

# HOUSE JOURNAL

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EIGHTY-SIXTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FIFTIETH DAY — TUESDAY, APRIL 23, 2019

The house met at 10:08 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 543).

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

Absent, Excused — Smithee.

Absent, Excused, Committee Meeting — Bonnen; Davis, S.; Longoria; Walle; Zerwas.

The invocation was offered by Olus Holder, executive pastor, Fallbrook Church, Houston, as follows:

Let us pray. Heavenly Father, we give you praise this morning, and we thank you for the marvelous gift of life. You know these leaders have gathered today as part of their God-given ministry to lead and make decisions for the great State of Texas. Father, they have to address some complex and unprecedented challenges, and I ask that you give them wisdom to guide us through the difficult days ahead. Father, you have entrusted the lives of millions of Texans in their hands, and I pray that you continue to use them to keep the great State of Texas as the greatest state in the United States of America. My final request is to bless Texas as you bless the United States. I present this prayer today in Jesus' name. Amen.

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

### **LEAVES OF ABSENCE GRANTED**

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

Smithee on motion of Flynn.

Pursuant to a previous motion, the following members were granted leaves of absence temporarily for today to attend a meeting of the Conference Committee on **HB 1**:

G. Bonnen on motion of Wu.

S. Davis on motion of Wu.

Longoria on motion of Wu.

Walle on motion of Wu.

Zerwas on motion of Wu.

### **CAPITOL PHYSICIAN**

The chair recognized Representative Bernal who presented Dr. Mary Anne Snyder of San Antonio as the "Doctor for the Day."

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

### **REGULAR ORDER OF BUSINESS SUSPENDED**

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

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 18).

### **PERMISSION TO INTRODUCE**

Representative Lopez requested permission to introduce and have placed on first reading **HB 4753, HB 4754, HB 4755, HB 4756, HB 4757, HB 4758, and HJR 153.**

Permission to introduce was granted by (Record 544): 141 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Smithee.

Absent, Excused, Committee Meeting — Bonnen; Davis, S.; Longoria; Walle; Zerwas.

Absent — Craddick; Miller.

(Goldman in the chair)

#### **FIVE-DAY POSTING RULE SUSPENDED**

Representative Murphy moved to suspend the five-day posting rule to allow the Committee on Pensions, Investments, and Financial Services to consider **HB 4371** at 8 a.m. Thursday, April 25 in E2.026.

The motion prevailed.

#### **HR 820 - INTRODUCTION OF GUESTS**

The chair recognized Representative Herrero who introduced family members of Sanjuana "Janie" Pena.

#### **HR 545 - INTRODUCTION OF GUESTS**

The chair recognized Representative Israel who introduced representatives of the Austin LGBT Chamber of Commerce.

#### **LEAVES OF ABSENCE GRANTED**

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

Bailes on motion of Kacal.

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

Tinderholt on motion of Swanson.

**HR 1277 - ADOPTED**  
**(by Martinez Fischer)**

Representative Martinez Fischer moved to suspend all necessary rules to take up and consider at this time **HR 1277**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1277**, Commemorating the 50th anniversary of the establishment of The University of Texas at San Antonio.

**HR 1277** was adopted.

On motion of Representative Minjarez, the names of all the members of the house were added to **HR 1277** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Martinez Fischer who introduced representatives of The University of Texas at San Antonio.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Leach moved to suspend the five-day posting rule to allow the Committee on Judiciary and Civil Jurisprudence to consider **HB 3918** upon final adjournment/recess or during bill referral, if permission granted, today in JHR 120.

The motion prevailed.

(S. Davis now present)

**HR 1284 - ADOPTED**  
**(by S. Davis)**

Representative S. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1284**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1284**, Commending Tena Lundquist Faust and Tama Lundquist for their many achievements as copresidents of Houston PetSet.

**HR 1284** was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative S. Davis who introduced Tena Lundquist Faust, Tama Lundquist, and representatives of Houston PetSet.

(Speaker in the chair)

(G. Bonnen and Longoria now present)

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 333 ON THIRD READING  
(by Nevárez)**

**HB 333**, A bill to be entitled An Act relating to an optional county fee on vehicle registration to be used by a regional mobility authority.

**HB 333** was passed by (Record 545): 100 Yeas, 15 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Beckley; Bell, K.; Bernal; Biedermann; Bowers; Bucy; Burns; Button; Calanni; Canales; Capriglione; Cole; Coleman; Cortez; Craddick; Cyrier; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Farrar; Flynn; Frullo; Geren; Gervin-Hawkins; González, J.; Goodwin; Guerra; Guillen; Gutierrez; Harris; Hernandez; Herrero; Hinojosa; Howard; Huberty; Israel; Johnson, E.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Murphy; Murr; Neave; Nevárez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Sheffield; Sherman; Smith; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Wray; Wu; Zwiener.

Nays — Bohac; Bonnen; Goldman; Hefner; Holland; Hunter; Krause; Lang; Middleton; Noble; Oliverson; Patterson; Schaefer; Shaheen; White.

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

Absent, Excused — Bailes; Smithee; Tinderholt.

Absent, Excused, Committee Meeting — Walle; Zerwas.

Absent — Anderson; Ashby; Bell, C.; Blanco; Buckley; Burrows; Cain; Clardy; Collier; Dean; Dominguez; Fierro; Frank; González, M.; Harless; Johnson, J.D.; Larson; Leach; Leman; Lozano; Muñoz; Springer; Stephenson; Stickland; Swanson; Toth; Wilson; Zedler.

**STATEMENTS OF VOTE**

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted yes.

Ashby

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted yes.

Blanco

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted no.

Buckley

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted yes.

Collier

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted yes.

Dean

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted yes.

Dominguez

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted yes.

Fierro

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted no.

Frank

When Record No. 545 was taken, I was shown voting yes. I intended to vote no.

Frullo

When Record No. 545 was taken, my vote failed to register. I would have voted yes.

Harless

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted no.

Leach

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted no.

Leman

When Record No. 545 was taken, I was temporarily out of the house chamber. I would have voted yes.

Lozano

When Record No. 545 was taken, I was shown voting yes. I intended to vote no.

Metcalf

When Record No. 545 was taken, my vote failed to register. I would have voted yes.

Muñoz

When Record No. 545 was taken, I was shown voting yes. I intended to vote no.

Paul

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted no.

Springer

When Record No. 545 was taken, I was temporarily out of the house chamber. I would have voted yes.

Stephenson

When Record No. 545 was taken, my vote failed to register. I would have voted no.

Stickland

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted no.

Swanson

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted no.

Toth

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted no.

Wilson

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted no.

Zedler

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

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

**SB 1587 ON THIRD READING**  
**(Ashby - House Sponsor)**

**SB 1587**, A bill to be entitled An Act relating to the delegation to the Railroad Commission of Texas of purchasing functions regarding the reclamation of certain abandoned mines.

**SB 1587** was passed by (Record 546): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; 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, E.; 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; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; White; Wilson; Wray; Wu; Zedler; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailes; Smithee; Tinderholt.

Absent, Excused, Committee Meeting — Walle; Zerwas.

**POSTPONED BUSINESS**

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

**HB 2969 ON THIRD READING**  
**(by Sanford, Krause, Rodriguez, P. King, C. Bell, et al.)**

**HB 2969**, A bill to be entitled An Act relating to prohibited adverse employment action against a first responder based on mental illness.

**HB 2969** was read third time on April 18 and was postponed until 10 a.m. today.

Representative Sanford moved to postpone consideration of **HB 2969** until 1 p.m. today.

The motion prevailed.



**CSHB 286 ON SECOND READING****(by E. Thompson and Wu)**

**CSHB 286**, A bill to be entitled An Act relating to promotion of the use of recyclable materials as feedstock for processing and manufacturing.

**CSHB 286** was read second time on April 9 and was postponed until 10 a.m. today.

Representative E. Thompson moved to postpone consideration of **CSHB 286** until 10 a.m. Monday, May 6.

The motion prevailed.

**HB 925 ON SECOND READING****(by Springer and Frank)**

**HB 925**, A bill to be entitled An Act relating to the composition of the board of directors of the Gateway Groundwater Conservation District.

**HB 925** was read second time on March 26, postponed until April 15, and was again postponed until 10 a.m. today.

Representative Springer moved to postpone consideration of **HB 925** until 10 a.m. Thursday, April 25.

The motion prevailed.

**SB 533 ON SECOND READING****(Paddie and Springer - House Sponsors)**

**SB 533**, A bill to be entitled An Act relating to the severance tax exemption for oil and gas produced from certain inactive wells.

**SB 533** was considered in lieu of **HB 1558**.

**SB 533** was read second time and was passed to third reading.

**HB 1558 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Paddie moved to lay **HB 1558** on the table subject to call.

The motion prevailed.

(Walle now present)

**HB 1378 ON SECOND READING****(by Frullo)**

**HB 1378**, A bill to be entitled An Act relating to the authority of the Lubbock County Hospital District of Lubbock County, Texas, to employ and commission peace officers.

**HB 1378** was read second time on April 9, postponed until April 15, and was again postponed until 10 a.m. today.

Representative Frullo moved to postpone consideration of **HB 1378** until 10 a.m. Thursday, April 25.

The motion prevailed.

**CSHB 629 ON SECOND READING****(by Landgraf)**

**CSHB 629**, A bill to be entitled An Act relating to establishing a protective order registry and the duties of court personnel and other persons and entities in regard to the registry.

**CSHB 629** was read second time on April 15 and was postponed until 10 a.m. today.

Representative Landgraf moved to postpone consideration of **CSHB 629** until 10 a.m. Thursday, April 25.

The motion prevailed.

**HB 851 ON SECOND READING****(by Huberty, Cain, Murphy, Ashby, Dutton, et al.)**

**HB 851**, A bill to be entitled An Act relating to the use of individual graduation committees and other alternative methods to satisfy certain public high school graduation requirements.

**HB 851** was read second time on April 15 and was postponed until 10 a.m. today.

Representative Huberty moved to postpone consideration of **HB 851** until 10 a.m. tomorrow.

The motion prevailed.

**HB 1998 ON SECOND READING****(by Goldman)**

**HB 1998**, A bill to be entitled An Act relating to the importation and use for manufacturing purposes of malt beverages by the holder of a brewer's permit or manufacturer's license.

**HB 1998** was read second time on April 15 and was postponed until 10 a.m. today.

Representative Goldman moved to postpone consideration of **HB 1998** until 10 a.m. tomorrow.

The motion prevailed.

**HB 2976 ON SECOND READING****(by Howard, Israel, Rodriguez, and Hinojosa)**

**HB 2976**, A bill to be entitled An Act relating to authority of the Travis County Healthcare District to appoint, contract for, or employ physicians.

**HB 2976** was read second time on April 16 and was postponed until 10 a.m. today.

Representative Howard moved to postpone consideration of **HB 2976** until 10 a.m. tomorrow.

The motion prevailed.

**HB 1209 ON SECOND READING****(by Rodriguez, Morrison, Moody, and Minjarez)**

**HB 1209**, A bill to be entitled An Act relating to the right to vacate and avoid residential lease liability following the occurrence of family violence.

**HB 1209** was read second time on April 16 and was postponed until 10 a.m. today.

Representative Rodriguez moved to postpone consideration of **HB 1209** until 10 a.m. Thursday, April 25.

The motion prevailed.

**SB 1939 ON SECOND READING****(Burrows - House Sponsor)**

**SB 1939**, A bill to be entitled An Act relating to the storage of grapes in a public warehouse.

**SB 1939** was considered in lieu of **CSHB 3766**.

**SB 1939** was read second time and was passed to third reading.

**CSHB 3766 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Burrows moved to lay **CSHB 3766** on the table subject to call.

The motion prevailed.

**SB 26 ON SECOND READING****(Cyrier, Price, Zerwas, C. Turner, Rose, et al. - House Sponsors)**

**SB 26**, A bill to be entitled An Act relating to the allocation to and use by the Parks and Wildlife Department and Texas Historical Commission of certain proceeds from the imposition of state sales and use taxes on sporting goods.

**SB 26** was considered in lieu of **HB 1214**.

**SB 26** was read second time.

**Amendment No. 1**

Representative Cyrier offered the following amendment to **SB 26**:

Amend **SB 26** (house committee report) on page 5 as follows:

- (1) On line 14, strike "93.4 [~~94~~]" and substitute "94".
- (2) On line 19, strike "6.6 [~~six~~]" and substitute "six".

Amendment No. 1 was adopted.

**SB 26**, as amended, was passed to third reading.

**HB 1214 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Cyrier moved to lay **HB 1214** on the table subject to call.

The motion prevailed.

**SJR 24 ON SECOND READING****(Cyrier, Price, Zerwas, C. Turner, Rose, et al. - House Sponsors)**

**SJR 24**, A joint resolution proposing a constitutional amendment relating to the appropriation of the net revenue received from the imposition of state sales and use taxes on sporting goods.

**SJR 24** was considered in lieu of **HJR 39**.

**SJR 24** was read second time.

**Amendment No. 1**

Representative Cyrier offered the following amendment to **SJR 24**:

Amend **SJR 24** (house committee printing) as follows:

(1) On page 1, line 8, strike "For" and substitute "Subject to Subsection (b) of this section, for".

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

(b) The legislature by adoption of a resolution approved by a record vote of two-thirds of the members of each house of the legislature may direct the comptroller of public accounts to reduce the amount of money appropriated to the Parks and Wildlife Department and the Texas Historical Commission, or their successors in function, under Subsection (a) of this section. The comptroller may be directed to make that reduction only:

(1) in the state fiscal year in which the resolution is adopted, or in either of the following two state fiscal years; and

(2) by an amount that does not result in a reduction of more than 50 percent of the amount that would otherwise be appropriated to the Parks and Wildlife Department and the Texas Historical Commission, or their successors in function, in the affected state fiscal year under Subsection (a) of this section.

(c) Money appropriated to the Parks and Wildlife Department and the Texas Historical Commission, or their successors in function, under Subsection (a) of this section may not be considered available for certification by the comptroller of public accounts under Section 49a(b), Article III, of this constitution.

(3) On page 1, line 18, strike "(b)" and substitute "(d)".

Amendment No. 1 was adopted.

**SJR 24**, as amended, was adopted by (Record 547): 143 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; 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.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; 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; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zwiener.

Nays — Stickland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailes; Smithee; Tinderholt.

Absent, Excused, Committee Meeting — Zerwas.

Absent — González, M.

### **HJR 39 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Cyrier moved to lay **HJR 39** on the table subject to call.

The motion prevailed.

### **HJR 145 ON SECOND READING**

(by S. Davis)

**HJR 145**, A joint resolution proposing a constitutional amendment authorizing the issuance of general obligation bonds to provide financial assistance to political subdivisions located in areas of the state affected by a disaster.

**HJR 145** was read second time on April 17 and was postponed until 10 a.m. today.

Representative S. Davis moved to postpone consideration of **HJR 145** until 10 a.m. Thursday, April 25.

The motion prevailed.

### **EMERGENCY CALENDAR**

#### **HOUSE BILLS**

#### **SECOND READING**

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

#### **HB 2300 ON SECOND READING**

(by Morrison, White, Murr, Guillen, P. King, et al.)

**HB 2300**, A bill to be entitled An Act relating to the creation of the disaster recovery loan program; making an appropriation.

**HB 2300** was passed to engrossment.

### **MAJOR STATE CALENDAR**

#### **HOUSE BILLS**

#### **SECOND READING**

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

**CSHB 20 ON SECOND READING****(by Capriglione, Zerwas, Longoria, Howard, G. Bonnen, et al.)**

**CSHB 20**, A bill to be entitled An Act relating to the allocation of certain constitutional transfers of money to the economic stabilization fund, the Texas legacy fund, and the state highway fund and to the management and investment of the economic stabilization fund, the Texas legacy fund, and the Texas legacy distribution fund.

A record vote was requested by Representative Stickland.

**CSHB 20** was passed to engrossment by (Record 548): 134 Yeas, 9 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Beckley; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; 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; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; 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; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Sheffield; Sherman; Shine; Smith; Springer; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Cain; Lang; Oliverson; Shaheen; Stickland; Swanson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailes; Smithee; Tinderholt.

Absent, Excused, Committee Meeting — Zerwas.

Absent — Calanni; Gutierrez.

**CONSTITUTIONAL AMENDMENTS CALENDAR  
HOUSE JOINT RESOLUTIONS  
SECOND READING**

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

**CSHJR 10 ON SECOND READING****(by Capriglione, Zerwas, G. Bonnen, Rose, et al.)**

**CSHJR 10**, A joint resolution proposing a constitutional amendment providing for the creation of the Texas legacy fund and the Texas legacy distribution fund, dedicating the Texas legacy distribution fund to certain state

infrastructure projects or the reduction of certain long-term obligations, and providing for the transfer of certain general revenues to the economic stabilization fund, the Texas legacy fund, and the state highway fund.

### **Amendment No. 1**

Representative Howard offered the following amendment to **CSHJR 10**:

Amend **CSHJR 10** (house committee report) on page 5 by striking lines 15 and 16 and substituting the following:

(d) The legislature may appropriate money from the Texas legacy fund only by a two-thirds vote of the members present in each house of the legislature.

Amendment No. 1 failed of adoption.

### **Amendment No. 2**

Representative Schaefer offered the following amendment to **CSHJR 10**:

Amend **CSHJR 10** (house committee report) as follows:

(1) Strike page 6, line 18, through page 7, line 8, and substitute the following:

(d) The legislature may appropriate money from the Texas legacy distribution fund only to pay for unfunded actuarial liabilities of the Employees Retirement System of Texas or the Teacher Retirement System of Texas, notwithstanding the limitation on contributions otherwise provided by Section 67(b), Article XVI, of this constitution.

(2) On page 7, line 13, strike "(d)(2)" and substitute "(d)".

Amendment No. 2 was adopted.

**CSHJR 10**, as amended, was adopted by (Record 549): 143 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; 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; Huberty; Hunter; Israel; Johnson, E.; 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; 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; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zwiener.

Nays — Canales; Nevárez.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailes; Smithee; Tinderholt.

Absent, Excused, Committee Meeting — Zerwas.

### **STATEMENT OF VOTE**

When Record No. 549 was taken, I was shown voting yes. I intended to vote no.

Stickland

### **HJR 143 ON SECOND READING**

**(by G. Bonnen)**

**HJR 143**, A joint resolution proposing a constitutional amendment to authorize the legislature to vest the power to invest and manage certain public funds in certain officers, boards, and entities.

### **HJR 143 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE C. TURNER: I was listening to your layout. I just want to clarify a couple of things in terms of the intent of the bill—the impact of the HJR, rather. You said that the intent is for the legislature to be able to make changes to the governance of various funds through statutory means, i.e., passing a house bill or a senate bill?

REPRESENTATIVE G. BONNEN: That's correct.

C. TURNER: Okay, so right now that is not an option for the legislature. Is that correct?

G. BONNEN: Well, it is for some funds that are constitutionally authorized but not for all. So for example, the TRS Pension Trust Fund is constitutionally authorized but their governance is actually set in statute. However, we have other funds that are authorized in the Constitution and their governance is in the Constitution. So if you wanted to change their governance structure, you would have to amend the State Constitution. This HJR would allow us to change that through statute or general law.

C. TURNER: Okay. So as I understand it then, you just mentioned TRS and also the Employee Retirement System is already—the governance structure is defined in statute currently?

G. BONNEN: That is correct.

C. TURNER: So this HJR does not affect them at all?

G. BONNEN: Correct. It has no bearing on them. Actually, it brings other constitutionally authorized funds into alignment with the way we currently manage the TRS Pension Trust and ERS Pension Trust Funds.

C. TURNER: Okay, and does the HJR authorize the legislature to make changes to just the governance or also the management of the funds?



G. BONNEN: To the governance—and, you know, typically we don't manage, right? So we establish the board that is to oversee the assets. The board then hires, typically, an executive director and is responsible for overseeing the execution of the strategy which would include the actual management of the assets that are entrusted to that board.

C. TURNER: And is it correct that the Permanent University Fund is exempted?

G. BONNEN: That is correct. It is the only item that is exempted.

C. TURNER: Is there a reason for exempting them?

G. BONNEN: I think that historically that has functioned extremely well and has served the state well, and that's the one thing that we've chosen to exclude from this HJR.

C. TURNER: Understood, okay. And then, given that we're only dealing with the governance of the fund, this in no way authorizes the legislature to go in and, you know, say, pass a bill to select specific managers of funds, right? That power still rests with the governing body of the various funds. Is that right?

G. BONNEN: Yes, so it's my view that it's not good practice for the legislature to set into statute such things.

C. TURNER: I would agree. And this is only state funds so this has no bearing on any local pension funds, is that correct?

G. BONNEN: That's correct.

C. TURNER: So no municipal police or firefighter funds, anything like that, would be covered by this HJR?

G. BONNEN: To my knowledge none would be affected by this. It would only be constitutionally authorized funds—State Constitution.

C. TURNER: So it only affects funds that are authorized by the Texas Constitution?

G. BONNEN: Correct.

C. TURNER: So that would be things like the SWIFT, the Water Fund—

G. BONNEN: That's right.

C. TURNER: Is there a list of the funds that are affected?

G. BONNEN: I have a list. I think there are 11 such funds. I can tell you what they are if you'd like.

C. TURNER: If you have it handy.

G. BONNEN: Veterans' Land Fund, Veterans' Assistance Fund, the TWDB Water Development Funds I and II, the State Water Implementation Fund, the State Water Implementation Revenue Fund, the Texas Parks Development Fund, the Texas Mobility Fund, the Texas Rail Relocation and Improvement Fund, the State Highway Fund, the Farm and Ranch Loan Security Fund, and the Permanent School Fund.

C. TURNER: I never knew we had so many funds. Thank you, Representative Bonnen, for clarifying that.

### REMARKS ORDERED PRINTED

Representative C. Turner moved to print remarks between Representative G. Bonnen and Representative C. Turner on **HJR 143**.

The motion prevailed.

### Amendment No. 1

Representative G. Bonnen offered the following amendment to **HJR 143**:

Amend **HJR 143** (house committee printing) as follows:

(1) On page 1, line 6, strike "a new".

(2) On page 1, line 7, strike "INVESTMENT AND MANAGEMENT OF PUBLIC FUNDS.".

(3) On page 1, line 11, strike "Article VII, Section 11" and substitute "Section 11, Article VII, of this constitution".

(4) On page 1, lines 20 and 21, strike "an entity that is governed by appointees of public officers" and substitute "entities governed by appointees of public officers".

Amendment No. 1 was adopted.

**HJR 143**, as amended, was adopted by (Record 550): 128 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Allison; Anchia; Anderson; Ashby; Beckley; Bell, C.; Bernal; Biedermann; Blanco; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; 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.; Goodwin; Guerra; Guillen; Gutierrez; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hunter; Israel; Johnson, E.; 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; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Phelan; Price; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Springer; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wray; Wu; Zedler; Zwiener.

Nays — Allen; Bell, K.; Bohac; Clardy; Middleton; Noble; Oliverson; Ramos; Stickland; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailes; Smithee; Tinderholt.

Absent, Excused, Committee Meeting — Zerwas.

Absent — González, M.; Harless; Huberty; Johnson, J.D.; Patterson; Toth.

### STATEMENTS OF VOTE

When Record No. 550 was taken, I was shown voting yes. I intended to vote no.

Burns

When Record No. 550 was taken, I was shown voting yes. I intended to vote no.

Canales

When Record No. 550 was taken, I was shown voting yes. I intended to vote no.

Cyrier

When Record No. 550 was taken, I was in the house but away from my desk. I would have voted no.

Harless

When Record No. 550 was taken, I was shown voting yes. I intended to vote no.

Murr

When Record No. 550 was taken, I was in the house but away from my desk. I would have voted yes.

Patterson

When Record No. 550 was taken, I was in the house but away from my desk. I would have voted no.

Toth

### HJR 117 ON SECOND READING

(by Larson and Sheffield)

**HJR 117**, A joint resolution proposing a constitutional amendment authorizing a statewide referendum allowing voters to indicate a preference for exempting this state from daylight saving time or observing daylight saving time year-round.

(Zerwas now present)

**HJR 117** was adopted by (Record 551): 133 Yeas, 9 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Blanco; Bohac; Bonnen; Bowers; Buckley; Burns; Burrows; Button; Cain; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, 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; Huberty; Hunter; Johnson, E.; Johnson, J.D.; 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; Miller; Minjarez; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ortega; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Shine; Smith; Springer; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Bucy; Israel; Johnson, J.E.; Nevárez; Romero; Sherman; Stephenson; Talarico; Turner, J.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailes; Smithee; Tinderholt.

Absent — Deshotel; Middleton; Moody; Pacheco.

#### **STATEMENTS OF VOTE**

When Record No. 551 was taken, I was in the house but away from my desk. I would have voted yes.

Middleton

When Record No. 551 was taken, I was in the house but away from my desk. I would have voted yes.

Moody

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

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

#### **HB 156 ON SECOND READING (by Moody)**

**HB 156**, A bill to be entitled An Act relating to the supervision by a personal bond office of individuals granted an occupational driver's license; providing for an administrative fee.

**HB 156** was passed to engrossment.

#### **CSHB 685 ON SECOND READING (by Clardy, White, Ashby, Lambert, et al.)**

**CSHB 685**, A bill to be entitled An Act relating to immunity from liability of a court clerk and county for the disclosure or release of certain court documents and information contained in the court documents.

**CSHB 685** was passed to engrossment.

**HB 3042 ON SECOND READING**  
**(by C. Turner and Pacheco)**

**HB 3042**, A bill to be entitled An Act relating to the Texas college work-study program and to establishing a program for the off-campus employment of certain students at public or private institutions of higher education.

A record vote was requested by Representative Stickland.

**HB 3042** was passed to engrossment by (Record 552): 85 Yeas, 57 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Burns; Calanni; Canales; Cole; Coleman; Collier; Cortez; Darby; Davis, S.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Israel; Johnson, E.; Johnson, J.D.; Johnson, J.E.; King, K.; King, T.; Klick; Landgraf; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Ortega; Pacheco; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Shine; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bell, C.; Bell, K.; Biedermann; Bohac; Bonnen; Buckley; Burrows; Button; Cain; Capriglione; Clardy; Craddick; Cyrier; Dean; Frank; Frullo; Goldman; Harless; Harris; Hefner; Kacal; King, P.; Krause; Kuempel; Lambert; Lang; Leach; Leman; Metcalf; Middleton; Miller; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Price; Sanford; Schaefer; Shaheen; Smith; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Toth; White; Wilson; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailes; Smithee; Tinderholt.

Absent — Davis, Y.; Hunter; Raney; Zerwas.

**STATEMENTS OF VOTE**

When Record No. 552 was taken, I was shown voting no. I intended to vote yes.

Frullo

When Record No. 552 was taken, I was shown voting yes. I intended to vote no.

Holland

When Record No. 552 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 552 was taken, I was shown voting no. I intended to vote yes.

Kuempel

When Record No. 552 was taken, I was shown voting yes. I intended to vote no.

Landgraf

When Record No. 552 was taken, I was shown voting yes. I intended to vote no.

Meyer

When Record No. 552 was taken, I was shown voting yes. I intended to vote no.

Murr

When Record No. 552 was taken, I was in the house but away from my desk. I would have voted yes.

Raney

When Record No. 552 was taken, I was shown voting no. I intended to vote yes.

Stucky

When Record No. 552 was taken, I was in the house but away from my desk. I would have voted no.

Zerwas

### **CSHB 1734 ON SECOND READING**

**(by Holland, Leach, Gervin-Hawkins, Martinez, Longoria, et al.)**

**CSHB 1734**, A bill to be entitled An Act relating to litigation involving certain defects in school district facilities and enforcement of certain duties following that litigation; authorizing a civil penalty.

#### **Amendment No. 1**

Representative Herrero offered the following amendment to **CSHB 1734**:

Amend **CSHB 1734** (house committee printing) on page 4, at the end of line 3, by inserting "after providing at least two weeks notice to the district.".

(Goldman in the chair)

Representative Holland moved to table Amendment No. 1.

The motion to table was withdrawn.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Herrero offered the following amendment to **CSHB 1734**:

Amend **CSHB 1734** (house committee printing) on page 4, line 9, by striking "\$20,000" and substituting "\$10,000".

Amendment No. 2 was withdrawn.

A record vote was requested by Representative Canales.

**CSHB 1734**, as amended, was passed to engrossment by (Record 553): 97 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bell, C.; Bell, K.; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cole; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; Dean; Deshotel; Dominguez; Farrar; Fierro; Flynn; Frank; Frullo; Gervin-Hawkins; González, M.; Guerra; Guillen; Harless; Hefner; Hernandez; Holland; Huberty; Hunter; Johnson, E.; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Middleton; Miller; Minjarez; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Price; Raney; Raymond; Romero; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Toth; VanDeaver; Vo; White; Wilson; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Beckley; Bernal; Blanco; Bowers; Bucy; Calanni; Canales; Coleman; Davis, Y.; Dutton; Geren; González, J.; Goodwin; Gutierrez; Herrero; Hinojosa; Howard; Israel; Johnson, J.E.; Lopez; Martinez Fischer; Meza; Moody; Morales; Neave; Nevárez; Ortega; Pacheco; Perez; Ramos; Reynolds; Rodriguez; Rose; Rosenthal; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Walle; Wu; Zwiener.

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

Absent, Excused — Bailes; Smithee; Tinderholt.

Absent — Biedermann; Harris; Johnson, J.D.; King, T.

**STATEMENTS OF VOTE**

When Record No. 553 was taken, I was in the house but away from my desk. I would have voted yes.

Biedermann

When Record No. 553 was taken, I was shown voting no. I intended to vote yes.

Geren

When Record No. 553 was taken, I was shown voting yes. I intended to vote no.

M. González

When Record No. 553 was taken, I was in the house but away from my desk. I would have voted yes.

Harris

When Record No. 553 was taken, I was shown voting yes. I intended to vote no.

Sherman

**CSHB 1374 ON SECOND READING**  
**(by Hernandez and Neave)**

**CSHB 1374**, A bill to be entitled An Act relating to grants for the development and operation of pretrial intervention programs for pregnant defendants and defendants who are the primary caretaker of a child.

**CSHB 1374** was passed to engrossment. (Hunter recorded voting no.)

**HB 3171 ON SECOND READING**  
**(by Krause)**

**HB 3171**, A bill to be entitled An Act relating to the classification and operation of mopeds and certain motorcycles.

**Amendment No. 1**

Representative Stickland offered the following amendment to **HB 3171**:

Amend **HB 3171** (house committee printing) by striking SECTION 2.07 in ARTICLE 2 of the bill (page 5, line 17, through page 6, line 19) and renumbering subsequent SECTIONS of the ARTICLE accordingly.

Amendment No. 1 was adopted.

**HB 3171**, as amended, was passed to engrossment.

**POSTPONED BUSINESS**

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

**HB 2969 ON THIRD READING**  
**(by Sanford, Krause, Rodriguez, P. King, C. Bell, et al.)**

**HB 2969**, A bill to be entitled An Act relating to prohibited adverse employment action against a first responder based on mental illness.

**HB 2969** was read third time on April 18, postponed until 10 a.m. today, and was again postponed until this time.

**Amendment No. 1**

Representative Dutton offered the following amendment to **HB 2969**:

Amend **HB 2969** (house committee printing) on page 1, line 24, after "adverse employment action" by inserting "including a loss of rank, pay, or benefits".

Amendment No. 1 was adopted.



**HB 2969**, as amended, was passed by (Record 554): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; 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; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; 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; Metcalf; Meyer; Meza; Middleton; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sheffield; Sherman; Shine; Smith; Springer; Stephenson; Stickland; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

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

Absent, Excused — Bailes; Smithee; Tinderholt.

Absent — Martinez Fischer.

### STATEMENT OF VOTE

When Record No. 554 was taken, I was shown voting yes. I intended to vote no.

Bowers

### GENERAL STATE CALENDAR

(consideration continued)

### CSHB 282 ON SECOND READING

(by Neave)

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

Representative Neave moved to postpone consideration of **CSHB 282** until 10 a.m. Monday, April 29.

The motion prevailed.

**HB 2779 ON SECOND READING****(by Wray)**

**HB 2779**, A bill to be entitled An Act relating to the exemption for certain savings plans from attachment, execution, or other seizure for a creditor's claim.

**HB 2779** was passed to engrossment.

**CSHB 284 ON SECOND READING****(by Perez)**

**CSHB 284**, A bill to be entitled An Act relating to disclosure requirements of certain facilities that provide care for persons with Alzheimer's disease and related disorders.

A record vote was requested by Representative Stickland.

**CSHB 284** was passed to engrossment by (Record 555): 78 Yeas, 63 Nays, 3 Present, not voting.

Yeas — Allen; Anchia; Anderson; Beckley; Bernal; Blanco; Bohac; Bowers; Buckley; Bucy; Calanni; Canales; Capriglione; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Frank; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Huberty; Israel; Johnson, E.; Johnson, J.D.; Johnson, J.E.; King, T.; Landgraf; Longoria; Lopez; Lozano; Lucio; Martinez; Meyer; Meza; Miller; Minjarez; Moody; Morales; Muñoz; Murphy; Neave; Nevárez; Ortega; Pacheco; Perez; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Shine; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zerwas; Zwiener.

Nays — Allison; Ashby; Bell, C.; Bell, K.; Biedermann; Bonnen; Burns; Burrows; Button; Cain; Clardy; Craddick; Cyrier; Darby; Dean; Flynn; Frullo; Geren; Harless; Harris; Hefner; Holland; Howard; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Lang; Larson; Leach; Leman; Metcalf; Middleton; Morrison; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Price; Raney; Sanford; Schaefer; Shaheen; Smith; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Toth; VanDeaver; White; Wilson; Wray; Zedler.

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

Absent, Excused — Bailes; Smithee; Tinderholt.

Absent — Martinez Fischer; Rodriguez; Sheffield.

**STATEMENTS OF VOTE**

When Record No. 555 was taken, I was shown voting no. I intended to vote yes.

Howard

When Record No. 555 was taken, I was shown voting present, not voting. I intended to vote no.

Hunter

When Record No. 555 was taken, I was shown voting yes. I intended to vote no.

Landgraf

When Record No. 555 was taken, I was shown voting yes. I intended to vote no.

Shine

**HB 2697 ON SECOND READING**  
**(by Meyer, et al.)**

**HB 2697**, A bill to be entitled An Act relating to the prosecution of the offense of fraudulent use or possession of identifying information.

**HB 2697** was passed to engrossment.

**CSHB 574 ON SECOND READING**  
**(by Dutton)**

**CSHB 574**, A bill to be entitled An Act relating to the consequences of successfully completing a period of deferred adjudication community supervision.

**CSHB 574** was passed to engrossment.

**HB 771 ON SECOND READING**  
**(by S. Davis)**

**HB 771**, A bill to be entitled An Act relating to the placement of warning signs in areas where the use of a wireless communication device is prohibited.

**HB 771** was passed to engrossment.

**HB 329 ON SECOND READING**  
**(by Nevárez)**

**HB 329**, A bill to be entitled An Act relating to concurrent state and federal jurisdiction over units of the national park system in this state.

**HB 329** was passed to engrossment.

**HB 3913 ON SECOND READING**  
**(by Huberty)**

**HB 3913**, A bill to be entitled An Act relating to an exception from required disclosure under the public information law for certain personal information obtained by certain flood control districts.

**HB 3913** was passed to engrossment.

**HB 373 ON SECOND READING****(by Allen, Bowers, et al.)**

**HB 373**, A bill to be entitled An Act relating to conditions of community supervision prohibiting contact with certain persons.

**HB 373** was passed to engrossment.

**HB 724 ON SECOND READING****(by Larson)**

**HB 724**, A bill to be entitled An Act relating to the authorization by the Texas Commission on Environmental Quality of the discharge, diversion, and transfer or other reuse of treated brackish groundwater and return flows derived from treated brackish groundwater.

**HB 724 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE ZWIENER: Chairman Larson, I'd like to ask you a couple of questions related to legislative intent. Is the intent of your bill to encourage the treatment and use of brackish groundwater by automatically authorizing the issuance of so-called bed and banks permits?

REPRESENTATIVE LARSON: It is.

ZWIENER: And what if the groundwater that is being treated for a bed and banks permit currently contributes to streamflow through streams and seepage? Could your bill reduce streamflow by authorizing an automatic authorization?

LARSON: Okay, go through that question again?

ZWIENER: What if the groundwater that is being treated for the bed and banks permit currently contributes to streamflow through seepage? Could your bill end up reducing streamflow in that case?

LARSON: No, I don't see that.

ZWIENER: And so is the intent of your bill to never result in a decrease in overall streamflow?

LARSON: No, that's not the intent at all. All we're trying to do is augment the amount of water available in each of the basins. This would bring new water introduced by a municipality or whoever develops a desalination plant.

ZWIENER: Okay, so if a municipal wastewater treatment plant contains just a little bit of brackish groundwater, your intent is not that the entire return flow could automatically get approval from TCEQ?

LARSON: It's stated clearly in the bill. Treated brackish groundwater is the focus. It's not the wastewater coming out of the wastewater treatment plants.

**HB 724** was passed to engrossment.

**CSHB 2758 ON SECOND READING**  
**(by Hernandez)**

**CSHB 2758**, A bill to be entitled An Act relating to changing the eligibility of persons charged with certain trafficking and prostitution offenses to receive community supervision, including deferred adjudication community supervision.

**Amendment No. 1**

Representative J. González offered the following amendment to **CSHB 2758**:

Amend **CSHB 2758** (house committee printing) as follows:

(1) On page 1, strike lines 7 and 8 and substitute the following:

SECTION 1. Article 42A.054, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(2) On page 3, between lines 4 and 5, insert the following:

(e) Notwithstanding Subsection (a), with respect to an offense committed by a defendant under Section 43.03, 43.04, or 43.05, Penal Code, a judge may place the defendant on community supervision as permitted by Article 42A.053 if the judge makes a finding that the defendant committed the offense solely as a victim of an offense under Section 20A.02, 20A.03, 43.03, 43.04, or 43.05, Penal Code.

Amendment No. 1 was adopted.

**CSHB 2758**, as amended, was passed to engrossment.

**HB 566 ON SECOND READING**  
**(by White and Wu)**

**HB 566**, A bill to be entitled An Act relating to the eligibility of certain criminal defendants for an order of nondisclosure of criminal history record information.

**HB 566** was passed to engrossment.

**CSHB 680 ON SECOND READING**  
**(by Deshotel and Lopez)**

**CSHB 680**, A bill to be entitled An Act relating to the powers and duties of the Texas Workforce Commission and local workforce development boards regarding the provision of child care.

(Paddie in the chair)

**Amendment No. 1**

Representative Deshotel offered the following amendment to **CSHB 680**:

Amend **CSHB 680** (house committee printing) by striking page 5, line 25, through page 7, line 18, and substituting the following:

Sec. 302.0461. CHILD CARE PROVIDER CONTRACT AGREEMENTS PILOT PROGRAM. (a) The commission shall establish a voluntary pilot program that authorizes local workforce development boards to contract with child care providers operating in the board's area to provide subsidized child care services.

(b) To be eligible for a contract with a local workforce development board participating in the pilot program under Subsection (a), a child care provider must:

(1) be a Texas Rising Star Program provider with a three-star rating or higher; and

(2) meet one of the following priorities of the commission:

(A) be located in:

(i) an area where the number of children younger than six years of age who have working parents is at least three times greater than the capacity of licensed child care providers in the area; or

(ii) an area determined by the commission to be underserved with respect to child care providers;

(B) have a partnership with a school district to provide a prekindergarten program;

(C) have a partnership with the Early Head Start or Head Start Program;

(D) increase the number of places reserved for infants and toddlers by high-quality child care providers; or

(E) satisfy a requirement in the local workforce development board's strategic plan.

(c) A local workforce development board participating in the pilot program shall determine the number of places that the board reserves in the contract with a child care provider participating in the commission's subsidized child care program.

(d) The commission shall determine:

(1) the duration of the pilot program; and

(2) the reporting requirements for a local workforce development board, including:

(A) a report to determine the effects of the pilot program on:

(i) the financial stability of the child care provider participating in the contract;

(ii) the availability of high-quality child care options for participants in the commission's subsidized child care program in the workforce development area;

(iii) the number of high-quality child care providers in any part of the workforce development area with a high concentration of families with a need for child care; and

(iv) the percentage of children participating in the commission's subsidized child care program at each Texas Rising Star Program provider in the local workforce development area; and

(B) any other information required by the commission.

**Amendment No. 1 - Point of Order**

Representative Stickland raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2, of the House Rules. The point of order was overruled and the speaker submitted the following ruling:

**RULING BY THE SPEAKER**

on Amendment No. 1 to House Bill 680

Announced in the House on April 23, 2019

(Paddie in the chair)

Representative Stickland raises a point of order against further consideration of the Deshotel Amendment to **HB 680** under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane.

As reported from committee, the bill authorizes local workforce development boards statewide to contract with certain child care providers in the board's operating area to provide subsidized child care under certain specified conditions. The amendment narrows the scope of this authorization to permit the Texas Workforce Commission to establish a pilot program to accomplish the same purpose. In the opinion of the Chair, the amendment is on the same subject as the bill and is, therefore, germane.

Accordingly, the point of order is respectfully overruled.

A record vote was requested by Representative Stickland.

Amendment No. 1 failed of adoption by (Record 556): 64 Yeas, 68 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Bailes; Smithee; Tinderholt.

Absent — Anderson; Bell, K.; Calanni; Davis, S.; Davis, Y.; Dominguez; Huberty; Hunter; Johnson, J.D.; Pacheco; Sherman; Thompson, S.; Zedler.

**STATEMENTS OF VOTE**

When Record No. 556 was taken, I was in the house but away from my desk. I would have voted no.

Anderson

When Record No. 556 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 556 was taken, I was in the house but away from my desk. I would have voted no.

Zedler

A record vote was requested by Representative Stickland.

**CSHB 680** was passed to engrossment by (Record 557): 85 Yeas, 55 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Ashby; Beckley; Bell, K.; Bernal; Blanco; Bowers; Bucy; Button; Canales; Clardy; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Frullo; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Israel; Johnson, E.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Kuempel; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Ortega; Pacheco; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Shine; Talarico; Thierry; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zerwas; Zwiener.

Nays — Allison; Bell, C.; Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Craddick; Cyrier; Darby; Dean; Flynn; Frank; Geren; Goldman; Harless; Harris; Hefner; Holland; King, P.; Klick; Krause; Lambert; Landgraf; Lang; Leach; Leman; Metcalf; Middleton; Miller; Murr; Noble; Oliverson; Parker; Patterson; Paul; Phelan; Sanford; Schaefer; Shaheen; Sheffield; Smith; Springer; Stephenson; Stucky; Swanson; Thompson, E.; Toth; VanDeaver; Wilson; Wray; Zedler.

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

Absent, Excused — Bailes; Smithee; Tinderholt.

Absent — Anderson; Calanni; Hunter; Stickland; Thompson, S.

**STATEMENTS OF VOTE**

When Record No. 557 was taken, I was in the house but away from my desk. I would have voted no.

Anderson



When Record No. 557 was taken, I was shown voting yes. I intended to vote no.

Frullo

When Record No. 557 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 557 was taken, I was shown voting no. I intended to vote yes.

Phelan

**HB 1937 ON SECOND READING**  
**(by Goldman, Murphy, Rodriguez, et al.)**

**HB 1937**, A bill to be entitled An Act relating to a franchise or insurance tax credit for low-income housing developments.

**Amendment No. 1**

Representative Oliverson offered the following amendment to **HB 1937**:

Amend **HB 1937** (house committee report) on page 2, line 7, between "state" and "that", by inserting ", other than in a county with a population of four million or more,".

Amendment No. 1 was adopted.

A record vote was requested by Representative Stickland.

**HB 1937**, as amended, was passed to engrossment by (Record 558): 119 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; Cyrier; Darby; Davis, S.; 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; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.D.; Johnson, J.E.; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martínez Fischer; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Parker; Patterson; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Sheffield; Shine; Smith; Springer; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Wray; Wu; Zerwas; Zwiener.

Nays — Bohac; Cain; Dean; Holland; Krause; Lang; Metcalf; Middleton; Paul; Shaheen; Stickland; Stucky; Swanson; Toth; Walle; White; Wilson; Zedler.

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

Absent, Excused — Bailes; Smithee; Tinderholt.

Absent — Biedermann; Calanni; Davis, Y.; Kacal; Phelan; Price; Schaefer; Sherman.

### STATEMENTS OF VOTE

When Record No. 558 was taken, I was in the house but away from my desk. I would have voted yes.

Biedermann

When Record No. 558 was taken, I was shown voting yes. I intended to vote no.

Burns

When Record No. 558 was taken, I was shown voting no. I intended to vote yes.

Holland

When Record No. 558 was taken, I was shown voting yes. I intended to vote no.

Patterson

When Record No. 558 was taken, I was in the house but away from my desk. I would have voted yes.

Phelan

When Record No. 558 was taken, I was in the house but away from my desk. I would have voted yes.

Price

When Record No. 558 was taken, I was in the house but away from my desk. I would have voted no.

Schaefer

### HB 1079 ON SECOND READING

(by Price, K. King, Smithee, and Springer)

**HB 1079**, A bill to be entitled An Act relating to a study by the Texas Department of Transportation of the feasibility of certain improvements to Interstate Highway 27.

#### Amendment No. 1

Representative Burrows offered the following amendment to **HB 1079**:

Amend **HB 1079** (house committee report) on page 1 as follows:

(1) On lines 5 and 6, strike ", "improvement" has the meaning assigned by Section 221.001," and substitute the following:

:

(1) "Improvement" has the meaning assigned by Section 221.001, Transportation Code.

(2) "Port of entry" has the meaning assigned by Section 621.001,

(2) On line 14, strike "and".

(3) On line 18, between "border" and the period, insert the following:  
; and

(3) extend Interstate Highway 27:

(A) from its southern terminus to Interstate Highway 20;

(B) from Interstate Highway 20 to Interstate Highway 10; and

(C) from Interstate Highway 10 to the port of entry located  
in Laredo

Amendment No. 1 was adopted.

**HB 1079**, as amended, was passed to engrossment.

### **CSHB 625 ON SECOND READING**

**(by Neave)**

**CSHB 625**, A bill to be entitled An Act relating to notice and request for a hearing regarding a vehicle that has been towed or booted.

#### **Amendment No. 1**

Representative Neave offered the following amendment to **CSHB 625**:

Amend **CSHB 625** (house committee printing) on page 1, lines 13-14, by striking "by which the request under Paragraph (A) must be submitted as required by Section 2308.456(a)" and substituting "the person has under Section 2308.456(a) to request a hearing under Paragraph (A)".

Amendment No. 1 was adopted.

**CSHB 625**, as amended, was passed to engrossment. (Hunter recorded voting no.)

### **CSHB 843 ON SECOND READING**

**(by Springer)**

**CSHB 843**, A bill to be entitled An Act relating to the inclusion of satisfactory performance on certain postsecondary readiness assessment instruments in the indicators for evaluating the performance of public schools.

**CSHB 843** was passed to engrossment.

### **CSHB 994 ON SECOND READING**

**(by Guillen)**

**CSHB 994**, A bill to be entitled An Act relating to the procedures for protests and appeals of certain ad valorem tax determinations.

#### **Amendment No. 1**

Representatives Cain and S. Thompson offered the following amendment to **CSHB 994**:

Amend **CSHB 994** (house committee printing) by striking page 1, line 23, through page 2, line 7.

Amendment No. 1 was adopted.

**CSHB 994**, as amended, was passed to engrossment.

**CSHB 2452 ON SECOND READING****(by Goldman, et al.)**

**CSHB 2452**, A bill to be entitled An Act relating to complaints filed with the Texas Department of Licensing and Regulation.

**CSHB 2452** was passed to engrossment.

(Goldman in the chair)

**CSHB 3188 ON SECOND READING****(by Gervin-Hawkins)**

**CSHB 3188**, A bill to be entitled An Act relating to the retirement system in certain municipalities for firefighters and police officers.

**CSHB 3188** was passed to engrossment.

**HB 1038 ON SECOND READING****(by Burns)**

**HB 1038**, A bill to be entitled An Act relating to a petition by residents of certain counties for an election regarding voter approval of municipal annexation.

A record vote was requested by Representative Stickland.

**HB 1038** was passed to engrossment by (Record 559): 136 Yeas, 2 Nays, 4 Present, not voting.

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

Nays — Canales; González, J.

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

Absent, Excused — Bailes; Smithee; Tinderholt.

Absent — Allen; Bowers; Davis, Y.; Raymond; Thompson, S.

**STATEMENT OF VOTE**

When Record No. 559 was taken, I was in the house but away from my desk. I would have voted yes.

Bowers

**HB 2502 ON SECOND READING**

(by Moody)

**HB 2502**, A bill to be entitled An Act relating to a mandatory term of confinement for defendants placed on community supervision for the criminal offense of leaving the scene of a motor vehicle accident resulting in the death of a person.

**HB 2502** was passed to engrossment.

**HB 1089 ON SECOND READING**

(by Darby)

**HB 1089**, A bill to be entitled An Act relating to the classification of certain entities as primarily engaged in retail trade for purposes of the franchise tax.

**HB 1089** was passed to engrossment.

**CSHB 1168 ON SECOND READING**

(by Anchia, P. King, Tinderholt, C. Turner, and Meza)

**CSHB 1168**, A bill to be entitled An Act relating to the offense of possessing a weapon in a secured area of an airport.

**CSHB 1168** was passed to engrossment. (Capriglione recorded voting no.)

**HB 1346 ON SECOND READING**

(by E. Thompson)

**HB 1346**, A bill to be entitled An Act relating to the eligibility requirements for the diesel emissions reduction incentive program.

**HB 1346** was passed to engrossment.

**CSHB 1325 ON SECOND READING**

(by T. King, Larson, Gutierrez, Rodriguez, Burrows, et al.)

**CSHB 1325**, A bill to be entitled An Act relating to the production and regulation of hemp and products made from hemp; requiring authorization to produce hemp; authorizing penalties; authorizing fees.

**Amendment No. 1**

Representative T. King offered the following amendment to **CSHB 1325**:

Amend **CSHB 1325** (house committee printing) as follows:

(1) On page 5, line 8, strike "capable of being" and substitute "marketed or intended to be".

(2) On page 5, lines 9-10, strike "or animal".

(3) On page 6, lines 11-12, strike "or animal".

(4) On page 8, line 6, strike "commerce" and substitute "transportation of hemp".

(5) On page 8, line 6, between "a" and "regulation", insert "United States Department of Agriculture".

(6) On page 8, line 7, strike "or an interpretation of federal law".

(7) On page 13, lines 4-5, strike "an appropriately licensed person" and substitute "a person authorized by the department".

(8) On page 14, line 16, strike "license holder" and substitute "hemp producer".

(9) On page 16, line 5, strike "shipping manifest" and substitute "shipping certificate or cargo manifest".

(10) On page 16, line 25, strike "or animal".

(11) On page 17, line 1, between "product" and "may", insert "that contains or is marketed as containing more than trace amounts of cannabinoids".

(12) On page 17, line 14, strike ", including precursors".

Amendment No. 1 was adopted.

**CSHB 1325**, as amended, was passed to engrossment. (Flynn recorded voting no.)

#### **CSHB 2955 ON SECOND READING** **(by Price, Murr, Moody, and Minjarez)**

**CSHB 2955**, A bill to be entitled An Act relating to oversight of specialty court programs.

**CSHB 2955** was passed to engrossment.

#### **CSHB 2327 ON SECOND READING** **(by G. Bonnen)**

**CSHB 2327**, A bill to be entitled An Act relating to preauthorization of certain medical care and health care services by certain health benefit plan issuers.

#### **Amendment No. 1**

Representative Zerwas offered the following amendment to **CSHB 2327**:

Amend **CSHB 2327** (house committee printing) as follows:

(1) On page 1, between lines 4 and 5, insert "ARTICLE 1. PREAUTHORIZATION".

(2) Redesignate SECTIONS 1 through 4 of the bill as ARTICLE 1 of the bill, and renumber those SECTIONS accordingly.

(3) On page 2, line 20, strike "providing" and substitute "ordering or requesting".

(4) On page 3, line 23, strike "and" and substitute "or".

(5) On page 3, line 24, strike "and" and substitute "or".

(6) On page 4, line 18, between "violation" and the underlined period, insert ", and any health care service affected by the violation is considered preauthorized by the health maintenance organization".

(7) On page 4, line 23, strike "scope of the".

(8) On page 4, line 24, strike "license" and substitute "scope of practice as defined by state law".

(9) On page 4, line 26, strike "scope of a".

(10) On page 4, line 27, strike "license" and substitute "scope of practice as defined by state law".

(11) On page 6, line 13, strike "providing" and substitute "ordering or requesting".

(12) On page 6, line 23, after "provider" insert "type and".

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

(14) On page 8, line 14, between "violation" and the underlined period, insert ", and any medical care or health care service affected by the violation is considered preauthorized by the insurer".

(15) On page 8, lines 21 and 22, strike "scope of the".

(16) On page 8, line 22, strike "license" and substitute "scope of practice as defined by state law".

(17) On page 8, line 24, strike "scope of a".

(18) On page 8, line 25, strike "license" and substitute "scope of practice as defined by state law".

(19) On page 8, after line 27, insert the following:

## ARTICLE 2. UTILIZATION, INDEPENDENT, AND PEER REVIEW

SECTION 2.01. 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 2.02. 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 2.03. 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 2.04. 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 2.05. 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[-] 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 2.06. 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 2.07. 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 2.08. 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 2.09. 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 2.10. 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 2.11. 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 2.12. 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 2.13. 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 2.14. 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 2.15. 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 2.16. 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 2.17. 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 2.18. 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 2.19. 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.

### ARTICLE 3. TRANSITIONS; EFFECTIVE DATE

(20) On page 9, strike line 1 and substitute the following:

SECTION 3.01. The changes in law made by Article 1 of this Act apply only

(21) On page 9, strike line 11 and substitute the following:

SECTION 3.02. The changes in law made by Article 2 of this Act apply only to utilization, independent, or peer review 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 3.03. This Act takes effect September 1, 2019.

Amendment No. 1 was adopted.

**CSHB 2327**, as amended, was passed to engrossment.

**CSHB 1402 ON SECOND READING**  
**(by Walle and Meyer)**

**CSHB 1402**, A bill to be entitled An Act relating to the purposes of and income eligibility limits for participation in programs offered by the Texas State Affordable Housing Corporation.

A record vote was requested by Representative Stickland.

**CSHB 1402** was passed to engrossment by (Record 560): 77 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Beckley; Bell, K.; Bernal; Blanco; Bowers; Bucy; Burrows; Button; Calanni; Canales; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Hinojosa; Howard; Huberty; Israel; Johnson, E.; Johnson, J.E.; King, T.; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Ortega; Pacheco; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sheffield; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zerwas; Zwiener.

Nays — Allison; Anderson; Ashby; Bell, C.; Biedermann; Bohac; Bonnen; Buckley; Burns; Cain; Capriglione; Clardy; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Geren; Harless; Harris; Hefner; Holland; Kacal; King, K.; King, P.; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Leman; Metcalf; Middleton; Miller; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Phelan; Price; Sanford; Schaefer; Shaheen; Shine; Smith; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Toth; VanDeaver; White; Wilson; Wray; Zedler.

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

Absent, Excused — Bailes; Smithee; Tinderholt.

Absent — Herrero; Hunter; Johnson, J.D.; Klick; Meza.

**STATEMENTS OF VOTE**

When Record No. 560 was taken, I was shown voting yes. I intended to vote no.

Flynn

When Record No. 560 was taken, I was in the house but away from my desk. I would have voted yes.

Herrero

When Record No. 560 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 560 was taken, I was shown voting yes. I intended to vote no.

Zerwas

**CSHB 1455 ON SECOND READING**

**(by Hunter, Raney, Zedler, et al.)**

**CSHB 1455**, A bill to be entitled An Act relating to the audit of wholesale invoices during certain audits of pharmacists and pharmacies.

**CSHB 1455** was passed to engrossment.

**HB 1669 ON SECOND READING**

**(by Lucio)**

**HB 1669**, A bill to be entitled An Act relating to a comprehensive plan for increasing and improving the workforce in this state that serves persons with mental health and substance use issues.

A record vote was requested by Representative Stickland.

**HB 1669** was passed to engrossment by (Record 561): 101 Yeas, 36 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Ashby; Beckley; Bell, K.; Bernal; Blanco; Bohac; Bonnen; Bowers; Buckley; Bucy; Burns; Button; Calanni; Canales; Clardy; Cole; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Israel; Johnson, E.; Johnson, J.E.; King, K.; King, P.; King, T.; Kuempel; Lambert; Landgraf; Leach; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Pacheco; Perez; Phelan; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Sheffield; Sherman; Stephenson; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wray; Wu; Zerwas; Zwiener.

Nays — Anderson; Bell, C.; Burrows; Cain; Capriglione; Craddick; Cyrier; Darby; Flynn; Harless; Harris; Hefner; Krause; Lang; Metcalf; Middleton; Miller; Noble; Paddie; Parker; Patterson; Paul; Price; Schaefer; Shaheen; Shine; Smith; Springer; Stickland; Stucky; Swanson; Thompson, E.; Toth; White; Wilson; Zedler.

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

Absent, Excused — Bailes; Smithee; Tinderholt.

Absent — Biedermann; Hunter; Johnson, J.D.; Kacal; Klick; Larson; Leman; Meza.

**STATEMENTS OF VOTE**

When Record No. 561 was taken, I was in the house but away from my desk. I would have voted no.

Biedermann

When Record No. 561 was taken, I was shown voting yes. I intended to vote no.

Burns

When Record No. 561 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 561 was taken, I was shown voting yes. I intended to vote no.

Holland

When Record No. 561 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 561 was taken, I was shown voting yes. I intended to vote no.

P. King

When Record No. 561 was taken, I was shown voting yes. I intended to vote no.

Landgraf

When Record No. 561 was taken, I was in the house but away from my desk. I would have voted no.

Leman

When Record No. 561 was taken, I was shown voting yes. I intended to vote no.

Murr

**CSHB 1618 ON SECOND READING**  
**(by Cyrier, C. Bell, et al.)**

**CSHB 1618**, A bill to be entitled An Act relating to the provision of state death benefits to certain members of the Texas military forces.

**Amendment No. 1**

Representative Flynn offered the following amendment to **CSHB 1618**:

Amend **CSHB 1618** (house committee printing) by striking page 5, lines 1-2, and substituting the following:

(A) who performs a military duty or is on state active duty, as those terms are defined in Section 437.001; and



Amendment No. 1 was adopted.

**CSHB 1618**, as amended, was passed to engrossment.

**CSHB 3786 ON SECOND READING**  
**(by Coleman and Wu)**

**CSHB 3786**, A bill to be entitled An Act relating to a study conducted by counties on the effectiveness of establishing a family drug court; establishing a family drug court grant program.

**Amendment No. 1**

Representative Springer offered the following amendment to **CSHB 3786**:

Amend **CSHB 3786** (house committee report) as follows:

(1) On page 1, strike lines 8 through 11 and substitute the following:

Sec. 122.005. FAMILY DRUG COURT STUDY. (a) The commissioners court of a county that has not established a family drug court program may conduct a study of the effect the creation of a family drug court would have in the county. If the commissioners court conducts a study under this section, the

(2) On page 1, strike lines 14 and 15 and substitute the following:

(b) A commissioners court that conducts a study under this section shall request assistance from the

(3) On page 2, strike line 6, strike "The study" and substitute "A study conducted under this section".

Amendment No. 1 was adopted.

**CSHB 3786**, as amended, was passed to engrossment. (Hunter recorded voting no.)

**CSHB 1711 ON SECOND READING**  
**(by Paddie, Canales, Nevárez, and Landgraf)**

**CSHB 1711**, A bill to be entitled An Act relating to the issuance of digital license plates; authorizing a fee.

**Amendment No. 1**

Representative Paddie offered the following amendment to **CSHB 1711**:

Amend **CSHB 1711** (house committee report) by striking page 3, lines 16-18, and substituting the following:

(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.

Amendment No. 1 was adopted.

**CSHB 1711**, as amended, was passed to engrossment.

**HB 2748 ON SECOND READING**  
**(by Perez)**

**HB 2748**, A bill to be entitled An Act relating to regulation of the retail sale of fireworks.

Representative Perez moved to postpone consideration of **HB 2748** until 10 a.m. Thursday, April 25.

The motion prevailed.

**HB 2004 ON SECOND READING**  
**(by Leach)**

**HB 2004**, A bill to be entitled An Act relating to the dismissal of certain actions relating to Medicaid fraud.

**HB 2004** was passed to engrossment.

**HB 2729 ON SECOND READING**  
**(by Minjarez)**

**HB 2729**, A bill to be entitled An Act relating to the administration, duties, and operation of the Edwards Aquifer Authority; authorizing a fee.

Representative Minjarez moved to postpone consideration of **HB 2729** until 3 p.m. today.

The motion prevailed.

**HB 2038 ON SECOND READING**  
**(by Darby)**

**HB 2038**, A bill to be entitled An Act relating to certain offenses relating to disturbing or taking marl, sand, gravel, shell, or mudshell or disturbing oyster beds or fishing waters; increasing the criminal penalty.

A record vote was requested by Representative Stickland.

**HB 2038** was passed to engrossment by (Record 562): 138 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Beckley; Bell, C.; Bell, K.; Bernal; 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; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; 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; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez;

Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Phelan; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sheffield; Sherman; Shine; Smith; Springer; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Nays — Biedermann; Cain; Middleton; Schaefer; Stickland.

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

Absent, Excused — Bailes; Smithee; Tinderholt.

Absent — Johnson, J.D.; Swanson.

### **HB 2119 ON SECOND READING**

**(by Cortez)**

**HB 2119**, A bill to be entitled An Act relating to the application for and loans from the Texas military value revolving loan account.

**HB 2119** was passed to engrossment.

### **CSHB 2422 ON SECOND READING**

**(by Anderson, T. King, Nevárez, Leman, and Price)**

**CSHB 2422**, A bill to be entitled An Act relating to the coordination of certain broadband projects by the Texas Department of Transportation.

(Smithee now present)

**CSHB 2422** was passed to engrossment.

### **HB 2348 ON SECOND READING**

**(by T. King)**

**HB 2348**, A bill to be entitled An Act relating to the prohibition of certain employment discrimination regarding an employee who is a volunteer emergency responder.

**HB 2348** was passed to engrossment.

### **CSHB 1784 ON SECOND READING**

**(by Capriglione)**

**CSHB 1784**, A bill to be entitled An Act relating to management and storage of state records and information.

**CSHB 1784** was passed to engrossment.

### **CSHB 390 ON SECOND READING**

**(by Blanco, Frullo, Lozano, Sheffield, and Nevárez)**

**CSHB 390**, A bill to be entitled An Act relating to defense economic readjustment zones.

**Amendment No. 1**

Representative Frullo offered the following amendment to **CSHB 390**:

Amend **CSHB 390** (house committee printing) as follows:

(1) On page 10, line 15, between "by" and "adding" insert "amending Subsection (a) and".

(2) On page 10, between lines 15 and 16, insert the following:

(a) The bank may designate a qualified business as a defense readjustment project only if [~~the bank determines that~~]:

(1) the bank determines that the business is a qualified business under Section 2310.302 that is located in or has made a substantial commitment to locate in a defense readjustment zone;

(2) the bank determines that the governing body of the readjustment zone making the application has demonstrated that a high level of cooperation exists among public, private, and neighborhood entities in the zone; and

(3) the bank determines that the designation will contribute significantly to the achievement of the plans of the governing body making the application for development and revitalization of the zone; and

(4) the comptroller determines that revenue to the state from the project will be greater than the sales and use tax refund to the qualified business under Section 151.4291, Tax Code.

Amendment No. 1 was adopted.

A record vote was requested by Representative Stickland.

**CSHB 390**, as amended, was passed to engrossment by (Record 563): 118 Yeas, 24 Nays, 2 Present, not voting.

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

Nays — Biedermann; Cain; Capriglione; Dean; Harris; Hefner; Holland; Krause; Landgraf; Lang; Leman; Metcalf; Middleton; Murr; Noble; Patterson; Sanford; Schaefer; Shaheen; Stickland; Swanson; White; Wilson; Zedler.

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

Absent, Excused — Bailes; Tinderholt.

Absent — Bell, C.; Hunter; Johnson, J.D.; Klick.

### STATEMENT OF VOTE

When Record No. 563 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

### HB 2424 ON SECOND READING

(by Ashby)

**HB 2424**, A bill to be entitled An Act relating to the creation of a micro-credential certification program for public school educator continuing education.

**HB 2424** was passed to engrossment.

### POSTPONED BUSINESS

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

### HB 2729 ON SECOND READING

(by Minjarez)

**HB 2729**, A bill to be entitled An Act relating to the administration, duties, and operation of the Edwards Aquifer Authority; authorizing a fee.

**HB 2729** was read second time earlier today and was postponed until this time.

### Amendment No. 1

Representative T. King offered the following amendment to **HB 2729**:

Amend **HB 2729** (house committee printing) as follows:

(1) On page 7, line 10, strike "Section 1.29(f)" and substitute "Sections 1.29(b) and (f)".

(2) On page 7, line 11, strike "is" and substitute "are".

(3) On page 7, between lines 11 and 12, insert the following:

(b) The authority shall assess equitable aquifer management fees based on aquifer use under the water management plan to finance its administrative expenses and programs authorized under this article. Each water district governed by Chapter 36, Water Code, that is within the authority's boundaries may contract with the authority to pay expenses of the authority through taxes in lieu of user fees to be paid by water users in the district. The contract must provide that the district will pay an amount equal to the amount that the water users in the district would have paid through user fees. The authority may not collect a total amount of fees and taxes that is more than is reasonably necessary for the administration of the authority. The authority may not increase aquifer management fees by more than eight percent per year.

Amendment No. 1 was adopted.

A record vote was requested by Representative Stickland.

**HB 2729**, as amended, was passed to engrossment by (Record 564): 136 Yeas, 6 Nays, 2 Present, not voting.

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

Nays — Cain; Lang; Shaheen; Stickland; Swanson; Zedler.

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

Absent, Excused — Bailes; Tinderholt.

Absent — González, J.; González, M.; Johnson, J.D.; Middleton.

#### **STATEMENT OF VOTE**

When Record No. 564 was taken, I was in the house but away from my desk. I would have voted no.

Middleton

#### **GENERAL STATE CALENDAR (consideration continued)**

#### **HB 3361 ON SECOND READING (by Canales)**

**HB 3361**, A bill to be entitled An Act relating to court reporter service fees in certain counties.

**HB 3361** was passed to engrossment.

#### **CSHB 2806 ON SECOND READING (by Morrison and Cyrier)**

**CSHB 2806**, A bill to be entitled An Act relating to the creation of the Texas music incubator rebate program to provide for rebates of a portion of certain taxes collected from certain music venues and promoters of certain music festivals.

A record vote was requested by Representative Stickland.

**CSHB 2806** was passed to engrossment by (Record 565): 110 Yeas, 35 Nays, 2 Present, not voting.

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

Nays — Ashby; Bell, K.; Bohac; Bonnen; Cain; Capriglione; Craddick; Dominguez; Flynn; Hefner; Holland; Klick; Krause; Landgraf; Lang; Leman; Middleton; Murr; Noble; Oliverson; Parker; Patterson; Schaefer; Shaheen; Shine; Smithee; Springer; Stickland; Stucky; Swanson; VanDeaver; White; Wilson; Zedler; Zerwas.

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

Absent, Excused — Bailes; Tinderholt.

Absent — Sanford.

### STATEMENTS OF VOTE

When Record No. 565 was taken, I was shown voting yes. I intended to vote no.

Biedermann

When Record No. 565 was taken, I was shown voting yes. I intended to vote no.

Burns

When Record No. 565 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 565 was taken, I was shown voting yes. I intended to vote no.

Harris

When Record No. 565 was taken, I was shown voting yes. I intended to vote no.

Leach

**HB 2476 ON SECOND READING****(by Guillen)**

**HB 2476**, A bill to be entitled An Act relating to the operations, communications, and notice procedures of state agencies.

**HB 2476** was passed to engrossment.

**HB 2588 ON SECOND READING****(by Phelan, Miller, Ashby, Reynolds, and Cortez)**

**HB 2588**, A bill to be entitled An Act relating to the award of grants by the Texas Workforce Commission to facilitate the participation of certain veterans and military personnel in apprenticeship training programs.

**HB 2588** was passed to engrossment.

**CSHB 2585 ON SECOND READING****(by Leach and Martínez)**

**CSHB 2585**, A bill to be entitled An Act relating to civil works projects and other construction projects of governmental entities.

**Amendment No. 1**

Representative Leach offered the following amendment to **CSHB 2585**:

Amend **CSHB 2585** (house committee printing) on page 3, between lines 13 and 14, by inserting the following:

(f) Notwithstanding a prequalification process implemented by a governmental entity under Subsection (b) for a civil works project, the governmental entity shall consider a potential offeror to be prequalified for consideration for the project if a state agency has prequalified the potential offeror for consideration for a civil works project with a related scope of work.

Amendment No. 1 was adopted.

**CSHB 2585**, as amended, was passed to engrossment.

**HB 3011 ON SECOND READING****(by C. Turner)**

**HB 3011**, A bill to be entitled An Act relating to requiring the Texas Higher Education Coordinating Board to provide to a school district certain information used in determining academic accountability ratings for the district.

**HB 3011** was passed to engrossment.

**CSHB 1632 ON SECOND READING****(by K. Bell, VanDeaver, M. González, Meyer, Bernal, et al.)**

**CSHB 1632**, A bill to be entitled An Act relating to students eligible to receive compensatory, intensive, and accelerated instructional services.

**CSHB 1632** was passed to engrossment.



**CSHB 2837 ON SECOND READING**  
**(by Canales)**

**CSHB 2837**, A bill to be entitled An Act relating to the operation of and equipment for vehicles.

**Amendment No. 1**

Representatives Cain and Canales offered the following amendment to **CSHB 2837**:

Amend **CSHB 2837** (house committee report) on page 2, line 13, between "vehicle" and "that", by inserting ", including a vehicle described by Section 504.502(i),".

Amendment No. 1 was adopted.

**CSHB 2837**, as amended, was passed to engrossment.

**CSHB 2872 ON SECOND READING**  
**(by Burrows and Murphy)**

**CSHB 2872**, A bill to be entitled An Act relating to the collection, remittance, and administration of certain taxes on motor vehicles rented through a marketplace rental provider.

**CSHB 2872 - POINT OF ORDER**

Representative Dutton raised a point of order against further consideration of **CSHB 2872** under Rule 4, Section 32(c)(1), Rule 4, Section 32(c)(2), and Rule 4, Section 32(c)(5), of the House Rules on the grounds that the Background and Purpose and Analysis sections of the bill analysis are inaccurate and substantially and materially misleading and the comparison of the original to the substitute in the bill analysis omits several substantial differences.

The point of order was withdrawn.

Representative Burrows moved to postpone consideration of **CSHB 2872** until the end of today's calendar.

The motion prevailed.

**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).

(Speaker in the chair)

**GENERAL STATE CALENDAR**  
**(consideration continued)**

**HB 2757 ON SECOND READING**  
**(by Leach)**

**HB 2757**, A bill to be entitled An Act relating to the rule of decision in a court of this state.

**HB 2757** was passed to engrossment.

**CSHB 906 ON SECOND READING**

(by S. Thompson, Phelan, Moody, G. Bonnen, Coleman, et al.)

**CSHB 906**, A bill to be entitled An Act relating to the establishment of a collaborative task force to study certain public school mental health services.

**Amendment No. 1**

Representative Klick offered the following amendment to **CSHB 906**:

Amend **CSHB 906** (house committee report) as follows:

- (1) On page 2, line 8, strike "and".
- (2) On page 2, line 10, before the underlined period, insert the following:

(C) the suicide rate of the individuals who are provided the mental health services described by Subdivision (1);

(D) the number of referrals to the Department of Family and Protective Services for investigation services regarding the students described by Subdivision (1)(A); and

(E) the number of individuals who are transported from each school district or open-enrollment charter school for an emergency detention under Chapter 573, Health and Safety Code

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Klick offered the following amendment to **CSHB 906**:

Amend **CSHB 906** (house committee report) as follows:

- (1) On page 5, line 16, strike "and".
- (2) On page 5, strike lines 17 - 19, and substitute the following:

(D) the number of individuals described by Paragraph (B) who are referred to an inpatient or outpatient mental health provider;

(E) the number of individuals who are transported from each school district or open-enrollment charter school for an emergency detention under Chapter 573, Health and Safety Code; and

(F) the race, ethnicity, gender, special education status, and geographic location of:

(i) individuals who are provided the mental health services described by Section 38.302(1);

(ii) individuals who are described by Paragraph (D); and

(iii) individuals who are who are described by Paragraph (E);

**Amendment No. 3**

Representative Talarico offered the following amendment to Amendment No. 2:

Amend the Klick amendment to **CSHB 906** (house committee report) on page 1, line 12 of the amendment, between the underlined comma and "and", by inserting "educationally disadvantaged status,".

A record vote was requested by Representative Stickland.

Amendment No. 3 was adopted by (Record 566): 93 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Ashby; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bowers; Bucy; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Darby; Davis, S.; Dean; Deshotel; Dominguez; Dutton; Farrar; Fierro; Flynn; Frank; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.E.; Kacal; King, T.; Klick; Kuempel; Lambert; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales; Muñoz; Neave; Nevárez; Ortega; Pacheco; Paddie; Paul; Perez; Phelan; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Sheffield; Sherman; Shine; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Wu; Zwiener.

Nays — Biedermann; Bohac; Bonnen; Buckley; Burns; Burrows; Cain; Cyrier; Frullo; Harless; Harris; Hefner; Holland; King, P.; Landgraf; Lang; Leach; Leman; Middleton; Miller; Murr; Noble; Oliverson; Parker; Patterson; Price; Schaefer; Shaheen; Smith; Smithee; Springer; Stephenson; Stickland; Stucky; White; Wilson; Wray.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailes; Tinderholt.

Absent — Allison; Anderson; Craddick; Davis, Y.; Goldman; Johnson, J.D.; King, K.; Krause; Metcalf; Morrison; Murphy; Raney; Swanson; Toth; Walle; Zedler; Zerwas.

### STATEMENTS OF VOTE

When Record No. 566 was taken, I was in the house but away from my desk. I would have voted no.

Anderson

When Record No. 566 was taken, my vote failed to register. I would have voted no.

Craddick

When Record No. 566 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 566 was taken, I was in the house but away from my desk. I would have voted no.

Krause

When Record No. 566 was taken, I was in the house but away from my desk. I would have voted no.

Swanson

Amendment No. 2, as amended, was adopted.

**Amendment No. 4**

Representative Dean offered the following amendment to **CSHB 906**:

Amend **CSHB 906** (house committee report) on page 7, between lines 4 and 5, by inserting the following:

Sec. 38.3081. PRIVACY OF INFORMATION. The task force shall ensure that data gathered, information studied, and evaluations conducted under this chapter comply with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information.

Amendment No. 4 was adopted.

A record vote was requested by Representative Stickland.

**CSHB 906**, as amended, was passed to engrossment by (Record 567): 122 Yeas, 21 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Beckley; Bell, C.; Bell, K.; Bernal; Blanco; Bowers; Bucy; Burns; Burrows; Button; Calanni; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cortez; Craddick; 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; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; 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; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wray; Wu; Zedler; Zwiener.

Nays — Biedermann; Bohac; Bonnen; Cain; Cyrier; Hefner; Holland; Krause; Lang; Leach; Metcalf; Middleton; Murr; Noble; Patterson; Schaefer; Shaheen; Stickland; Swanson; Toth; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailes; Tinderholt.

Absent — Buckley; Johnson, J.D.; Stucky; Zerwas.

**STATEMENTS OF VOTE**

When Record No. 567 was taken, I was shown voting yes. I intended to vote no.

Burns

When Record No. 567 was taken, I was shown voting yes. I intended to vote no.

Landgraf

When Record No. 567 was taken, I was shown voting yes. I intended to vote no.

Leman

When Record No. 567 was taken, I was in the house but away from my desk. I would have voted yes.

Stucky

### **CSHB 1399 ON SECOND READING (by Smith, Phelan, and Moody)**

**CSHB 1399**, A bill to be entitled An Act relating to the creation and storage of DNA records for a person arrested for certain felony offenses.

### **CSHB 1399 - POINT OF ORDER**

Representative Canales raised a point of order against further consideration of **CSHB 1399** under Rule 4, Section 32(c)(5), of the House Rules on the grounds that the statement of substantial differences between the committee substitute and the original bill does not adequately describe the substantial differences.

(Goldman in the chair)

The point of order was withdrawn.

### **CSHB 1399 - REMARKS**

REPRESENTATIVE SMITH: Mr. Speaker, members, thank you so much for your patience. In 2001, Texas passed the first DNA collection law in the country. Since that time and despite great advancements in DNA technology, Texas' DNA collection laws have remained largely unchanged. Texas has fallen behind a majority of states that allow for the collection of DNA upon arrest for certain offenses. Currently, 18 states have enacted legislation that requires DNA to be taken at the time of arrest for all felonies. An additional 13 states require DNA to be taken at the time of arrest for certain felonies. Our neighboring states—New Mexico, Oklahoma, Arkansas, and Louisiana—all require DNA to be taken at the time of arrest for all felony offenses. Texas currently requires the collection of DNA upon indictment for certain offenses and upon arrest in cases where there has been a previous conviction for certain offenses. **CSHB 1399** would provide for the collection of DNA upon a certain limited number of offenses, primarily for those that are assaultive in nature. The bill would bring Texas law more in line with the majority of other states.

What I will tell you is that this legislation is entitled the Krystal Jean Baker Act. Krystal Jean was a little 13-year-old girl who was abducted, sexually assaulted, and strangled—and this is important—on March 5, 1996. DNA evidence was collected at the time, but the case remained unsolved until Kevin Smith was arrested in Louisiana on a drug charge in 2010. His DNA was sampled

at the time of the arrest, and he eventually pleaded guilty to her murder. He also was a suspected serial killer. So what we need to do is we need to move Texas into the realm where we start solving these crimes. This bill also exonerates those who were wrongfully accused, and that's something to know. At this point, I would move passage.

REPRESENTATIVE ISRAEL: Representative Smith, watching us today—all kidding aside, I recognize this is your first bill, but I have a lot of respect for you for bringing this bill up. And I know that there's a lot of people watching us today who have lost loved ones and who are counting on us to do the right thing today. Is that correct?

SMITH: That's correct.

ISRAEL: And in terms of the match, would you speak—I think it might be helpful if you spoke a little bit to the fact that through accuracy and using science we do something good in regard to getting harmful people off the street.

SMITH: That's right. It's very restricted. What we're talking about is there are three billion markers on one human genome, and this technology that we already use in Texas provides for gathering 20 of those three billion. Only one of them has anything to do with what you might consider something that could be used for discrimination, and that is sex. The other 19 are simply place markers in the human genome. What's important about that is that those place markers are specific to the individual, just like a fingerprint. So they don't have anything to do with race, ethnicity, and that sort of thing. The other thing is, under Texas law and under my bill, if you are acquitted or if the case is dismissed against you, then it's expunged. It's removed from the CODIS federal data bank, and it's no more.

ISRAEL: That's a good point. The results are not kept in perpetuity. They're kept just for the purposes of catching people who have done bad things that, were it not for a simple swab, we would not have found out about.

SMITH: Absolutely. Section 411 of the Texas Code of Criminal Procedure makes it very clear what the purposes of that particular data bank are, what our data bank is used for here in Texas, and what CODIS is used for. And it's not for anything other than to help victims and exonerate the wrongfully accused.

ISRAEL: And there's a number of states that have been doing this for some time, is that correct?

SMITH: That's correct—18.

ISRAEL: And I also recall it was your predecessor, Representative Phillips, who feels strongly about this, and I appreciate you carrying this forward with his energy in mind as well.

SMITH: Well, absolutely, I'm glad to. Thank you.

REPRESENTATIVE P. KING: Thank you for bringing this bill. So are you aware of a thing called the National Automated Fingerprint Identification System?

SMITH: I am.

P. KING: And are you aware that for decades and decades anytime anyone was arrested or went through any type of criminal investigation, they fingerprinted them and stored that in local police departments?

SMITH: Absolutely.

P. KING: And are you aware that back in the '80s, somebody had the idea of, hey, if we put all these into one database nationally, then we could probably solve crimes?

SMITH: Yes, sir.

P. KING: And are you aware that in the '80s, the Texas Legislature approved joining this National Automated Fingerprint Identification System? And that we scanned in every fingerprint in every police department in the state, as did everywhere else in the country? And that all of a sudden someone who was arrested in Shreveport for public intoxication got identified as being an assailant on a sexual assault four years earlier in Lubbock? And all of a sudden someone who had committed a murder in Houston was found because they got arrested for a minor DWI in Amarillo?

SMITH: Yes, sir.

P. KING: And am I correct that DNA is just simply the next step in that? That they are already collecting DNA samples when people are arrested and that this simply is the creation of the next generation of the Automated Fingerprint Identification System?

SMITH: That's right, Chairman. And what's important here is that Texas already does this to a certain extent, so we're not trying to do something that's completely revolutionary. Texas has a database, and this CODIS database is out there, and we've been using this for some time.

P. KING: And am I correct it's not testing people to find out if they're a good insurance risk; it's not testing people to find out if they're susceptible to certain diseases; it's not identifying their race or anything else? It's simply identifying just like a fingerprint did, but instead of 26 points, it's thousands of database points to make sure that it is a good identification? And a good identification saves lives, and it creates accurate court filings?

SMITH: That's right. It's 20 markers—out of three billion—that are unique but do not have discriminatory information. And we're exonerating the wrongfully accused with this, as well as convicting the guy or lady who deserves it.

P. KING: Absolutely. You're aware we've had people on death row that have been exonerated because of collected DNA evidence?

SMITH: Absolutely. I'm also aware of the fact that other states are solving our crimes for us, and that's despicable. When Oklahoma's solving our crimes, we've got a problem.

P. KING: Thank you. This is a good bill.

REPRESENTATIVE DUTTON: Obviously, one of the things that this bill does is it broadens the net of people now who we can obtain DNA from. Is that correct?

SMITH: That's correct.

DUTTON: Well, why do we stop here? Why don't we take DNA from everybody and just be done with it?

SMITH: I appreciate your sentiments, Representative Dutton. I think this approach is a very measured Texas approach. There are 18 other states in the country that take it on all felony arrests. This particular bill only pertains to the big, bad, nasty ones.

DUTTON: Right, but my worry is not so much where this bill is, but where do we stop this? Where does this—I mean, today we're doing just what you want to do. The next session we'll come back and it'll be because you can't get employment unless you give up a DNA sample.

SMITH: Oh, I'd never agree to that.

DUTTON: No, but that's where we're headed. That's where this is going, and that's what I'm afraid of.

SMITH: I appreciate you expressing your concerns about it, but that's not what we do. And there are other things that we do under Texas law and criminal jurisprudence, as you know—like bugs, like tracking devices. But we have rules, and that's what this body's for is to develop those rules. What we're doing is reining this in, and it's a very measured response.

DUTTON: Right, but the Supreme Court of the United States has said you can't just go breaking into everybody's house to find a burglar, for example. You can't just go trying to find a thief by telling everybody to let you in their house to go search around for a thief. And what I'm worried about is that the freedoms we enjoy become less and less with these kinds of things. You don't get your freedoms changed all at one time overnight. It always happens in a progression, and it starts with things like this.

SMITH: Well, this bill doesn't go to that extent. It's a very measured response. I will also say that in *Maryland v. King*, which is a United States Supreme Court Case in 2013, they came and they said that it is not an unreasonable search and seizure for DNA. It's been ruled on. It's been ruled on in a number of lower courts, and I know you know that.

DUTTON: And I understand that.

SMITH: But I think you're just expressing your concern for the future, and I get that.

DUTTON: Yes, I'm familiar with the case, but what worries me is today what's reasonable is doing what you're doing. Next year, a year after next, then we'll redefine. We'll move the bright line to what's reasonable. We'll move it to a point where we don't have any rights or we don't have any freedoms. And the problem is that in the name of catching the bad guys, we all have to give up part of our freedom to do that, and that's what I object to. I object to the fact that because somebody else does something, that means I ought to give up my rights.



Because I will tell you this, and I've said this before on this floor, one of the things they do before you lose certain rights is they always scare you to death. They always frighten you of something. And this is the response, I believe, to the fact that we're frightened about the bad people. Well, we ought not let the bad people dictate what happens to us good people. It's the same principle that we used when we decided to let people carry a weapon, when we decided to have CHLs. We did it because we knew there were responsible people out there who could be gun owners and do it. But we don't do that in this sense because I'm not sure that we quite understand that taking a DNA swab and having it become a part of a registry—that may help us catch a bad guy. I agree with you.

SMITH: Or exonerate somebody.

DUTTON: I firmly agree with you, but I'm just wondering how many more of my rights am I going to have to give up for us to catch one bad guy.

SMITH: I appreciate your sentiments.

DUTTON: Okay, and have you thought about that?

SMITH: I certainly have, and that's why it's a measured response. Eighteen other states do it for all felony arrest. There are about a total of 31 states that take it in some level. They take DNA depending on where they are. Texas has a very measured response. And the other thing is if you're acquitted or the case is dismissed, then it's expunged. It's destroyed.

DUTTON: Well, when you start talking about Texas and other states, are you aware that Texas is one of only four states in the nation that treats 17-year-olds—hello? He's not looking.

SMITH: I'm listening to you. I'm sorry.

DUTTON: My question was—you raise the issue about Texas being a part of so many other states that are doing this now. And my concern is that, for example, Texas happens to be one of four states that treats juveniles at 17 as adults for criminal responsibility, but we've done nothing about that. And so when you tell me that 35 other states have done something like this—is that what you're saying?

SMITH: Now, what I'm trying to understand is, are you saying that this bill is somehow going to require more criminal penalties for juveniles? Is that what I heard you say?

DUTTON: No, what I'm saying is it's requiring me to give up part of my liberties, part of my freedom.

SMITH: So if you're arrested, okay, what this does is it just takes 20 of those markers. And if you're innocent, it exonerates you quicker than otherwise. So if the DNA doesn't match up, you're exonerated. If not, well, then there's another process for that. But a guy like you, Harold, I mean, it's not going to do anything to you. You don't have to give your DNA. You're not arrested.

DUTTON: Well, if all communities were treated equally in terms of arrest, I might agree with you. But what I'm here to represent to you is that all communities—all people living in a certain place doesn't invite that kind of response. Because what I can tell you is that in some communities this will be taken as an assault on their rights as opposed to a help in terms of catching anybody. And that's the way it'll be used, because you'll be talking about arresting people for a felony just to get their DNA.

SMITH: Again, I appreciate your sentiments, and you and I can have a conversation about that at some point.

DUTTON: All right. Well, thank you.

SMITH: But I don't think that's what's addressed here.

REPRESENTATIVE STICKLAND: You made a couple of comments that were very concerning to me, one of which was agreeing with Representative King that DNA collection and databasing is just the next step. I would like to know what you think the next step after that is going to be?

SMITH: I think we're way outside this bill. We are doing this already.

STICKLAND: Not so because, Representative Smith, when you make comments like "if you're innocent, you have nothing to worry about"—which are your words—when did you think it was okay for us to flip our justice system upside down? Do you want to live in a world where you are guilty until you prove yourself innocent?

SMITH: I think the comment was if you don't get arrested you don't have anything to worry about.

STICKLAND: But Representative, are there false arrests all the time?

SMITH: There are.

STICKLAND: There are. So I could literally be doing nothing and be arrested, and you're still going to database me under this bill, correct?

SMITH: Well, but if this case gets dismissed against you, then it's going to be expunged and destroyed.

STICKLAND: All right, if it's dismissed afterward, that means I'm put in a position where I have to prove that I am innocent because you're assuming that I'm guilty right off the gate. Correct?

SMITH: No.

STICKLAND: Are you taking my DNA and databasing it before I have been convicted?

SMITH: Yes.

STICKLAND: Okay, and then it is incumbent upon me to undo that, correct?

SMITH: So it's no different than a fingerprint.

STICKLAND: Okay, well, we can talk about fingerprints.

SMITH: Let me ask you this. Jonathan, do you have a problem with fingerprints?

STICKLAND: I do have a problem with fingerprints.

SMITH: Okay, I thought so.

STICKLAND: I have a problem in general when you tell Texans that they are guilty and have to prove themselves innocent. You are flipping our justice system and due process and everything that we've held dear for years with a bill like this.

SMITH: So I guess you don't agree with the breath test on DWI?

STICKLAND: I think that we need to talk about this specific bill because—

SMITH: I'm trying to.

STICKLAND: Because this specific bill—there are comments that you have made that if you're innocent, you don't have to worry about it. There's false arrests all the time, Representative, and you're just asking me to trust government. Trust government that we're going to get rid of it if you end up proving yourself innocent. Trust government. We're going to do this. We're going to prevent crime. Due process, sir, privacy, and all of these things are much more dear to me, and I think to a lot of Texans, than what you're talking about on this bill.

SMITH: I appreciate your sentiments.

STICKLAND: Let me ask you another question that you asked about. You specifically said that this was found constitutional by the Supreme Court, is that correct?

SMITH: DNA databases, I believe so, yes.

STICKLAND: And do you believe the Supreme Court gets it right all the time, Representative Smith? Do you agree with the Supreme Court when they said *Roe v. Wade*? Or the ruling on Obamacare?

SMITH: Probably a little bit—they probably get it right a little bit more than you and I do, Jonathan. There's no question.

STICKLAND: There's some of us here who think that the State of Texas is the only sovereign entity in government, and that we created the cities and the federal government, and we don't have to bow down to them or the Supreme Court, especially when they're unconstitutional.

SMITH: I appreciate your sentiment.

STICKLAND: So do you feel that this changes the way the justice system will operate in Texas? Do you feel that your bill will change the way the justice system operates in Texas?

SMITH: Not fundamentally, no.

STICKLAND: You don't think so?

SMITH: No, thank you.

REPRESENTATIVE TOTH: How's this for hazing, Reggie?

SMITH: I like those questions.

TOTH: Okay, now I have a serious question for you. Are you aware of what the state law says requiring the need for a fingerprint when it comes to renewing your license?

SMITH: I believe I do, yes.

TOTH: What does it call for?

REPRESENTATIVE NEVÁREZ: Mr. Speaker, members, I'll be brief. What this bill does is it allows us to clear cases where young men, young women, people of all races and colors who have been violated and murdered—we bring justice to the families. What this bill does not do, it does not invade your privacy. It takes 20 markers from your DNA. It can't tell me whether you're a black man, a white man, a brown man, a yellow man. It can't tell me if you have a heart murmur or if you've got clubfoot. But what it does tell you within one quintillion, it does tell me if you've committed a crime where there's DNA.

We have Louisiana clearing our backlog of cases. Louisiana is standing up for young men and women that are murdered, raped, it doesn't matter—another state is clearing our crime database because we're afraid of having our mouths swabbed. It doesn't identify us. It doesn't invade our privacy. It doesn't take genetic material from us that will somehow mark us as undesirable or not welcome in this state. It doesn't do that. We get our fingerprints taken. If you have tattoos, when you're arrested they take pictures of your tattoos. It's ridiculous to assert or to say that somehow our privacy is invaded. What it does is it clears crime in this state. That's what it does. It does not turn criminal justice on its head. It doesn't turn the innocence presumption on its head. What it does is protect men and women in this state from being murdered and raped, and it brings closure to families. I urge you to vote one.

REPRESENTATIVE CANALES: Mr. Speaker, members, I'm moved by the passionate conversations that have happened here, but let me tell you what does happen. When you are convicted—convicted—of a rape, a murder, or a heinous crime, you mandatorily have to give your DNA, and there is a database. There is a database of these people—these monsters that have offended, that are convicted—and that is a bank that we keep. Well, now, what we're going to do is if you're just arrested, you're going to be in that data bank with these people. And what they're saying is that this isn't an invasion on your privacy. This is the recipe of your existence. This is the one thing that is the most primal, the most basic recipe of your life. And for someone to stand up here and say that that's not an invasion of your privacy, that you don't have to be convicted, that you're just—we're giving it away—then why don't we all just start swabbing ourselves right here? Let's create the biggest Big Brother data bank so big government can all make sure we wrap the world in bubble tape.

The bottom line is it's an invasion of privacy. You're not convicted. You shouldn't have to give your DNA if you're not convicted. And just because you've been arrested, you will be lumped in with the murderers, the rapists, and the killers, and you have to believe that if you're exonerated, they'll take you off.

Remember that. And if you think it's funny right now or you think it's not serious, wait till your family members are part of this data bank just because they got arrested. Not convicted, just arrested—just arrested—and now you're in the bank with the monsters, with the killers, and you've got to hope that government takes you out of there when you're exonerated. I think this is a terrible Big Brother, big government bill. If you think big government, Big Brother, is what you want, vote for this.

REPRESENTATIVE GOODWIN: I sat in the committee hearing and listened to the testimony on this bill, and it was very compelling to listen to the women, those stories of rape, of having a little sister killed. Sometimes there are multiple rapes before someone's convicted. Are we going to wait until a rapist has committed his crime over and over and over before we take DNA? You've heard that only 20 markers are taken, and those 20 markers don't identify a person. They simply allow us to either convict or exonerate somebody else with the same matching 20 markers. This is a good bill, and I hope that y'all will consider what it could do for the people of this state and vote for it.

TOTH: Members, I ask you to consider the fact that to get a driver's license in the State of Texas, they ask for one marker. And it's stated very clearly they get one marker, one fingerprint. Yet in 2014, as soon as we dropped out of session—it was 2013, as soon as we left session—what happened is the State of Texas all of a sudden said we're going to take 10 markers. Without our approval, they just went ahead and did that. Even though statutorily it was illegal for them to do that, all of a sudden now they wanted 10 markers. The Founding Fathers understood the heart of man in the fact that man should not be trusted. It's not that we don't love and care about the people that serve us in the State of Texas, but government should not be trusted. This is a bad bill. Please vote against it.

P. KING: I wasn't going to get involved in this, but I really think we're making it way too complex. You know, a police officer goes to the scene of a crime, and they collect, if it's a sexual assault maybe a semen sample, or they collect from under fingernails. They might collect from scratches some DNA—if I scratch Representative Miller right now, I'm going to get some DNA samples, probably. They find some blood on the glass where someone crawled in a window, and out of that they extract some DNA. It's a great opportunity to be able to solve a crime, but you've got to have some DNA to compare that to. And if you don't have DNA to compare it to, you might as well not even collect it. We've been still operating the same way we operated in 1890, for so many years using fingerprints. Well, fingerprints have a lot of errors, and they're hard to gather, and they're hard to read. DNA is an exact science. How many times have we heard it being used to exonerate somebody? So the ability to have a database—it's not being used to gather anybody's medical history. It's not being used to get anybody's ethnicity or anything like that. It's simply being able to be used to compare against offenders. And what's going to happen as this database grows, you're going to have somebody who gets arrested for assault in a bar fight in Fort Worth, and they're going to figure out that their DNA matches a sexual assault or a murder of a child or a burglary of a habitation in Houston two or three years

earlier—and they're going to solve that crime. And they're going to do it not with circumstantial evidence that can make mistakes. And they're going to do it not with eyewitnesses which can make mistakes. And they're not going to do it with videos that are hazy. They're going to do it with an exact science of DNA, and it's going to save people's lives, and protect people.

Now, is there a risk? We're all a little worried about this brave new world of DNA, but it's going to be a very, very protected database. It is. Everybody's going to be cautious and careful about it. And I just think it's a great opportunity for the State of Texas to be part of what the rest of the country is doing and be in the next generation of crime solvers. So I would just urge you to vote for this bill. And you know, if a problem comes up, which I don't think it will, we're going to be back here in about 18 months, and we'll just fix it.

DUTTON: Mr. Speaker, members, thank you. Like Phil, I wasn't going to get involved in this, but the more I thought about this, the question I had to ask myself is, where do my freedoms come from? Because let me tell you this, what we're doing is an assault on everybody in our district's freedom in the name of trying to catch the bad guys. And I can't say enough to you that that's not where we ought to be. That's not the way we ought to do it. We're doing this in terms of people who are arrested this session. One of these sessions we'll come back here, we'll do it for everybody who applies to go to college. We'll do it, and we'll move from there. Then we'll start doing it for everybody who goes to public school. And then we'll stop there and say, wait a minute, maybe we ought to at birth take your DNA. Maybe we ought to take your DNA at birth, because we don't know whether you're going to turn out to be a criminal or not.

Now, I don't understand why people are willing to accept the idea that this is the way we ought to treat law enforcement. I have a bill that—you know, it bothers me because the bill simply says that in resisting arrest they have to tell you why you are being arrested—and it's never gotten to this house floor. But we get a bill like this to the house floor because no one wants to stand up here and say, look, I represent not criminals, not people that are bad guys—I represent the people who want to be free, the people who say that government ought to stay across the line. And when government crosses the line, I say no. I say no, that's where government stops. And today what I'm telling you is, this is an assault not only on my freedom and your freedom but the freedom of all the people we represent in this state. And when they look back and say, wait a minute, where did this start? They'll look at today as the moment and say, wait a minute, this started because a young man had a good idea, he thought, for a bill in the Texas Legislature that said we were going to go out and capture all the bad guys.

Now, what I'm saying to you is that you ought to stop. We ought to stop and take a look at this. Because I realize that if we had everybody in the world's DNA in a bank, in some kind of database, we could probably catch every criminal until somebody came up with a way in which they can make DNA non-accountable. And trust me, that'll happen, too. That'll happen, too. At some point in our history, in our future, somebody is going to come up with a way in which, scientifically, to alter your DNA. And then what are we going to do? And then what will we do? But that will only happen after we've decided that DNA is

collectable from everybody in the country for whatever reasons. If you want to be a legislator, you've got to give your DNA. If you want to run for office, you've got to have your DNA. Now, where does this stop? And I can go on and on and on. But I'm voting against this bill because today for me is the day that I say no to government and yes to freedom.

CANALES: This bill says that you'd be entitled to an expunction, but you've practiced criminal law, haven't you, Representative Dutton?

DUTTON: I don't like the idea when government takes something away and then they say they're going to give it back.

CANALES: That's right, but let me ask you a question. Roughly, would you agree that an expunction is about \$5,000?

DUTTON: Well, yeah, if you hire me or you.

CANALES: And how many people can run around and afford that? So what this is going to do—let's just say you are exonerated. You still stay in the databank with the monsters until you've got your five grand to clear your name.

DUTTON: Well, that's what I'd object about the bill, too, because it doesn't provide for automatic expunction.

CANALES: It does not.

DUTTON: It doesn't provide that the court on its own motion—what we call *sua sponte*—the court can do it on its own. That could've been in this bill.

CANALES: Could've.

DUTTON: But that exposes the real purpose and why this bill is here. This bill is an assault on people, and just like I said before, not on all people but particularly an assault on poor people.

CANALES: I think since we're swabbing people that are innocent, the author should accept an amendment that says we'll just swab the legislature right now.

DUTTON: Well, I think we'd do better, members, if we said, okay, I'll tell you what, we're going to give \$500 to every person who comes in and gives their DNA. I oppose this bill, and I hope you do, too.

A record vote was requested by Representative Dutton.

**CSHB 1399** was passed to engrossment by (Record 568): 91 Yeas, 50 Nays, 5 Present, not voting.

Yeas — Allison; Ashby; Beckley; Bell, C.; Bell, K.; Blanco; Bohac; Bonnen; Buckley; Burns; Burrows; Button; Clardy; Coleman; Cyrier; Farrar; Fierro; Frullo; Geren; González, M.; Goodwin; Guillen; Gutierrez; Harless; Harris; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Landgraf; Lang; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miller; Minjarez; Moody; Morales; Morrison; Muñoz; Murphy; Neave; Nevárez; Noble; Oliverson; Ortega; Pacheco; Paddie;

Patterson; Paul; Perez; Phelan; Price; Raney; Raymond; Romero; Shaheen; Sheffield; Smith; Smithee; Springer; Stucky; Swanson; Thompson, E.; Turner, J.; VanDeaver; Vo; White; Wray; Wu; Zedler; Zwiener.

Nays — Allen; Anderson; Bernal; Biedermann; Bowers; Bucy; Cain; Canales; Capriglione; Cole; Collier; Cortez; Craddick; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dominguez; Dutton; Flynn; Frank; Gervin-Hawkins; González, J.; Guerra; Hefner; Johnson, E.; Johnson, J.D.; Krause; Lambert; Meza; Middleton; Murr; Parker; Ramos; Rodriguez; Sanford; Schaefer; Sherman; Shine; Stephenson; Stickland; Talarico; Thierry; Thompson, S.; Toth; Turner, C.; Walles; Wilson; Zerwas.

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

Absent, Excused — Bailes; Tinderholt.

Absent — Calanni; Reynolds.

### STATEMENTS OF VOTE

When Record No. 568 was taken, I was shown voting no. I intended to vote yes.

Bernal

When Record No. 568 was taken, I was shown voting yes. I intended to vote no.

Burns

When Record No. 568 was taken, I was in the house but away from my desk. I would have voted yes.

Calanni

When Record No. 568 was taken, I was shown voting no. I intended to vote yes.

Cole

When Record No. 568 was taken, I was shown voting yes. I intended to vote no.

Leach

When Record No. 568 was taken, I was shown voting no. I intended to vote yes.

Middleton

When Record No. 568 was taken, I was shown voting yes. I intended to vote no.

Swanson

### REMARKS ORDERED PRINTED

Representative Calanni moved to print all remarks on **CSHB 1399**.

The motion prevailed.



**HB 2861 ON SECOND READING****(by Landgraf)**

**HB 2861**, A bill to be entitled An Act relating to the authority of the Texas Department of Transportation to provide road services on federal military property.

**Amendment No. 1**

Representative Landgraf offered the following amendment to **HB 2861**:

Amend **HB 2861** (house committee report) on page 1, between lines 14 and 15, by inserting the following appropriately lettered subsection:

( ) Notwithstanding Subsection (a), the department may not enter into an agreement under this section if payment for the services provided under the agreement would be made from funds provided to the state for public roads under Title 23, United States Code.

Amendment No. 1 was adopted.

**HB 2861**, as amended, was passed to engrossment.

**CSHB 1625 ON SECOND READING****(by K. Bell, Lang, P. King, and Murr)**

**CSHB 1625**, A bill to be entitled An Act relating to the creation of the criminal offense of false report of criminal conduct committed by emergency responder.

**Amendment No. 1**

Representative J. González offered the following amendment to **CSHB 1625**:

Amend **CSHB 1625** (house committee printing) on page 1, line 22, by striking "the other law, or both" and substituting "or the other law".

Amendment No. 1 was adopted.

**CSHB 1625**, as amended, was passed to engrossment.

(Speaker in the chair)

**CSHB 3264 ON SECOND READING****(by Buckley)**

**CSHB 3264**, A bill to be entitled An Act relating to a study by the Texas Water Development Board of groundwater conditions in certain counties.

**Amendment No. 1**

Representative Wilson offered the following amendment to **CSHB 3264**:

Amend **CSHB 3264** by adding the following appropriately numbered SECTION and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The data, findings, and report produced by the executive administrator of the Texas Water Development Board in accordance with this Act may not be used by the Texas Commission on Environmental Quality to create a groundwater conservation district.

Amendment No. 1 failed of adoption.

**CSHB 3264** was passed to engrossment.

### **HB 4674 ON SECOND READING**

**(by Bailes)**

**HB 4674**, A bill to be entitled An Act relating to the creation of the Chambers County Municipal Utility District No. 2; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

#### **Amendment No. 1**

On behalf of Representative Bailes, Representative Kacal offered the following amendment to **HB 4674**:

Amend **HB 4674** (house committee report) as follows:

(1) On page 7, between lines 8 and 9, insert the following:

#### SUBCHAPTER F. MISCELLANEOUS PROVISIONS

Sec. 8039.0601. RESIDENCE HOMESTEAD EXEMPTION REQUIRED.

The board shall adopt an exemption from ad valorem taxation by the district of a portion of the appraised value of a district resident's residence homestead as provided by Section 11.13(d), Tax Code, if the board determines that the adoption of the exemption does not increase or impair a reduction of the district's total tax rate for the residence homestead for the year in which the exemption is adopted compared to the district's total tax rate for the residence homestead for the preceding year.

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

SECTION \_\_\_\_\_. If **SB 239**, Acts of the 86th Legislature, Regular Session, 2019, does not become law, Subchapter F, Chapter 8039, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8039.0602 to read as follows:

Sec. 8039.0602. BOARD MEETING LOCATION. The board shall designate a place inside the district for conducting the meetings of the board. If the board is unable to designate a suitable meeting place inside the district, the board may designate a place outside the district that is located not farther than 10 miles from the district's boundaries.

Amendment No. 1 was adopted.

**HB 4674**, as amended, was passed to engrossment.

**HB 4451 ON SECOND READING**  
**(by Pacheco and Cortez)**

**HB 4451**, A bill to be entitled An Act relating to state recognition of the Tapilam Coahuiltecan Nation.

**HB 4451 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE MURPHY: Representative Pacheco, I know this is a real bill. I know it's your first bill, but this is a serious bill to you because of your background. I want you to be able to finish your layout here in a minute, and these guys, I'm sure, want to haze you. But as I told you this morning, I have a couple of real questions to ask you relative to legislative intent on this bill, if you don't mind.

REPRESENTATIVE PACHECO: Yes, sir. I do not mind.

MURPHY: So this kind of recognition doesn't lead to any claims on any tribal lands of this group of Indians, does it?

PACHECO: No, it does not.

MURPHY: All right. And it would not enable these tribes to own or operate any casinos. Is that also correct?

PACHECO: That is correct.

MURPHY: And you're really recognizing a group of tribes not an individual tribe?

PACHECO: That is correct.

**REMARKS ORDERED PRINTED**

Representative Murphy moved to print remarks between Representative Pacheco and Representative Murphy on **HB 4451**.

The motion prevailed.

**HB 4451** was passed to engrossment.

**RESOLUTIONS CALENDAR**

The chair laid before the house the following resolutions on committee report:

**HCR 59**  
**(by Guillen)**

**HCR 59**, Designating the second week of November as School Psychologist Appreciation Week for a 10-year period beginning in 2019.

**HCR 59** was adopted by (Record 569): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; 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; Huberty; Hunter; Israel; Johnson, E.; 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; 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.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailes; Tinderholt.

Absent — Cain.

### STATEMENT OF VOTE

When Record No. 569 was taken, I was temporarily out of the house chamber. I would have voted yes.

Cain

### HCR 120 (by Dean)

**HCR 120**, Directing the governor of the State of Texas to posthumously award the Texas Legislative Medal of Honor to George Benton Turner.

**HCR 120** was adopted by (Record 570): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; 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, E.; 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; 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.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailes; Tinderholt.

### **POSTPONED BUSINESS**

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

#### **CSHB 2872 ON SECOND READING (by Burrows and Murphy)**

**CSHB 2872**, A bill to be entitled An Act relating to the collection, remittance, and administration of certain taxes on motor vehicles rented through a marketplace rental provider.

**CSHB 2872** was read second time earlier today and was postponed until this time.

#### **CSHB 2872 - RECOMMITTED**

Representative Burrows moved to recommit **CSHB 2872** to the Committee on Ways and Means.

The motion prevailed.

#### **HB 2894 - RECOMMITTED**

Representative Collier moved to recommit **HB 2894** to the Committee on Criminal Jurisprudence.

The motion prevailed.

#### **FIVE-DAY POSTING RULE SUSPENDED**

Representative Collier moved to suspend the five-day posting rule to allow the Committee on Criminal Jurisprudence to consider **HB 2906** and **HB 3561** at 2 p.m. or upon final adjournment/recess or during bill referral, if permission granted, Thursday, April 25 in E2.016.

The motion prevailed.

Representative Lozano moved to suspend the five-day posting rule to allow the Committee on Environmental Regulation to consider **HB 4493** at 10:30 a.m. or upon final adjournment/recess or during bill referral, if permission granted, tomorrow in E1.026.

The motion prevailed.

#### **COMMITTEES GRANTED PERMISSION TO MEET**

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

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

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

Ways and Means, upon adjournment or during bill referral, if permission granted, today, 1W.14, for a formal meeting, to consider referred business.

Transportation, upon final adjournment/recess or during bill referral, if permission granted, today, 3W.3, for a formal meeting, to consider pending 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. 2).

**PROVIDING FOR ADJOURNMENT**

At 6:06 p.m., Representative Moody moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of V. Trae Apodaca III of El Paso.

The motion prevailed.

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

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

(Geren in the chair)

**ADJOURNMENT**

In accordance with a previous motion, the house, at 6:23 p.m., adjourned until 10 a.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

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

**List No. 1**

**HB 4750** (By Y. Davis), Relating to the creation of the Trinity Municipal Management District; providing authority to issue bonds; providing authority to impose assessments and fees.

To Urban Affairs.

**HB 4752** (By Dutton), Relating to the territory of the Barrett Management District.

To County Affairs.

**HCR 155** (By Craddick), Commemorating the 50th anniversary of PermianCare.

To Resolutions Calendars.

**HCR 162** (By Frullo), Congratulating the Texas Tech University men's basketball team on advancing to the championship game of the 2019 NCAA Division I tournament.

To Resolutions Calendars.

**HCR 163** (By Kacal), Commemorating the 30th anniversary of the Allergan company's Waco Manufacturing Facility.

To Resolutions Calendars.

**HR 879** (By Nevárez), Commemorating the 2019 Step by Step for Special Needs event in Eagle Pass.

To Resolutions Calendars.

**HR 1201** (By Price), Congratulating the Amarillo Girl Concert Choir on its successful 2019 "Best of Texas" tour.

To Resolutions Calendars.

**HR 1202** (By Herrero), In memory of Alicia Ester Varela Galvan of Corpus Christi.

To Resolutions Calendars.

**HR 1204** (By D. Bonnen), Congratulating London Bryan of Brazoria on winning a mutton bustin' championship at the 2019 Houston Livestock Show and Rodeo.

To Resolutions Calendars.

**HR 1206** (By Harris), Congratulating the Palestine High School Class of 1969 on the occasion of its 50-year high school reunion.

To Resolutions Calendars.

**HR 1208** (By Herrero), In memory of the Honorable Roberto Balderas of Corpus Christi.

To Resolutions Calendars.

**HR 1209** (By Patterson, Meyer, Anchia, and J. Turner), Congratulating Dirk Nowitzki of the Dallas Mavericks on his career in professional basketball.

To Resolutions Calendars.

**HR 1211** (By Smith), Honoring the late Billy W. Wilder for his years of service to the Texas Comptroller of Public Accounts.

To Resolutions Calendars.

**HR 1212** (By K. King), Congratulating the Canadian Record on its success in the 2019 Panhandle Press Association Better Newspaper Contest.

To Resolutions Calendars.

**HR 1213** (By Herrero), Congratulating Jesse Fuentes on being named 2018 Volunteer of the Year by the Corpus Christi Police Department.

To Resolutions Calendars.

**HR 1214** (By Herrero), Congratulating James Smith on being named the 2018 Employee of the Year by the Corpus Christi Police Department.

To Resolutions Calendars.

**HR 1215** (By Herrero), Congratulating Officer Dominic Knab on being named the 2018 Officer of the Year by the Corpus Christi Police Department.

To Resolutions Calendars.

**HR 1216** (By Herrero), Congratulating Lieutenant Phillip Bintliff on being named the 2018 Supervisor of the Year by the Corpus Christi Police Department.

To Resolutions Calendars.

**HR 1217** (By Herrero), Congratulating Paulo Hernandez of the Corpus Christi Police Department on his promotion to lieutenant.

To Resolutions Calendars.

**HR 1218** (By Herrero), Congratulating Senior Officer Crystal Bustamante on being named 2018 Investigator of the Year by the Corpus Christi Police Department.

To Resolutions Calendars.

**HR 1219** (By Lambert), Congratulating Taylor Electric Cooperative on its 80th anniversary.

To Resolutions Calendars.

**HR 1220** (By Dutton), In memory of Alexander James Guidry Sr. of Rayne, Louisiana.

To Resolutions Calendars.

**HR 1221** (By Goldman), Commemorating the 125th anniversary of Freese and Nichols engineering and architecture firm in Fort Worth.

To Resolutions Calendars.

**HR 1222** (By Romero), Commemorating the 60th anniversary of the Texas Masonry Council.

To Resolutions Calendars.

**HR 1223** (By Herrero), In memory of Ruben P. DeLeon of Robstown.

To Resolutions Calendars.



**HR 1225** (By Frullo), Congratulating the Texas Tech University men's basketball team on advancing to the championship game of the 2019 NCAA Division I tournament.

To Resolutions Calendars.

**HR 1226** (By C. Bell), Honoring Dr. Joe Layton Wall for his lifelong service in the ministry.

To Resolutions Calendars.

**HR 1228** (By Fierro), Commending the El Paso Community College Student Government Association.

To Resolutions Calendars.

**HR 1229** (By Fierro), Honoring Dr. Maria Alvarez of El Paso Community College for her service as an educator.

To Resolutions Calendars.

**HR 1230** (By Fierro), Honoring Dr. William Serrata for his service as president of El Paso Community College.

To Resolutions Calendars.

**HR 1231** (By Fierro), Congratulating the El Paso Community College Tejano and Tejana cross country & half marathon teams on an outstanding 2018 season.

To Resolutions Calendars.

**HR 1232** (By J.D. Johnson), Congratulating the Klein Forest High School boys' basketball team on a successful 2018-2019 season.

To Resolutions Calendars.

**HR 1233** (By Reynolds), Congratulating Anthony J. Snipes, the city manager of Missouri City, on his installation as president and chair of the National Forum for Black Public Administrators.

To Resolutions Calendars.

**HR 1234** (By Rodriguez), In memory of Madeline Hinds Haire.

To Resolutions Calendars.

**HR 1235** (By Harris), In memory of Judge Bascom William Bentley III of Palestine.

To Resolutions Calendars.

**HR 1238** (By Fierro), Honoring associate professor Lisa Elliott for her contributions to El Paso Community College.

To Resolutions Calendars.

**HR 1240** (By Minjarez), Congratulating the San Antonio Hispanic Chamber of Commerce Latina Leadership Institute on its fourth anniversary.

To Resolutions Calendars.

**HR 1242** (By Shine), Congratulating Paul E. Funk II of the U.S. Army on his promotion to four-star general.

To Resolutions Calendars.

**HR 1243** (By Rodriguez), Honoring Back on My Feet Austin on the occasion of its 2019 gala and auction.

To Resolutions Calendars.

**HR 1245** (By Flynn), Congratulating James A. and Bennie L. Frye Henry of Sulphur Springs on their 65th wedding anniversary.

To Resolutions Calendars.

**HR 1246** (By Flynn), Congratulating William T. Pound on his retirement as executive director of the National Conference of State Legislatures.

To Resolutions Calendars.

**HR 1247** (By VanDeaver), Congratulating Sonja Yates Hubbard on being named the 2019 Idalee Hawkins Leader of the Year by Leadership Texarkana.

To Resolutions Calendars.

**HR 1249** (By Martinez), In memory of Virginia Ramirez of San Juan.

To Resolutions Calendars.

**HR 1250** (By Springer), Congratulating Aspermont Independent School District students on winning a grand prize in the POWERADE Power Your School competition.

To Resolutions Calendars.

**HR 1251** (By Springer), Congratulating Donna Howell-Sickles on the opening of her art exhibit The Trail of the Cowgirl at the National Cowgirl Museum and Hall of Fame in Fort Worth.

To Resolutions Calendars.

**HR 1252** (By Springer), Congratulating Ronnie Felderhoff on receiving the 2019 Lone Star Award from the Texas Grain and Feed Association.

To Resolutions Calendars.

**HR 1253** (By Guillen), Commemorating the 50th anniversary of VFIS.

To Resolutions Calendars.

**HR 1254** (By Kacal), Commemorating the 150th anniversary of Prairie Grove Baptist Church in Limestone County.

To Resolutions Calendars.

**HR 1255** (By Herrero), In memory of Alivia Casey Adair of Corpus Christi.

To Resolutions Calendars.

**HR 1256** (By Y. Davis), Commending Robert Price and Dr. Charmaine H. Price for their contributions to the Dallas community.

To Resolutions Calendars.

**HR 1257** (By Bucy), Recognizing May 1, 2019, as Young Texans Day at the State Capitol.

To Resolutions Calendars.

**HR 1258** (By Anderson), Congratulating the Baylor University women's basketball team on winning the 2019 NCAA Division I national championship.

To Resolutions Calendars.

**HR 1259** (By Huberty), Commending Chandler Skolnick for his service as committee clerk for the House Public Education Committee during the 86th Legislative Session.

To Resolutions Calendars.

**HR 1260** (By Hinojosa), Congratulating Randall and Nancy Alexis of Austin on their 50th wedding anniversary.

To Resolutions Calendars.

**HR 1262** (By Moody), Congratulating Sun Brewing Company on winning three awards at the 2019 New York International Beer Competition.

To Resolutions Calendars.

**HR 1263** (By Moody), Congratulating Fernando Rodriguez Jr. on becoming the first El Paso native to play for the El Paso Chihuahuas baseball team.

To Resolutions Calendars.

**HR 1271** (By Kacal), In memory of Joe "Smokey" Davis of Fulshear.

To Resolutions Calendars.

**HR 1273** (By Guerra), Congratulating Mariachi Oro of McAllen High School on a successful 2018-2019 season.

To Resolutions Calendars.

**HR 1275** (By Herrero), Congratulating Firefighter II Engineer John Honeycutt on being named the 2018 Inspector of the Year by the Corpus Christi Fire Department.

To Resolutions Calendars.

**HR 1276** (By Herrero), Congratulating Battalion Chief Juan "Tony" Perez on being named 2018 Firefighter of the Year by the Corpus Christi Fire Department.

To Resolutions Calendars.

**HR 1278** (By Neave), Recognizing April 2019 as Sexual Assault Awareness Month in Texas.

To Resolutions Calendars.

**HR 1279** (By Walle), Commending the members of the Texas Legislative Internship Program Class of the 86th Legislature.

To Resolutions Calendars.

**HR 1280** (By Bucy), In memory of Donald Anthony Garritano of Cedar Park.

To Resolutions Calendars.

**HR 1281** (By Bucy), Congratulating Esthermay Cornwell Johnston of Austin on her 100th birthday.

To Resolutions Calendars.

**SB 23** to Judiciary and Civil Jurisprudence.

**SB 42** to Pensions, Investments, and Financial Services.

**SB 46** to International Relations and Economic Development.

**SB 86** to Agriculture and Livestock.  
**SB 196** to Ways and Means.  
**SB 281** to House Administration.  
**SB 320** to Ways and Means.  
**SB 322** to Pensions, Investments, and Financial Services.  
**SB 346** to Judiciary and Civil Jurisprudence.  
**SB 370** to Judiciary and Civil Jurisprudence.  
**SB 440** to Judiciary and Civil Jurisprudence.  
**SB 442** to Insurance.  
**SB 483** to Natural Resources.  
**SB 494** to State Affairs.  
**SB 520** to Natural Resources.  
**SB 544** to Urban Affairs.  
**SB 569** to Human Services.  
**SB 579** to Ways and Means.  
**SB 645** to Licensing and Administrative Procedures.  
**SB 706** to Human Services.  
**SB 719** to Criminal Jurisprudence.  
**SB 746** to Land and Resource Management.  
**SB 753** to International Relations and Economic Development.  
**SB 781** to Human Services.  
**SB 811** to Judiciary and Civil Jurisprudence.  
**SB 849** to Urban Affairs.  
**SB 863** to Higher Education.  
**SB 891** to Judiciary and Civil Jurisprudence.  
**SB 895** to Public Education.  
**SB 932** to Public Health.  
**SB 945** to Higher Education.  
**SB 969** to Transportation.  
**SB 1013** to Ways and Means.  
**SB 1048** to Elections.  
**SB 1140** to Human Services.  
**SB 1207** to Human Services.  
**SB 1210** to Licensing and Administrative Procedures.

**SB 1229** to Elections.

**SB 1238** to Public Health.

**SB 1257** to Criminal Jurisprudence.

**SB 1264** to Insurance.

**SB 1270** to Culture, Recreation, and Tourism.

**SB 1283** to Public Health.

**SB 1287** to Homeland Security and Public Safety.

**SB 1306** to Public Education.

**SB 1307** to Ways and Means.

**SB 1349** to Land and Resource Management.

**SB 1376** to Public Education.

**SB 1420** to Judiciary and Civil Jurisprudence.

**SB 1450** to Licensing and Administrative Procedures.

**SB 1512** to Transportation.

**SB 1516** to Business and Industry.

**SB 1530** to Insurance.

**SB 1532** to Licensing and Administrative Procedures.

**SB 1538** to Higher Education.

**SB 1597** to Defense and Veterans' Affairs.

**SB 1598** to Defense and Veterans' Affairs.

**SB 1679** to Public Education.

**SB 1693** to Culture, Recreation, and Tourism.

**SB 1707** to Public Education.

**SB 1772** to Ways and Means.

**SB 1802** to Criminal Jurisprudence.

**SB 1850** to Environmental Regulation.

**SB 1852** to Insurance.

**SB 1861** to Pensions, Investments, and Financial Services.

**SB 1938** to State Affairs.

**SB 2018** to Public Education.

**SB 2024** to Transportation.

**SB 2047** to Defense and Veterans' Affairs.

**SB 2048** to Defense and Veterans' Affairs.

**SB 2100** to Homeland Security and Public Safety.

**SB 2104** to Defense and Veterans' Affairs.

**SB 2128** to County Affairs.

**SB 2140** to Business and Industry.

**SB 2200** to Public Health.

**SB 2208** to Ways and Means.

**SB 2212** to Natural Resources.

**SB 2309** to Culture, Recreation, and Tourism.

**SB 2330** to Pensions, Investments, and Financial Services.

**SB 2342** to Judiciary and Civil Jurisprudence.

**SB 2390** to Criminal Jurisprudence.

**SB 2410** to Licensing and Administrative Procedures.

**SB 2448** to County Affairs.

**SJR 47** to Ways and Means.

**SJR 57** to Ways and Means.

**SCR 7** to Culture, Recreation, and Tourism.

**SCR 18** to Culture, Recreation, and Tourism.

**SCR 21** to Judiciary and Civil Jurisprudence.

**List No. 2**

**HB 4760** (By Talarico), Relating to the creation of the Hutto Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Urban Affairs.

**SIGNED BY THE SPEAKER**

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

**House List No. 18**

**HB 540, HCR 157, HCR 158, HCR 159, HCR 160**

**MESSAGES FROM THE SENATE**

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

**Message No. 1**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, April 23, 2019

The Honorable Speaker of the House  
House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 826** Zerwas SPONSOR: Huffman  
Relating to the creation of the University of Houston College of Medicine at the University of Houston.

**SB 24** Lucio  
Relating to the provision of informational materials and certain other information to a pregnant woman before an abortion.

**SB 572** Kolkhorst  
Relating to the regulation of cottage food production operations.

**SB 597** Buckingham  
Relating to a prohibition on the imposition by an appraisal district or the appraisal review board for an appraisal district of a fee in connection with a protest filed with the board.

**SB 666** Huffman  
Relating to the reporting, maintenance, and use of certain misdemeanor conviction information for purposes of the databases used in a federal firearm background check.

**SB 772** Hughes  
Relating to evidence in certain civil actions of a person's failure to forbid handguns on certain property.

**SB 787** Hancock  
Relating to a reduced occupational licensing fee for certain former license holders.

**SB 903** Hughes  
Relating to the integrity of elections in this state; imposing a civil penalty; increasing a criminal penalty.

**SB 974** Campbell  
Relating to policies and programs that permit the use of public money to finance political campaigns.

**SB 1184** Perry  
Relating to eligible participants in the Texas Achieving a Better Life Experience (ABLE) Program.

**SB 1323** Taylor  
Relating to requiring certain students awarded dual credit by a public institution of higher education to complete and submit a financial aid application for higher education costs.

**SB 1402** Rodríguez

Relating to regulation by certain counties of lots in platted subdivisions that have remained undeveloped.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, April 23, 2019 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 466** Fallon  
Relating to the eligibility of persons finally convicted of a felony to run for certain public offices.

**SB 536** Zaffirini  
Relating to associate judges for guardianship proceedings and protective services proceedings in certain courts.

**SB 649** Zaffirini  
Relating to promotion of the use of recyclable materials as feedstock for processing and manufacturing.

**SB 705** Watson  
Relating to certain investigation and evaluation information regarding certain child-care facilities, homes, and programs.

**SB 982** Kolkhorst  
Relating to awareness of and access to health care service programs available during a disaster or emergency.

**SB 1776** Campbell  
Relating to the inclusion of an elective course on the founding principles of the United States in the curriculum for public high school students and the posting of the founding documents of the United States in public school buildings.

**SB 2038** Rodríguez  
Relating to a report by the Texas Workforce Commission regarding occupational skills training for individuals with intellectual and developmental disabilities.

**SB 2194** Lucio  
Relating to the municipal hotel occupancy tax.



Respectfully,  
Patsy Spaw  
Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

#### **April 18**

Appropriations - **HB 3635, HB 4000, HB 4153, SB 1151**

Business and Industry - **HB 1833, HB 2268, HB 3598**

Corrections - **HB 1115, HB 2772, HB 3529, HB 3620**

Defense and Veterans' Affairs - **HB 714, HB 1091, HB 2506, HB 3310, HB 3840, SB 1134**

Elections - **HB 1459**

Environmental Regulation - **HB 3045, HB 3249, HB 3291**

Higher Education - **HB 1288, HB 1943, HB 3601, HB 3607, HB 3612**

Homeland Security and Public Safety - **HB 1546**

Human Services - **HB 1080, HB 1884, HB 3428**

Insurance - **HB 923, HB 1410, HB 1635, HB 1897, HB 1914, HB 1968, HB 2151, HB 2686, HB 3058, HB 3306, HB 3633**

International Relations and Economic Development - **HB 1695, HB 2416**

Judiciary and Civil Jurisprudence - **HB 1901, HB 1909, HB 2259, HB 2826, HB 3809, SB 40, SB 658**

Juvenile Justice and Family Issues - **HB 1332**

Land and Resource Management - **HB 2442**

Licensing and Administrative Procedures - **HB 2523, HB 4296, SB 928**

Natural Resources - **HB 1263, HB 3214, HB 3462, HB 3656, HB 3663, HB 4570, HB 4643, HB 4707, HB 4712, SB 606, SB 625, SB 626, SB 627**

Pensions, Investments, and Financial Services - **HB 2625, HB 2821, HB 2945, SB 957, SB 1337**

Public Education - **HB 1312, HB 2406, HB 2642, HB 3134, HB 3712, HB 3818, HB 4270, HB 4342, HJR 112, SB 213**

Public Health - **HB 406, HB 644, HB 706, HB 870, HB 1335, HB 1420, HB 2454, HB 2811, HB 3052, HB 3699, HB 4068, HB 4256, HB 4298, SB 559, SB 2132**

Ways and Means - **HB 1633, HB 1634, HB 3258, HB 3787, HJR 38, SB 812, SB 925**

**April 22**

Agriculture and Livestock - **HB 792, HB 1868, HB 4374, HB 4395, SB 979, SB 1113**

Business and Industry - **HB 701, HB 1941, HB 3676, SB 612**

County Affairs - **HB 643, HB 1294, HB 1495, HB 1662, HB 1722, HB 2736, HB 2840, HB 3440, HB 3753, HB 3905, HB 4251, HB 4289, HB 4417, HB 4548, HB 4569, HB 4648, SB 1142, SB 1751**

Culture, Recreation, and Tourism - **HCR 122, HCR 131**

Elections - **HB 4255, HB 4447**

Energy Resources - **HB 864, HB 866**

Higher Education - **HB 4018**

Homeland Security and Public Safety - **HB 1528, HB 1552, HB 1789, HB 3503, HB 3540, HB 3616, HB 3755, HB 4195**

Human Services - **HB 1780, HB 2134, HB 2490, HB 2764, HB 3950**

Land and Resource Management - **HB 802, HB 1843, HB 3209, HB 3211, HB 4520, HB 4630, HB 4655, HB 4670, HB 4671, HB 4672, HB 4675, HB 4677, HB 4678, HB 4679, HB 4681, HB 4682, HB 4687, HB 4688, HB 4691, HB 4696, HB 4718**

Pensions, Investments, and Financial Services - **HB 2629**

State Affairs - **HB 4214**

Transportation - **HB 884, HB 3029**

Ways and Means - **HB 2272, HB 2959**

**ENGROSSED**

**April 18 - HB 7, HB 11, HB 145, HB 181, HB 207, HB 427, HB 452, HB 461, HB 529, HB 676, HB 722, HB 872, HB 883, HB 920, HB 951, HB 1052, HB 1078, HB 1099, HB 1251, HB 1306, HB 1331, HB 1417, HB 1435, HB 1452, HB 1474, HB 1627, HB 1639, HB 1757, HB 1815, HB 1823, HB 1900, HB 1997, HB 2053, HB 2105, HB 2202, HB 2235, HB 2299, HB 2365, HB 2529, HB 2551, HB 2570, HB 2587, HB 2633, HB 2698, HB 2775, HB 2794, HB 2812, HB 2910, HB 3070, HB 3116, HB 3317, HB 3371, HB 3422, HB 3435, HB 3580, HB 3636, HB 3912, HB 3966, HB 4071**

**April 22 - HB 511, HB 1177, HB 1364, HB 3954**

**ENROLLED**

**April 18 - HB 540, HCR 157, HCR 158, HCR 159, HCR 160**