

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-FOURTH DAY

(Monday, April 13, 2015)

The Senate met at 2:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Bettencourt, Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

Rabbi Gail Swedroe, Congregation Agudas Achim, Austin, offered the invocation as follows:

Source of all wisdom, we ask for Your guidance as our honorable elected Senators engage in the important work of serving the people of Texas. Bless them with open hearts and minds as they strive to work together to make decisions that promote the common good. Help them represent the rights and needs of both the individuals and the communities who have entrusted them in this great task. And as the Members of this elected body engage in the communal work laid before them, bless each and every one with keen discernment so that great strides may be made from a place of love for our fellow man, for Your great works of creation. May our representatives act in the spirit laid forth in the book of Proverbs (2:20), to follow the way of the good and keep to the paths of the just. Bless this diverse congregation of voices, allowing hearts to be open to all as Exodus chapter 22 teaches (20-23), You shall not wrong or oppress the stranger nor ill-treat the widow or orphan. May all those present today be inspired to act wisely and with a generosity of spirit. And let us say, Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, April 13, 2015 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 4 Huberty

Relating to a high quality prekindergarten program provided by public school districts.

HB 12 Longoria

Relating to the border prosecution unit.

HB 75 González, Mary

Relating to the exemption from vehicle registration for certain farm vehicles owned by a farmers' cooperative society or marketing association.

HB 77 González, Mary

Relating to a study of the Dallas Men Against Abuse program.

HB 100 Zerwas

Relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education.

HB 115 Dale

Relating to the criteria for awarding the Texas Purple Heart Medal to members of the armed forces wounded or killed at Fort Hood on November 5, 2009.

HB 122 Pickett

Relating to the Texas Mobility Fund.

HB 157 Larson

Relating to the rates of sales and use taxes imposed by municipalities; authorizing an increase or decrease in the rate of those taxes.

HB 181 Bell

Relating to information printed by school districts on high school diplomas.

HB 194 Price

Relating to creating a recognition day in honor of Gold Star Mothers.

HB 197 Price

Relating to requiring a public institution of higher education to post information regarding mental health resources on the institution's Internet website.

- HB 230** Farrar
Relating to recovery of attorney's fees in certain civil cases.
- HB 418** Wu
Relating to child victims of trafficking who are placed in secure foster homes.
- HB 440** Gonzales, Larry
Relating to adapting the public school physical education curriculum to accommodate the needs of students with mental disabilities.
- HB 442** Gonzales, Larry
Relating to assignment of certain death benefits payable by the Employees Retirement System of Texas.
- HB 463** Springer
Relating to the ability to mow, bale, shred, or hoe material on a state highway right-of-way.
- HB 495** Howard
Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.
- HB 504** Guillen
Relating to designating the second full week in September as Direct Support Professionals Week.
- HB 685** Sheets
Relating to the production of public information available on the website of a political subdivision of this state.
- HB 706** Farrar
Relating to the procedure for claiming an exemption from ad valorem taxation of property on which a solar or wind-powered energy device is installed or constructed.
- HB 766** Kuempel
Relating to the restructuring of certain fund accounts of the Texas County and District Retirement System.
- HB 801** King, Ken
Relating to planning for the use of and liability resulting from prescribed burns by the Parks and Wildlife Department.
- HB 908** Phillips
Relating to the continuation and duties of the Red River Boundary Commission.
- HB 1016** King, Tracy O.
Relating to the designation of certain river or stream segments as being of unique ecological value.
- HB 1186** Craddick
Relating to the validation of certain actions relating to municipal airport zoning regulations.
- HB 1221** Lucio III
Relating to seller's disclosures in connection with residential real property subject to groundwater regulation.

HB 1235

King, Phil

Relating to the annexation of certain territory by the Wise County Water Control and Improvement District No. 1.

HB 1443

Geren

Relating to the Texas Identification Number system.

HB 1606

Burkett

Relating to the continuation and functions of the Texas Workforce Investment Council, including assumption of the duties of the Texas Skill Standards Board.

HB 1678

Raymond

Relating to the continuation and functions of the Governor's Committee on People with Disabilities.

HB 1890

Elkins

Relating to the development and implementation of a statewide strategy for legacy system modernization.

HB 2000

Gutierrez

Relating to the purchase of certain commodity items by an entity other than a state agency.

HB 2463

Raymond

Relating to the continuation and functions of the Department of Assistive and Rehabilitative Services.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a Testicular Cancer Foundation delegation.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Creighton was recognized and presented Dr. Sabari Sundarraj of The Woodlands as the Physician of the Day.

The Senate welcomed Dr. Sundarraj and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE RULE 7.07(b) SUSPENDED
(Permission to Introduce)
(Motion In Writing)

Senator Whitmire submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 7.07(b) to permit the introduction of the following bills: **SB 2042**, **SB 2046**, **SB 2048**, **SCR 39**.

WHITMIRE

The Motion In Writing was read and prevailed without objection.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

SB 2038 by Ellis

Relating to the qualifications of directors of the Spectrum Management District.
To Committee on Intergovernmental Relations.

SB 2042 by Schwertner, Kolkhorst

Relating to the board of trustees of the Blinn Junior College District.
To Committee on Higher Education.

SB 2043 by Nichols

Relating to the creation of Valley Ranch Medical Center Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
To Committee on Intergovernmental Relations.

SB 2044 by Nichols

Relating to the creation of Valley Ranch Town Center Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
To Committee on Intergovernmental Relations.

SB 2045 by Creighton

Relating to the creation of the Grand Lake Estates Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
To Committee on Intergovernmental Relations.

SB 2046 by V. Taylor

Relating to equal opportunity for access by home-schooled students to University Interscholastic League-sponsored activities; authorizing a fee.
To Committee on Education.

SB 2047 by Creighton

Relating to the territory included in, the composition of the board of directors of, and the powers of the Harris County Improvement District No. 17.
To Committee on Intergovernmental Relations.

SB 2048 by Huffman

Relating to a privilege from disclosure to governmental units for certain evidence concerning sermons delivered by a religious leader.
To Committee on State Affairs.

SCR 39 by Hinojosa, Lucio

Urging Hidalgo County to reduce its tax rate upon establishment of the Hidalgo County Healthcare District.

To Committee on Intergovernmental Relations.

GUESTS PRESENTED

Senator Creighton was recognized and introduced to the Senate a Texas Beekeepers Association delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 535

Senator West offered the following resolution:

SR 535, Recognizing April 13, 2015, as Texas Female Judges' Day.

WEST
HUFFMAN

The resolution was read.

On motion of Senator Uresti and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator West, the resolution was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

GUESTS PRESENTED

Senator West, joined by Senators Uresti, Huffman, Garcia, Zaffirini, Nelson, Rodríguez, and Hinojosa, was recognized and introduced to the Senate a Texas Female Judges' Day delegation: Chief Justice Nathan Hecht, joined by Justices Debra Lehrmann and Eva Guzman, Presiding Judge Sharon Keller, and Judges Barbara Hervey and Elsa Alcalá.

The Senate welcomed its guests.

**SENATE RULE 5.14(a) SUSPENDED
(Intent Calendar)
(Motion In Writing)**

Senator Hancock submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 5.14 so that we may move the Intent Calendar deadline to 4 p.m. today.

HANCOCK

The Motion In Writing was read and prevailed without objection.

CONCLUSION OF MORNING CALL

The President at 2:37 p.m. announced the conclusion of morning call.

GUESTS PRESENTED

Senator Menéndez was recognized and introduced to the Senate a Sikh Center of San Antonio delegation, accompanied by Dr. G. P. Singh.

The Senate welcomed its guests.

SENATE BILL 1235 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1235** at this time on its second reading:

SB 1235, Relating to defining the duties and to the penalties concerning pain management clinics.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1235 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1235** 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.

SENATE BILL 112 ON SECOND READING

On motion of Senator V. Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 112** at this time on its second reading:

SB 112, Relating to the authority of a magistrate to prohibit certain communications in an order for emergency protection.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 112 ON THIRD READING

Senator V. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 112** 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.

COMMITTEE SUBSTITUTE
SENATE BILL 206 ON SECOND READING

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 206** at this time on its second reading:

CSSB 206, Relating to the functions of the Department of Family and Protective Services and procedures applicable to suits affecting the parent-child relationship, investigations of child abuse and neglect, and conservatorship of a child; affecting fee amounts and authorizing an administrative penalty.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 206** (senate committee printing) by striking SECTION 88 of the bill (page 34, lines 32-37) and renumbering subsequent SECTIONS of the bill accordingly.

The amendment to **CSSB 206** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 206** (senate committee printing) in SECTION 21 of the bill by striking the recital to that SECTION (page 8, lines 53 and 54) and substituting the following:

SECTION 21. Sections 261.309(b) and (d), Family Code, are amended to read as follows:

(b) If a person under investigation for allegedly abusing or neglecting a child requests clarification of the status of the person's case or files a complaint relating to the conduct of the department's staff or to department policy, the department shall conduct an informal review to clarify the person's status or resolve the complaint. The division of the department responsible for investigating complaints ~~[immediate supervisor of the employee who conducted the child abuse or neglect investigation or against whom the complaint was filed]~~ shall conduct the informal review as soon as possible but not later than the 14th day after the date the request or complaint is received.

The amendment to **CSSB 206** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 206** (senate committee printing) in SECTION 48 of the bill, in proposed Section 264.017(b)(9), Family Code (page 19, line 24), between "goals" and the underlined semicolon, by inserting ", the stability of the children's placement in foster care, and the proximity of placements to the children's home counties".

The amendment to **CSSB 206** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 206** (senate committee printing), in SECTION 55 of the bill, in amended Section 264.121, Family Code (page 22, lines 38-58), by striking amended Subsection (e) and proposed Subsection (e-2) and substituting the following:

(e) The department shall ensure that each youth acquires a copy and a certified copy of the youth's birth certificate, a social security card or replacement social security card, as appropriate, and a personal identification certificate under Chapter 521, Transportation Code, on or before the date on which the youth turns 16 years of age. The department shall designate one or more employees in the Preparation for Adult Living Program as the contact person to assist a youth who has not been able to obtain the documents described by this subsection in a timely manner from the youth's primary caseworker. The department shall ensure that:

(1) all youth who are age 16 or older are provided with the contact information for the designated employees; and

(2) a youth who misplaces a document provided under this subsection receives assistance in obtaining a replacement document or information on how to obtain a duplicate copy, as appropriate.

(e-2) When providing a youth with a document required by Subsection (e-1), the department shall provide the youth with a copy and a certified copy of the document or with the original document, as applicable.

The amendment to **CSSB 206** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 206** (senate committee printing), in SECTION 57 of the bill, by striking proposed Sections 264.126(a)(2)-(6), Family Code (page 23, lines 18-30), and substituting the following:

(2) include a timeline for implementing the foster care redesign throughout this state, any limitations related to the implementation, and a progressive intervention plan and a contingency plan to provide continuity of foster care service delivery if a contract with a single source continuum contractor ends prematurely;

(3) delineate and define the case management roles and responsibilities of the department and the department's contractors and the duties, employees, and related funding that will be transferred to the contractor by the department;

(4) identify any training needs and include long-range and continuous plans for training and cross-training staff;

(5) include a plan for evaluating the costs and tasks associated with each contract procurement, including the initial and ongoing contract costs for the department and contractor;

(6) include the department's contract monitoring approach and a plan for evaluating the performance of each contractor and the foster care redesign system as a whole that includes an independent evaluation of processes and outcomes; and

The amendment to **CSSB 206** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 206** (senate committee printing) in SECTION 69 of the bill by striking proposed Section 40.030(b)(2), Human Resources Code (page 28, lines 63-65), and substituting the following:

(2) qualifications for membership of an advisory committee, including:

(A) requirements relating to experience and geographic representation;

and

(B) requirements for the department to include as members of advisory committees youth who have aged out of foster care and parents who have successfully completed family service plans and whose children were returned to the parents, as applicable;

The amendment to **CSSB 206** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 6.

On motion of Senator Schwertner and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 206 as amended was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 206 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 206** 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.

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate a City of Fulshear delegation.

The Senate welcomed its guests.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 86, HCR 87.**

SENATE CONCURRENT RESOLUTION 1 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **SCR 1** at this time on its second reading:

SCR 1, Claiming sovereignty under the Tenth Amendment to the U.S. Constitution over all powers not otherwise enumerated and granted to the federal government by the U.S. Constitution, serving notice to the federal government to halt and reverse certain mandates, and providing that certain federal legislation be prohibited or repealed.

The motion prevailed by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Eltife, Estes, Fraser, Hall, Hancock, Huffines, Huffman, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor.

Nays: Ellis, Garcia, Hinojosa, Lucio, Menéndez, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

The resolution was read second time and was adopted by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 204 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 204** at this time on its second reading:

CSSB 204, Relating to the functions and operations of the Department of Aging and Disability Services; increasing penalties.

The motion prevailed.

Senators Fraser, Garcia, Kolkhorst, Nichols, and Watson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 204** (senate committee report) as follows:

(1) In SECTION 15 of the bill, in added Section 103.0085(c), Human Resources Code (page 7, line 62), strike "an adult day-care" and substitute "a day activity and health services".

(2) Strike SECTION 16 of the bill (page 7 line 65, through page 8, line 13).

(3) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Section 531.951(a), Government Code, is amended to read as follows:

(a) This subchapter applies only to the final licensing, listing, or registration decisions of a health and human services agency with respect to a person under the law authorizing the agency to regulate the following types of persons:

(1) a youth camp licensed under Chapter 141, Health and Safety Code;
 (2) a home and community support services agency licensed under Chapter 142, Health and Safety Code;

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

(4) an institution licensed under Chapter 242, Health and Safety Code;

(5) an assisted living facility licensed under Chapter 247, Health and Safety Code;

(6) a special care facility licensed under Chapter 248, Health and Safety Code;

(7) an intermediate care facility licensed under Chapter 252, Health and Safety Code;

(8) a chemical dependency treatment facility licensed under Chapter 464, Health and Safety Code;

(9) a mental hospital or mental health facility licensed under Chapter 577, Health and Safety Code;

(10) a child-care facility or child-placing agency licensed under or a family home listed or registered under Chapter 42, Human Resources Code; or

(11) a day activity and health services [~~an adult day care~~] facility licensed under Chapter 103, Human Resources Code.

SECTION _____. Section 81.042(e), Health and Safety Code, is amended to read as follows:

(e) The following persons shall report to the local health authority or the department a suspected case of a reportable disease and all information known concerning the person who has or is suspected of having the disease if a report is not made as required by Subsections (a)-(d):

(1) a professional registered nurse;

(2) an administrator or director of a public or private temporary or permanent child-care facility;

(3) an administrator or director of a nursing home, personal care home, adult respite care center, or day activity and health services program or facility [~~adult day care center~~];

(4) an administrator of a home health agency;

(5) an administrator or health official of a public or private institution of higher education;

(6) an owner or manager of a restaurant, dairy, or other food handling or processing establishment or outlet;

(7) a superintendent, manager, or health official of a public or private camp, home, or institution;

(8) a parent, guardian, or householder;

(9) a health professional;

(10) an administrator or health official of a penal or correctional institution;

or

(11) emergency medical service personnel, a peace officer, or a firefighter.

SECTION _____. Section 164.003(5), Health and Safety Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(5) "Mental health facility" means:

(A) a "mental health facility" as defined by Section 571.003;

(B) a residential treatment facility, other than a mental health facility, in which persons are treated for emotional problems or disorders in a 24-hour supervised living environment; and

(C) a day activity and health services [~~an adult day care~~] facility as defined by Section 103.003, Human Resources Code.

SECTION _____. Section 250.001(3), Health and Safety Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(3) "Facility" means:

(A) a nursing facility, custodial care home, or other institution licensed by the Department of Aging and Disability Services under Chapter 242;

(B) an assisted living facility licensed by the Department of Aging and Disability Services under Chapter 247;

(C) a home and community support services agency licensed under Chapter 142;

(D) a day activity and health services [~~an adult day care~~] facility licensed by the Department of Aging and Disability Services under Chapter 103, Human Resources Code;

(E) an ICF-IID licensed under Chapter 252;

(F) an adult foster care provider that contracts with the Department of Aging and Disability Services;

(G) a facility that provides mental health services and that is operated by or contracts with the Department of State Health Services;

(H) a local mental health authority designated under Section 533.035 or a local intellectual and developmental disability authority designated under Section 533.035;

(I) a person exempt from licensing under Section 142.003(a)(19);

(J) a special care facility licensed by the Department of State Health Services under Chapter 248;

(K) a mental health service unit of a hospital licensed under Chapter 241; or

(L) a prescribed pediatric extended care center licensed by the Department of Aging and Disability Services under Chapter 248A.

SECTION _____. The heading to Chapter 103, Human Resources Code, is amended to read as follows:

CHAPTER 103. DAY ACTIVITY AND HEALTH SERVICES PROGRAMS
~~[ADULT DAY CARE]~~

SECTION _____. Section 103.001, Human Resources Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 103.001. PURPOSE. It is the purpose of this chapter to establish programs of quality day activity and health services ~~[adult day care and day health care]~~ that will enable persons with disabilities who have medical or functional impairments and elderly persons to maintain maximum independence and to prevent premature or inappropriate institutionalization. It is the purpose of this chapter to provide adequately regulated supervision for elderly persons and persons with disabilities while enabling them to remain in a family environment and affording the family a measure of normality in its daily activities. The legislature intends to provide for the development of policies and programs that will:

- (1) provide alternatives to institutionalization;
- (2) establish facilities for day activity and health services programs ~~[adult day care and day health care]~~ throughout the state that offer services and are accessible to economically disadvantaged persons; and
- (3) prevent inappropriate institutionalization.

SECTION _____. Section 103.002, Human Resources Code, is amended to read as follows:

Sec. 103.002. SHORT TITLE. This chapter may be cited as the Day Activity and Health Services ~~[Adult Day Care]~~ Act.

SECTION _____. Section 103.003(1), Human Resources Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(1) "Day activity and health services facility" ~~["Adult day care facility"]~~ means a facility that provides services under a day activity and health services ~~[an adult day care]~~ program on a daily or regular basis but not overnight to four or more elderly persons or persons with disabilities who are not related by blood, marriage, or adoption to the owner of the facility.

SECTION _____. Section 103.003(2), Human Resources Code, is amended to read as follows:

(2) "Day activity and health services program" ~~["Adult day care program"]~~ means a structured, comprehensive program that is designed to meet the needs of adults with functional impairments through an individual plan of care by providing health, social, and related support services in a protective setting.

SECTION _____. Section 103.0041(a), Human Resources Code, is amended to read as follows:

(a) A person may not operate a day activity and health services ~~[an adult day care]~~ facility without a license issued under this chapter.

SECTION _____. Section 103.006(a), Human Resources Code, is amended to read as follows:

(a) The department shall issue a license to operate a day activity and health services ~~[an adult day care]~~ facility to a person who has met the application requirements and received approval after an on-site inspection.

SECTION _____. Section 103.007(a), Human Resources Code, is amended to read as follows:

(a) An applicant for a license to operate a day activity and health services [~~an adult day care~~] facility must file an application on a form prescribed by the department together with a license fee of \$50.

SECTION _____. Section 103.0075(a), Human Resources Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) The executive commissioner by rule shall adopt a procedure under which a person proposing to construct or modify a day activity and health services [~~an adult day care~~] facility may submit building plans to the department for review for compliance with the department's architectural requirements before beginning construction or modification. In adopting the procedure, the executive commissioner shall set reasonable deadlines by which the department must complete review of submitted plans.

SECTION _____. Section 103.0091(a), Human Resources Code, is amended to read as follows:

(a) The department may petition a district court for a temporary restraining order to restrain a continuing violation of the standards or licensing requirements provided under this chapter if the department finds that the violation creates an immediate threat to the health and safety of the day activity and health services facility [~~adult day care~~] residents.

SECTION _____. Section 103.0092(a), Human Resources Code, is amended to read as follows:

(a) If the department finds a day activity and health services [~~an adult day care~~] facility operating in violation of the standards prescribed by this chapter and the violations create an immediate threat to the health and safety of a resident in the facility, the department shall suspend the license or order immediate closing of all or part of the facility.

SECTION _____. Section 103.011, Human Resources Code, is amended to read as follows:

Sec. 103.011. RIGHTS OF THE ELDERLY. (a) In addition to other rights an individual attending a day activity and health services [~~an adult day care~~] facility has as a citizen, an individual who is 55 years of age or older has the rights prescribed by Chapter 102 of this code.

(b) The department shall require each day activity and health services [~~adult day care~~] facility to implement and enforce the applicable provisions of Chapter 102 of this code.

SECTION _____. Section 103.012(a), Human Resources Code, is amended to read as follows:

(a) The department may assess an administrative penalty against a person who:

(1) violates this chapter, a rule, standard, or order adopted under this chapter, or a term of a license issued under this chapter;

(2) makes a false statement of a material fact that the person knows or should know is false:

(A) on an application for issuance or renewal of a license or in an attachment to the application; or

(B) with respect to a matter under investigation by the department;

(3) refuses to allow a representative of the department to inspect:

(A) a book, record, or file required to be maintained by a day activity and health services [~~an adult day care~~] facility; or

(B) any portion of the premises of a day activity and health services [~~an adult day care~~] facility;

(4) wilfully interferes with the work of a representative of the department or the enforcement of this chapter;

(5) wilfully interferes with a representative of the department preserving evidence of a violation of this chapter, a rule, standard, or order adopted under this chapter, or a term of a license issued under this chapter;

(6) fails to pay a penalty assessed under this chapter not later than the 30th day after the date the assessment of the penalty becomes final; or

(7) fails to notify the department of a change of ownership before the effective date of the change of ownership.

SECTION _____. Section 103.013, Human Resources Code, is amended to read as follows:

Sec. 103.013. RIGHT TO CORRECT BEFORE IMPOSITION OF ADMINISTRATIVE PENALTY. (a) The department may not collect an administrative penalty from a day activity and health services [~~an adult day care~~] facility under Section 103.012 if, not later than the 45th day after the date the facility receives notice under Section 103.014(c), the facility corrects the violation.

(b) The executive commissioner of the Health and Human Services Commission by rule shall define types of minor violations a day activity and health services facility may correct under Subsection (a) before assessing an administrative penalty. The executive commissioner shall ensure that all other violations are not subject to a right to correct [~~Subsection (a) does not apply to:~~

~~(1) a violation that the department determines:~~

~~[(A) results in serious harm to or death of a person attending the facility;~~

~~[(B) constitutes a serious threat to the health and safety of a person attending the facility; or~~

~~[(C) substantially limits the facility's capacity to provide care;~~

~~(2) a violation described by Sections 103.012(a)(2) (7); or~~

~~(3) a violation of Section 103.011].~~

(c) A day activity and health services [~~An adult day care~~] facility that corrects a violation must maintain the correction. If the facility fails to maintain the correction until at least the first anniversary after the date the correction was made, the department may assess and collect an administrative penalty for the subsequent violation. An administrative penalty assessed under this subsection is equal to three times the amount of the original penalty assessed but not collected. The department is not required to provide the facility with an opportunity under this section to correct the subsequent violation.

SECTION _____. Sections 103.014(c) and (e), Human Resources Code, are amended to read as follows:

(c) The department shall give written notice of the report to the person charged with the violation not later than the 10th day after the date on which the report is issued. The notice must include:

- (1) a brief summary of the charges;
- (2) a statement of the amount of penalty recommended;
- (3) a statement of whether the violation is subject to correction under

Section 103.013 and, if the violation is subject to correction under that section, a statement of:

(A) the date on which the day activity and health services [~~adult day care~~] facility must file a plan of correction with the department that the department shall review and may approve, if satisfactory; and

(B) the date on which the plan of correction must be completed to avoid assessment of the penalty; and

(4) a statement that the person charged has a right to a hearing on the occurrence of the violation, the amount of the penalty, or both.

(e) If the violation is subject to correction under Section 103.013, the day activity and health services [~~adult day care~~] facility shall submit a plan of correction to the department for approval not later than the 10th day after the date on which the notice under Subsection (c) is received.

(4) Renumber the SECTIONS of the bill appropriately.

The amendment to **CSSB 204** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 204** (senate committee report) as follows:

(1) Strike SECTION 3 of the bill (page 2, lines 41 through 62).
(2) Strike SECTION 21 of the bill (page 9, lines 49 through 53) and substitute the following appropriately numbered SECTIONS to the bill:

SECTION _____. (a) It is the intent of the legislature that Section 242.061, Health and Safety Code, as amended by this section, establish a ceiling or maximum number of violations related to the abuse and neglect of a resident that a facility can commit before the Department of Aging and Disability Services is required to revoke the facility's license. The changes in law made by this section are not intended to limit or diminish the department's permissive authority to revoke a license under Chapter 242, Health and Safety Code.

(b) Section 242.061, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3), (c-1), and (e) to read as follows:

(a) In this section:

(1) "Abuse" has the meaning assigned by Section 260A.001.

(2) "Immediate threat to health and safety" means a situation in which immediate corrective action is necessary because the facility's noncompliance with one or more requirements has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident.

(3) "Neglect" has the meaning assigned by Section 260A.001.

(a-1) The department, after providing notice and opportunity for a hearing to the applicant or license holder, may deny, suspend, or revoke a license if the department finds that the applicant, the license holder, or any other person described by Section 242.032(d) has:

(1) violated this chapter or a rule, standard, or order adopted or license issued under this chapter in either a repeated or substantial manner;

(2) committed any act described by Sections 242.066(a)(2)-(6); or

(3) failed to comply with Section 242.074.

(a-2) Except as provided by Subsection (a-3) or (e), the department shall revoke a license under Subsection (a-1) if the department finds that:

(1) the license holder has committed three violations described by Subsection (a-1), within a 24-month period, that constitute an immediate threat to health and safety related to the abuse or neglect of a resident; and

(2) each of the violations described by Subdivision (1) are reported in connection with separate surveys, inspections, or investigation visits.

(a-3) The department may not revoke a license under Subsection (a-2) due to a violation described by Subsection (a-2)(1), if:

(1) the violation is not included on the written list of violations left with the facility at the time of the initial exit conference under Section 242.0445(b) for a survey, inspection, or investigation;

(2) the violation is not included on the final statement of violations described by Section 242.0445; or

(3) the violation has been reviewed under the informal dispute resolution process established by Section 531.058, Government Code, and a determination was made that:

(A) the violation should be removed from the license holder's record; or

(B) the violation is reduced in severity so that the violation is no longer cited as an immediate threat to health and safety related to the abuse or neglect of a resident.

(c-1) In the case of revocation of a license under Subsection (a-2), to ensure the health and safety of residents of the institution, the department may:

(1) request the appointment of a trustee to operate the institution under Subchapter D;

(2) obtain a new operator for the institution; or

(3) assist with the relocation of residents to another institution.

(e) The executive commissioner may waive a license revocation required by Subsection (a-2) if the executive commissioner determines that the waiver would not jeopardize the health and safety of the residents of the facility or place the residents at risk of abuse or neglect. The executive commissioner by rule shall establish criteria under which a waiver may be granted as provided by this subsection. The executive commissioner may provide a waiver for a veterans home, as defined by Section

164.002, Natural Resources Code, if the Veterans' Land Board contracts with a different entity to operate the veterans home than the entity that operated the home during the period in which the violations described by Subsection (a-2) occurred.

SECTION _____. Section 242.0615(a), Health and Safety Code, is amended to read as follows:

(a) The department, after providing notice and opportunity for a hearing, may exclude a person from eligibility for a license under this chapter if the person or any person described by Section 242.032(d) has substantially failed to comply with this chapter and the rules adopted under this chapter. The authority granted by this subsection is in addition to the authority to deny issuance of a license under Section 242.061(a-1) ~~[242.061(a)]~~.

SECTION _____. Section 255.003, Health and Safety Code, is amended by amending Subsections (b), (e), and (j) and adding Subsections (b-1) and (i-1) to read as follows:

(b) Monitoring ~~[Priority for monitoring]~~ visits shall be given to long-term care facilities:

(1) with a history of patient care deficiencies; or
(2) that are identified as medium risk through the department's early warning system.

(b-1) A long-term care facility may request a monitoring visit under this section.

(e) Quality-of-care monitors shall assess:

(1) the overall quality of life in the long-term care facility; and
(2) specific conditions in the facility directly related to patient care, including conditions identified through the long-term care facility's quality measure reports based on Minimum Data Set Resident Assessments.

(i-1) The department shall schedule a follow-up visit not later than the 45th day after the date of an initial monitoring visit conducted under this section.

(j) Conditions observed by the quality-of-care monitor that create an immediate threat to the health or safety of a resident shall be reported immediately to the long-term care facility administrator, to the regional office supervisor for appropriate action, and, as appropriate or as required by law, to law enforcement, adult protective services, other divisions of the department, or other responsible agencies.

SECTION _____. Section 255.004, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) In this section:

(1) "Abuse" has the meaning assigned by Section 260A.001.

(2) "Immediate threat to health and safety" means a situation in which immediate corrective action is necessary because the facility's noncompliance with one or more requirements has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident.

(3) "Neglect" has the meaning assigned by Section 260A.001.

(a-1) The department shall create rapid response teams composed of health care experts that can visit a long-term care facility that:

(1) is [facilities] identified as high risk through the department's early warning system; or

(2) if the long-term care facility is a nursing institution, has committed three violations described by Section 242.061(a-1), within a 24-month period, that constitute an immediate threat to health and safety related to the abuse or neglect of a resident.

(a-2) A long-term care facility shall cooperate with a rapid response team deployed under this section to improve the quality of care provided at the facility.

SECTION _____. Section 531.058, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) As part of the informal dispute resolution process established under this section, the commission shall contract with an appropriate disinterested person who is a nonprofit organization to adjudicate disputes between an institution or facility licensed under Chapter 242, Health and Safety Code, and the Department of Aging and Disability Services concerning a statement of violations prepared by the department in connection with a survey conducted by the department of the institution or facility. Section 2009.053 does not apply to the selection of an appropriate disinterested person under this subsection. The person with whom the commission contracts shall adjudicate all disputes described by this subsection.

SECTION _____. (a) As soon as possible after the effective date of this Act, the Department of Aging and Disability Services or the Health and Human Services Commission, as appropriate, shall apply for any waiver or other authorization from a federal agency that is necessary to implement this Act. The department and commission may delay implementing this Act until the waiver or authorization is granted.

(b) As soon as practicable after the effective date of this Act:

(1) the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Section 531.058(a-1), Government Code, as added by this Act; and

(2) the Department of Aging and Disability Services and the Health and Human Services Commission shall, as appropriate, revise or enter into a memorandum of understanding as required by a federal agency that is necessary to implement Section 531.058(a-1), Government Code, as added by this Act.

SECTION _____. Sections 242.061(a-2) and (a-3), Health and Safety Code, as added by this Act, apply only to a violation committed on or after September 1, 2016. A violation committed before September 1, 2016, is governed by the law in effect on the date the violation was committed, and the former law is continued in effect for that purpose. For purposes of this section, a violation was committed before September 1, 2016, if any element of the violation occurred before that date.

SECTION _____. (a) Except as provided by Subsection (b) of this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

(b) Sections 242.061(a-2) and (a-3), Health and Safety Code, as added by this Act, take effect September 1, 2016.

(3) Renumber the SECTIONS of the bill appropriately.

The amendment to **CSSB 204** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 204** (senate committee report) in SECTION 12 of the bill, in added Section 555.203(b), Health and Safety Code (page 6, lines 43 and 44), by striking "transition to the community is practicable while maintaining respect for resident choice" and substituting the following:

⋮

(1) the resident's care team recommends a community placement;

(2) a community placement is available for the resident; and

(3) a community placement is the choice of the resident

The amendment to **CSSB 204** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 204** (senate committee report) in Section 17 of the bill, in added Section 161.080(c), Human Resources Code (page 8, lines 22 and 23), by striking "or modify that rate with a written justification for the modification".

The amendment to **CSSB 204** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 204** (senate committee report), in SECTION 12 of the bill, in added Section 555.201, Health and Safety Code, on page 6, line 22, between "(e)" and "The", by inserting the following:

A member of the restructuring commission may not:

(1) have a direct or indirect interest in any contract or proposed contract with a licensed provider of ICF-IID services, or other provider of services to individuals with an intellectual or developmental disability;

(2) acquire a direct or indirect pecuniary interest in any provider of ICF-IID services, or other provider of services to individuals with an intellectual or developmental disability; or

(3) have a financial interest in the closure of a state supported living center.

(f)

The amendment to **CSSB 204** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 204** (senate committee report), by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 247.051(a), Health and Safety Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) The executive commissioner by rule shall establish an informal dispute resolution process to address disputes between a facility and the department concerning a statement of violations prepared by the department in accordance with this section. The process must provide for adjudication by an appropriate disinterested person of disputes relating to a statement of violations. The informal dispute resolution process must require:

(1) the assisted living facility to request informal dispute resolution not later than the 10th day after the date of notification by the department of the violation of a standard or standards;

(2) that the [commission to complete the] process be completed not later than the 90th day after the date of receipt of a request from the assisted living facility for informal dispute resolution;

(3) that, not later than the 10th business day after the date an assisted living facility requests an informal dispute resolution, the department forward to the assisted living facility a copy of all information that is referred to in the disputed statement of violations or on which a citation is based in connection with the survey, inspection, investigation, or other visit, excluding:

(A) the name of any complainant, witness, or informant;

(B) any information that would reasonably lead to the identification of a complainant, witness, or informant;

(C) information obtained from or contained in the records of the facility;

(D) information that is publicly available; or

(E) information that is confidential by law;

(4) that [the commission to give] full consideration is given to all ~~[factual]~~ arguments raised during the informal dispute resolution process that:

(A) are supported by references to specific information that the facility or department relies on to dispute or support findings in the statement of violations; and

(B) are provided by the proponent of the argument ~~[to the commission]~~ and the opposing party;

(5) that full consideration is given during the informal dispute resolution process [staff give full consideration] to the information provided by the assisted living facility and the department;

(6) that ex parte communications concerning the substance of any argument relating to a survey, inspection, investigation, visit, or statement of violations under consideration not occur between the informal dispute resolution staff and the assisted living facility or the department; and

(7) that the assisted living facility and the department be given a reasonable opportunity to submit arguments and information supporting the position of the assisted living facility or the department and to respond to arguments and information presented against them.

SECTION _____. Section 531.058(a), Government Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, and Section 531.058(c), Government Code, are amended to read as follows:

(a) The executive commissioner by rule shall establish an informal dispute resolution process in accordance with this section. The process must provide for adjudication by an appropriate disinterested person of disputes relating to a proposed enforcement action or related proceeding of the commission under Section 32.021(d), Human Resources Code, or the Department of Aging and Disability Services under Chapter 242, 247, or 252, Health and Safety Code. The informal dispute resolution process must require:

(1) an institution or facility to request informal dispute resolution not later than the 10th calendar day after notification by the commission or department, as applicable, of the violation of a standard or standards; and

(2) the completion of ~~[commission to complete]~~ the process not later than:

(A) the 30th calendar day after receipt of a request from an institution or facility, other than an assisted living facility, for informal dispute resolution; or

(B) the 90th calendar day after receipt of a request from an assisted living facility for informal dispute resolution.

(c) The commission may not delegate its responsibility to administer the informal dispute resolution process established by this section to another state agency. This section does not apply to the informal dispute resolution process established by Section 247.051, Health and Safety Code, applicable to assisted living facilities licensed under Chapter 247, Health and Safety Code.

SECTION _____. Section 247.051(b), Health and Safety Code, is repealed.

The amendment to **CSSB 204** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 6.

On motion of Senator Hinojosa and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 204 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Fraser, Garcia, Kolkhorst, Nichols, Watson.

COMMITTEE SUBSTITUTE SENATE BILL 204 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 204** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Hall, Hancock, Hinojosa, Huffines, Huffman, Lucio, Menéndez, Nelson, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, West, Whitmire, Zaffirini.

Nays: Fraser, Garcia, Kolkhorst, Nichols, Watson.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

SENATE BILL 444 ON SECOND READING

On motion of Senator Hall and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 444** at this time on its second reading:

SB 444, Relating to the exercise of eminent domain by certain toll road corporations.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 444 ON THIRD READING

Senator Hall moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 444** 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.

GUEST PRESENTED

Senator Ellis was recognized and introduced to the Senate Michigan State Senator Virgil Smith.

The Senate welcomed its guest.

SENATE BILL 1214 ON SECOND READING

On motion of Senator V. Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1214** at this time on its second reading:

SB 1214, Relating to the use of human remains for forensic science education, including the training of search and rescue animals.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1214 ON THIRD READING

Senator V. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1214** 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.

**COMMITTEE SUBSTITUTE
SENATE BILL 413 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 413** at this time on its second reading:

CSSB 413, Relating to the qualifications for membership on the Texas Water Development Board.

The motion prevailed.

Senators Burton, Creighton, Fraser, Hancock, Huffines, and Watson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 413** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In current section 6.052(a) (page 1, line 26) between "member" and "have" strike the word "must" and insert the word "may".

(2) In current section 6.052(a) (page 1, lines 26-27) between "member" and "have" strike the word "must" and insert the word "may".

(3) In current section 6.052(a) (page 1, line 28) after "member" strike the word "must:" and insert "may have experience in the field of law or business, provided that at all times one member must:".

Amend C.S.S.B. 413 (senate committee printing) in SECTION 3 of the bill as follows:

(1) In SECTION 3 (page 1, line 53) strike "2019" and insert "2021".

The amendment to **CSSB 413** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Seliger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 413 as amended was passed to engrossment by the following vote: Yeas 25, Nays 6.

Yeas: Bettencourt, Birdwell, Campbell, Ellis, Eltife, Estes, Garcia, Hall, Hinojosa, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, West, Whitmire, Zaffirini.

Nays: Burton, Creighton, Fraser, Hancock, Huffines, Watson.

COMMITTEE SUBSTITUTE
SENATE BILL 413 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 413** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Bettencourt, Birdwell, Campbell, Ellis, Eltife, Estes, Garcia, Hall, Hinojosa, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, West, Whitmire, Zaffirini.

Nays: Burton, Creighton, Fraser, Hancock, Huffines, Watson.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

SENATE BILL 1465 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1465** at this time on its second reading:

SB 1465, Relating to creating limited purpose disaster declaration authority for the governor.

The bill was read second time and was passed to engrossment without objection.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1465 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1465** 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.

SENATE RULES SUSPENDED
(Posting Rules)

Senator Birdwell moved that Senate Rule 11.10(a) and Senate Rule 11.18(a) be suspended in order that the Committee on Nominations might meet today at his desk.

The motion prevailed by a viva voce vote.

All Members are deemed to have voted "Yea" on suspension of the posting rules except as follows:

Nays: Watson.

CO-AUTHORS OF SENATE BILL 150

On motion of Senator Seliger, Senators Hinojosa and Zaffirini will be shown as Co-authors of **SB 150**.

CO-AUTHORS OF SENATE BILL 444

On motion of Senator Hall, Senators Bettencourt and Birdwell will be shown as Co-authors of **SB 444**.

CO-AUTHOR OF SENATE BILL 588

On motion of Senator Huffman, Senator Campbell will be shown as Co-author of **SB 588**.

CO-AUTHOR OF SENATE BILL 621

On motion of Senator Estes, Senator Zaffirini will be shown as Co-author of **SB 621**.

CO-AUTHOR OF SENATE BILL 807

On motion of Senator Campbell, Senator Hinojosa will be shown as Co-author of **SB 807**.

CO-AUTHOR OF SENATE BILL 911

On motion of Senator Zaffirini, Senator Menéndez will be shown as Co-author of **SB 911**.

CO-AUTHOR OF SENATE BILL 931

On motion of Senator Fraser, Senator Campbell will be shown as Co-author of **SB 931**.

CO-AUTHOR OF SENATE BILL 939

On motion of Senator Kolkhorst, Senator Hall will be shown as Co-author of **SB 939**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 10

On motion of Senator Campbell, Senator Hall will be shown as Co-author of **SJR 10**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 530 by Menéndez and Campbell, In memory of Lucy Coffey.

SR 532 by Zaffirini, In memory of Kennedy Clay Roland.

SR 540 by Lucio, In memory of Jorge Alfonso Moreno.

SR 541 by Lucio, In memory of Diamantina Ortega Bennett.

SR 542 by Lucio, In memory of Cesario P. Leal.

SR 543 by Lucio, In memory of Hortencia Hinojosa Sloss.

SR 546 by Watson, In memory of Richard F. Mackin.

SR 554 by Nichols, In memory of Paul Ragsdale.

Congratulatory Resolutions

SR 531 by Garcia, Recognizing Joe B. Allen for receiving the West Houston Association Impact Award.

SR 533 by Zaffirini, Recognizing Rene Garcia Gonzalez for his service to his country during the Vietnam War.

SR 534 by Menéndez, Recognizing CentroMed for its service to Bexar County.

SR 536 by Huffman, Recognizing David Mitzner on the occasion of his 100th birthday.

SR 537 by Perry, Recognizing the Taste of Terry County Vineyard Festival.

SR 538 by Perry, Recognizing the Post Stampede Rodeo on the occasion of its 75th anniversary.

SR 539 by Lucio, Recognizing Pete Sepulveda Jr. on the occasion of his appointment as Cameron County Judge.

SR 544 by Perry and Fraser, Recognizing the 70th anniversary of the closing of Camp Barkeley.

SR 545 by Watson, Recognizing the Austin Downtown Founder Lions Club for 100 years of service to the community.

SR 549 by Nelson, Recognizing Vision Fort Worth for its work on behalf of the community.

SR 550 by Menéndez, Recognizing the festival of Vaisakhi.

SR 551 by Hinojosa, Recognizing Charlie Ramirez for receiving a Texas Department of Public Safety 40-Year Service Award.

SR 552 by Hinojosa, Recognizing the debut of Fiesta de la Flor in Corpus Christi.

SR 553 by Nichols, Recognizing the honorees of the American Legion Department of Texas District 2 Spring Convention.

Official Designation Resolution

SR 547 by Kolkhorst, Recognizing April 13, 2015, as Fulshear Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 4:17 p.m. adjourned, in memory of Don Bigbie and Pastor Jon Randles, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 13, 2015

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — SB 1358, CSSB 1253, SB 268

CRIMINAL JUSTICE — CSSB 1287

FINANCE — SB 1154, SB 1725

BUSINESS AND COMMERCE — CSSB 425, CSSB 1007

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — CSSB 185, CSSB 397, CSSB 1819

TRANSPORTATION — CSSB 1467, CSSB 1561, CSSB 1601

FINANCE — CSSB 1452

EDUCATION — CSSB 4, CSSB 14, CSSB 66, SB 168

FINANCE — CSSB 217

HIGHER EDUCATION — CSSB 778, CSSB 915, CSSB 1189, CSSB 1470, CSSB 1543, CSSB 1714, CSSB 1750

FINANCE — CSSB 1394, CSSB 1420, SB 849, SJR 60, SB 1821, SB 70

TRANSPORTATION — SB 1056

BILLS ENGROSSED

April 9, 2015

SB 9, SB 10, SB 12, SB 55, SB 57, SB 59, SB 60, SB 94, SB 125, SB 195, SB 203, SB 277, SB 287, SB 291, SB 292, SB 332, SB 344, SB 345, SB 347, SB 359, SB 363, SB 386, SB 387, SB 394, SB 408, SB 432, SB 449, SB 462, SB 463, SB 474, SB 481, SB 523, SB 529, SB 530, SB 540, SB 551, SB 569, SB 572, SB 578, SB 582, SB 584, SB 596, SB 603, SB 622, SB 633, SB 643, SB 655, SB 657, SB 660, SB 667, SB 679, SB 680, SB 694, SB 700, SB 734, SB 742, SB 774, SB 775, SB 776, SB 782, SB 783, SB 784, SB 790, SB 812, SB 814, SB 815, SB 822, SB 835, SB 844, SB 855, SB 858, SB 859, SB 860, SB 875, SB 876, SB 880, SB 899, SB 901, SB 911, SB 928, SB 932, SB 970, SB 979, SB 987, SB 1051, SB 1077, SB 1099, SB 1132, SB 1137, SB 1191, SB 1204, SB 1264, SB 1301, SB 1339, SB 1407, SB 1459, SB 1466, SB 1703, SB 1707, SB 2004

RESOLUTIONS ENROLLEDApril 9, 2015**SR 500, SR 510, SR 511, SR 526, SR 527, SR 528, SR 529**