurance Code, is amended by adding Section 1301.1355 to read as follows:

Sec. 1301.1355. DISCLOSURES CONCERNING CERTAIN PREAUTHORIZED SERVICES. (a) In this section:

(1) "Elective" means non-emergent, medically necessary, and able to be scheduled at least 24 hours in advance.

(2) "Facility-based provider" means a physician or health care provider who provides a medical care or health care service to a patient of a licensed medical facility and bills for the service provided.

(3) "Licensed medical facility" means:

(A) a hospital licensed under Chapter 241, Health and Safety Code;

(B) an ambulatory surgical center licensed under Chapter 243, Health and Safety Code; or

(C) a birthing center licensed under Chapter 244, Health and Safety Code.

(b) An insurer that preauthorizes an insured's medical care or health care service shall provide a disclosure to the insured at the time the insurer issues a determination preauthorizing the service if the service:

(1) will be provided at a licensed medical facility;

(2) is elective; and

(3) must be preauthorized as a condition of payment by the insurer for the service.

(c) The disclosure provided to an insured under Subsection (b) must include:

(1) a statement of the name and network status of any facility-based provider that the insurer reasonably expects will provide and bill for the preauthorized service or any anesthesia, pathology, or radiology services associated with the preauthorized service;

(2) an estimate of:

(A) the payment that the insurer will make for the preauthorized service and any anesthesia, pathology, or radiology services associated with the preauthorized service; and

(B) the insured's financial responsibility, including any copayment or other out-of-pocket amount, for the preauthorized service and any anesthesia, pathology, or radiology services associated with the preauthorized service;

(3) a statement that the actual charges and payment for the preauthorized service and the insured's financial responsibility for the service may vary from the estimate provided by the insurer based on the insured's actual medical condition and other factors associated with the performance of the service;

(4) a statement substantially similar to the following: "This notice may not reflect all the physicians and health care providers who may be involved in and bill for your care. Despite your insurer's best efforts to disclose all physicians and health care providers who we reasonably expect to participate in your care, circumstances, including facility scheduling, staff changes, or complications, or other factors associated with your care, may result in different or additional physicians or health care providers providing and billing for care provided to you."; and

(5) a statement that the insured may be personally liable for the amount charged for medical care or health care services provided to the insured depending on the insured's health benefit plan coverage.

(d) A general statement that some facility-based physicians or health care providers may be out-of-network does not satisfy the requirement in Subsection (c)(1).

SECTION ____ .03. The changes in law made by this article apply only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2020.

(4) Add the following appropriately numbered ARTICLE heading to the bill, transfer SECTION 5 of the bill to that ARTICLE, and renumber that SECTION accordingly:

ARTICLE ____ . EFFECTIVE DATE

Amendment No. 5 was adopted.

SB 1742, as amended, was passed by (Record 1466): 117 Yeas, 24 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Holland; Howard; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Kuempel; Lambert; Larson; Leach; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meyer; Minjarez; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Bell, C.; Burns; Burrows; Button; Cain; Dean; Frank; Harris; Hefner; Hunter; Krause; Landgraf; Lang; Leman; Metcalf; Middleton; Miller; Murr; Patterson; Paul; Phelan; Schaefer; Thompson, E.; Wilson.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

Absent — Lozano; Meza.

STATEMENTS OF VOTE

When Record No. 1466 was taken, I was shown voting yes. I intended to vote no.

Anderson

When Record No. 1466 was taken, I was shown voting no. I intended to vote yes.

Dean

When Record No. 1466 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

When Record No. 1466 was taken, I was in the house but away from my desk. I would have voted yes.

Meza

When Record No. 1466 was taken, I was shown voting yes. I intended to vote no.

Swanson

When Record No. 1466 was taken, I was shown voting yes. I intended to vote no.

Tinderholt

SB 962 ON THIRD READING
(Zerwas - House Sponsor)

SB 962, A bill to be entitled An Act relating to the determination of the sufficient balance of the economic stabilization fund for the purpose of allocating general revenue to that fund and the state highway fund.

SB 962 was passed by (Record 1467): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; 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; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wu; Zedler; Zerwas; Zwiener.

Nays — Rose.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

Absent — Button; Dutton; Wray.

STATEMENTS OF VOTE

When Record No. 1467 was taken, I was shown voting yes. I intended to vote no.

Buckley

When Record No. 1467 was taken, I was in the house but away from my desk. I would have voted yes.

Button

When Record No. 1467 was taken, I was shown voting no. I intended to vote yes.

Rose

**SB 1679 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative Bernal moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representative Neave as a co-sponsor to **SB 1679**.

The motion prevailed.

**SB 31 ON THIRD READING
(Smithee and Guillen - House Sponsors)**

SB 31, A bill to be entitled An Act relating to establishing a guardianship abuse, fraud, and exploitation deterrence program.

SB 31 was passed by (Record 1468): 140 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Blanco; Bohac; Bonnen; 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; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; 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; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tindholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Stickland.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

Absent — Bernal; Biedermann.

SB 201 ON THIRD READING
(Oliverson - House Sponsor)

SB 201, A bill to be entitled An Act relating to increasing the criminal penalties for certain offenses committed in a disaster area or an evacuated area.

SB 201 was passed by (Record 1469): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; 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; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

Absent — Bernal; Thompson, S.

STATEMENT OF VOTE

When Record No. 1469 was taken, my vote failed to register. I would have voted yes.

S. Thompson

SB 1153 ON THIRD READING
(Smithee - House Sponsor)

SB 1153, A bill to be entitled An Act relating to the Texas Life and Health Insurance Guaranty Association.

SB 1153 was passed by (Record 1470): 133 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; 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; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Cain; Clardy; Middleton; Murr; Schaefer; Stickland; Swanson; Tinderholt; Wilson.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Huberty; King, K.

Absent — Bernal; Lopez.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to meet with the house conferees on **HB 3**:

Bernal on motion of Vo.

GENERAL STATE CALENDAR (consideration continued)

SB 1232 ON THIRD READING (Goldman - House Sponsor)

SB 1232, A bill to be entitled An Act relating to the delivery of alcoholic beverages by the holder of a wine and beer retailer's permit.

SB 1232 was passed by (Record 1471): 140 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; 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; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wu; Zedler; Zerwas; Zwiener.

Nays — Noble; Wray.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Bernal; Huberty; King, K.

Absent — Lopez.

SB 68 ON THIRD READING
(Schaefer - House Sponsor)

SB 68, A bill to be entitled An Act relating to strategic fiscal reviews of state agencies and programs.

SB 68 was passed by (Record 1472): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lozano; Lucio; Martinez; 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; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Bernal; Huberty; King, K.

Absent — Klick; Lopez.

SB 936 ON THIRD READING
(Hernandez - House Sponsor)

SB 936, A bill to be entitled An Act relating to a cybersecurity monitor for certain electric utilities.

SB 936 was passed by (Record 1473): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; 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; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Bernal; Huberty; King, K.

SB 1324 ON THIRD READING
(C. Turner - House Sponsor)

SB 1324, A bill to be entitled An Act relating to the filing of a degree plan by students at public institutions of higher education.

SB 1324 was passed by (Record 1474): 136 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; 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; Stucky;

Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Biedermann; Cain; Stickland; Tinderholt.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Bernal; Huberty; King, K.

Absent — Davis, S.; Klick; Murphy.

SB 443 ON THIRD READING
(Murphy - House Sponsor)

SB 443, A bill to be entitled An Act relating to the period for which a property owner may receive a residence homestead exemption from ad valorem taxation for property that is rendered uninhabitable or unusable as a result of a disaster.

SB 443 was passed by (Record 1475): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; 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; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Bernal; Huberty; King, K.

Absent — Paddie.

SB 1450 ON THIRD READING
(Paddie - House Sponsor)

SB 1450, A bill to be entitled An Act relating to the delivery of alcoholic beverages from certain premises to ultimate consumers; authorizing a fee; creating an offense.

SB 1450 was passed by (Record 1476): 128 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Blanco; Bohac; Bonnen; 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; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martínez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; 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; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zedler; Zerwas; Zwiener.

Nays — Biedermann; Cain; Hefner; Krause; Lang; Middleton; Noble; Patterson; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; Wilson.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Bernal; Huberty; King, K.

Absent — Wray.

SB 1679 ON THIRD READING
(J. Turner, Meyer, VanDeaver, Bernal, et al. - House Sponsors)

SB 1679, A bill to be entitled An Act relating to eligibility of certain children for free prekindergarten programs in public schools.

SB 1679 was passed by (Record 1477): 97 Yeas, 43 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, K.; Blanco; Bohac; Bowers; Buckley; Bucy; Burrows; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Darby; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Kuempel; Landgraf; Longoria; Lopez; Lozano; Lucio;

Martinez; Martinez Fischer; Meyer; Meza; Miller; Minjarez; Morales; Morrison; Muñoz; Neave; Noble; Oliverson; Ortega; Pacheco; Paddie; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Smithee; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Bonnen; Burns; Button; Cain; Capriglione; Craddick; Cyrier; Dean; Flynn; Frank; Harris; Hefner; Holland; Hunter; Klick; Krause; Lambert; Lang; Larson; Leman; Metcalf; Middleton; Murr; Parker; Patterson; Paul; Phelan; Price; Sanford; Schaefer; Shaheen; Smith; Springer; Stickland; Swanson; Tinderholt; Toth; Wilson; Wray; Zedler; Zerwas.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Bernal; Huberty; King, K.

Absent — Leach; Murphy; Nevárez.

STATEMENTS OF VOTE

When Record No. 1477 was taken, I was shown voting no. I intended to vote yes.

Button

When Record No. 1477 was taken, I was shown voting yes. I intended to vote no.

P. King

When Record No. 1477 was taken, I was shown voting yes. I intended to vote no.

Landgraf

When Record No. 1477 was taken, I was shown voting yes. I intended to vote no.

Oliverson

When Record No. 1477 was taken, I was shown voting yes. I intended to vote no.

Paddie

SB 1211 ON THIRD READING

(P. King, Patterson, Harless, Parker, and Hernandez - House Sponsors)

SB 1211, A bill to be entitled An Act relating to regulation of mergers and consolidations of power generation companies.

SB 1211 was passed by (Record 1478): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; 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; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; 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; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Canales.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Bernal; Huberty; King, K.

Absent — Landgraf.

STATEMENT OF VOTE

When Record No. 1478 was taken, I was in the house but away from my desk. I would have voted yes.

Landgraf

(Goldman in the chair)

POSTPONED BUSINESS

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

SB 2223 ON THIRD READING **(Canales and Cain - House Sponsors)**

SB 2223, A bill to be entitled An Act relating to the efficient provision of pilot services by the board of pilot commissioners for Harris County ports.

SB 2223 was read third time on May 16 and was postponed until 10 a.m. today.

SB 2223 was passed by (Record 1479): 139 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; 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; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Bernal; Huberty; King, K.

Absent — Klick; Moody; Nevárez.

STATEMENTS OF VOTE

When Record No. 1479 was taken, my vote failed to register. I would have voted yes.

Nevárez

When Record No. 1479 was taken, I was shown voting yes. I intended to vote no.

Ramos

CSSB 604 ON SECOND READING (Paddie - House Sponsor)

CSSB 604, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Motor Vehicles and to the operations of certain other entities performing functions associated with the department.

CSSB 604 was read second time on May 14, postponed until May 16, and was again postponed until 10 a.m. today.

Amendment No. 1

Representative Paddie offered the following amendment to **CSSB 604**:

Amend **CSSB 604** (house committee report) as follows:

(1) Strike SECTION 2.12 of the bill (page 13, lines 4-14).

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

SECTION 2.____. Subchapter B, Chapter 503, Transportation Code, is amended by adding Section 503.0296 to read as follows:

Sec. 503.0296. INDEPENDENT MOTOR VEHICLE DEALER EDUCATION AND TRAINING REQUIREMENT. (a) The department by rule shall require that an applicant for an original or renewal general distinguishing number who proposes to be an independent motor vehicle dealer complete web-based education and training developed by the department. The education and training must include information on the laws and board rules applicable to an independent motor vehicle dealer, including the consequences of violating those laws and rules.

(b) An applicant described by Subsection (a) who satisfies the education and training required under this section is not required to complete additional education and training under this section for the subsequent renewal of the applicant's general distinguishing number.

SECTION 2.____. As soon as practicable after the effective date of this Act, the Texas Department of Motor Vehicles shall adopt rules as required by Section 503.0296, Transportation Code, as added by this Act.

Amendment No. 2

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

Amend Amendment No. 1 by Paddie to **CSSB 604** on page 1 as follows:

(1) On line 12, between "developed" and "by", insert "or approved".

(2) On line 25, immediately following the period, insert the following:

A rule adopted by the department as required by that section may not require a person to complete the education and training developed or approved under that section if the person, on the effective date of this Act, has held an independent motor vehicle dealer's general distinguishing number issued under Chapter 503, Transportation Code, for at least 10 years.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

Amendment No. 3

Representative Paddie offered the following amendment to **CSSB 604**:

Amend **CSSB 604** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . DIGITAL LICENSE PLATES

SECTION ____ .01. Chapter 504, Transportation Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. DIGITAL LICENSE PLATES

Sec. 504.151. DEFINITIONS. In this subchapter:

(1) "Digital license plate" means an electronic display that is designed to:

(A) display the information required to be included on a physical license plate; and

(B) be placed on the rear of a vehicle registered under Chapter 502 in lieu of a physical license plate issued under this chapter.

(2) "Digital license plate provider" means a person engaged in the business of providing digital license plate hardware and services to vehicle owners, including the sale or lease of and issuance of digital license plates.

Sec. 504.152. APPLICABILITY OF OTHER LAW. Except as otherwise provided by this subchapter or a rule adopted under this subchapter, a digital license plate issued under this subchapter is subject to the laws of this state applicable to a physical license plate.

Sec. 504.153. RULES. The board shall adopt rules as necessary to implement and administer this subchapter.

Sec. 504.154. DIGITAL LICENSE PLATES AUTHORIZED. (a) The board by rule shall allow a vehicle registered under Chapter 502 to be equipped with a digital license plate that is placed on the rear of the vehicle in lieu of a physical license plate issued under this chapter. The rule must require the owner of a vehicle issued a digital license plate to obtain a physical license plate to be placed on the front of the vehicle unless the vehicle is of a class of vehicles that is not required to display two license plates, as provided by other law.

(b) The department may contract with digital license plate providers for the issuance of digital license plates, including any services related to the issuance of digital license plates.

(c) Notwithstanding any other law, a rule adopted under this subchapter may:

(1) authorize the display of the vehicle's registration insignia on a digital license plate issued for the vehicle in lieu of attaching the registration insignia to the inside of the vehicle's windshield as required by Section 502.059;

(2) establish a fee in an amount necessary to cover any administrative costs incurred that relate to the issuance of a digital license plate and exceed the administrative costs incurred for the issuance of a physical license plate; or

(3) prohibit a digital license plate provider from contracting with the department under Subchapter J.

Sec. 504.155. DIGITAL LICENSE PLATES REQUIREMENTS AND PERMISSIVE FUNCTIONALITY. (a) The board by rule shall set the specifications and requirements for digital license plates, including requirements for the placement of digital license plates. The design of and information displayed on a digital license plate must be approved by the department.

(b) A digital license plate issued under this subchapter must:

(1) meet the specifications and requirements adopted under Subsection (a);

(2) include the information required to be included on a physical license plate and legibly display that information at all times and in all light conditions, provided that the license plate may display the information in a smaller typeface when the vehicle is parked; and

(3) have wireless connectivity capability.

(c) In adopting rules under Subsection (a), the board shall consult with the Department of Public Safety. Except as otherwise provided by this subsection and Section 2001.036, Government Code, a rule adopted under Subsection (a) takes effect on the 31st day after the date on which the rule is filed in the office of the secretary of state. A rule adopted under Subsection (a) does not take effect if, not later than the 30th day after the date on which the rule is filed in the office of the secretary of state, the public safety director of the Department of Public Safety submits to the office of the secretary of state written notification invalidating the rule.

(d) A rule adopted under this subchapter may:

(1) authorize the use of a digital license plate for electronic toll collection or to display a parking permit; or

(2) establish procedures for displaying on a digital license plate:

(A) an emergency alert or other public safety alert issued by a governmental entity, including an alert authorized under Subchapter L, M, or P, Chapter 411, Government Code;

(B) vehicle manufacturer safety recall notices;

(C) static logo displays, including unique displays for fleet vehicles; or

(D) advertising approved by the department.

Sec. 504.156. DIGITAL LICENSE PLATE PROVIDER POWERS AND DUTIES. A digital license plate provider with whom the department contracts under Section 504.154:

(1) shall maintain an inventory of the digital license plates issued by the provider in this state;

(2) shall make available a digital version of each specialty license plate authorized by this chapter, other than personalized license plates authorized for marketing and sale under Subchapter J, provided that:

(A) each issuance of a specialty license plate with restricted distribution, including a license plate authorized under Subchapter C, D, E, or F, must be approved by the department; and

(B) the provider shall remit to the department in the manner prescribed by the department all money:

(i) payable to the department; or

(ii) required to be used or deposited in the manner prescribed by the law establishing the license plate;

(3) may contract with the private vendor under Subchapter J to make available a digital version of a personalized license plate authorized for marketing and sale under that subchapter, provided that the contract shall conform with any applicable requirements of Subchapter J and the terms of the private vendor's contract with the department;

(4) shall, if a digital license plate displays a registration insignia as authorized by a rule adopted under Section 504.154(c)(1), promptly update the display of the registration insignia to reflect the current registration period for the

vehicle and, on request of the department, suspend the display of the registration insignia or indicate on the license plate that the registration insignia for the vehicle is expired;

(5) may provide any service related to the issuance of a digital license plate that is authorized by board rule, including the sale, lease, and installation of and customer service for a digital license plate; and

(6) may charge a fee, payable in installments, for the issuance of a digital license plate or any additional services provided by the provider for that license plate.

Sec. 504.157. DEFENSE TO PROSECUTION OF CERTAIN OFFENSES.

It is a defense to prosecution of an offense involving the operation of a motor vehicle and relating to the placement of a license plate or the display of a registration insignia that the vehicle was operated in compliance with rules issued under this subchapter governing the placement of a digital license plate or the display of a registration insignia on a digital license plate, as applicable.

SECTION _____.02. Not later than December 31, 2019, the board of the Texas Department of Motor Vehicles shall adopt the rules required by Subchapter B-1, Chapter 504, Transportation Code, as added by this Act, and any other rules necessary to implement and administer that subchapter.

Amendment No. 4

Representative Paddie offered the following amendment to Amendment No. 3:

Amend Amendment No. 3 by Paddie to **CSSB 604** on page 3 as follows:

(1) On line 6, strike "and".

(2) On line 7, between "capability" and the underlined period, insert the following:

; and

(4) provide benefits to law enforcement that meet or exceed the benefits provided by physical license plates as of the time of enactment of this subchapter and as determined by the Department of Public Safety

Amendment No. 4 was adopted.

Amendment No. 3, as amended, was adopted.

Amendment No. 5

Representative Canales offered the following amendment to **CSSB 604**:

Amend **CSSB 604** (house committee report) as follows:

(1) On page 6, strike lines 3-4, and substitute the following:

(1) Section 2110.002(c), Government Code;

(2) Section 2301.612, Occupations Code; and

(3) Section 1001.031(a-1), Transportation Code.

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

SECTION 1.____. Chapter 1004, Transportation Code, is amended by adding Section 1004.003 to read as follows:

Sec. 1004.003. CONFIDENTIALITY OF INFORMATION RELATED TO INVESTIGATIONS. Except as necessary to comply with Section 2301.202, Occupations Code, information obtained during an investigation of a person regulated under Chapter 2301 or 2302, Occupations Code, or Chapter 503 or 643 of this code is confidential and not subject to disclosure under Chapter 552, Government Code, until the investigation is dismissed or finally resolved.

Amendment No. 6

Representative Canales offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Canales to **CSSB 604** on page 1 as follows:

(1) Strike lines 13-14, and substitute the following:

INVESTIGATIONS. Information obtained during an

(2) On line 18, between "resolved" and the underlined period, insert "only if the disclosure of that information would interfere with or jeopardize the investigation".

Amendment No. 6 was adopted.

Amendment No. 5, as amended, was adopted.

Amendment No. 7

Representatives Minjarez, Blanco, T. King, Raney, Ortega, Raymond, Kacal, Schaefer, Martinez Fischer, Romero, Neave, Moody, C. Turner, Bucy, and Fierro offered the following amendment to **CSSB 604**:

Amend **CSSB 604** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 502.402, Transportation Code, is amended by amending Subsections (a), (b-1), and (e) and adding Subsections (e-1), (e-2), (e-3), and (e-4) to read as follows:

(a) This section applies only to:

(1) a county that:

(A) borders the United Mexican States; and

(B) has a population of more than 250,000; ~~and~~

(2) a county that has a population of more than 190,000 ~~[1.5 million]~~ that is coterminous with a regional mobility authority;

(3) a county that is part of a regional mobility authority that includes two or more counties, at least one of which borders the United Mexican States;

(4) a county with a population of less than 500,000 that is part of a regional mobility authority in which a county with a population of more than one million is also located; and

(5) a county:

(A) that has a population of more than 320,000;

(B) that does not border the United Mexican States; and

(C) in which a port authority is authorized to issue permits for oversize or overweight vehicles under Chapter 623.

(b-1) A [The] commissioners court [of a county described by Subsection (a) with a population of less than 700,000] may increase the additional fee to an amount that does not exceed \$20 if approved by a majority of the qualified voters of the county voting on the issue at a referendum election, which the commissioners court may order and hold for that purpose. This subsection applies only to a county:

(1) described by Subsection (a)(1) with a population of less than 700,000 or more than 800,000;

(2) described by Subsection (a)(2) with a population of more than 1.5 million; or

(3) described by Subsection (a)(5).

(e) The additional fee shall be collected for a vehicle when other fees imposed under this chapter are collected.

(e-1) Fee [The fee] revenue collected under this section may be used only [shall be sent to a regional mobility authority located in the county] to fund long-term transportation projects [in the county] that are:

(1) located in:

(A) the county; or

(B) another county participating in the regional mobility authority, to the extent authorized by Section 52, Article III, Texas Constitution; and

(2) consistent with the purposes specified by Section 7-a, Article VIII, Texas Constitution.

(e-2) This subsection applies only to a county described by Subsections (a)(1)-(4). Fee revenue collected under this section shall be sent to a regional mobility authority of which the county, or a municipality in the county, is a part.

(e-3) This subsection applies only to a county described by Subsection (a)(1) with a population of more than 800,000. In addition to the requirements of Subsection (e-1), additional fee revenue collected under Subsection (b-1) may be used only for projects that are included in a plan approved by the metropolitan planning organization that serves the county.

(e-4) This subsection applies only to a county described by Subsection (a)(5). Fee revenue collected under this section shall be sent to a regional mobility authority of which the county is a part. If there is no regional mobility authority located in the county, fee revenue collected under this section shall be used by the county.

Amendment No. 7 - Point of Order

Representative Tinderholt raised a point of order against further consideration of Amendment No. 7 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. 7 was withdrawn.

Amendment No. 8

Representative Fierro offered the following amendment to **CSSB 604**:

Amend **CSSB 604** (house committee report) as follows:

(1) On page 15, line 17, immediately following the underlined period, insert the following:

This subsection does not apply to a county assessor-collector of a county with a population of 800,000 or more that borders the United Mexican States.

(2) On page 15, between lines 24 and 25, insert the following appropriately lettered subsection and reletter subsequent subsections and cross-references to those subsections accordingly:

() This section does not apply to a county tax assessor-collector of a county with a population of 800,000 or more that borders the United Mexican States.

(3) On page 18, line 13, immediately following the period, insert the following:

This subsection does not apply to a county tax assessor-collector of a county with a population of 800,000 or more that borders the United Mexican States.

(4) Strike page 19, lines 6-9, and substitute the following:

SECTION 3.08. Not later than September 1, 2020, each county tax assessor-collector to which Section 520.005(e), Transportation Code, as added by this Act, applies shall make available the electronic system to motor vehicle dealers as required by that section.

Amendment No. 8 - Point of Order

Representative Tinderholt raised a point of order against further consideration of Amendment No. 8 under Rule 11, Section 6(g), of the House Rules on the grounds that the amendment was not timely prefiled under the cited section of the rules.

The point of order was withdrawn.

Amendment No. 8 was withdrawn.

CSSB 604, as amended, was passed to third reading.

(Speaker in the chair)

SB 1257 ON THIRD READING (Leach and G. Bonnen - House Sponsors)

SB 1257, A bill to be entitled An Act relating to the investigation and prosecution of criminal offenses involving the trafficking of persons.

SB 1257 was read third time on May 16 and was postponed until 11 a.m. today.

SB 1257 was passed by (Record 1480): 120 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, K.; Biedermann; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, Y.; Dean; Deshotel; Farrar; Fierro; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Guerra; Guillen; Harless; Harris; Hefner; Herrero; Hinojosa; Holland; Howard; Israel;

Johnson, J.D.; Johnson, J.E.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morrison; Muñoz; Murr; Noble; Oliverson; Ortega; Pacheco; Parker; Patterson; Paul; Perez; Phelan; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Walle; Wilson; Wray; Wu; Zerwas; Zwiener.

Nays — Blanco; Davis, S.; Dominguez; Dutton; Kacal; King, T.; Morales; Neave; Paddie; Price; Ramos; Thierry; Thompson, S.; Vo.

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

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Bernal; Huberty; King, K.

Absent — Bell, C.; Goodwin; Gutierrez; Hernandez; Hunter; Murphy; Nevárez; White; Zedler.

STATEMENTS OF VOTE

When Record No. 1480 was taken, I was shown voting yes. I intended to vote no.

Allen

When Record No. 1480 was taken, I was shown voting yes. I intended to vote no.

Beckley

When Record No. 1480 was taken, my vote failed to register. I would have voted yes.

C. Bell

When Record No. 1480 was taken, I was excused to meet with house conferees to **HB 3**. I would have voted no.

Bernal

When Record No. 1480 was taken, I was shown voting yes. I intended to vote no.

Bowers

When Record No. 1480 was taken, I was shown voting yes. I intended to vote no.

Deshotel

When Record No. 1480 was taken, I was shown voting yes. I intended to vote no.

J. González

When Record No. 1480 was taken, I was in the house but away from my desk. I would have voted yes.

Goodwin

When Record No. 1480 was taken, I was shown voting yes. I intended to vote no.

Guerra

When Record No. 1480 was taken, I was in the house but away from my desk. I would have voted yes.

Hernandez

When Record No. 1480 was taken, I was shown voting yes. I intended to vote no.

Hinojosa

When Record No. 1480 was taken, I was shown voting yes. I intended to vote no.

Howard

When Record No. 1480 was taken, I was shown voting yes. I intended to vote no.

Israel

When Record No. 1480 was taken, I was shown voting yes. I intended to vote no.

J.D. Johnson

When Record No. 1480 was taken, I was shown voting yes. I intended to vote no.

Lopez

When Record No. 1480 was taken, I was shown voting yes. I intended to vote no.

Meza

When Record No. 1480 was taken, I was shown voting yes. I intended to vote no.

Muñoz

When Record No. 1480 was taken, I was shown voting yes. I intended to vote no.

Rodriguez

When Record No. 1480 was taken, I was shown voting yes. I intended to vote no.

Romero

When Record No. 1480 was taken, I was shown voting yes. I intended to vote no.

Rose

When Record No. 1480 was taken, I was shown voting yes. I intended to vote no.

Rosenthal

When Record No. 1480 was taken, I was shown voting yes. I intended to vote no.

VanDeaver

When Record No. 1480 was taken, I was shown voting yes. I intended to vote no.

Zwiener

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. 31 and Senate List No. 24).

GENERAL STATE CALENDAR SENATE BILLS SECOND READING

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

SB 22 ON SECOND READING

(Noble, Morrison, P. King, Klick, Springer, et al. - House Sponsors)

SB 22, A bill to be entitled An Act relating to prohibiting certain transactions between a governmental entity and an abortion provider or affiliate of the provider.

Amendment No. 1

Representative S. Davis offered the following amendment to **SB 22**:

Amend **SB 22** (house committee printing) on page 1 by striking line 5.

Representative Noble moved to table Amendment No. 1.

A record vote was requested by Representative S. Davis.

The motion to table prevailed by (Record 1481): 78 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Bailes; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Craddick; Cyrier; Darby; Dean; Flynn; Frank; Frullo; Geren; Goldman; Guillen; Harless; Harris; Hefner; Holland; Hunter; Kacal; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Miller; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker;

Patterson; Paul; Phelan; Price; Raney; Sanford; Schaefer; Sheffield; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Herrero; 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; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Bernal; Huberty; King, K.

Absent — Shaheen.

STATEMENT OF VOTE

When Record No. 1481 was taken, I was in the house but away from my desk. I would have voted yes.

Shaheen

SB 22 - POINT OF ORDER

Representative Neave raised a point of order against further consideration of **SB 22** under Rule 4, Section 32(c)(2), of the House Rules on the grounds that the bill analysis is materially and substantially misleading.

The point of order was withdrawn.

Amendment No. 2

Representative Tinderholt offered the following amendment to **SB 22**:

Amend **SB 22** (house committee printing) as follows:

(1) On page 1, strike lines 12 through 17 and substitute the following:

(2) "Abortion provider" has the meaning assigned by Section 171.002, Health and Safety Code.

(2) On page 3, strike lines 6 through 22 and substitute the following:

Sec. 2272.002. APPLICABILITY. For purposes of this chapter, a facility is not considered to be an abortion provider solely based on the performance of an abortion at the facility during a medical emergency as defined by Section 171.002, Health and Safety Code.

SB 22 - POINT OF ORDER

Representative Moody raised a point of order against further consideration of **SB 22** under Rule 4, Section 32(c)(2), of the House Rules on the grounds that the bill analysis is materially and substantially misleading.

The point of order was withdrawn.

Amendment No. 2 - Point of Order

Representative Ortega raised a point of order against further consideration of Amendment No. 2 under Rule 11, Section 6(e), of the House Rules on the grounds that the amendment was improperly filed.

The point of order was withdrawn.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Howard offered the following amendment to **SB 22**:

Amend **SB 22** (house committee printing) on page 2, lines 14-16, by striking "regardless of whether the governmental entity receives something of value in return" and substituting "and that provides to the governmental entity something equal to at least the market value of the transaction in return".

Representative Noble moved to table Amendment No. 3.

A record vote was requested by Representative C. Turner.

The motion to table prevailed by (Record 1482): 78 Yeas, 62 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Bailes; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Craddick; Cyrier; Darby; Dean; Flynn; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Hunter; Kacal; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; 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; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Ashby; Bernal; Huberty; King, K.

Absent — Guillen; Johnson, J.D.; Meza; Thompson, S.

Amendment No. 4

Representative Biedermann offered the following amendment to **SB 22**:

Amend **SB 22** (house committee printing) as follows:

(1) On page 2, line 16, between "return." and "The", insert the following:
The term includes a transaction related to educational instruction and materials.

(2) On page 3, between lines 22 and 23, insert the following:

(c) This chapter applies to Chapter 28, Education Code.

SB 22 - POINT OF ORDER

Representative Collier raised a point of order against further consideration of **SB 22** under Rule 4, Section 32(c), of the House Rules. The point of order was overruled and the speaker submitted the following ruling:

RULING BY THE SPEAKER

on Senate Bill 22

Announced in the House on May 17, 2019

Representative Collier raises a point of order against further consideration of **SB 22** under Rule 4, Section 32(c), of the House Rules on the grounds that the bill analysis is substantially and materially misleading.

Ms. Collier argues that the bill analysis is substantially and materially misleading because the portion of the bill analysis that describes the definition of "affiliate" fails to identify that an affiliate must enter into a legal relationship with another person or entity in order for other criteria of the definition to apply.

Plainly, an affiliate must contract with a party other than itself to form any legal relationship. The bill applies to a legal relationship to any person or entity without limitation. Thus, the bill analysis summarizes the disputed provision.

Accordingly, the point of order is respectfully overruled.

Amendment No. 4 was withdrawn.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Craddick requested permission for the Committee on Land and Resource Management to meet while the house is in session, at 4:10 p.m. today, in 1W.14, to consider pending and referred business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Land and Resource Management, 4:10 p.m. today, 1W.14, for a formal meeting, to consider pending and referred business.

MESSAGE FROM THE SENATE

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

SB 22 - (consideration continued)**Amendment No. 5**

Representative Anchia offered the following amendment to **SB 22**:

Amend **SB 22** (house committee printing) on page 2, lines 25 and 26, by striking "at the request of the member or committee".

(Ashby and K. King now present)

Representative Noble moved to table Amendment No. 5.

A record vote was requested by Representative C. Turner.

The motion to table prevailed by (Record 1483): 78 Yeas, 67 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Clardy; Craddick; Cyrier; Darby; Dean; Flynn; Frank; Frullo; Goldman; Harless; Harris; Hefner; Holland; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lozano; Metcalf; 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; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Blanco; Bowers; Bucy; Button; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.E.; King, T.; Lopez; Lucio; Martinez; Martinez Fischer; Meyer; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Bernal; Huberty.

Absent — Johnson, J.D.

COMMITTEE GRANTED PERMISSION TO MEET

Representative S. Thompson requested permission for the Committee on Public Health to meet while the house is in session, at 4:30 p.m., in 3W.15, to consider **SB 1882**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Health, 4:30 p.m. today, 3W.15, for a formal meeting, to consider **SB 1882**.

SB 22 - (consideration continued)

(Bernal now present)

Amendment No. 6

Representative Nevárez offered the following amendment to **SB 22**:

Amend **SB 22** (house committee printing) on page 2, lines 20-22, to strike the following: "includes advocacy or lobbying by or on behalf of a governmental entity on behalf of the interests of an abortion provider or affiliate."

Representative Noble moved to table Amendment No. 6.

A record vote was requested by Representative C. Turner.

The motion to table prevailed by (Record 1484): 79 Yeas, 63 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; Dean; Flynn; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Miller; Morrison; 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; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; King, T.; Longoria; Lopez; Martinez; Martinez Fischer; Minjarez; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Huberty.

Absent — Guillen; Lucio; Meza; Moody; Murphy.

Amendment No. 7

Representative J. Turner offered the following amendment to **SB 22**:

Amend **SB 22** (house committee report) as follows:

(1) On page 3, line 15, strike "public or".

(2) On page 3, line 16, strike "or".

(3) On page 3, line 18, between "physicians" and the underlined period, insert the following:

; or

(6) an institution of higher education as defined by Section 61.003, Education Code

Amendment No. 7 - Point of Order

Representative Cain raised a point of order against further consideration of Amendment No. 7 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.

Representative Noble moved to table Amendment No. 7.

A record vote was requested by Representative C. Turner.

The motion to table prevailed by (Record 1485): 79 Yeas, 63 Nays, 1 Present, not voting.

Yeas — Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Craddick; Cyrier; Darby; Dean; Flynn; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; 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; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.E.; King, T.; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson, E.

Absent, Excused, Committee Meeting — Huberty.

Absent — Allison; Cole; Guillen; Johnson, J.D.; Longoria.

LEAVE OF ABSENCE GRANTED

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

Guillen on motion of Muñoz.

SB 22 - (consideration continued)**Amendment No. 8**

Representative Hinojosa offered the following amendment to **SB 22**:

Amend **SB 22** (house committee printing) as follows:

(1) On page 3, line 16, strike "or".

(2) On page 3, line 18, between "physicians" and the underlined period, insert the following:

; or

(6) a public junior college as defined by Section 61.003, Education Code

Representative Noble moved to table Amendment No. 8.

A record vote was requested by Representative C. Turner.

The motion to table prevailed by (Record 1486): 80 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; Dean; Flynn; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; 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; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; King, T.; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meza; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent, Excused, Committee Meeting — Huberty.

Absent — Gervin-Hawkins; Minjarez.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Canales requested permission for the Committee on Transportation to meet while the house is in session, at 4:50 p.m. today, in the speaker's committee room, to consider pending and referred business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Transportation, 4:50 p.m. today, speaker's conference room, for a formal meeting, to consider pending and referred business.

SB 22 - (consideration continued)

Amendment No. 9

Representative Beckley offered the following amendment to **SB 22**:

Amend **SB 22** (house committee report) as follows:

(1) On page 3, line 16, strike "or".

(2) On page 3, line 18, between "physicians" and the underlined period, insert the following:
; or

(6) a county with a population of more than 650,000 that is adjacent to two counties, each of which has a population of more than 1.8 million

Representative Noble moved to table Amendment No. 9.

A record vote was requested by Representative C. Turner.

The motion to table prevailed by (Record 1487): 77 Yeas, 65 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; Dean; Flynn; Frank; Geren; Goldman; Harless; Harris; Hefner; Holland; Hunter; Kacal; King, P.; Klick; Krause; Lambert; Landgraf; Lang; Larson; 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; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Herrero; 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; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent, Excused, Committee Meeting — Huberty.

Absent — Frullo; King, K.; Kuempel; Pacheco.

STATEMENTS OF VOTE

When Record No. 1487 was taken, I was in the house but away from my desk. I would have voted yes.

Frullo

When Record No. 1487 was taken, I was in the house but away from my desk. I would have voted yes.

Kuempel

Amendment No. 10

Representative Ramos offered the following amendment to **SB 22**:

Amend **SB 22** (house committee report) as follows:

(1) On page 3, line 16, strike "or".

(2) On page 3, line 18, between "physicians" and the underlined period, insert the following:

; or

(6) a municipality in which the office of the attorney general provides child support enforcement services, including locating delinquent parents, establishing paternity and court-ordered child support obligations, and enforcing the collection of established child support obligations

Representative Noble moved to table Amendment No. 10.

A record vote was requested by Representative C. Turner.

The motion to table prevailed by (Record 1488): 80 Yeas, 66 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; Dean; Flynn; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; 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; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Herrero; 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; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent, Excused, Committee Meeting — Huberty.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Collier requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 5 p.m. today, in 3W.3, to consider pending and referred business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 5 p.m. today, 3W.3, for a formal meeting, to consider pending and referred business.

SB 22 - (consideration continued)

Amendment No. 11

Representative Ramos offered the following amendment to **SB 22**:

Amend **SB 22** (house committee report) as follows:

(1) On page 3, line 16, strike "or".

(2) On page 3, line 18, between "physicians" and the underlined period, insert the following:

;

(6) a county with a population of 1.5 million or more that is within 200 miles of an international border;

(7) a county with a population of 750,000 or more;

(A) in which all or part of a municipality with a population of one million or more is located; and

(B) that is located adjacent to a county with a population of two million or more;

(8) a county with a population of 3.3 million or more;

(9) a county with a population of more than 650,000 that is adjacent to two counties, each of which has a population of more than 1.8 million;

(10) a county with a population of 800,000 or more that is located on the international border;

(11) a county with a population of 550,000 or more that is adjacent to a county with a population of 3.3 million or more;

(12) a county with a population of 2.2 million or more that is adjacent to a county with a population of more than 600,000;

(13) a county with a population of 1.8 million or more that is adjacent to a county with a population of 2.2 million; or

(14) a county with a population of more than 1 million and less than 1.5 million

Representative Noble moved to table Amendment No. 11.

A record vote was requested by Representative C. Turner.

The motion to table prevailed by (Record 1489): 80 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Craddick; Cyrier; Darby; Dean; Flynn; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Hunter; Israel; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; 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; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; 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; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent, Excused, Committee Meeting — Huberty.

Absent — Biedermann.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Transportation, 4:50 p.m. today, was canceled.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Canales requested permission for the Committee on Transportation to meet while the house is in session, at 5:05 p.m. today, in 2W.6, to consider pending and referred business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Transportation, 5:05 p.m. today, 2W.6, for a formal meeting, to consider pending and referred business.

SB 22 - (consideration continued)**Amendment No. 12**

Representative Talarico offered the following amendment to **SB 22**:

Amend **SB 22** (house committee report) as follows:

(1) On page 3, line 16, strike "or".

(2) On page 3, line 18, between "physicians" and the underlined period, insert the following:

; or

(6) a facility that provides data-driven and scientifically based sex education, including information intended to prevent unintended pregnancies, regardless of the facility's relationship to an abortion provider.

Representative Noble moved to table Amendment No. 12.

A record vote was requested by Representative C. Turner.

The motion to table prevailed by (Record 1490): 79 Yeas, 66 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; Dean; Flynn; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; 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; Toth; VanDeaver; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Herrero; 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; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent, Excused, Committee Meeting — Huberty.

Absent — White.

STATEMENT OF VOTE

When Record No. 1490 was taken, I was in the house but away from my desk. I would have voted yes.

White

Amendment No. 13

Representatives Bucy, Perez, Goodwin, J. González, Lopez, Martinez Fischer, Collier, Nevárez, Talarico, and J. Turner offered the following amendment to **SB 22**:

Amend **SB 22** (house committee printing) on page 3, between lines 22 and 23, by inserting the following:

Sec. 2272.0025. LOCAL OPTION ELECTION AUTHORIZED. This chapter does not apply to a taxpayer resource transaction proposed by a political subdivision if the governing body of the political subdivision certifies to the secretary of state that a majority of the voters of the political subdivision voting at an election called and held for that purpose approved the transaction.

Representative Noble moved to table Amendment No. 13.

A record vote was requested by Representative C. Turner.

The motion to table prevailed by (Record 1491): 80 Yeas, 66 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; Dean; Flynn; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; 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; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Herrero; 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; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent, Excused, Committee Meeting — Huberty.

Amendment No. 14

Representatives Zwiener, S. Davis, Collier, Talarico, Rodriguez, Martinez Fischer, Anchia, J. González, C. Turner, Howard, Walle, Morales, Bucy, Beckley, Wu, Calanni, Neave, Cole, Hinojosa, Thierry, J.E. Johnson, and Rosenthal offered the following amendment to **SB 22**:

Amend **SB 22** (house committee printing) on page 3, lines 26-27, to strike "or an affiliate of an abortion provider."

Representative Noble moved to table Amendment No. 14.

A record vote was requested by Representative C. Turner.

The motion to table prevailed by (Record 1492): 79 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Clardy; Craddick; Cyrier; Darby; Dean; Flynn; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; 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; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Button; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; 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; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E..

Absent, Excused, Committee Meeting — Huberty.

Absent — Dominguez; Lucio.

Amendment No. 15

Representative Cole offered the following amendment to **SB 22**:

Amend **SB 22** (house committee printing) as follows:

(1) On page 3, line 24, strike "EXCEPTION" and substitute "EXCEPTIONS".

(2) On page 3, lines 24-25, strike "provided by Subsection (b)" and substitute "otherwise provided by this section".

(3) On page 4, between lines 5 and 6, insert the following appropriately lettered subsection:

() This section does not apply to a taxpayer resource transaction entered into by a governmental entity to provide health services following a natural disaster.

(Huberty now present)

Representative Noble moved to table Amendment No. 15.

A record vote was requested by Representative C. Turner.

The motion to table prevailed by (Record 1493): 81 Yeas, 63 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; Dean; Flynn; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; 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; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; King, T.; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent — Coleman; Herrero; Longoria.

Amendment No. 16

Representative Hinojosa offered the following amendment to **SB 22**:

Amend **SB 22** (house committee printing) as follows:

(1) On page 3, line 24, strike "EXCEPTION" and substitute "EXCEPTIONS".

(2) On page 3, lines 24-25, strike "provided by Subsection (b)" and substitute "otherwise provided by this section".

(3) On page 4, between lines 5 and 6, insert the following appropriately lettered subsection:

() This section does not apply to a taxpayer resource transaction entered into by a governmental entity to distribute contraception, including long-acting reversible contraceptives such as intrauterine devices and subdermal contraceptive implants, in an area of this state that has a high rate of repeat teen pregnancies.

(Goldman in the chair)

Representative Noble moved to table Amendment No. 16.

A record vote was requested by Representative C. Turner.

The motion to table prevailed by (Record 1494): 80 Yeas, 64 Nays, 2 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; Dean; Flynn; Frank; Frullo; Geren; Harless; Harris; Hefner; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; 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; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

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

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

Absent, Excused — Guillen; Johnson, E.

Absent — Moody; Romero.

Amendment No. 17

Representatives Minjarez, S. Davis, Walle, Cortez, Bucy, Howard, J. González, Blanco, Collier, Martinez Fischer, Meza, Rodriguez, Morales, Goodwin, Ortega, Anchia, Gervin-Hawkins, Hinojosa, Talarico, Nevárez, Zwiener, and Rosenthal offered the following amendment to **SB 22**:

Amend **SB 22** (house committee printing) as follows:

(1) On page 3, line 24, strike "EXCEPTION" and substitute "EXCEPTIONS".

(2) On page 3, lines 24-25, strike "provided by Subsection (b)" and substitute "otherwise provided by this section".

(3) On page 4, between lines 5 and 6, insert the following appropriately lettered subsection:

() This section does not apply to taxpayer resource transaction entered into by a governmental entity to provide services related to providing care to victims of sexual assault.

HOUSE AT EASE

At 5:26 p.m., the chair announced that the house would stand at ease.

(Speaker in the chair)

The chair called the house to order at 8:21 p.m.

SB 22 - (consideration continued)

Amendment No. 17 was withdrawn.

Amendment No. 18

Representative Ramos offered the following amendment to **SB 22**:

Amend **SB 22** (house committee printing) as follows:

(1) On page 3, line 24, strike "EXCEPTION" and substitute "EXCEPTIONS".

(2) On page 3, lines 24-25, strike "provided by Subsection (b)" and substitute "otherwise provided by this section".

(3) On page 4, between lines 5 and 6, insert the following appropriately lettered subsection:

() This section does not apply to a taxpayer resource transaction entered into by a political subdivision of this state in which 10 percent or more of the population is uninsured.

Representative Noble moved to table Amendment No. 18.

A record vote was requested by Representative C. Turner.

The motion to table prevailed by (Record 1495): 81 Yeas, 62 Nays, 1 Present, not voting.

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

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; 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.; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Minjarez; Moody; Morales; Muñoz; Neave; Ortega; Pacheco; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent — Farrar; King, K.; Meza; Middleton.

STATEMENT OF VOTE

When Record No. 1495 was taken, I was in the house but away from my desk. I would have voted yes.

Middleton

Amendment No. 19

Representative Ramos offered the following amendment to **SB 22**:

Amend **SB 22** (house committee printing) as follows:

(1) On page 3, line 24, strike "EXCEPTION" and substitute "EXCEPTIONS".

(2) On page 3, lines 24-25, strike "provided by Subsection (b)" and substitute "otherwise provided by this section".

(3) On page 4, between lines 5 and 6, insert the following appropriately lettered subsection:

() This section does not apply to a taxpayer resource transaction entered into by a political subdivision of this state that has a teen pregnancy rate of higher than five pregnancies per 1,000 teenage women.

Representative Noble moved to table Amendment No. 19.

A record vote was requested by Representative C. Turner.

The motion to table prevailed by (Record 1496): 80 Yeas, 66 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; Dean; Flynn; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Lozano; Metcalf; 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; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Herrero; 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; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent — Meyer.

Amendment No. 20

Representative Ramos offered the following amendment to **SB 22**:

Amend **SB 22** (house committee printing) as follows:

(1) On page 3, line 24, strike "EXCEPTION" and substitute "EXCEPTIONS".

(2) On page 3, line 25, strike "Subsection (b)" and substitute "Subsections (b) and (c)".

(3) On page 4, between lines 5 and 6 insert the following:

(c) This section does not apply to a taxpayer resource transaction entered into by a county that has a population of more than 700,000.

Representative Noble moved to table Amendment No. 20.

A record vote was requested by Representative C. Turner.

The motion to table prevailed by (Record 1497): 81 Yeas, 63 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; Dean; Flynn; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; 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; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, S.; 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.; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Minjarez; Moody; Morales; Muñoz; Neave; Nevárez; Ortega; Pacheco; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent — Deshotel; Farrar; Talarico.

STATEMENT OF VOTE

When Record No. 1497 was taken, I was in the house but away from my desk. I would have voted no.

Talarico

Amendment No. 21

Representative Ramos offered the following amendment to **SB 22**:

Amend **SB 22** (house committee printing) on page 4, lines 8-10, by striking "The attorney general may recover reasonable attorney's fees and costs incurred in bringing an action under this subsection."

Representative Noble moved to table Amendment No. 21.

A record vote was requested by Representative C. Turner.

The motion to table prevailed by (Record 1498): 81 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; Dean; Flynn; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; 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; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, S.; 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.; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent — Deshotel; Farrar.

Amendment No. 22

Representative Biedermann offered the following amendment to **SB 22**:

Amend **SB 22** (house committee report) as follows:

(1) On page 4, strike lines 14 through 16.

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

SECTION _____. The legislature finds that a taxpayer resource transaction between a governmental entity and an abortion provider or affiliate of an abortion provider does not constitute a legitimate public purpose.

(3) Renumber subsequent SECTIONS of the bill accordingly.

Amendment No. 22 was withdrawn.

Amendment No. 23

Representative Stickland offered the following amendment to **SB 22**:

Amend **SB 22** (house committee report) as follows:

(1) On page 4, between lines 13 and 14, insert the following:

Sec. 2272.005. CONSTRUCTION OF CHAPTER. This chapter may not be construed to restrict a municipality or county from prohibiting abortion.

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

SECTION _____. It is the intent of the legislature that every provision, section, subsection, sentence, clause, phrase, or word in this Act, and every application of the provisions in this Act to each person or entity, are severable from each other. If any application of any provision in this Act to any person, group of persons, or circumstances is found by a court to be invalid for any reason, the remaining applications of that provision to all other persons and circumstances shall be severed and may not be affected.

SB 22 - POINT OF ORDER

Representative Thierry raised a point of order against further consideration of **SB 22** under Rule 8, Section 1(a)(1), of the House Rules on the grounds that the bill caption does not provide reasonable notice of the subject of the bill.

The point of order was withdrawn.

A record vote was requested by Representative C. Turner.

Amendment No. 23 was adopted by (Record 1499): 77 Yeas, 67 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; Dean; Flynn; Frank; Frullo; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hunter; Kacal; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leman; Lozano; Metcalf; 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; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel;

Johnson, J.D.; Johnson, J.E.; King, K.; King, T.; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent — Geren; Leach; Meyer.

STATEMENT OF VOTE

When Record No. 1499 was taken, I was in the house but away from my desk. I would have voted yes.

Leach

A record vote was requested by Representative C. Turner.

SB 22, as amended, was passed to third reading by (Record 1500): 81 Yeas, 65 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; Dean; Flynn; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Lemar; 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; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Herrero; 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; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent — Gervin-Hawkins.

STATEMENT OF VOTE

When Record No. 1500 was taken, I was in the house but away from my desk. I would have voted no.

Gervin-Hawkins

**SB 916 ON SECOND READING
(Zerwas - House Sponsor)**

SB 916, A bill to be entitled An Act relating to supportive palliative care.

REMARKS ORDERED PRINTED

Representative Israel moved to print all remarks on **SB 22**.

The motion prevailed. [The text of the debate was not available at the time of printing.]

SB 916 - (consideration continued)

Amendment No. 1

Representative Oliverson offered the following amendment to **SB 916**:

Amend **SB 916** (house committee report) as follows:

(1) On page 1, strike line 14 and substitute the following:
the patient's illness;

(2) may be provided concurrently with artificially administered nutrition and hydration; and

(2) On page 1, line 15, strike "(2)" and substitute "(3)".

Amendment No. 1 was adopted.

SB 916, as amended, was passed to third reading.

**SB 170 ON SECOND READING
(Price and Springer - House Sponsors)**

SB 170, A bill to be entitled An Act relating to reimbursement of rural hospitals under Medicaid.

SB 170 was passed to third reading.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Nevárez requested permission for the Committee on Homeland Security and Public Safety to meet while the house is in session, at 9:40 p.m. today, in 1W.14, to consider committee business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Homeland Security and Public Safety, 9:40 p.m. today, 1W.14, for a formal meeting, to consider committee business.

GENERAL STATE CALENDAR
(consideration continued)
SB 1579 ON SECOND READING
(Bohac - House Sponsor)

SB 1579, A bill to be entitled An Act relating to the creation of certain emergency services districts.

Representative Murphy moved to postpone consideration of **SB 1579** until 10 a.m. Saturday, June 1.

The motion prevailed.

SB 708 ON SECOND READING
(Raney, Hinojosa, Clardy, Meza, Meyer, et al. - House Sponsors)

SB 708, A bill to be entitled An Act relating to collection and use of child safety data for licensed day-care centers.

Amendment No. 1

Representative Raney offered the following amendment to **SB 708**:

Amend **SB 708** (house committee report) as follows:

(1) On page 2, strike lines 18-21 and substitute the following:
fatalities for children four years of age and younger, aggregated by the age of the injured or deceased child, including information collected by the department, that occurred:

(A) at each licensed day-care center; and

(B) at a location other than a licensed day-care center;

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

(3) On page 3, line 5, between "(3)" and the underlined period, insert the following:
; and

(5) a comparison on whether children under the supervision of a licensed day-care center are more likely than children outside the supervision of a licensed day-care center to suffer a serious injury or death.

(f) The commission, in collaboration with the department and using existing resources, shall research, collect, compile, and publish on the commission's Internet website, in a way that allows meaningful comparison on a pro-rata basis of the relative frequency of each event included in the information required under Subsection (b)(4) and (5), the following data aggregated by child age regarding incidents at a location other than a licensed day-care center that threaten or impair the basic health, safety, or welfare of a child:

(1) the number of confirmed serious injuries to children; and

(2) the number of child fatalities.

(g) The commission may collaborate with one or more state agencies to perform a duty under Subsections (e) and (f)

(4) On page 3, strike line 11 and substitute "legislative and regulatory recommendations".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Button offered the following amendment to **SB 708**:

Amend **SB 708** (house committee printing) on page 2, between lines 10 and 11, by inserting the following:

(c-1) The commission, using existing resources, shall collect and publish on the commission's Internet website data on the total number of employees who left employment with each licensed day-care center during the preceding calendar year.

Amendment No. 2 was adopted.

SB 708, as amended, was passed to third reading.

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 9:45 p.m. today, in 3W.15, to consider pending and referred business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Ways and Means, 9:45 p.m. today, 3W.15, for a formal meeting, to consider pending and referred business.

GENERAL STATE CALENDAR
(consideration continued)

SB 38 ON SECOND READING
(Lozano and Frullo - House Sponsors)

SB 38, A bill to be entitled An Act relating to the offense of hazing.

Amendment No. 1

Representative Lozano offered the following amendment to **SB 38**:

Amend **SB 38** (house committee report) on page 1, line 24, by striking "(F)" and substituting "(E)".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Lozano offered the following amendment to **SB 38**:

Amend **SB 38** (house committee report) on page 2 by striking lines 15 through 17 and substituting the following:

(E) involves coercing, as defined by Section 1.07, Penal Code, the student to consume:

(i) a drug; or

(ii) an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Section 49.01, Penal Code.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Springer offered the following amendment to **SB 38**:

Amend **SB 38** (house committee report) as follows:

(1) On page 1, line 4, strike "Section 37.151(6), Education Code, is" and substitute "Sections 37.151(5) and (6), Education Code, are".

(2) On page 1, between lines 5 and 6, insert the following:

(5) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, club, or student government, a band or musical group or an academic, athletic, cheerleading, or dance team, including any group or team that participates in National Collegiate Athletic Association competition, or a service, social, or similar group, whose members are primarily students.

Amendment No. 3 was adopted.

SB 38, as amended, was passed to third reading.

SB 18 ON SECOND READING (Geren - House Sponsor)

SB 18, A bill to be entitled An Act relating to the protection of expressive activities at public institutions of higher education.

Amendment No. 1

Representative Cain offered the following amendment to **SB 18**:

Amend **SB 18** (house committee report) on page 3, between lines 20 and 21, by inserting the following appropriately numbered subdivision and renumbering subsequent subdivisions accordingly:

() prohibit any institution official or employee from disinventing a speaker who has been approved by the institution to speak on campus and has been invited to speak on campus by a student organization or faculty member at the institution;

A record vote was requested by Representative C. Turner.

Amendment No. 1 was adopted by (Record 1501): 78 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Craddick; Cyrier; Darby; Dean; Flynn; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; 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; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; King, T.; Longoria; Lopez; Lucio; Martinez Fischer; Meza; Minjarez; 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.

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

Absent, Excused — Guillen; Johnson, E.

Absent — Bohac; Davis, S.; Martinez; Miller; Moody.

STATEMENTS OF VOTE

When Record No. 1501 was taken, I was in the house but away from my desk. I would have voted no.

S. Davis

When Record No. 1501 was taken, I was in the house but away from my desk. I would have voted yes.

Miller

Amendment No. 2

Representative Cain offered the following amendment to **SB 18**:

Amend **SB 18** (house committee report) as follows:

(1) On page 3, between lines 23 and 24, insert the following appropriately numbered subdivision and renumber subsequent subdivisions accordingly:

() require the institution to strive to maintain an official position of neutrality on matters of public concern except as necessary for the institution's operations;

(2) On page 4, between lines 24 and 25, insert the following appropriately lettered subsections:

() 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 unduly 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).

(3) On page 5, between lines 13 and 14, insert 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.

(4) Reletter subsections accordingly.

(5) 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.

A record vote was requested by Representative C. Turner.

Amendment No. 2 was adopted by (Record 1502): 82 Yeas, 63 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Craddick; Cyrier; Darby; Dean; Flynn; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; 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; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Cole; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent — Davis, S.; King, T.

STATEMENT OF VOTE

When Record No. 1502 was taken, I was in the house but away from my desk. I would have voted yes.

S. Davis

Amendment No. 3

Representative Cain offered the following amendment to **SB 18**:

Amend **SB 18** (house committee report) as follows:

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

SECTION _____. The legislature finds that:

(1) freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus; and

(2) it is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right.

(2) On page 2, line 5, between "state" and "to", insert "and the purpose of this section".

(3) On page 2, line 12, strike "listen to the speech of others" and substitute "listen to or observe the expressive activities of others".

(4) On page 3, strike lines 9 and 10 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.

A record vote was requested by Representative C. Turner.

Amendment No. 3 was adopted by (Record 1503): 80 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; Dean; Flynn; Frank; Frullo; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Miller; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Price; Raney; Sanford; Schaefer; Shaheen; Sheffield; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent — Davis, S.; Geren; Shine.

STATEMENT OF VOTE

When Record No. 1503 was taken, I was in the house but away from my desk. I would have voted yes.

S. Davis

A record vote was requested by Representative Wu.

SB 18, as amended, was passed to third reading by (Record 1504): 86 Yeas, 58 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; Dean; Flynn; Frank; Frullo; Geren; Goldman; Guerra; Harless; Harris; Hefner; Holland; Huberty; Hunter; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Miller; Morrison; Muñoz; 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; Toth; Turner, J.; VanDeaver; White; Wilson; Wray; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent — Davis, S.; Nevárez; Talarico.

STATEMENTS OF VOTE

When Record No. 1504 was taken, I was in the house but away from my desk. I would have voted yes.

S. Davis

When Record No. 1504 was taken, I was shown voting yes. I intended to vote no.

Guerra

When Record No. 1504 was taken, I was shown voting yes. I intended to vote no.

Muñoz

When Record No. 1504 was taken, my vote failed to register. I would have voted no.

Talarico

SB 18 - RULES SUSPENDED HOUSE SPONSOR AUTHORIZED

Representative Phelan moved to suspend Rule 8, Section 5(d), of the House Rules to designate as co-sponsors for **SB 18** all co-authors of **HB 2100** and to designate Representatives Cain, Goldman, Oliverson, and Phelan as house sponsors to **SB 18**.

The motion prevailed.

SB 1283 ON SECOND READING (Wu, Klick, and Rose - House Sponsors)

SB 1283, A bill to be entitled An Act relating to the availability under Medicaid of certain drugs used to treat human immunodeficiency virus or prevent acquired immune deficiency syndrome.

Amendment No. 1

Representative Wu offered the following amendment to **SB 1283**:

Amend **SB 1283** (house committee report) as follows:

- (1) On page 2, line 3, strike "an" and substitute "any".
- (2) On page 2, line 5, between "drug" and the underlined period, insert "; except to minimize fraud, waste, or abuse".
- (3) On page 10, line 10, strike "an" and substitute "any".
- (4) On page 10, line 12, between "drug" and the underlined semicolon, insert "; except to minimize fraud, waste, or abuse".

Amendment No. 1 was adopted.

SB 1283, as amended, was passed to third reading.

SB 1640 ON SECOND READING

(Phelan, Murr, Meyer, Guerra, and Canales - House Sponsors)

SB 1640, A bill to be entitled An Act relating to the open meetings law.

Amendment No. 1

Representative Phelan offered the following amendment to **SB 1640**:

Amend **SB 1640** (house committee report) on page 1, line 24, between "members" and the underlined semicolon, by inserting "but the members engaging in the series of communications constitute a quorum of members".

Amendment No. 1 was adopted.

SB 1640, as amended, was passed to third reading.

SB 449 ON SECOND READING

(Wray - House Sponsor)

SB 449, A bill to be entitled An Act relating to testimony by an appraisal district employee as to the value of real property in certain ad valorem tax appeals.

Representative Wray moved to postpone consideration of **SB 449** until 7 a.m. Monday, May 20.

The motion prevailed.

CSSB 952 ON SECOND READING

(Lucio and Miller - House Sponsors)

CSSB 952, A bill to be entitled An Act relating to standards for nutrition, physical activity, and screen time for certain child-care facilities and homes.

CSSB 952 was passed to third reading. (Flynn recorded voting no.)

SB 1092 ON SECOND READING

(Canales - House Sponsor)

SB 1092, A bill to be entitled An Act relating to certain contracts requiring competitive bidding by the Texas Department of Transportation.

SB 1092 was passed to third reading.

SB 2342 ON SECOND READING
(Leach - House Sponsor)

SB 2342, A bill to be entitled An Act relating to the jurisdiction of, and practices and procedures in civil cases before, justice courts, county courts, statutory county courts, and district courts.

(Goldman in the chair)

Amendment No. 1

Representative Leach offered the following amendment to **SB 2342**:

Amend **SB 2342** (house committee report) as follows:

(1) Strike the recital to SECTION 1 of the bill (page 1, lines 6 and 7) and substitute "Section 22.004, Government Code, is amended by amending Subsection (h) and adding Subsection (h-1) to read as follows:".

(2) On page 1, strike lines 12-15 and substitute the following:
controversy, inclusive of all claims for damages of any kind, whether actual or exemplary, a penalty, attorney's fees, expenses, costs, interest, or any other type of damage of any kind, does not exceed \$100,000. The rules shall address the need for

(3) On page 1, between lines 23 and 24, insert the following:

(h-1) In addition to the rules adopted under Subsection (h), the supreme court shall adopt rules to promote the prompt, efficient, and cost-effective resolution of civil actions filed in county courts at law in which the amount in controversy does not exceed \$250,000. The rules shall balance the need for lowering discovery costs in these actions against the complexity of and discovery needs in these actions. The supreme court may not adopt rules under this subsection that conflict with other statutory law.

(4) On page 3, line 3, strike "is \$250,000 or more" and substitute "exceeds \$250,000".

(5) On page 15, strike line 2 and substitute "22.004(h-1), Government Code, as added by this Act."

Amendment No. 1 was adopted.

Amendment No. 2

Representative Canales offered the following amendment to **SB 2342**:

Amend **SB 2342** (house committee report) as follows:

(1) On page 1, line 24, strike "Section 25.0003(c), Government Code, is amended" and substitute "Section 25.0003, Government Code, is amended by amending Subsection (c) and adding Subsection (c-1)".

(2) On page 2, line 2, strike "In" and substitute "Subject to Subsection (c-1), in [H]".

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

(c-1) A commissioners court of a county by majority vote may provide that the concurrent civil jurisdiction provided by Subsection (c) for a statutory county court of the county is limited to civil cases in which the matter in controversy

exceeds \$500 but does not exceed \$200,000, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs as alleged on the face of the petition.

(4) On page 2, line 16, strike "Subsection (c)" and substitute "Subsections (c) and (d)".

(5) On page 3, line 2, strike "In" and substitute "Subject to Subsection (d), in".

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

(d) A commissioners court of a county by majority vote may require a jury to be composed of fewer than 12 jurors for a matter pending in a statutory county court of the county in which the amount in controversy is \$250,000 or more.

(7) On page 13, line 22, strike "Section 26.042(a), Government Code, is amended" and substitute "Section 26.042, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1)".

(8) On page 13, line 24, strike "A" and substitute "Subject to Subsection (a-1), a [A]".

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

(a-1) A commissioners court of a county by majority vote may provide that the concurrent civil jurisdiction provided by Subsection (a) for the county court of the county is limited to civil cases in which the matter in controversy exceeds \$200 in value but does not exceed \$10,000, exclusive of interest.

(10) On page 14, line 1, strike "Section 27.031(a), Government Code, is amended" and substitute "Section 27.031, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1)".

(11) On page 14, line 3, strike "In" and substitute "Subject to Subsection (a-1), in [In]".

(12) On page 14, between lines 15 and 16, insert the following:

(a-1) A commissioners court of a county by majority vote may provide that the original jurisdiction provided by Subsection (a) for justice courts of the county is limited to civil matters in which the amount in controversy is not more than \$10,000, exclusive of interest.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Neave offered the following amendment to **SB 2342**:

Amend **SB 2342** (committee printing) by adding on page 3 after line 5 the following:

(c-1) Subsection (c) does not apply to a county in which statutory county courts have concurrent jurisdiction with State district courts regardless of the amount in controversy unless specifically ordered by the commissioners court of the county.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Geren offered the following amendment to **SB 2342**:

Amend **SB 2342** (house committee report) as follows:

(1) On page 13, line 24, between "court" and "has", insert "in a county with a population of less than 250,000".

(2) On page 13, insert the following after line 27:

(a-1) A county court in a county with a population of 250,000 or more has concurrent jurisdiction with the justice courts in civil cases in which the matter in controversy exceeds \$200 in value but does not exceed \$10,000, exclusive of interest.

(3) On page 14, line 4, between "court" and "has", insert: "in a county with a population of less than 250,000".

(4) On page 14, between lines 17 and 18, insert:

(a-1) In addition to the jurisdiction and powers provided by the constitution and other law, the justice court in a county with a population of 250,000 or more has original jurisdiction of:

(1) civil matters in which exclusive jurisdiction is not in the district or county court and in which the amount in controversy is not more than \$10,000, exclusive of interest;

(2) cases of forcible entry and detainer;

(3) foreclosure of mortgages and enforcement of liens on personal property in cases in which the amount in controversy is otherwise within the justice court's jurisdiction; and

(4) cases arising under Chapter 707, Transportation Code, outside a municipality's territorial limits.

Amendment No. 4 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Collier requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 10:05 p.m. today, in 3W.9, to consider pending and referred business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 10:05 p.m. today, 3W.9, for a formal meeting, to consider pending and referred business.

**GENERAL STATE CALENDAR
(consideration continued)****Amendment No. 5**

Representative Gutierrez offered the following amendment to **SB 2342**:

Amend **SB 2342** (house committee printing) by adding the following appropriately numbered SECTION to the bill:

SECTION _____. The changes in law made by this Act do not apply to a historic courthouse as defined by Section 442.001, Government Code, until September 1, 2020.

Amendment No. 5 was adopted.

SB 2342, as amended, was passed to third reading. (Guerra, Hunter, and Muñoz recorded voting no.)

CSSB 1151 ON SECOND READING
(Longoria - House Sponsor)

CSSB 1151, A bill to be entitled An Act relating to the comptroller's access to criminal history record information of wrongfully imprisoned persons.

Amendment No. 1

Representatives Longoria, Schaefer, Walle, Zerwas, and Rose offered the following amendment to **CSSB 1151**:

Amend **CSSB 1151** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 103.001(d), Civil Practice and Remedies Code, is amended to read as follows:

(d) Subject to this section, a person entitled to compensation under Subsection (a) is also eligible to obtain group health benefit plan coverage through the Texas Department of Criminal Justice as if the person were an employee of the department. ~~The [This subsection does not entitle the] person's spouse and dependents may be included in the person's [or other dependent or family member to group health benefit plan] coverage as if the person were an employee of the department.~~ Coverage may be obtained under this subsection for a period of time equal to the total period the claimant served for the crime for which the claimant was wrongfully imprisoned, including any period during which the claimant was released on parole or to mandatory supervision or required to register under Chapter 62, Code of Criminal Procedure. A person who elects to obtain coverage under this subsection shall pay a monthly contribution equal to the total amount of the monthly contributions for that coverage for an employee of the department.

SECTION _____. Section 1551.115, Insurance Code, is amended to read as follows:

Sec. 1551.115. PARTICIPATION BY WRONGFULLY IMPRISONED PERSONS. Subject to Section 103.001, Civil Practice and Remedies Code, a person who is entitled to compensation under Chapter 103, Civil Practice and Remedies Code, is eligible to obtain health benefit plan coverage under the group benefits program in the manner and to the extent that an employee of the Texas Department of Criminal Justice would be entitled to ~~[coverage, except that this section does not entitle the person's spouse or other dependent or family member to]~~ coverage.

SECTION _____. A person who, before the effective date of this Act, obtained group health benefit plan coverage under Section 103.001(d), Civil Practice and Remedies Code, as the law existed before the effective date of this Act, may elect to include the person's spouse and dependents in the person's coverage as provided by Section 103.001(d), Civil Practice and Remedies Code, as amended by this Act. An election under this section must be made:

- (1) not later than March 1, 2020; or
- (2) during any subsequent open enrollment period applicable to employees of the Texas Department of Criminal Justice.

SECTION _____. (a) Not later than December 1, 2019, the comptroller shall provide notice to all persons entitled to compensation under Section 103.001(a), Civil Practice and Remedies Code, of the opportunity to obtain group health benefit plan coverage for a spouse or dependent under Section 103.001(d), Civil Practice and Remedies Code, as amended by this Act.

(b) The comptroller shall provide the notice required by Subsection (a) of this section by:

- (1) certified mail to a person's last known address; and
- (2) phone call to the phone number that the comptroller has on file for the person.

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Longoria, Rose, Schaefer, Zerwas, and Walle offered the following amendment to **CSSB 1151**:

Amend **CSSB 1151** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 103.0535, Civil Practice and Remedies Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) An election under this section must be made not later than the 45th day after the date:

(1) on which the claimant files with the comptroller the application required by Section 103.051; or

(2) on which the claimant experiences one of the following life-changing events:

(A) marriage or divorce of the claimant;

(B) the addition of a dependent of the claimant; or

(C) the death of a dependent, spouse, or beneficiary of the

claimant.

(d-1) An election under Subsection (d) must be made on a form prescribed by the comptroller that:

(1) identifies the claimant's spouse or designated beneficiary according to Section 103.0536; and

(2) specifies the option selected under Subsection (c).

SECTION _____. (a) Notwithstanding Section 103.0535(d), Civil Practice and Remedies Code, as amended by this Act, a person entitled to compensation under Section 103.001(a), Civil Practice and Remedies Code, who started receiving annuity payments before the effective date of this Act may elect to receive any remaining payments as alternative annuity payments under Section 103.0535, Civil Practice and Remedies Code, as amended by this Act, by filing the form described by Section 103.0535(d-1), Civil Practice and Remedies Code, as added by this Act, with the comptroller after December 31, 2019, and before March 1, 2020. The value of alternative annuity payments elected under this subsection must be actuarially equivalent to the remaining value of the annuity payments the person would receive absent the election. This subsection does not affect the ability of a person described by this subsection to make an election under Section 103.0535(d), Civil Practice and Remedies Code, as amended by this Act, following a life-changing event described by that subsection.

(b) Not later than December 1, 2019, the comptroller shall provide notice to all persons entitled to compensation under Section 103.001(a), Civil Practice and Remedies Code, of:

(1) the opportunity described by Subsection (a) of this section to elect to receive alternative annuity payments under Section 103.0535, Civil Practice and Remedies Code, as amended by this Act; and

(2) the opportunity to elect to receive alternative annuity payments after a life-changing event under Section 103.0535(d), Civil Practice and Remedies Code, as amended by this Act.

(c) The comptroller shall provide the notice required by Subsection (b) of this section by:

(1) certified mail to a person's last known address; and

(2) phone call to the phone number that the comptroller has on file for the person.

Amendment No. 2 was adopted.

CSSB 1151, as amended, was passed to third reading.

CSSB 1207 ON SECOND READING

(Krause, Parker, Leach, and S. Davis - House Sponsors)

CSSB 1207, A bill to be entitled An Act relating to the operation and administration of Medicaid, including the Medicaid managed care program and the medically dependent children (MDCP) waiver program.

Representative Krause moved to postpone consideration of **CSSB 1207** until 10:15 p.m. today.

The motion prevailed.

SB 1376 ON SECOND READING

(Patterson, M. González, Ashby, VanDeaver, et al. - House Sponsors)

SB 1376, A bill to be entitled An Act relating to eliminating certain requirements imposed on school districts and other educational entities.

Amendment No. 1

Representative Dutton offered the following amendment to **SB 1376**:

Amend **SB 1376** (house committee report) by adding the following appropriately numbered SECTION to Article 2 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 2.____. Section 12.063, Education Code, is amended by adding Subsection (c) to read as follows:

(c) Except as provided by Subsection (a), the board of trustees of a school district in which the district or any district campus is subject to interventions or sanctions under Section 39A.001, 39A.107, or 39A.111 may not revoke a charter the board granted under this subchapter.

Amendment No. 1 was withdrawn.

SB 1376 was passed to third reading.

CSSB 943 ON SECOND READING

(Capriglione, Phelan, Wilson, et al. - House Sponsors)

CSSB 943, A bill to be entitled An Act relating to the disclosure of certain contracting information under the public information law.

CSSB 943 was passed to third reading.

**SB 943 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative Phelan moved to suspend Rule 8, Section 5(d), of the House Rules to designate as house sponsors and co-sponsors for **SB 943** all joint authors and co-authors for **HB 2189** who sign on to **HB 2189** before **SB 943** passes the house on third reading.

The motion prevailed.

**SB 1680 ON SECOND READING
(Rose - House Sponsor)**

SB 1680, A bill to be entitled An Act relating to the approval of certain private or independent institutions of higher education to participate in the tuition equalization grant program.

SB 1680 was passed to third reading.

**SB 733 ON SECOND READING
(Cyrrier - House Sponsor)**

SB 733, A bill to be entitled An Act relating to the authorization of a fee for participation in the Managed Lands Deer Program.

SB 733 was passed to third reading. (Flynn recorded voting no.)

**CSSB 810 ON SECOND READING
(Cyrrier, Larson, Price, T. King, and Paddie - House Sponsors)**

CSSB 810, A bill to be entitled An Act relating to the identification of breeder deer.

CSSB 810 was passed to third reading. (Flynn recorded voting no.)

CSSB 810 - STATEMENT OF LEGISLATIVE INTENT

CSSB 810 preserved critical language passed in 2007 that established legislative intent regarding the use of tags in pastures. The intent of this bill remains the same – A deer breeder is allowed to release a deer with an identification tag, but there is no intent to require these tags in the pasture.

Cyrier

SB 1096 ON SECOND READING

(Oliverson, Coleman, Sheffield, and Leach - House Sponsors)

SB 1096, A bill to be entitled An Act relating to certain benefits provided through the Medicaid managed care program, including pharmacy benefits.

Amendment No. 1

Representative S. Davis offered the following amendment to **SB 1096**:

Amend **SB 1096** (house committee report) as follows:

(1) On page 1, line 6, strike "Subsection (i)" and substitute "Subsections (f), (g), (h), and (i)".

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

(f) The commission shall ensure that the care coordinator for a managed care organization that contracts with the commission to provide health care services to recipients under the STAR Kids managed care program offers a recipient's parent or legally authorized representative the opportunity to review the recipient's completed care needs assessment. The commission shall ensure the review does not delay the determination of the services to be provided to the recipient or the ability to authorize and initiate services. The commission shall require the parent's or representative's signature to verify the parent or representative received the opportunity to review the assessment with the care coordinator. The managed care organization may not delay the delivery of care pending the signature. The commission shall provide a parent or representative who disagrees with a care needs assessment an opportunity to dispute the assessment with the commission through a peer-to-peer review with the treating physician of choice.

(g) The commission, in consultation with stakeholders, shall redesign the care needs assessment used in the STAR Kids managed care program to ensure the assessment collects useable and actionable data pertinent to a child's physical, behavioral, and long-term care needs. This subsection expires September 1, 2021.

(h) The advisory committee or a successor committee shall provide recommendations to the commission for the redesign of the private duty nursing assessment tools used in the STAR Kids managed care program based on observations from other states to be more comprehensive and allow for the streamlining of the documentation for prior authorization of private duty nursing. This subsection expires September 1, 2021.

Representative Oliverson moved to table Amendment No. 1.

A record vote was requested by Representative S. Thompson.

The motion to table was lost by (Record 1505): 60 Yeas, 82 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bohac; Buckley; Burns; Burrows; Cain; Capriglione; Clardy; Cortez; Craddick; Cyrier; Dean; Frank; Guerra; Harris; Hefner; Holland; Huberty; Klick; Krause; Landgraf; Lang; Leach; Leman; Metcalf; Middleton; Miller; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Sanford; Schaefer; Shaheen; Sheffield; Smith; Smithee; Springer; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bonnen; Bowers; Bucy; Button; Calanni; Canales; Cole; Coleman; Collier; Darby; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Harless; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Kuempel; Lambert; Larson; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales; Morrison; Muñoz; Neave; Nevárez; Ortega; Pacheco; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Shine; Stephenson; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zwiener.

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

Absent, Excused — Guillen; Johnson, E.

Absent — Gutierrez; Hunter; Johnson, J.D.; Longoria.

STATEMENTS OF VOTE

When Record No. 1505 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

When Record No. 1505 was taken, I was shown voting no. I intended to vote yes.

P. King

Amendment No. 1 was adopted.

Amendment No. 2

Representative S. Davis offered the following amendment to **SB 1096**:

Amend **SB 1096** (house committee report) as follows:

- (1) On page 1, line 13, strike "533.005(a)" and substitute "533.005".
- (2) On page 1, line 13, immediately following "amended", insert "by amending Subsection (a) and adding Subsection (g)".
- (3) On page 14, line 13, strike "and" and substitute "[~~and~~"]".
- (4) On page 14, strike line 16 and substitute the following changes;
 - (27) a requirement that the managed care organization:

(A) not deny a reasonable prior authorization request or claim for a technical or minimal error; and

(B) not abuse the appeals process or any other review process to deter a recipient or provider from requesting health care services;

(28) a requirement that the managed care organization:

(A) automatically, without a request from a recipient or program, continue to provide the pre-reduction or pre-denial level of services to the recipient during an internal appeal or other review of a reduction in or denial of services, unless the recipient or the recipient's parent on behalf of the recipient opts out of the automatic continuation of services; and

(B) provide the commission and the recipient with a notice of continuing services;

(29) a requirement that the managed care organization comply with any applicable review procedure and comply with the reviewer's determination; and

(30) a requirement that the managed care organization pay liquidated damages for each substantiated failure to adhere to contractual requirements.

(g) The commission shall provide guidance and additional education to managed care organizations regarding requirements under federal law and Subsection (a)(28) to continue to provide services during an internal appeal, a Medicaid fair hearing, or any other review.

Amendment No. 2 was adopted.

Amendment No. 3

Representative S. Davis offered the following amendment to **SB 1096**:

Amend **SB 1096** (house committee report) on page 8, line 15, between "measures" and the semicolon, by inserting the following:

or, as applicable, the national core indicators adult consumer survey and the national core indicators child family survey for individuals with an intellectual or developmental disability

Amendment No. 3 was adopted.

Amendment No. 4

Representative S. Davis offered the following amendment to **SB 1096**:

Amend **SB 1096** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 533, Government Code, is amended by adding Sections 533.00282, 533.00283, and 533.00284 to read as follows:

Sec. 533.00282. UTILIZATION REVIEW AND PRIOR AUTHORIZATION PROCEDURES. In addition to the requirements of Section 533.005, a contract between a managed care organization and the commission described by that section must require that:

(1) before issuing an adverse determination on a prior authorization request, the organization provide the physician requesting the prior authorization with a reasonable opportunity to discuss the request with another physician who practices in the same or a similar specialty, but not necessarily the same subspecialty, and has experience in treating the same category of population as the recipient on whose behalf the request is submitted;

(2) the organization review and issue determinations on prior authorization requests according to the following time frames:

(A) with respect to a recipient who is hospitalized at the time of the request:

(i) within one business day after receiving the request, except as provided by Subparagraphs (ii) and (iii);

(ii) within 72 hours after receiving the request if the request is submitted by a provider of acute care inpatient services for services or equipment necessary to discharge the recipient from an inpatient facility; or

(iii) within one hour after receiving the request if the request is related to poststabilization care or a life-threatening condition; or

(B) with respect to a recipient who is not hospitalized at the time of the request, within three business days after receiving the request; and

(3) the organization:

(A) have appropriate personnel reasonably available at a toll-free telephone number to respond to a prior authorization request between 6 a.m. and 6 p.m. central time Monday through Friday on each day that is not a legal holiday and between 9 a.m. and noon central time on Saturday, Sunday, and legal holidays;

(B) have a telephone system capable of receiving and recording incoming telephone calls for prior authorization requests after 6 p.m. central time Monday through Friday and after noon central time on Saturday, Sunday, and legal holidays; and

(C) have appropriate personnel to respond to each call described by Paragraph (B) not later than 24 hours after receiving the call.

Sec. 533.00283. ANNUAL REVIEW OF PRIOR AUTHORIZATION REQUIREMENTS. (a) Each managed care organization that contracts with the commission to provide health care services to recipients shall develop and implement a process to conduct an annual review of the organization's prior authorization requirements, other than a prior authorization requirement prescribed by or implemented under Section 531.073 for the vendor drug program. In conducting a review, the organization must:

(1) solicit, receive, and consider input from providers in the organization's provider network; and

(2) ensure that each prior authorization requirement is based on accurate, up-to-date, evidence-based, and peer-reviewed clinical criteria that distinguish, as appropriate, between categories, including age, of recipients for whom prior authorization requests are submitted.

(b) A managed care organization described by Subsection (a) may not impose a prior authorization requirement, other than a prior authorization requirement prescribed by or implemented under Section 531.073 for the vendor drug program, unless the organization has reviewed the requirement during the most recent annual review required under this section.

Sec. 533.00284. RECONSIDERATION FOLLOWING ADVERSE DETERMINATIONS ON CERTAIN PRIOR AUTHORIZATION REQUESTS.

(a) In addition to the requirements of Section 533.005, a contract between a managed care organization and the commission for the organization to provide health care services to recipients must include a requirement that the organization establish a process for reconsidering an adverse determination on a prior authorization request that resulted solely from the submission of insufficient or inadequate documentation.

(b) The process for reconsidering an adverse determination on a prior authorization request under this section must:

(1) allow a provider to, not later than the seventh business day following the date of the determination, submit any documentation that the managed care organization identified as insufficient or inadequate;

(2) allow the physician requesting the prior authorization to discuss the request with another physician who practices in the same or a similar specialty, but not necessarily the same subspecialty, and has experience in treating the same category of population as the recipient on whose behalf the request is submitted; and

(3) require the managed care organization to, not later than the first business day following the date the provider submits sufficient and adequate documentation under Subdivision (1), amend the determination to approve the prior authorization request.

(c) An adverse determination on a prior authorization request is considered a denial of services in an evaluation of the managed care organization only if the determination is not amended under Subsection (b)(3).

(d) The process for reconsidering an adverse determination on a prior authorization request under this section does not affect:

(1) any related timelines, including the timeline for an internal appeal or a Medicaid fair hearing; or

(2) any rights of a recipient to appeal a determination on a prior authorization request.

SECTION ____. (a) Sections 533.00282 and 533.00284, Government Code, as added by this Act, apply only to a contract between the Health and Human Services Commission and a managed care organization under Chapter 533, Government Code, that is entered into or renewed on or after the effective date of this Act.

(b) The Health and Human Services Commission shall seek to amend contracts entered into with managed care organizations under Chapter 533, Government Code, before the effective date of this Act to include the provisions required by Sections 533.00282 and 533.00284, Government Code, as added by this Act.

(Speaker in the chair)

Amendment No. 4 was adopted.

SB 1096, as amended, was passed to third reading.

**SB 1096 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED**

Representative S. Thompson moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representative Meyer as a house sponsor to **SB 1096**.

The motion prevailed.

**SB 1840 ON SECOND READING
(Murr - House Sponsor)**

SB 1840, A bill to be entitled An Act relating to the assistance and technology fund and use of money in the fund.

SB 1840 was passed to third reading.

**SB 436 ON SECOND READING
(Price, Rose, Minjarez, Sheffield, VanDeaver, et al. - House Sponsors)**

SB 436, A bill to be entitled An Act relating to statewide initiatives to improve maternal and newborn health for women with opioid use disorder.

SB 436 was passed to third reading.

**SB 1947 ON SECOND READING
(Sheffield, et al. - House Sponsors)**

SB 1947, A bill to be entitled An Act relating to the regulation of the prescribing and dispensing of controlled substances by veterinarians.

SB 1947 was passed to third reading.

**SB 2075 ON SECOND READING
(Miller - House Sponsor)**

SB 2075, A bill to be entitled An Act 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 2075 was passed to third reading.

(Hefner in the chair)

POSTPONED BUSINESS

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

**CSSB 1207 ON SECOND READING
(Krause, Parker, Leach, and S. Davis - House Sponsors)**

CSSB 1207, A bill to be entitled An Act relating to the operation and administration of Medicaid, including the Medicaid managed care program and the medically dependent children (MDCP) waiver program.

CSSB 1207 was read second time earlier today and was postponed until this time.

(Goldman in the chair)

Amendment No. 1

Representatives Krause and Parker offered the following amendment to CSSB 1207:

Amend CSSB 1207 (house committee report) as follows:

(1) On page 1, line 13, strike "(d) and (e)" and substitute "(d), (e), and (f)".

(2) On page 2, line 7, immediately following the underlined period, insert the following:

In determining eligibility for that program, the commission shall average contractual or seasonal income over the period the income is intended to cover or the period covered by the contract, as indicated by the individual earning the income.

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

(f) The commission shall develop and make available to the public a standard screening tool that uses clear, basic criteria to provide information about whether a child may meet the financial and disability-related eligibility requirements for the buy-in program under Subsection (a)(2).

(4) On page 2, line 22, strike "of coverage or" and substitute ", partial denial, reduction, or termination of coverage or denial of".

() On page 2, line 23, between "service" and "includes" insert "must be mailed 10 business days in advance and postmarked, and"

(5) On page 2, strike lines 26-27 and substitute the following:

(2) for the recipient:

(A) a clear and easy-to-understand explanation of the reason for the decision, including a clear explanation of the medical basis, applying the policy or accepted standard of medical practice to the recipient's particular medical circumstances;

(B) a copy of the information sent to the provider; and

(C) an educational component that includes a description of the recipient's rights, an explanation of the process related to appeals and Medicaid fair hearings, and a description of the role of an external medical review; and

(6) On page 3, line 2, strike "denial" and substitute "decision".

(7) Strike page 3, line 22, through page 4, line 1, and substitute the following:

(2) be sent:

(A) to the provider:

(i) using the provider's preferred method of communication, to the extent practicable using existing resources; and

(ii) as applicable, through an electronic notification on an Internet portal; and

(B) to the recipient using the recipient's preferred method of communication, to the extent practicable using existing resources.

(8) On page 5, strike lines 2-3 and substitute the following:

(C) the date and results of each review conducted under Section 533.00283(b).

(9) On page 6, line 15, after "reviews." insert "To the maximum extent possible, the procedure shall reduce administrative burden on providers and the submission of duplicative information or documents."

(10) On page 6, line 19, between "procedure" and "for", insert "and time frame".

(11) On page 6, strike lines 20-21 and substitute the following:
reviewer to:

(1) identify an appeal that requires an expedited resolution; and

(2) resolve the review of the appeal within a specified period.

(12) On page 7, between lines 14 and 15, insert the following appropriately lettered subsection:

() To the extent money is appropriated for this purpose, the commission shall publish data regarding prior authorizations reviewed by the external medical reviewer, including the rate of prior authorization denials overturned by the external medical reviewer and additional information the commission and the external medical reviewer determine appropriate.

(13) Strike page 9, lines 11-13 and substitute the following:
commission shall inform the representative in writing about:

(1) the options under this section for placing the child on an interest list; and

(2) the process for applying for the Medicaid buy-in program for children with disabilities implemented under Section 531.02444, and the availability of the disability determination assessment for that program described by Section 531.02444(e)."

(14) On page 9, line 15, between "PROGRAM" and "REASSESSMENTS", insert "ASSESSMENTS AND".

(15) On page 9, lines 17-18, strike "annual medical necessity determination reassessment" and substitute "initial assessment or annual reassessment of medical necessity".

(16) On page 9, line 27, between "the" and "reassessment", insert "initial assessment or".

(17) On page 10, line 4, between "the" and "reassessment", insert "initial assessment or".

(18) On page 10, line 5, strike "to dispute the reassessment" and substitute "to request to dispute the results".

(19) On page 10, line 9, strike "a" and substitute "an initial assessment or".

(20) On page 11, line 1, between "(3)" and "as", insert "in consultation with the STAR Kids Managed Care Advisory Committee described by Section 533.00254 and".

() On page 11, line 4, strike "the STAR Kids Screening and Assessment Instrument or the National Committee for Quality Assurance's Healthcare Effectiveness Data and Information Set (HEDIS) measures." and insert "COIIN Project".

(21) On page 11, line 21, between "533.00253" and the underlined semicolon, insert ", if the help line was operational during the applicable state fiscal quarter".

(22) On page 12, line 6, strike "and (h)" and substitute "(h), (i), and (j)".

() On page 12, line 27, between "(MCDP)" and "waiver" insert "the deaf blind multiple disabilities (DBMD)".

() On page 12, line 27, strike "program" and insert "programs".

(23) On page 13, line 7, between "program" and the underlined semicolon, insert ", including complying with requirements related to the continuation of benefits during an internal appeal, a Medicaid fair hearing, or a review conducted by an external medical reviewer".

() On page 13, after line 22, insert "(g) The commission shall assess the utilization of the escalation help line and determine the feasibility of expanding the help line to additional Medicaid programs that serve medically fragile children by September 1, 2020."

(24) On page 13, between lines 22 and 23, insert the following:

(i) Subsections (f), (g), and (h) and this subsection expire September 1, 2024.

(j) Not later than September 1, 2020, the commission shall evaluate risk-adjustment methods used for recipients under the STAR Kids managed care program, including recipients with private health benefit plan coverage, in the quality-based payment program under Chapter 536 to ensure that higher-volume providers are not unfairly penalized. During the evaluation period, the commission may exclude recipients under the STAR Kids managed care program, including recipients with private health benefit plan coverage, from the potentially preventable event rate methodology. This subsection expires January 1, 2021.

(25) On page 13, line 25, between the comma and "and", insert "533.002841".

(26) On page 15, line 8, strike "The" and substitute "In consultation with the state Medicaid managed care advisory committee, the".

(27) On page 15, line 9, strike "42 C.F.R. Section 438.210".

(28) On page 15, line 14, immediately following the underlined period, insert the following:

The time frame must be longer than the time frame specified by Subsection (b)(2)(A) within which a Medicaid managed care organization must issue a determination on a prior authorization request.

() On page 15, line 16, between "organization" and "shall", insert ", in consultation with the organization's provider advisory group required by contract."

(29) On page 16, line 2, add subsection "(c) The commission shall periodically review managed care organizations to ensure compliance with Subsection (a)."

(30) On page 16, line 9, between "(a)" and "In", insert "In consultation with the state Medicaid managed care advisory committee, the commission shall establish a uniform process and timeline for Medicaid managed care".

organizations to reconsider an adverse determination on a prior authorization request that resulted solely from the submission of insufficient or inadequate documentation."

(31) On page 16, line 12, strike "establish a process for" and substitute "implement the process and timeline."

(33) On page 16, line 16, strike "for reconsidering an adverse determination on a prior authorization request under this section" and substitute "and timeline".

(34) On page 16, lines 18-19, strike ", not later than the seventh business day following the date of the determination,".

(35) On page 16, line 27, immediately following the underlined semicolon, insert "and".

(36) On page 17, strike lines 1-4 and substitute the following:

(3) require the Medicaid managed care organization to amend the determination on the prior authorization

(37) On page 17, line 5, strike the underlined semicolon and substitute an underlined period.

(38) On page 17, strike lines 6-7.

(39) On page 17, line 12, between "process" and "for", insert "and timeline".

(40) On page 17, line 13, strike "does" and substitute "do".

(41) On page 17, line 17, strike "independent review organization" and substitute "external medical reviewer".

(42) On page 17, between lines 19 and 20, insert the following:

Sec. 533.002841. MAXIMUM PERIOD FOR PRIOR AUTHORIZATION DECISION; ACCESS TO CARE. The time frames prescribed by the utilization review and prior authorization procedures described by Section 533.00282 and the timeline for reconsidering an adverse determination on a prior authorization described by Section 533.00284 together may not exceed the time frame for a decision under federally prescribed time frames. It is the intent of the legislature that these provisions allow sufficient time to provide necessary documentation and avoid unnecessary denials without delaying access to care.

(43) On page 18, line 1, between "organizations" and the underlined comma, insert "and in consultation with the STAR Kids Managed Care Advisory Committee described by Section 533.00254".

(44) On page 18, strike lines 12-27 and reletter subsequent subsections and any cross-references to those subsections accordingly.

(45) On page 21, line 24, strike "The" and substitute "As soon as practicable after the effective date of this Act but not later than September 1, 2020, the".

() Insert new "Sec. _____. ELIGIBILITY OF CERTAIN CHILDREN FOR MEDICALLY DEPENDENT CHILDREN PROGRAM AND DEAF BLIND MULTIPLE DISABILITIES. (a) Notwithstanding any other law and to the extent allowed by federal law, when determining eligibility for the medically dependent children (MDCP) and deaf blind multiple disabilities (DBMD) waiver programs or a "Money Follows the Person" demonstration project, the commission shall consider if a child:

(1) is diagnosed as having a condition included in the list of compassionate allowances conditions published by the United States Social Security Administration; or

(2) receives Medicaid hospice or palliative care services.

(b) If a child is determined eligible for the MDCP or DBMD waiver programs under Subsection (a), enrollment in the MDCP or DBMD waiver programs is contingent on the availability of a waiver slot. If a slot is not immediately available, the commission shall place the child on the interest list for the MDCP or DBMD waiver programs in the first position on the list."

() Section 533.00253 is amended by amending Subsection (c)(4) to read as follows: (4) provide a care needs assessment for a recipient [~~that is comprehensive, holistic, consumer-directed, evidence-based, and takes into consideration social and medical issues, for purposes of prioritizing the recipient's needs that threaten independent living~~]

Amendment No. 1 was adopted.

CSSB 1207 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE J. TURNER: Thank you, Representative Krause, and thank you for your work on this bill and for the focus on these kids and children in Medicaid. I just have a couple of intent-related questions I'd like to ask very briefly. Your bill includes a STAR Kids Managed Care Advisory Committee that, among other things, is charged with making recommendations for improvements to the STAR Kids program, correct?

REPRESENTATIVE KRAUSE: Yes, sir.

J. TURNER: And children with disabilities can be eligible for private duty nursing benefits under that STAR Kids program, correct?

KRAUSE: That's correct.

J. TURNER: At the age of 21, the child ages out of STAR Kids and that benefit goes away since that doesn't apply for adults in Medicaid. But those kids, as they pass that age, continue in Medicaid frequently and sometimes for the rest of their lives because of their disabilities, correct?

KRAUSE: That's correct.

J. TURNER: My question is whether it would be within the purview of the STAR Kids Advisory Committee that is in your bill to look at this issue from a cost containment perspective and study whether it's cost effective to continue the private duty nursing benefit to the child past that age of 21 with proper utilization controls to control the costs?

KRAUSE: I think that would be appropriate for that study. Absolutely.

J. TURNER: Thank you, Representative Krause, and thank you again for all your work on this.

REMARKS ORDERED PRINTED

Representative J. Turner moved to print remarks between Representative Krause and Representative J. Turner on **CSSB 1207**.

The motion prevailed.

A record vote was requested by Representative Leach.

CSSB 1207, as amended, was passed to third reading by (Record 1506): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; 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; 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; Lambert; 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; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent — Beckley; Pacheco; Sheffield.

**HB 812 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 812, A bill to be entitled An Act relating to the amount of the health care services fee paid by certain inmates.

Representative White moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 812**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 812**: White, chair; Allen, Bailes, Neave, and Stephenson.

**HB 700 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 700, A bill to be entitled An Act relating to the use of the skills development fund by certain entities.

Representative Lozano moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 700**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 700**: Guillen, chair; Anderson, Fierro, Lucio, and Wray.

**SB 604 ON THIRD READING
(Paddie - House Sponsor)
CONSTITUTIONAL RULE SUSPENDED**

Representative Paddie moved to suspend the constitutional rule requiring bills to be read on three several days and to place **SB 604** on its third reading and final passage.

The motion prevailed by (Record 1507): 142 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; 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; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; 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; 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; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Beckley; Larson; Ramos.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent — Calanni; King, K.

The chair laid **SB 604** before the house on its third reading and final passage.

SB 604, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Motor Vehicles and to the operations of certain other entities performing functions associated with the department.

SB 604 was read third time and was passed by (Record 1508): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; 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; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; 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; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent — Moody.

STATEMENT OF VOTE

When Record No. 1508 was taken, I was shown voting yes. I intended to vote present, not voting.

Gervin-Hawkins

**MOTION FOR ONE RECORD VOTE
CONSTITUTIONAL RULE SUSPENDED**

Representative Burrows moved to suspend all necessary rules to place on third reading and final passage all bills passed to third reading on the Supplemental House Calendar for May 17 using the record vote taken to suspend the constitutional three day rule on **SB 604**.

The motion prevailed.

**MOTION FOR ONE RECORD VOTE
THIRD READING AND FINAL PASSAGE**

Representative C. Turner moved to use the record vote taken on third reading and final passage for **SB 604** as the vote on final passage for all bills to be laid before the house on third reading and final passage pursuant to the suspension of the constitutional three day rule, with the understanding that a member may record an individual vote on the final passage of any bill with the journal clerk by 3 p.m. Saturday, May 18.

The motion prevailed.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number):

(Record 1508): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; 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; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; 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; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guillen; Johnson, E.

Absent — Moody.

SB 22 (Allen, Anchia, Beckley, Bernal, Blanco, Bowers, Bucy, Calanni, Canales, Cole, Coleman, Collier, Cortez, S. Davis, Deshotel, Dominguez, Dutton, Farrar, Fierro, Gervin-Hawkins, J. González, M. Gonzalez, Goodwin, Guerra, Gutierrez, Hernandez, Herrero, Hinojosa, Howard, Israel, J.D. Johnson, J.E. Johnson, T. King, Longoria, Lopez, Martinez, Martinez Fischer, Meza, Minjarez, Morales, Muñoz, Neave, Nevárez, Ortega, Pacheco, Perez, Ramos, Raymond, Reynolds, Rodriguez, Romero, Rose, Rosenthal, Sherman, Talarico, Thierry, S. Thompson, C. Turner, J. Turner, Vo, Walle, Wu, and Zwiener - no) (83 - 63 - 1) (Lucio requested to be voting no after the deadline established by the previous motion.)

SB 916 (Biedermann, Cain, Lang, Middleton, Patterson, Shaheen, Stickland, Swanson, and Tinderholt - no) (137 - 9 - 1)

SB 170 (Cain, Lang, Schaefer, Stickland, Tinderholt, and Wilson- no) (140 - 6 - 1)

SB 708 (Biedermann, Cain, Klick, Lang, Middleton, Noble, Schaefer, Tinderholt, and Toth - no) (137 - 9 - 1)

SB 38 (Allison, Biedermann, Cain, Canales, Harris, Hefner, Landgraf, Lang, Leman, Middleton, Murr, Schaefer, Patterson, Shaheen, and Tinderholt - no) (131 - 15 - 1)

SB 18 (Allen, Anchia, Beckley, Bernal, Blanco, Bowers, Bucy, Calanni, Canales, Coleman, Collier, Deshotel, Dominguez, Farrar, Fierro, J. González, M. Gonzalez, Goodwin, Guerra, Gutierrez, Herrero, Hinojosa, Israel, J.D. Johnson, J.E. Johnson, Martinez Fischer, Meza, Minjarez, Morales, Muñoz, Neave, Nevárez, Ortega, Ramos, Rose, Reynolds, Rodriguez, Romero, Rosenthal, Sherman, Talarico, Thierry, S. Thompson, C. Turner, J. Turner, Vo, Walle, Wu, and Zwiener - no) (97 - 49 - 1)

SB 1283 (Ashby, Cain, Clardy, Middleton, and Wilson- no) (141 - 5 - 1)

SB 1640 (Beckley - no) (145 - 1 - 1)

SB 952 (C. Bell, K. Bell, Biedermann, Burns, Burrows, Cain, Dean, Flynn, Harris, Hefner, Holland, Hunter, Krause, Landgraf, Lang, Leman, Metcalf, Middleton, Murr, Noble, Oliverson, Parker, Patterson, Paul, Phelan, Sanford, Schaefer, Shaheen, Springer, Stickland, Swanson, Tinderholt, Toth, VanDeaver, Wilson, and Wray - no) (110 - 36 - 1)

SB 1092

SB 2342 (Anchia, Canales, Dominguez, Gervin-Hawkins, J. González, M. Gonzalez, Guerra, Herrero, Hunter, Israel, J.D. Johnson, Meza, Morales, Muñoz, Neave, Ortega, Ramos, Sherman, S. Thompson, Walle, Wu, and Zwiener - no) (124 - 22 - 1)

SB 1151

SB 1376**SB 943** (Ashby and Clardy - no) (144 - 2 - 1)**SB 943 - HOUSE SPONSOR AUTHORIZED**

Pursuant to a previous motion, Representatives Capriglione, Phelan, Canales, Wilson, and Zerwas were designated as house sponsors to **SB 943** and Representatives Anchia, Biedermann, Blanco, Cain, Clardy, Dean, Gervin-Hawkins, Guillen, Hefner, Hinojosa, Klick, Krause, Lambert, Middleton, Morrison, Noble, Ortega, Parker, Price, Raney, Rodriguez, Sanford, Schaefer, Shaheen, Stephenson, Stickland, and Toth were designated as co-sponsors to **SB 943**.

SB 1680 (Biedermann, Harris, Lang, Leman, Middleton, Stickland, and Tinderholt - no) (139 - 7 - 1)

SB 733 (Cain, Flynn, Schaefer, Stickland, Swanson, and Wilson - no) (140 - 6 - 1)

SB 810 (Cain, Flynn, Lang, Middleton, Stickland, Swanson, Tinderholt, and Wilson - no) (138 - 8 - 1)

SB 1096 (C. Bell, Burrows, Klick, Metcalf, Phelan, Schaefer, Springer, Stickland, Wilson, and Wray - no) (136 - 10 - 1)

SB 1840 (Cain, J. González, Lang, Middleton, Stickland, Swanson, and Tinderholt - no) (139 - 7 - 1)

SB 436 (Cain and Stickland - no) (144 - 2 - 1)

SB 1947 (Biedermann, Cain, Lang, Schaefer, Stickland, Swanson, Tinderholt, and Wilson - no) (138 - 8 - 1)

SB 2075 (Cain, Lang, Noble, Schaefer, Stickland, and Tinderholt - no) (140 - 6 - 1)

SB 1207 (Middleton and Stickland - no) (144 - 2 - 1) (The vote was reconsidered on May 20 and **SB 1207** was amended and was passed by Record No. 1511.)

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, upon final adjournment today, 3W.15, for a formal meeting, to consider a calendar.

ADJOURNMENT

Representative Goldman moved that the house adjourn until 10 a.m. Monday, May 20 in memory of Alan Dean Luskey of Fort Worth.

The motion prevailed.

The house accordingly, at 10:43 p.m., adjourned until 10 a.m. Monday, May 20.

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

SB 1326 to Land and Resource Management.

SCR 64 to Resolutions Calendars.

SIGNED BY THE SPEAKER

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

House List No. 31

HB 18, HB 65, HB 111, HB 121, HB 674, HB 861, HB 869, HB 871, HB 883, HB 929, HB 985, HB 1039, HB 1074, HB 1249, HB 1256, HB 1279, HB 1374, HB 1417, HB 1418, HB 1439, HB 1443, HB 1483, HB 1488, HB 1516, HB 1537, HB 1570, HB 1597, HB 1667, HB 1702, HB 1757, HB 1779, HB 1820, HB 2240, HB 2320, HB 2340, HB 2351, HB 2380, HB 2452, HB 2502, HB 2624, HB 2634, HB 2650, HB 2867, HB 2952, HB 2963, HB 3106, HB 3329, HB 3442, HB 3913, HB 3954, HB 4071, HB 4174, HB 4456, HB 4649, HCR 19, HCR 42, HCR 74, HCR 131, HCR 137

Senate List No. 24

SB 124, SB 228, SB 317, SB 354, SB 435, SB 442, SB 579, SB 624, SB 646, SB 822, SB 874, SB 893, SB 932, SB 1037, SB 1038, SB 1041, SB 1063, SB 1113, SB 1236, SB 1276, SB 1306, SB 1350, SB 1402, SB 1413, SB 1420, SB 1512, SB 1557, SB 1571, SB 1720, SB 1751, SB 1780, SB 1802, SB 1820, SB 1821, SB 1950, SB 2038, SB 2131, SB 2449, SB 2469, SB 2481, SB 2517, SB 2527, SCR 2

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

Friday, May 17, 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:

HB 19 Price SPONSOR: Watson
Relating to mental health and substance use resources for certain school districts.
(Committee Substitute)

HB 26 Metcalf SPONSOR: Nichols
Relating to the notification of affected persons of certain releases of water from certain dams.
(Committee Substitute)

HB 259 Thompson, Ed SPONSOR: Hancock
Relating to named driver insurance policies and certain related exclusions.

HB 452 Shine SPONSOR: Buckingham
Relating to the creation of truancy masters for Bell County.

HB 504 Dutton SPONSOR: Miles
Relating to employment protections for a person serving as a grand juror.

HB 531 Miller SPONSOR: Buckingham
Relating to the retention by hospitals and physicians of certain medical records of a sexual assault victim.

HB 639 Springer SPONSOR: Nichols
Relating to the eligibility of land used as an ecological laboratory for appraisal for ad valorem tax purposes as qualified open-space land.

HB 918 White SPONSOR: Johnson
Relating to providing discharged or released inmates with certain documents, including documents to assist the inmate in obtaining employment.

HB 1277 Perez SPONSOR: Miles
Relating to authorizing a wellness and success center fee at the University of Houston-Downtown.
(Committee Substitute)

HB 1343 Leach SPONSOR: Paxton
Relating to persons who may be prosecuted for the criminal offense of improper contact with a victim.
(Amended)

HB 1543 Springer SPONSOR: Fallon
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.

HB 1631 Stickland SPONSOR: Hall
Relating to prohibiting the use of photographic traffic signal enforcement systems.

HB 1789 Tinderholt SPONSOR: Fallon
 Relating to the authority of certain local governmental entities to enter into an agreement to create a mutual aid law enforcement task force.

HB 2566 Dominguez SPONSOR: Lucio
 Relating to the authority of certain counties to regulate litter and mosquito control.

HB 2730 Leach SPONSOR: Hughes
 Relating to civil actions involving the exercise of certain constitutional rights.

HB 2894 Collier SPONSOR: Buckingham
 Relating to the prosecution of health care fraud; creating a criminal offense.

HB 3142 Guillen SPONSOR: Johnson
 Relating to Texas Commission on Environmental Quality reminders to public drinking water supply systems regarding reporting requirements.

HB 3356 Bucy SPONSOR: Schwertner
 Relating to the use of municipal hotel occupancy tax revenue in certain municipalities.

HB 3552 Sheffield SPONSOR: Flores
 Relating to certain notice requirements regarding fluoridation of a water supply system.

Respectfully,
 Patsy Spaw
 Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 16

Agriculture and Livestock - **SB 1884**

Appropriations - **SB 1504, SB 2050, SB 2138**

Business and Industry - **SB 1336, SB 1463, SB 1778**

Corrections - **SB 550, SB 804, SB 1147, SB 1217, SCR 10**

Criminal Jurisprudence - **SB 535**

Homeland Security and Public Safety - **SB 6, SB 71, SB 340, SB 428, SB 691, SB 741, SB 857, SB 976, SB 981, SB 982, SB 986, SB 1331, SB 1397, SB 1691, SB 1879**

Human Services - **SB 355, SB 705, SB 706, SB 1105, SB 1109, SB 1130, SB 1177, SB 1235, SB 1519, SB 1543, SB 1552, SB 1564, SB 1991, SB 2021**

Insurance - **SB 437** (corrected), **SB 439** (corrected), **SB 1264**, **SB 1530** (corrected), **SB 1623** (corrected)

International Relations and Economic Development - **SB 132**

Juvenile Justice and Family Issues - **SB 801**, **SB 1675**, **SB 1676**, **SB 1702**

Licensing and Administrative Procedures - **HCR 168**, **SB 1200**, **SB 1394**

Natural Resources - **SB 407**, **SB 911**, **SB 1422**, **SB 2272**, **SB 2322**, **SB 2552**

Pensions, Investments, and Financial Services - **SB 2037**

Public Education - **SB 2285**

Public Health - **SB 1145**, **SB 2011**

State Affairs - **SB 65**, **SB 76**, **SB 662**, **SB 819**, **SB 1779**, **SB 1995**, **SB 2195**

Transportation - **SB 2240**

Urban Affairs - **SB 1367**

Ways and Means - **SB 1428**, **SB 1719**, **SB 2083**

ENROLLED

May 16 - HB 18, HB 65, HB 70, HB 87, HB 111, HB 121, HB 427, HB 674, HB 833, HB 861, HB 869, HB 871, HB 883, HB 929, HB 985, HB 1039, HB 1074, HB 1249, HB 1256, HB 1279, HB 1374, HB 1417, HB 1418, HB 1443, HB 1483, HB 1488, HB 1516, HB 1537, HB 1570, HB 1597, HB 1667, HB 1702, HB 1757, HB 1779, HB 1820, HB 1902, HB 1965, HB 2240, HB 2320, HB 2340, HB 2351, HB 2380, HB 2452, HB 2502, HB 2624, HB 2634, HB 2650, HB 2684, HB 2697, HB 2779, HB 2790, HB 2867, HB 2899, HB 2952, HB 2963, HB 2979, HB 3086, HB 3106, HB 3329, HB 3441, HB 3442, HB 3913, HB 3954, HB 4071, HB 4174, HB 4456, HB 4465, HB 4638, HB 4641, HB 4649, HCR 19, HCR 42, HCR 74, HCR 131, HCR 137

SENT TO THE GOVERNOR

May 16 - HB 70, HB 87, HB 156, HB 253, HB 381, HB 389, HB 403, HB 427, HB 446, HB 468, HB 621, HB 693, HB 833, HB 886, HB 892, HB 971, HB 979, HB 1031, HB 1142, HB 1856, HB 1858, HB 1902, HB 1965, HB 1969, HB 2107, HB 2198, HB 2203, HB 2246, HB 2321, HB 2329, HB 2529, HB 2530, HB 2615, HB 2623, HB 2684, HB 2697, HB 2779, HB 2790, HB 2899, HB 2979, HB 3086, HB 3441, HB 4465, HB 4638, HB 4641

RECOMMENDATIONS FILED WITH THE SPEAKER

May 16 - HB 4732, HB 4733, HB 4734, HB 4737, HB 4741, HB 4742

SIGNED BY THE GOVERNOR

May 16 - HB 114, HB 278, HB 302, HB 476, HB 547, HB 1241, HB 1409

