Legislative History
Research in Texas

Mark Kuster
Texas Legislative Council
Organization of Texas statutes

- Texas statutes are located in 1 of 26 codes, the Texas Civil Statutes, or the session laws.
In 1963, the legislature enacted a statute that requires the Texas Legislative Council to “execute a permanent statutory revision program for the systematic and continuous study of the statutes of this state and for the formal revision of the statutes on a topical or code basis . . . to clarify and simplify the statutes and to make the statutes more accessible, understandable, and usable.”

That statute is now codified in Sec. 323.007, Government Code.
The nonsubstantive revision process involves:

- reclassifying and rearranging the statutes in a more logical order;
- employing a numbering system and format that will accommodate future expansion of the law;
- eliminating repealed, invalid, duplicative, and other ineffective provisions; and
- improving the draftsmanship of the law if practicable.

Goal - promoting the stated purpose of making the statutes "more accessible, understandable, and usable" without altering the sense, meaning, or effect of the law.
When the final code is enacted there will be the following 27 codes:

- Agriculture Code
- Alcoholic Beverage Code
- Business & Commerce Code
- Business Organizations Code
- Civil Practice and Remedies Code
- Criminal Procedure Code *
- Education Code
- Election Code
- Estates Code
- Family Code
- Finance Code
- Government Code
- Health and Safety Code
- Human Resources Code
- Insurance Code
- Labor Code
- Local Government Code
- Natural Resources Code
- Occupations Code
- Parks and Wildlife Code
- Penal Code
- Property Code
- Special District Local Laws Code
- Tax Code
- Transportation Code
- Utilities Code
- Water Code

* only the Criminal Procedure Code has not been enacted

Most statutes are in a code
Civil Statutes

- Before the initiation of the statutory revision program in 1963, Texas statutes were last revised in 1925.

- The 1925 Revised Statutes was a complete reenactment of all Texas law. The statutes were organized alphabetically by subject (beginning with "accountants" and ending with "wrecks") and numbered sequentially from Article 1 to Article 8324.

- The Revised Statutes are published by West as Vernon's Revised Texas Statutes.
Session Laws

- A few statutes enacted by the legislature are not placed in a code or the Revised Statutes.

- West will either assign the law an article number and publish the law as part of the Revised Civil Statutes or publish the law as a footnote to a related section of law in one of the codes.
Why Legislative History is Important

• Legislative history can help when interpreting a statute.

It can reveal the intent of the legislature.

If the language in the statute is open to different interpretations, knowing the legislature’s intent will tell you the way the legislature intended the statute to be read.
Statutory Interpretation

Codes v. Civil Statutes
Chapter 311, Government Code
“The Code Construction Act”
Application of Code Construction Act

- Sec. 311.002. APPLICATION. This chapter applies to:
  (1) each code enacted by the 60th or a subsequent legislature as part of the state's continuing statutory revision program;
In construing a statute, whether or not the statute is considered ambiguous on its face, a court may consider among other matters the:

1. Object sought to be attained;
2. Circumstances under which the statute was enacted;
3. Legislative history;
4. Common law or former statutory provisions, including laws on the same or similar subjects;
5. Consequences of a particular construction;
6. Administrative construction of the statute; and
7. Title (caption), preamble, and emergency provision.
UNIFORM CONSTRUCTION OF UNIFORM ACTS

Sec. 311.028

- A uniform act included in a code shall be construed to effect its general purpose to make uniform the law of those states that enact it.

Examples:

- Uniform Commercial Code (Title 1, Business & Commerce Code)
- Uniform Enforcement of Foreign Judgments Act (Chapter 35, Civil Practice And Remedies Code)
- Uniform Premarital Agreement Act (Subchapter A, Chapter 4, Family Code)
- Uniform Child Custody Jurisdiction and Enforcement Act (Chapter 152, Family Code)
Sec. 312.001. APPLICATION. This subchapter applies to the construction of all civil statutes.
Sec. 312.005. LEGISLATIVE INTENT. In interpreting a statute, a court shall diligently attempt to ascertain legislative intent and shall consider at all times the old law, the evil, and the remedy.
Texas statutes specifically authorize a court to consider legislative intent when interpreting a statute even when the statute is not considered ambiguous on its face.

What do Texas courts do with this authority?
Standard in Texas Courts

• The Texas Supreme Court follows a textualist approach to statutory interpretation.

• “Yet a statute's pedigree is not itself law. For that reason, this Court usually applies a text-centric model when it construes a statute. We look first to the text. When the text is not clear, we explore extrinsic aids, including legislative history.” Ojo v. Farmers Group, Inc., 356 S.W.3d 421, 435 (Tex. 2011) (Chief Justice Jefferson concurring).

• The Texas Supreme Court refuses to consider extrinsic evidence when construing a statute unless the plain language in the statute is ambiguous or when a literal interpretation would lead to absurd results.
In the case *In re Estate of Nash*, 220 S.W.3d 914, 917 (Tex. 2007), the Texas Supreme Court held:

“When construing a statute, our primary objective is to determine the Legislature's intent which, when possible, we discern from the plain meaning of the words chosen. *State v. Shumake*, 199 S.W.3d 279, 284 (Tex. 2006); *City of San Antonio v. City of Boerne*, 111 S.W.3d 22, 25 (Tex. 2003). If a statute is clear and unambiguous, we apply its words according to their common meaning without resort to rules of construction or extrinsic aids. *Fitzgerald v. Advanced Spine Fixation Sys.*, Inc., 996 S.W.2d 864, 865–66 (Tex. 1999).”
Problems with relying on legislative history

- Textualists argue against considering legislative history in statutory interpretation because:
  
  - The text of the statute is adopted by the entire legislature not the legislative history.
  
  - Statements of legislative intent can be structured to serve a particular purpose that is not necessarily in sync with the words in the statute.
  
  - It may promote judicial activism by allowing a judge to find bits and pieces of legislative history that will support the judge's own policy preferences instead of actually applying the legislature's policy.
  
  - It impairs the public's ability to fully understand the laws and how they will be applied.
“So long as judges resort to external materials even when statutes are clear, lawmakers and lobbyists will keep peppering the legislative record with their preferred interpretation, not to inform legislators enacting statutes but to influence judges interpreting them. And then, when litigation ensues, statutory construction devolves into statutory excavation. The legal scavenger hunt begins, and the often-contradictory tidbits are unearthed and cited—perhaps inaccurately, selectively, or misleadingly—in order to hoodwink earnest judges and enable willful ones to reach a decision foreclosed by the text itself.”

Other Things You Can Learn From Legislative History

- Legislative history shows how a statute came to be.
- You can learn:
  - why certain language was used in a statute;
  - whether other language was considered and rejected;
  - other alternatives that may have been considered; and
  - who supported and who opposed the statute.
Steps in Researching Legislative History
Locate the statute you want to research

- Access the statutes at the Texas Legislature Online website.
  - [http://www.capitol.state.tx.us](http://www.capitol.state.tx.us)
  - [http://www.statutes.legis.state.tx.us](http://www.statutes.legis.state.tx.us)
Link to access Texas statutes
Sec. 143.090. RELEASE OF PHOTOGRAPHS OF POLICE OFFICERS. A department, commission, or municipality may not release a photograph that depicts a police officer unless:

(1) the officer has been charged with an offense by indictment or by information;
(2) the officer is a party in a civil service hearing or a case before a hearing examiner or in arbitration;
(3) the photograph is introduced as evidence in a judicial proceeding; or
(4) the officer gives written consent to the release of the photograph.

Added by Acts 2011, 82nd Leg., R.S., Ch. 309, Sec. 1, eff. September 1, 2011.
Locate the legislative history for the statute

- At the end of the statutory section, the legislative history of the statute is printed listing the act that added the section and each act that amended the section.

- If the statute has been amended multiple times you may need to look at several acts in the session laws to determine when the particular language in the statute was added.
Sec. 143.090. RELEASE OF PHOTOGRAPHS OF POLICE OFFICERS. A department, commission, or municipality may not release a photograph that depicts a police officer unless:

1. the officer has been charged with an offense by indictment or by information;
2. the officer is a party in a civil service hearing or a case before a hearing examiner or in arbitration;
3. the photograph is introduced as evidence in a judicial proceeding; or
4. the officer gives written consent to the release of the photograph.

Added by Acts 2011, 82nd Leg., R.S., Ch. 300, Sec. 1, eff. September 1, 2011.
Identify the bill that enacted or amended the statute

• For recent legislative acts (since 79(R)(2005)), there is a link in the statutory history that will take you to the text of the bill that enacted or amended the statute.

• For legislative acts before 2005, you can find the bill number on the Legislative Reference Library website using the session law chapter number and legislative session.

• [http://www.lrl.state.tx.us/legis/billsearch/lrlhome.cfm](http://www.lrl.state.tx.us/legis/billsearch/lrlhome.cfm)
**Direct search**

Search by bill number or session law chapter number for links to bill files, bill analyses, bill histories and other documents.

**Search by bill number**

- **Legislature:** 82nd R.S. (2011)
- **Bill Type:** HB
- **Bill Number:**
- **Search by bill**

**Search by session law chapter**

- **Legislature:** 82nd R.S. (2011)
- **Chapter:** 300
- **Search by chapter**

The Legislative Archive System is a work in progress. Complete information is not available for all bills and all sessions. Visit the Legislative Archive System status page for details. Please contact the Legislative Reference Library at 512-463-1252 if you have any questions. Information on this website is provided as a public service by the Legislative Reference Library. The Legislative Reference Library makes no representation as to its completeness or accuracy and makes no warranty in regard to its use. Users assume all risk of reliance on the information included on this site.
HB 2006, 82nd Regular Session
Relating to the release of a photograph of a police officer and access to records maintained by internal investigative divisions in certain municipalities.

Session Law Chapter:
Acts 2011, 82nd R.S., ch. 300, General and Special Laws of Texas

Bill Analyses:
Committee Report (House Research Organization)
Engrossed (Senate Research Center)

Index to Sections Affected

Texas Legislature Online

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AN ACT

relating to the release of a photograph of a police officer and access to records maintained by internal investigative divisions in certain municipalities.

As enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter F, Chapter 143, Local Government Code, is amended by adding Section 143.090 to read as follows:

Sec. 143.090. RELEASE OF PHOTOGRAPHS OF POLICE OFFICERS. A department, commission, or municipality may not release a photograph that depicts a police officer unless:

(1) the officer has been charged with an offense by indictment or by information;
(2) the officer is a party in a civil service hearing or a case before a hearing examiner or in arbitration;
(3) the photograph is introduced as evidence in a judicial proceeding; or
(4) the officer gives written consent to the release of the photograph.

SECTION 2. Sections 143.121(a) and (c), Local Government Code, are amended to read as follows:

(a) The human resources director for the department promptly shall order that the records of a disciplinary action that was taken against a fire fighter or police officer be expunged from each file maintained on the fire fighter or police officer by the department if the disciplinary action was entirely overturned on appeal by the commission, an independent third-party hearing examiner, or a court of competent jurisdiction. Documents that must be expunged under this subsection include all documents that indicate disciplinary action was recommended or taken against the fire fighter or police officer, such as the recommendations of a disciplinary committee or a letter of suspension. This subsection does not apply if the fire fighter or police officer is charged with using excessive force that results in a death or injury and the charge is being investigated by a law enforcement or criminal justice agency other than the department. This subsection does not require that records of an (the) internal affairs division or other similar internal investigative division be expunged.

(c) The requirements of this section are in addition to the requirements of Section 143.089. This section does not prevent a fire fighter or police officer from obtaining access to any personal file maintained by the director of the department, other than a file maintained by an (the) internal affairs division or other similar internal investigative division, on the fire fighter or police officer under Section 143.089.

SECTION 3. This Act takes effect September 1, 2011.

__________________________  ____________________________
President of the Senate Speaker of the House

I certify that H.B. No. 2006 was passed by the House on May 12, 2011, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

__________________________  ____________________________
Chief Clerk of the House

I certify that H.B. No. 2006 was passed by the Senate on May 24, 2011, by the following vote: Yeas 31, Nays 0

__________________________  ____________________________
Secretary of the Senate

APPROVED: Date

__________________________
Governor
Access the bill file

- A bill file contains the official documents produced for a bill during the legislative process including the versions of the bill at each stage in the legislative process, bill analyses, fiscal notes, witness lists, and committee reports.

- Bill files are located at the Legislative Reference Library in various forms:
  - 57(R)(1961)–77(R)(2001) Electronic
  - 63(R)(1973)–82(S1)(2011) Hard copy
  - 63(R)(1973)–70(R)(1987) Microfilm

- Bill files for legislative sessions before 63(R) are available in hard copy at the Texas State Library.
Electronic Bill Information

• Information for bills from 71(R)(1989) through 82(S1)(2011) is available in an electronic format on the Texas Legislature Online website.  
  
  http://www.capitol.state.tx.us/BillLookup/BillNumber.aspx

• Electronic versions of the bill’s text are available from 73(R)(1993) through 82(S1)(2011).
**Bill: HB 2006**

**Last Action:**
06/17/2011 E Effective on 9/1/11

**Caption Version:**
Enrolled

**Caption Text:**
Relating to the release of a photograph of a police officer and access to records maintained by internal investigative divisions in certain municipalities.

**Author:**
Bonnell

**Sponsor:**
Huffman

**Cosponsor:**

**Subjects:**
- City Government--Employees/Officers (10061)
- Fire Fighters & Police--general (10370)
- Law Enforcement (10510)
- Protection of Personal Information (10003)
- FIRE FIGHTERS’ & POLICE OFFICERS’ CIVIL SERVICE COMMISSION (V0789)

**House Committee:**
Urban Affairs

**Status:**
Out of committee

**Vote:**
Ayes=9  Nays=0  Present Not Voting=0  Absent=0

**Senate Committee:**
Criminal Justice

**Status:**
Out of committee

**Vote:**
Ayes=7  Nays=0  Present Not Voting=0  Absent=0

**Actions:** (descending date order)

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### Texas Legislature Online Text

#### Bill: HB 2006

**Legislative Session:** 82(R)  
**Author:** Bonnen

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**Additional Documents:**  
- HBQ Bill Analysis  
- Enrolled Bill Summary

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**Link to the House Research Organization bill analysis for HB 2006**
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Note: Companion documents are designated at the time of introduction. These are to be used as an aid only! Final determination of companion documents rests with the presiding officers of the house and senate.

Degree of Association: Identical
Author: Huffman

Last Action: 02/14/2011 $ Referred to Intergovernmental Relations
Relating to the release of a photograph of a police officer and access to records maintained by internal investigative divisions in certain municipalities.
### HB 2006
#### Legislative Session: 82(R)

**Author:** Bonnen

### Actions:

**Description** | **Comment** | **Date** | **Time** | **Journal Page**
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E | Effective on 9/1/11 | 06/17/2011 |  | 6018
F | Signed by the Governor | 06/17/2011 |  | 6284
H | Signed in the Senate | 05/25/2011 |  | 3772
I | Signed in the House | 05/25/2011 |  | 5417
J | Reported enrolled | 05/24/2011 | 11:45 PM | 5763
K | Senate passage reported | 05/24/2011 |  | 5391
L | Record vote | 05/24/2011 |  | 3349
M | Passed | 05/24/2011 |  | 3349
N | Read 3rd time | 05/24/2011 |  | 3349
O | Record vote | 05/24/2011 |  | 3349
P | Three day rule suspended | 05/24/2011 |  | 3349
Q | Vote recorded in Journal | 05/24/2011 |  | 3348
R | Read 2nd time & passed to 3rd reading | 05/24/2011 |  | 3348
S | Rules suspended-regular order of business | 05/24/2011 |  | 3348
T | Referred to Criminal Justice | 05/16/2011 |  | 2306
U | Read 1st time | 05/13/2011 |  | 2306
V | Received from the House | 05/13/2011 |  | 2273
W | Statement(s) of vote recorded in Journal | 05/12/2011 | 10:01 PM | 3968
X | Record vote | 05/12/2011 |  | 3685
Y | Passed | 05/12/2011 |  | 3685
Z | Read 3rd time | 05/11/2011 |  | 3685
A | Passed to engrossment as amended | 05/11/2011 |  | 3685
B | Amended | 05/11/2011 |  | 3593
C | Read 2nd time | 05/11/2011 |  | 3593
D | Placed on General State Calendar | 05/06/2011 |  | 3593
E | Considered in Calendar | 05/04/2011 |  | 3593
F | Committee report sent to Calendars | 04/28/2011 | 12:56 AM | 3593
G | Committee report distributed | 04/28/2011 |  | 3593
H | Committee report filed with Committee Coordinator | 04/27/2011 |  | 2306
I | Reported favorably w/o amendment(s) | 04/06/2011 |  | 3685
J | Considered in public hearing | 04/06/2011 |  | 3685
K | Left pending in committee | 03/30/2011 |  | 3685
L | Testimony taken/registration(s) recorded in committee | 03/30/2011 |  | 3685
M | Committee substitute considered in committee | 03/30/2011 |  | 3685
N | Considered in public hearing | 03/30/2011 |  | 3685
O | Scheduled for public hearing on . . . | 03/30/2011 |  | 3685
P | Hearing cancelled | 03/23/2011 |  | 3685
Q | Scheduled for public hearing on . . . | 03/23/2011 |  | 3685
R | Referred to Urban Affairs | 03/08/2011 | 710 | 710
S | Read 1st time | 03/01/2011 |  | 710
T | Filed | 03/01/2011 |  | 710
House and Senate Journals

- The Texas Constitution requires the house and senate to keep a journal of its proceedings. Daily journals are published for every legislative day in a session. The journals record the actions on the bill as it works its way through the legislative process.

- The journals do not contain a transcript of the floor debate. Excerpts of floor debate are included in the journal only at when a member specifically requests to have the debate reduced to writing and placed in the journal.
• The daily house journals are available on the house of representatives’ website beginning with the 74(R)(1995) and the daily senate journals are available on the senate website beginning with the 76(R)(1999).

• Scanned versions of journals from the 1(R)(1846) through the 26(R)(1899) and other sessions are available on the Legislative Reference Library's website.

• Printed copies of the journals are available at Legislative Reference Library and the Texas State Library.
House & Senate Journals

The Library is in the process of scanning House and Senate Journals from the Texas Legislature and the Congress of the Republic of Texas. This list will be updated as more Journals become available.

Acknowledgements

We would like to thank the following libraries for their participation in this project:

- Daughters of the Republic of Texas Library
- Dolph Briscoe Center for American History, University of Texas at Austin
- Tarleton Law Library at the University of Texas at Austin School of Law
- Texas State Library and Archives Commission

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Links to the House and Senate Journals are also available on the Legislative Reference Library website.

http://www.lrl.state.tx.us/collections/journals/journals.cfm
http://www.house.state.tx.us/video-audio/
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<tr>
<td>Higher Education</td>
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<tr>
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<td>House Administration (Procedural)</td>
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<td>Human Services</td>
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</table>

Link to archived video for the House Urban Affairs Committee hearings
# Committee Broadcast Archives 82nd Session

## Urban Affairs

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<tr>
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<td>1:00p.m. - 4:25p.m.</td>
<td>Urban Affairs</td>
<td>Joint with Agriculture &amp; Livestock</td>
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<td>10:30am or Upon Adjournment/Recess</td>
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## House Video/Audio Services

*The Texas House of Representatives has more than 40 committees and sub-committees that meet in public hearings. It is the goal of House Video/Audio Services to provide live broadcasts/web-casts of every meeting, but we are only capable of providing live broadcasts/web-casts of 8 public hearings simultaneously. Therefore, when more than 8 committees are meeting at the same time, some will not be broadcast/web-cast.

However, all House committee clerks are responsible for recording audio of every public hearing. You may listen to these recordings in CD or cassette format in the House Communications, Video/Audio Services office, located in the John H. Reagan Building at 105 West 15th Street, Room 330, Austin, TX. (Just North of the State Capitol) Copies of the audio recordings may be purchased for a fee. For more information, call (512) 463-0920. You may send your signed Open Records Request letter via fax at (512) 463-5729 or mail to the Texas House of Representatives, c/o Video/Audio Services, P. O. Box 2910, Austin, TX 78701.

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Here is the link to the minutes of the committee hearing. You can use the minutes to determine when the committee considered the bill during the hearing.

Click Here to watch video
www.house.state.tx.us

Please Note: If the RealPlayer or RealOne Player is not responding or you are getting an error message, the meeting either has not started or has ended.

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Video broadcasts are best viewed with a 56K modem connection or higher. Start times are approximate. Schedule subject to change. If you do not hear any audio while the committee is meeting, it is probably due to a brief pause in the proceedings.
HH 566
The chair laid out HH 566 as pending business.
The chair explained HH 566.
Representative Alvarado offered a complete committee substitute.
The committee substitute was adopted without objection.
Representative Alvarado moved that HH 566, as amended, be reported favorably to the full house with the recommendation that it do pass and be printed and be sent to the Committee on Local and Current Calendars. The motion prevailed by the following record vote:

Ayes: Representatives Denton, Alvarado, Mallory Carson, Parker, Simpson (5).

Nays: None (0).

Present, Not Voting: None (0).

Absents: Representatives Colunga, Gutiérrez, King, Phil, Parker (4).

[Representative Colunga now present.]

HH 585
The chair laid out HH 585 as pending business.
The chair explained HH 585.
Representative Simpson moved that HH 585, without amendments, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Denton, Alvarado, Mallory Carson, Parker, Simpson (5).

Nays: None (0).

Present, Not Voting: None (0).

Absents: Representative Colunga (1).

HH 598
The chair laid out HH 598 as pending business.
The chair explained HH 598.
Representative Simpson moved that HH 598, without amendments, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Denton, Alvarado, Mallory Carson, Parker, Simpson (5).

Nays: None (0).

Present, Not Voting: None (0).

Absents: Representative Colunga (1).

HH 642
The chair laid out HH 642 as pending business.
The chair explained HH 642.
Representative Gutiérrez moved that HH 642, without amendments, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Denton, Alvarado, Gutiérrez, Mallory Carson, Simpson (5).

Nays: None (0).

Present, Not Voting: None (0).

Absents: Representative Colunga (1).

HH 656
The chair laid out HH 656 as pending business.
The chair explained HH 656.
Representative Simpson moved that HH 656, without amendments, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Denton, Alvarado, Mallory Carson, Parker, Simpson (5).

Nays: None (0).

Present, Not Voting: None (0).

Absents: Representative Colunga (1).

HH 697
The chair laid out HH 697 as pending business.
The chair explained HH 697.
Representative Colunga moved that HH 697, without amendments, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Denton, Alvarado, Colunga, Gutiérrez, Mallory Carson, Parker, Simpson (7).

Nays: None (0).

Present, Not Voting: None (0).

Absents: Representative Gutiérrez (1).

HH 707
The chair laid out HH 707 as pending business.
The chair explained HH 707.
Representative Colunga moved that HH 707, without amendments, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Denton, Alvarado, Colunga, Mallory Carson, Parker, Simpson (7).

Nays: None (0).

Present, Not Voting: None (0).

Absents: Representative Gutiérrez (1).

HH 782
The chair laid out HH 782 as pending business.
The chair explained HH 782.
Representative Parker moved that HH 782, without amendments, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Denton, Alvarado, Colunga, Mallory Carson, Parker, Simpson (7).

Nays: None (0).

Present, Not Voting: None (0).

Absents: Representative Gutiérrez (1).

HH 844
The chair laid out HH 844 as pending business.
The chair explained HH 844.
Representative Parker moved that HH 844, without amendments, be reported favorably to the full house with the recommendation that it do pass and be printed and be sent to the Committee on Local and Current Calendars. The motion prevailed by the following record vote:

Ayes: Representatives Denton, Alvarado, Colunga, Mallory Carson, Parker, Simpson (7).

Nays: None (0).

Present, Not Voting: None (0).

Absents: Representative Gutiérrez (1).

HH 905
The chair laid out HH 905 as pending business.
The chair explained HH 905.
Representative Simpson moved that HH 905, without amendments, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Denton, Alvarado, Gutiérrez, Mallory Carson, Simpson (5).

Nays: None (0).

Present, Not Voting: None (0).

Absents: Representative Colunga (1).

HH 1249
The chair laid out HH 1249.
The chair recognized Representative Fralick to explain HH 1249.
Testimony was taken in regular session.
Representative Fralick moved that HH 1249, as amended, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Denton, Alvarado, Colunga, Mallory Carson, Parker, Simpson (7).

Nays: None (0).

Present, Not Voting: None (0).

Absents: Representative Gutiérrez (1).

Mr. Denton, Chair
Nicole Bann, Clerk
Committee hearing video
Live Broadcasts
Saturday, July 28th, 2012


Committees | Capitol Events | Press Conferences

No broadcasts are scheduled at this time.

View Weekly Broadcast Schedule

Archived Broadcasts


Committees
Recent Committee Broadcasts
- 82nd Session
- 81st Session
- 80th Session
- 79th Session
- 78th Session
- 77th Session

Chamber
- 82nd Session
- 81st Session
- 80th Session
- 79th Session
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- 77th Session

Additional
- Archived Press Conferences
- 2003-2012 Archived Capitol Events
- 2007-2008 Joint Committee

Technical Help

Links to video of house floor debate

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Website Policies

House Video/Audio Services
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<td>6/28/2011</td>
<td>2:00 p.m. - 7:11 p.m.</td>
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<tr>
<td>6/27/2011</td>
<td>1:00 a.m. - 4:09 p.m.</td>
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<td>6/27/2011</td>
<td>10:00 a.m. - 11:51 a.m.</td>
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<td>6/24/2011</td>
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<td>10:00 a.m. - 2:03 a.m.</td>
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What's Happening

Broadcast Schedule
A list of House broadcast plans for the week.

Capitol Events
A list of events scheduled in the Capitol complex.

Committee Schedules
A list of House committee hearings for the coming week. For a list of House committee schedules by committee from the Texas Legislature Online.

House Calendars
A list of bills scheduled for consideration by the House.

Room Schedules
A list of events scheduled in House meeting rooms.

Click here to search for House floor calendars
********** GENERAL STATE CALENDAR **********
SENATE BILLS
THIRD READING

**SB 1125**
Carona
SP: Anchia
Relating to energy efficiency goals and programs, public information regarding energy efficiency programs, and the participation of loads in certain energy markets.

**SB 551**
Williams / et al.
SP: Otto
Relating to liability for interest on ad valorem taxes on improvements that escaped taxation in a previous year.

**SB 1505**
Uresti / et al.
SP: Lewis
Relating to the appraisal for ad valorem tax purposes of a real property interest in oil or gas in place.

********** MAJOR STATE CALENDAR **********
HOUSE BILLS
THIRD READING

**HB 272**
Smithee / Chisum / Hancock / Margo / Sheets / et al.
Relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association; providing penalties.

**HB 3647**
Turner
Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

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

**HB 2746**
Martinez Fischer
Relating to grants to student clubs for dropout prevention.

**HB 1528**
Miller, Sid
Relating to consolidating precincts in a primary election.

**HB 3341**
Anchis / Hartnett / Murphy / Harper-Brown / Martinez Fischer
Relating to the rebate, refund, or payment of tax proceeds to a qualified hotel project.

**HB 351**
Veasey
Relating to the expunction of records and files relating to a person's arrest.

**HB 2006**
Bonnen
Relating to the release of a photograph of a police officer and access to records maintained by internal investigative divisions in certain municipalities.
Amendment No. 1 was adopted.

CSHB 351, as amended, was passed to engrossment.

**HB 2006 ON SECOND READING**
(by Bonnen)

**HB 2006.** A bill to be entitled An Act relating to the release of a photograph of a police officer and access to records maintained by internal investigative divisions in certain municipalities.

**Amendment No. 1**

Representative Bonnen offered the following amendment to **HB 2006**:

Amend **HB 2006** (house committee printing) as follows:

1. On page 1, strike lines 6-9 and substitute the following:

   **SECTION 1.** Subchapter F, Chapter 143, Local Government Code, is amended by adding Section 143.090 to read as follows:

   **Sec. 143.090.** RELEASE OF PHOTOGRAPHS OF POLICE OFFICERS. A department, commission, or municipality may not release a photograph that depicts a police officer unless:

   (1) the officer has been charged with an offense by indictment or by information;

   (2) the officer is a party in a civil service hearing or a case before a hearing examiner or in arbitration;

   (3) the photograph is introduced as evidence in a judicial proceeding;

   or

   (4) the officer gives written consent to the release of the photograph.

2. On page 1, lines 10-12, strike "Section 143.1214, Local Government Code, is amended by amending Subsections (a) and (e) and adding Subsection (f)" and substitute "Sections 143.1214(a) and (e), Local Government Code, are amended".

3. On page 2, strike lines 13-22.

Amendment No. 1 was adopted.

**HB 2006.** as amended, was passed to engrossment.
Floor debate video
## Senate RealMedia Video Archives — 2011

Archived audio and video recordings of Senate Chamber proceedings and Senate Committee hearings are broadcast on the internet in RealMedia format. You will need RealPlayer to access these files. RealPlayer "Basic" is a free download available from RealNetworks' website. Follow the instructions included with the download.

**NOTE:** We do not currently recommend upgrading to the latest RealPlayer (version 14) at this time due to compatibility issues with our streams. We currently recommend using RealPlayer SP (version 12) for PC or version 10 for Mac. If you require the older version, first uninstall RealPlayer 14 and then visit this page to download an older RealPlayer client for your operating system.

If you experience problems, please check our FAQ for help.

Please note that the Texas Senate does not record committee meetings to videotape. The only available videos are the digital files found on this web page. Official audio tapes and transcripts are available from the Senate Staff Services office at (512) 463-0430.

### Troubleshooting RealPlayer "File Not Found" Error

If RealPlayer launches but reports the following error:

```
Requested file not found. The link you followed may be outdated or inaccurate.
file:///C:/.../Temporary Internet Files/Content/IE5/G1Y35Qcv/000002324[2] ram
```

Then you most likely are running an outdated version of RealPlayer and/or using Microsoft Internet Explorer. In order to access the Senate RealMedia archives please try one of the following:

- Upgrade to the latest version of RealPlayer. A free "Basic" player is available from RealNetworks' website.
- Right-click on the desired link below and select "Save Target As..." from the menu. Save the *.ram* file to your desktop and try running the file from there.
- Try a different web browser such as Firefox, a free download from Mozilla.

**CAPITOL COMPLEX and DISTRICT** office users should contact the TLC HelpDesk at (512) 463-1158 for assistance with new software.

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Senate committee hearing

Senate floor debate
Additional Sources of Information
Legislative Reference Library
Clipping service
You can search for newspaper articles using the clipping service on the Legislative Reference Library website. You can search by subject, headline, legislation, or bill number.
## Bill search results

5 document(s) citing [ HB 2006, 82nd R.S. ]  Clips: 5

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Open government bills down to wire

Some wins, some losses as lawmakers debate public records

By KELLEY SHANNON

Austin — Open government groups are winning some fights — and losing a few others — as Texas lawmakers decide which records should be public at schools, state agencies and police departments.

With about a week remaining, legislators are moving ahead with bills that increase the costs for requests of some public information and limit the public release of police officer photos.

On the flip side, they appear to be rejecting legislation that allows public access to the detailed travel logs for Gov. Rick Perry's state security officers, who accompany him on trips to Asia, Europe and across the country.

"This session has definitely had its peaks and valleys," said Keith Elkins, executive director of the Freedom of Information Foundation of Texas. "We've still got some hurdles ahead."

Newspaper editors and open government groups celebrated an apparent victory Thursday after a failed attempt by Sen. Jeff Wentworth, R-San Antonio, to make current the detailed travel logs of security officers for the governor and other elected officials and their families. Wentworth couldn't get enough votes for the proposal in his committee. An identical bill by Rep. Charlie Geren, R-Fort Worth, had already died in the House.

"I'm just trying to find out why this is needed," said Rep. Kevin Bible, R-Humble, strongly opposing the measure in the Senate Select Committee on Open Government.

The Texas Department of Public Safety argues that people who want to harass public officials could determine security details from the records.

"We believe that threats are real, and we believe people plan threats," said Phillip Aldkins, the agency's general counsel. Wentworth said that as a former Army counterintelligence officer, he understands security needs.

Opponents say that travel expenses are turned in long after a trip is complete and that taxpayers have the right to know how their money is spent and whether it's being misused.

"It's really not about security," said Ken Whalen, executive vice president of the Texas Daily Newspaper Association. "It's the Public Information Act. There are already provisions to protect the safety of officers."

DPS currently releases only general summaries of security officers' travel. A lawsuit over access to the records by the Houston Chronicle, Austin American-Statesman and Austin American-Statesman is pending before the Texas Supreme Court.

On another issue that went before the court, open government advocates want to specify in the law that government employees' birthdates are public record. The court ruled in December that state employee birthdates are private, citing undercurrents. The Dallas Morning News, which requested the information.

Birthdays can be used to check whether an employee in a sensitive position has a criminal record or to correctly identify an employee who may have the same name as a fellow worker.

"It's not clear whether the provision will become law. The Senate approved it but a House committee then stripped it out of the bill. The legislation hasn't yet gotten a vote in the full House."

One measure probably heading to Gov. Rick Perry, once it gets a Full House vote, would combat "strategic lawsuits against public participation," or SLAPP suits, that attempt to stifle public speech by whistleblowers, bloggers and others who speak out on public issues. The legislation would allow an early dismissal of that kind of case.

Another bill favored by open government groups would force school districts to reveal the names of multiple finalists for superintendent posts, not just the one chosen.

Some arrest and court records would be exposed to varying degree under bills still in play at the Capitol. Several pieces of legislation seek to restrict citizens' access under the Texas Public Information Act.

One bill that some consider among the most restrictive proposals would charge members of the public for government officials to compile large requests of publicly available emails; charge people making more than 10 requests per month; and delayed some responses to requests.

Another would keep police officers' photos secure in most cases.

Capt. Jaime Jones of the Houston Police Department told a Senate committee that releasing the photos endangers undercover officers and that under current law it is an "administrative nightmare" to have officers sign affidavits asserting they keep their photos private.

"As it, we think the law is strong enough to provide the protection that is necessary," countered Michael Schmidt, director of programs for the Texas Association of Broadcasters.

The Senate is expected to pass that House measure on its "consent" agenda, where bills typically pass without objections.
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(512) 463-0564
(512) 463-8414 Fax

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(979) 848-1770
(979) 849-3169 Fax

Bills Authored/Sponsored
82nd Legislature:
Authored (including Joint)
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Co-Sponsored

Committees:
Calendars (Procedural) Vice Chair
Higher Education
Election Contest
Transportation
Voter Identification & Voter Fraud Chair
Oversight of Higher Ed Governance, Excellence & Transparency

District Analyses:
Population and Household
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Precincts within Districts
Election Analysis

Counties Represented:
Brazoria (part)

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District Map

Member Press Releases 2012

No news has been entered for this year.
Archived Member Press Releases...
Sunset Bills
In 1977, the Texas Legislature created the Sunset Advisory Commission to identify and eliminate waste, duplication, and inefficiency in government agencies. The 12-member Commission is a legislative body that reviews the policies and programs of more than 150 government agencies every 12 years. The Commission questions the need for each agency, looks for potential duplication of other public services or programs, and considers new and innovative changes to improve each agency's operations and activities. The Commission seeks public input through hearings on every agency under Sunset review and recommends actions on each agency to the full Legislature. In most cases, agencies under Sunset review are automatically abolished unless legislation is enacted to continue them.

Current Reports

- Sunset in Taxes
- Architectural Examiners, Texas Board of Arts
- Texas Commission on the Correctional Managed Health Care

Past Publications

- 2004 - 2005 (79th Legislature)
- 2002 - 2003 (78th Legislature)
- 2000 - 2001 (77th Legislature)
- 1998 - 1999 (76th Legislature)
- 1996 - 1997 (75th Legislature)

you can access the sunset reports for each agency reviewed under the sunset process from 75(0) through today
Sunset Reports for 2011 – 2012

The links to the Self-Evaluation Reports (SERs) will open documents that have been prepared by the individual agency and submitted to the Sunset Commission. The content of these documents is solely the responsibility of each agency and not the Sunset Commission.

Architectural Examiners, Texas Board of
Carmi Holleman, Project Manager
Self-Evaluation Report (September 2011)

Arts, Texas Commission on
Emily Johnson, Project Manager
Staff Report (July 2010)
Self-Evaluation Report (September 2011)

Correctional Managed Health Care Committee
Cheri Larkins, Project Manager
Staff Report / Hearing Material (May 2011)
Self-Evaluation Report (August 2011)

Criminal Justice, Texas Board and Department of
Cheri Larkins, Project Manager
Staff Report / Hearing Material (May 2011)
Self-Evaluation Report (August 2011)

Education Agency, Texas
Pernell Luba, Project Manager
Self-Evaluation Report (September 2011)

Engineers, Texas Board of Professional
Steven Orya, Project Manager
Self-Evaluation Report (September 2011)

Ethics Commission, Texas
Karl Bock, Project Manager
Staff Report / Commission Decisions (June 2011)
Staff Report / Hearing Material (May 2011)
Self-Evaluation Report (August 2011)

Facilities Commission, Texas
Christopher Howard, Project Manager
Self-Evaluation Report (September 2011)

Fire Fighters' Pension Comissioner, Office of
Sean Schreffel, Project Manager
Staff Report (July 2010)
Self-Evaluation Report (September 2011)

Higher Education Coordinating Board
Sara Karch, Project Manager
Staff Report / Commission Decisions (June 2011)
Staff Report / Hearing Material (May 2011)
Self-Evaluation Report (September 2011)

Housing and Community Affairs, Texas Department of
Jacek Banki, Project Manager
Staff Report / Commission Decisions (June 2011)
Self-Evaluation Report (September 2011)

Information Resources, Department of
Kathryn Tobar, Project Manager
Self-Evaluation Report (September 2011)

Judicial Conduct, State Commission on
Dirk Kuykendall, Project Manager
Self-Evaluation Report (September 2011)

Lottery Commission, Texas
Amy Truax, Project Manager
Staff Report / Commission Decisions (June 2011)
Self-Evaluation Report (August 2011)

Pardons and Paroles, Board of
Dirk Luebke, Project Manager
Staff Report / Hearing Material (May 2011)
Self-Evaluation Report (September 2011)

Penmanship Review Board
Michelle Donn, Project Manager
Staff Report (July 2010)
Self-Evaluation Report (September 2011)

Port of Houston Authority
Katherine Talley, Project Manager
Self-Evaluation Report (September 2011)

Procurement and Support Services / Division of the Comptroller of Public Accounts
Amy Truax, Project Manager
Self-Evaluation Report (September 2011)

Public Utility Commission of Texas
Karl Spack, Project Manager
Staff Report / Commission Decisions (June 2011)
Self-Evaluation Report (September 2011)

Railroad Commission of Texas
Kelly Kennedy, Project Manager
Self-Evaluation Report (September 2011)

Self-Directed Semi-Independent Agency Project Act
Joe Wode, Project Supervisor
Self-Evaluation Report (September 2011)

State Employee Charitable Campaign Policy Committee
Joe Wode, Project Manager
Self-Evaluation Report (September 2011)

Windham School District, within Texas Department of Criminal Justice
Dirk Luebke, Project Manager
Staff Report / Hearing Material (May 2011)
Self-Evaluation Report (May 2011)

[What's New] [What is Sunset] [How to Participate] [Submit a Comment] [Sunset Revenue Schedule]
[Sunset Commission Meetings] [Staff] [Employment] [Contact Us] [General Information] [Site Map] [Home]
Code Revisions
Statutory revision

Texas Government Code section 322.007 requires the Texas Legislative Council to make a complete, non substantive revision of Texas statutes. When the program is complete, all general and permanent statutes will be included in one of 27 codes.

Proposed codes are generally prepared in the form of revisor’s reports, which contain the proposed language of the new code, the language of the old statutes, and brief notes. This page provides links to statutory revision documents related to the initial adoption of codes and code sections.

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The council staff usually prepares a proposed code in the form of a revisor’s report arranged to facilitate review. The revisor’s report includes disposition tables so that an interested person may quickly find the revised version of a particular statute. The revisor’s report may also include conforming amendments to other laws made necessary by the revision as well as a list of the statutes to be repealed. Revisor’s reports are distributed to any interested person, and questions, comments, and suggestions are solicited.

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Sec. 1001.112. JOINT ADMINISTRATION OR DELIVERY OF HEALTH CARE SERVICES. To provide joint administration or delivery of health care services, the district may affiliate with or enter into an arrangement with:

(1) a managed care system;
(2) a preferred provider organization;
(3) a health maintenance organization;
(4) a provider of an alternative health care or delivery system; or
(5) a private hospital. (Acts 55th Leg., R.S., Ch. 136, Sec. 18.)

Sec. 18. The Hospital District may contract with, affiliate with, or enter into other arrangements with managed care systems, preferred provider organizations, health maintenance organizations, other providers of alternative health care or delivery systems, or private hospitals to provide joint administration or delivery of health care services.

Section 18, Chapter 136, Acts of the 55th Legislature, Regular Session, 1957, refers to the district's ability to "contract with, affiliate with, or enter into other arrangements with" certain entities. The revised law omits the reference to "contract" as unnecessary because "contract" is included within the meaning of "arrangement."
In Fleming Foods, the Texas Supreme Court held that an omission from the 1981 Tax Code, a nonsubstantive code revision, effected a substantive change in the law relating to the persons eligible to apply for a sales tax refund. The court made its holding despite statements in the law, on the face of the bill, and throughout the legislative process that the legislature did not intend to make any substantive change by enacting the Tax Code.

The court held that "prior law and legislative history cannot be used to alter or disregard the express terms of a code provision when its meaning is clear from the code when considered in its entirety, unless there is an error such as a typographical one."

The court concluded “that when, as here, specific provisions of a ‘nonsubstantive’ codification and the code as a whole are direct, unambiguous, and cannot be reconciled with prior law, the codification rather than the prior, repealed statute must be given effect.”
HOUSE BILL 2006 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2006** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 3815 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3815** at this time on its second reading:

**HB 3815**, Relating to the authority of the Ector County Hospital District to employ and commission peace officers.