

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-SIXTH DAY

(Wednesday, April 15, 2015)

The Senate met at 11:00 a.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.

Pastor David Halvorson, Fort Worth, was introduced by Senator Nelson and offered the invocation as follows:

Almighty, ever-loving, and forgiving Father in heaven, we are gathered here in Your sight and among those who enjoy freedom and liberty, both to worship God each according to the dictates of his own conscience and to govern ourselves under that gift of liberty which You have so graciously bestowed upon us. We, all of us made by You, gathered here today, are witnesses of Your creation, Your majesty, and Your power, participants in Your abundant provision for us. We thank You for Your many blessings, both in this free nation and this free State of Texas. Most sovereign Lord, we invite You to preside over these proceedings and ask that You will make Your presence known and evident, that these here whom we have elected to represent us may be enlightened with Your knowledge and wisdom and compassion. May they and we walk in vigilance and prudence to complete our daily tasks in a way that will produce peace, prosperity, opportunity, and safety for all who live in Texas. God of the universe, I pray these things in the name of Jesus Christ, my lord. 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.

PHYSICIAN OF THE DAY

Senator Bettencourt was recognized and presented Dr. Emanuel P. Descant of Tomball as the Physician of the Day.

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

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

April 15, 2015
Austin, Texas

TO THE SENATE OF THE EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION:

On January 15, 2015, former Governor Rick Perry submitted the name of Jacob M. Monty for appointment to the Texas Higher Education Coordinating Board for a term to expire August 31, 2015.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,
/s/Greg Abbott
Governor

SENATE RESOLUTION 548

Senator Seliger offered the following resolution:

SR 548, Recognizing April 15, 2015, as County Government Day.

The resolution was read and was adopted without objection.

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

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate a County Government Day 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 38, HCR 92.**

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 2051, SB 2054, SB 2055.**

WHITMIRE

The Motion In Writing was read and prevailed without objection.

SENATE BILLS ON FIRST READING

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

SB 2051 by Bettencourt

Relating to the study of public education performance.

To Committee on Education.

SB 2052 by Creighton

Relating to the powers and duties of the Montgomery County Municipal Utility District No. 141; providing authority to issue bonds and impose taxes.

To Committee on Intergovernmental Relations.

SB 2053 by Bettencourt

Relating to the powers and duties of the Pine Forest Municipal Utility District; providing authority to issue bonds and impose a tax.

To Committee on Intergovernmental Relations.

SB 2054 by Birdwell

Relating to the transfer of certain state property from the Texas Juvenile Justice Department to the State Orphans Home Alumni Association.

To Committee on Criminal Justice.

SB 2055 by Watson

Relating to the designation of Loop 223 in Bastrop County as the Captain Jesse Billingsley Memorial Loop.

To Committee on Transportation.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Birdwell.

Senator Birdwell moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Member, Aging and Disability Services Council: Edward Yosowitz, Harris County.

Member, Assistive and Rehabilitative Services Council: Aureka Charlayne Sanders, Dallas County.

Commissioner, Board of Pilot Commissioners for Galveston County Ports: Henry Stephen Porretto, Galveston County.

Member, Council on Cardiovascular Disease and Stroke: Suzanne F. Monsour, Brazoria County.

Members, Board of Directors, Gulf Coast Waste Disposal Authority: Stanley Craig Cromartie, Galveston County; Gloria Anays Milian Matt, Harris County; Lamont Edward Meaux, Chambers County.

Counsellor, Office of Public Utility Counsel: Tonya Rae Baer, Travis County.

Commissioner, Public Utility Commission of Texas: Brandy Marty Marquez, Travis County.

Member, Real Estate Research Advisory Committee: Warren Douglas Jennings, Tarrant County.

Member, School Land Board: Thomas V. Orr, Fayette County.

Members, State Board of Veterinary Medical Examiners: Dan Lee Craven, Houston County; Roland Francis Lenarduzzi, Brazoria County; James Doyle McAdams, Guadalupe County; Keith Alan Pardue, Travis County.

Member, Texas Board of Occupational Therapy Examiners: Sally Woodward Harris, Harris County.

Member, Texas Commission on Fire Protection: Tivy Whitlock, Bexar County.

Members, Texas Forensic Science Commission: Richard Brad Alpert, Tarrant County; Jeffrey Joseph Barnard, Dallas County; Vincent J. M. Di Maio, Bexar County; Arthur Jay Eisenberg, Tarrant County; Sheree Robyn Hughes-Stamm, Montgomery County; Harvey Philip Kessler, Tarrant County; Robert Julius Lerma, Cameron County; Ashraf Mozayani, Harris County; Nizam Peerwani, Tarrant County.

Member, Texas Funeral Service Commission: Wesley Scott Smith, Collin County.

Member, Board of Directors, Texas Mutual Insurance Company: Robert Charles Barnes, Hood County.

Members, Texas State Board of Public Accountancy: Robert Michael McAdams, Bexar County; Phillip Wayne Worley, Jim Hogg County.

Members, Texas State Library and Archives Commission: William Scott McAfee, Hays County; Michael Cooper Waters, Collin County.

Judge, 89th Judicial District Court, Wichita County: Charles Murray Barnard, Wichita County.

CONCLUSION OF MORNING CALL

The President at 11:21 a.m. announced the conclusion of morning call.

(Senator Schwertner in Chair)

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate a Calhoun High School delegation.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 1654 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1654** at this time on its second reading:

CSSB 1654, Relating to the standard valuation for life insurance, accident and health insurance, and annuities and the nonforfeiture requirements of certain life insurance policies; amending provisions that may be subject to a criminal penalty.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1654 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1654** 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 1664 ON SECOND READING

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1664** at this time on its second reading:

SB 1664, Relating to the establishment of the Texas Achieving a Better Life Experience (ABLE) Program; authorizing the imposition of fees.

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 1664 ON THIRD READING

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1664** 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 574 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 574** at this time on its second reading:

SB 574, Relating to the creation of the State Cemetery preservation trust fund.

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 574 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 574** 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 1093 ON SECOND READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSSB 1093** at this time on its second reading:

CSSB 1093, Relating to credit to certain ceding insurers for reinsurance ceded to certain assuming insurers.

The motion prevailed.

Senator Menéndez asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The bill was read second time and 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:

Present-not voting: Menéndez.

**COMMITTEE SUBSTITUTE
SENATE BILL 1093 ON THIRD READING**

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1093** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0, Present-not voting 1. (Same as previous roll call)

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1173 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1173** at this time on its second reading:

CSSB 1173, Relating to commercial driver's licenses and commercial learner's permits and the operation of commercial motor vehicles; creating a criminal offense; amending provisions subject to a criminal penalty; authorizing fees.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1173 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1173** 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 130 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 130** at this time on its second reading:

SB 130, Relating to the eligibility of criminal defendants for an order of nondisclosure; authorizing a fee.

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 130 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 130** 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 66 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 66** at this time on its second reading:

CSSB 66, Relating to the use of epinephrine auto-injectors on public school and open-enrollment charter school campuses and at or in transit to or from off-campus school events.

The motion prevailed by the following vote: Yeas 24, Nays 7.

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

Nays: Birdwell, Burton, Creighton, Hall, Hancock, Huffines, Kolkhorst.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 66** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, between added Sections 38.213 and 38.214, Education Code (page 4, between lines 21 and 22), insert the following:

Sec. 38.214. NOTICE TO PARENTS. (a) Before each school year, a school district or open-enrollment charter school shall provide written notice to a parent or guardian of each student enrolled in the district or school stating whether the district or school will implement a policy under this subchapter for the maintenance, administration, and disposal of epinephrine auto-injectors.

(b) If a school district or open-enrollment charter school will implement a policy under this subchapter, the district or school must provide the notice required under Subsection (a) before implementing the policy.

(2) In SECTION 2 of the bill, in added Section 38.214, Education Code (page 4, line 22), strike "38.214" and substitute "38.215".

(3) In SECTION 2 of the bill, in added Section 38.215, Education Code (page 4, line 26), strike "38.215" and substitute "38.216".

The amendment to **CSSB 66** 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 Hinojosa and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 66 as amended was passed to engrossment by the following vote: Yeas 24, Nays 7.

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

Nays: Birdwell, Burton, Creighton, Hall, Hancock, Huffines, Kolkhorst.

COMMITTEE SUBSTITUTE SENATE BILL 66 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 66** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Creighton, Hall, Hancock, Huffines, Kolkhorst.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

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

Nays: Birdwell, Burton, Creighton, Hall, Hancock, Huffines, Kolkhorst.

COMMITTEE SUBSTITUTE SENATE BILL 1753 ON SECOND READING

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1753** at this time on its second reading:

CSSB 1753, Relating to the identification requirements of certain health care providers associated with a hospital.

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.

COMMITTEE SUBSTITUTE SENATE BILL 1753 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1753** 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.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 1753** (senate committee printing) on third reading in SECTION 1 of the bill as follows:

(1) In added Section 241.009(d), Health and Safety Code (page 1, line 60), strike "2017" and substitute "2019".

(2) In added Section 241.009(d), Health and Safety Code (page 2, line 1), strike "2018" and substitute "2020".

The amendment to **CSSB 1753** was read and was adopted without objection.

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

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

CSSB 1753 as amended was finally passed by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a West Oso High School delegation.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 1507 ON SECOND READING

Senator Garcia moved to suspend the regular order of business to take up for consideration **CSSB 1507** at this time on its second reading:

CSSB 1507, Relating to the appointment of a forensic director responsible for statewide coordination and oversight of forensic mental health services overseen by the Department of State Health Services.

The motion prevailed.

Senator Huffines asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and 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: Huffines.

COMMITTEE SUBSTITUTE SENATE BILL 1507 ON THIRD READING

Senator Garcia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1507** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Huffines.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 450 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 450** at this time on its second reading:

CSSB 450, Relating to the liability of a political subdivision of this state for certain claims relating to land acquired by the political subdivision under certain circumstances.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 450 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 450** 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 824 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSSB 824** at this time on its second reading:

CSSB 824, Relating to civil jurisdiction of, and the number of jurors required in, certain civil cases pending in a statutory county court.

The motion prevailed.

Senators Hinojosa and Uresti asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 824** (senate committee printing) as follows:

- (1) Strike SECTION 2 of the bill (page 1, lines 31-36).
- (2) In SECTION 3 of the bill, adding Section 25.0007(c), Government Code (page 1, line 55), between "members" and the semicolon insert "unless the parties agree to a jury composed of six members".
- (3) Renumber remaining SECTIONS of the bill accordingly.

The amendment to **CSSB 824** 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 Huffman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 824 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: Hinojosa, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 824 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 **CSSB 824** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodriguez, Schwertner, Seliger, L. Taylor, V. Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Hinojosa, Uresti.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

(Senator L. Taylor in Chair)

SENATE BILL 1451 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1451** at this time on its second reading:

SB 1451, Relating to the disputed payment by a credit card or debit card of a vehicle registration fee.

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 1451 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1451** 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 335 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 **CSSB 335** at this time on its second reading:

CSSB 335, Relating to the right of officers of counties, county boards of school trustees, and county boards of education to obtain information, documents, and records.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 335 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 **CSSB 335** 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.

REMARKS ORDERED PRINTED

On motion of Senator V. Taylor and by unanimous consent, his remarks regarding **CSSB 335** were ordered reduced to writing and printed in the *Senate Journal* as follows:

As a matter of principle, elected or appointed officers responsible for overseeing a governmental body must have unfettered access to all information within their jurisdiction. This right is essential to their oversight responsibilities.

Senate Bill 335 provides that elected or appointed officers overseeing county governmental bodies, including commissioners courts, county boards of school trustees, county boards of education, or other deliberative bodies within a county, have a right of access to all information within their governmental bodies.

This bill establishes a needed expectation that elected or appointed officials responsible for overseeing a county jurisdiction have access to all information within that governmental body.

This bill is similar in nature to a measure passed last session, House Bill 628 gave school board members the right to access information, documents, and records maintained by the school district.

The intent of SB 335 is not to waive the confidentiality of any information that would be protected from public disclosure.

Elected or appointed officers may still access confidential information, provided that they sign a confidentiality agreement when needed.

Further, the intent of Senate Bill 335 is not to infringe on the disclosure requirements under the Texas Public Information Act or otherwise affect the exemptions provided under the Act.

**COMMITTEE SUBSTITUTE
SENATE BILL 337 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 **CSSB 337** at this time on its second reading:

CSSB 337, Relating to the right of directors of special districts to obtain district information, documents, and records.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 337 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 **CSSB 337** 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.

REMARKS ORDERED PRINTED

On motion of Senator V. Taylor and by unanimous consent, his remarks regarding **CSSB 337** were ordered reduced to writing and printed in the *Senate Journal* as follows:

As a matter of principle, elected or appointed officers responsible for overseeing a governmental body must have unfettered access to all information within their jurisdiction. This right is essential to their oversight responsibilities.

Senate Bill 337 provides that the board members of any special district, which may include a water district or river authority have a right of access to all information within their governmental bodies.

The requirements of this bill do not apply to school or hospital districts.

This bill establishes a needed expectation that board members responsible for overseeing a special district have access to all information within that governmental body.

This bill is similar in nature to a measure passed last session, House Bill 628, giving school board members the right to access information, documents, and records maintained by the school district.

The intent of SB 337 is not to waive the confidentiality of any information that would be protected from public disclosure.

District board members may still access confidential information, provided they sign a confidentiality agreement when needed.

Further, the intent of Senate Bill 337 is not to infringe on the disclosure requirements under the Texas Public Information Act or otherwise affect the exemptions provided under the Act.

Rather, the intent of this Act is to clarify the legislature's expectation that district board members have unfettered access to any information within their jurisdiction.

**COMMITTEE SUBSTITUTE
SENATE BILL 212 ON SECOND READING**

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 212** at this time on its second reading:

CSSB 212, Relating to the abolishment of the Texas Council on Purchasing from People with Disabilities and the transfer of its functions to the comptroller of public accounts.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 212** (senate committee printing) as follows: In SECTION 3 of the bill, in Section 122.0057(b), Human Resources Code (page 1, line 58), strike "nine" and substitute "thirteen".

In SECTION 3 of the bill, in Section 122.0057(b)(1) (page 1, line 60) strike "two" and substitute "four".

In SECTION 3 of the bill, in Section 122.0057(b)(2) (page 2, line 3) strike "three" and substitute "four".

In SECTION 3 of the bill, in Section 122.0057(b)(4) (page 2, line 8) strike "three" and substitute "four" and strike "one" and substitute "two".

In SECTION 3 of the bill, in Section 122.0057(g) (page 2, line 42-43) strike "at the call of the presiding officer" and substitute "semi-annually".

The amendment to **CSSB 212** 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 Birdwell and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 212 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 212 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 212** 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 683 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 683** at this time on its second reading:

CSSB 683, Relating to the payment of certain ad valorem tax refunds.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 683 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 683** 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 853 ON SECOND READING

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 853** at this time on its second reading:

SB 853, Relating to the signature requirement for a sales tax permit application filed electronically.

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 853 ON THIRD READING

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 853** 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.

(Senator Schwertner in Chair)

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 106 ON SECOND READING**

Senator Whitmire moved to suspend the regular order of business to take up for consideration **CSSB 106** at this time on its second reading:

CSSB 106, Relating to court jurisdiction and procedures relating to truancy; providing criminal penalties; imposing a court cost.

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

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

Nays: Creighton, Hancock, Huffines, L. Taylor, V. Taylor.

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 106** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Article 4.14(g), Code of Criminal Procedure, is amended to read as follows:

(g) A municipality may enter into an agreement with a contiguous municipality or a municipality with boundaries that are within one-half mile of the municipality seeking to enter into the agreement to establish concurrent jurisdiction of the municipal courts in the municipalities and provide original jurisdiction to a municipal court in which a case is brought as if the municipal court were located in the municipality in which the case arose, for:

(1) all cases in which either municipality has jurisdiction under Subsection (a); and

(2) cases that arise under Section 821.022, Health and Safety Code~~[-, or Section 25.094, Education Code]~~.

SECTION 2. Articles 45.0216(f) and (g), Code of Criminal Procedure, are amended to read as follows:

(f) The court shall order the conviction, together with all complaints, verdicts, sentences, and prosecutorial and law enforcement records, and any other documents relating to the offense, expunged from the person's record if the court finds that:

(1) for a person applying for the expunction of a conviction for an offense described by Section 8.07(a)(4) or (5), Penal Code, the person was not convicted of any other offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child; and

(2) for a person applying for the expunction of a conviction for an offense described by Section 43.261, Penal Code, the person was not found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(7) [~~51.03(b)(8)~~], Family Code, while the person was a child.

(g) This article does not apply to any offense otherwise covered by:

(1) Chapter 106, Alcoholic Beverage Code; or

(2) Chapter 161, Health and Safety Code~~[-, or~~

~~(3) Section 25.094, Education Code]~~.

SECTION 3. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0541 to read as follows:

Art. 45.0541. EXPUNCTION OF FAILURE TO ATTEND SCHOOL RECORDS. (a) In this article, "truancy offense" means an offense committed under the former Section 25.094, Education Code.

(b) An individual who has been convicted of a truancy offense or has had a complaint for a truancy offense dismissed is entitled to have the conviction or complaint and records relating to the conviction or complaint expunged.

(c) Regardless of whether the individual has filed a petition for expunction, the court in which the individual was convicted or a complaint for a truancy offense was filed shall order the conviction, complaints, verdicts, sentences, and other documents relating to the offense, including any documents in the possession of a school district or law enforcement agency, to be expunged from the individual's record. After entry

of the order, the individual is released from all disabilities resulting from the conviction or complaint, and the conviction or complaint may not be shown or made known for any purpose. The court shall inform the individual of the expunction by sending a notice to the individual's last known address.

SECTION 4. Article 45.056(a), Code of Criminal Procedure, as amended by Chapters 1213 (S.B. 1419) and 1407 (S.B. 393), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a) On approval of the commissioners court, city council, school district board of trustees, juvenile board, or other appropriate authority, a county court, justice court, municipal court, school district, juvenile probation department, or other appropriate governmental entity may:

(1) employ a case manager to provide services in cases involving juvenile offenders who are before a court consistent with the court's statutory powers or referred to a court by a school administrator or designee for misconduct that would otherwise be within the court's statutory powers prior to a case being filed, with the consent of the juvenile and the juvenile's parents or guardians;

(2) employ one or more juvenile case managers who:

(A) shall assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases; and

(B) may provide:

(i) prevention services to a child considered at risk of entering the juvenile justice system; and

(ii) intervention services to juveniles engaged in misconduct before cases are filed, excluding traffic offenses; or

(3) agree in accordance with Chapter 791, Government Code, with any appropriate governmental entity to jointly employ a case manager or to jointly contribute to the costs of a case manager employed by one governmental entity to provide services described by Subdivisions (1) and (2).

SECTION 5. Article 102.014(d), Code of Criminal Procedure, is amended to read as follows:

(d) A person convicted of an offense under Section 25.093 [~~or 25.094~~], Education Code, shall pay as taxable court costs \$20 in addition to other taxable court costs. The additional court costs under this subsection shall be collected in the same manner that other fines and taxable court costs in the case are collected.

SECTION 6. (a) Section 7.111(a), Education Code, as amended by Chapters 339 (H.B. 2058) and 1217 (S.B. 1536), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted to read as follows:

(a) The board shall provide for the administration of high school equivalency examinations.

(b) Section 7.111(a-1), Education Code, is amended to conform to the amendment of Section 7.111(a), Education Code, by Chapter 1217 (S.B. 1536), Acts of the 83rd Legislature, Regular Session, 2013, and is further amended to read as follows:

(a-1) A person who does not have a high school diploma may take the examination in accordance with rules adopted by the board if the person is:

(1) over 17 years of age;

(2) 16 years of age or older and:

(A) is enrolled in a Job Corps training program under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.), and its subsequent amendments;

(B) a public agency providing supervision of the person or having custody of the person under a court order recommends that the person take the examination; or

(C) is enrolled in the Texas Military Department's ~~adjutant general's department's~~ Seaborne Challenge Corps; or

(3) required to take the examination under a court order issued under Section 25A.103(a)(3).

SECTION 7. Section 25.085, Education Code, is amended by amending Subsections (e) and (f) and adding Subsections (g) and (h) to read as follows:

(e) A person who voluntarily enrolls in school or voluntarily attends school after the person's 18th birthday shall attend school each school day for the entire period the program of instruction is offered. A school district may revoke for the remainder of the school year the enrollment of a person who has more than five absences in a semester that are not excused under Section 25.087, except a school district may not revoke the enrollment of a person under this subsection on a day on which the person is physically present at school. A person whose enrollment is revoked under this subsection may be considered an unauthorized person on school district grounds for purposes of Section 37.107.

(f) The board of trustees of a school district may adopt a policy requiring a person described by Subsection (e) who is under 21 years of age to attend school until the end of the school year. Section 25A.003(a) does not apply ~~[25.094 applies]~~ to a person subject to a policy adopted under this subsection. Sections 25.093 and 25.095 do not apply to the parent of a person subject to a policy adopted under this subsection.

(g) After the third unexcused absence of a person described by Subsection (e), a school district shall issue a warning letter to the person that states the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester.

(h) As an alternative to revoking a person's enrollment under Subsection (e), a school district may impose a behavior improvement plan described by Section 25.0915(a-1)(1).

SECTION 8. Sections 25.091(a) and (b), Education Code, are amended to read as follows:

(a) A peace officer serving as an attendance officer has the following powers and duties concerning enforcement of compulsory school attendance requirements:

(1) to investigate each case of a violation of compulsory school attendance requirements referred to the peace officer;

(2) to enforce compulsory school attendance requirements by:

(A) applying truancy prevention measures adopted under Section 25.0915 to the student; and

(B) if the truancy prevention measures fail to meaningfully address the student's conduct:

(i) referring the student to a truancy court [~~juvenile court or filing a complaint against the student in a county, justice, or municipal court~~] if the student has unexcused absences for the amount of time specified under Section 25A.003(a) [~~25.094 or under Section 51.03(b)(2), Family Code~~]; or

(ii) filing a complaint in a county, justice, or municipal court against a parent who violates Section 25.093;

(3) to serve court-ordered legal process;

(4) to review school attendance records for compliance by each student investigated by the officer;

(5) to maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board of trustees of a school district, or the commissioner, to provide a record to the individual or entity requesting the record; and

(6) to make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that a peace officer may not enter a residence without the permission of the parent of a student required under this subchapter to attend school or of the tenant or owner of the residence except to lawfully serve court-ordered legal process on the parent; ~~and~~

~~[(7) to take a student into custody with the permission of the student's parent or in obedience to a court-ordered legal process].~~

(b) An attendance officer employed by a school district who is not commissioned as a peace officer has the following powers and duties with respect to enforcement of compulsory school attendance requirements:

(1) to investigate each case of a violation of the compulsory school attendance requirements referred to the attendance officer;

(2) to enforce compulsory school attendance requirements by:

(A) applying truancy prevention measures adopted under Section 25.0915 to the student; and

(B) if the truancy prevention measures fail to meaningfully address the student's conduct:

(i) referring the student to a truancy court [~~juvenile court or filing a complaint against the student in a county, justice, or municipal court~~] if the student has unexcused absences for the amount of time specified under Section 25A.003(a) [~~25.094 or under Section 51.03(b)(2), Family Code~~]; and

(ii) filing a complaint in a county, justice, or municipal court against a parent who violates Section 25.093;

(3) to monitor school attendance compliance by each student investigated by the officer;

(4) to maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board of trustees of a school district, or the commissioner, to provide a record to the individual or entity requesting the record;

(5) to make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that the attendance officer may not enter a residence without permission of the parent or of the owner or tenant of the residence; and

(6) at the request of a parent, to escort a student from any location to a school campus to ensure the student's compliance with compulsory school attendance requirements~~]; and~~

~~[(7) if the attendance officer has or is informed of a court ordered legal process directing that a student be taken into custody and the school district employing the officer does not employ its own police department, to contact the sheriff, constable, or any peace officer to request that the student be taken into custody and processed according to the legal process].~~

SECTION 9. Section 25.0915, Education Code, is amended to read as follows:

Sec. 25.0915. TRUANCY PREVENTION MEASURES~~]; REFERRAL AND FILING REQUIREMENT].~~ (a) A school district shall adopt truancy prevention measures designed to:

(1) address student conduct related to truancy in the school setting before the student engages in conduct described by Section 25A.003(a); and

(2) minimize the need for referrals to truancy [juvenile] court for conduct described by Section 25A.003(a) [51.03(b)(2), Family Code; and

[(3) minimize the filing of complaints in county, justice, and municipal courts alleging a violation of Section 25.094].

(a-1) As a truancy prevention measure under Subsection (a), a school district shall take one or more of the following actions:

(1) impose:

(A) a behavior improvement plan on the student that must be signed by an employee of the school, that the school district has made a good faith effort to have signed by the student and the student's parent or guardian, and that includes:

(i) a specific description of the behavior that is required or prohibited for the student;

(ii) the period for which the plan will be effective, not to exceed 45 school days after the date the contract becomes effective; or

(iii) the penalties for additional absences, including additional disciplinary action or the referral of the student to a truancy court; or

(B) school-based community service; or

(2) refer the student to counseling, community-based services, or other in-school or out-of-school services aimed at addressing the student's truancy.

(a-2) A referral made under Subsection (a-1)(2) may include participation by the child's parent or guardian if necessary.

(a-3) A school district shall offer additional counseling to a student and may not refer the student to truancy court if the school determines that the student's truancy is the result of:

(1) pregnancy;

(2) being in the state foster program;

(3) homelessness; or

(4) being the principal income earner for the student's family.

(a-4) If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described by Section 25.0951(a), the school district shall initiate truancy prevention measures under this section on the student.

(b) Each referral to truancy [~~juvenile~~] court for conduct described by Section 25A.003(a) [~~51.03(b)(2), Family Code, or complaint filed in county, justice, or municipal court alleging a violation by a student of Section 25.094~~] must:

(1) be accompanied by a statement from the student's school certifying that:

(A) the school applied the truancy prevention measures adopted under Subsection (a) or (a-4) to the student; and

(B) the truancy prevention measures failed to meaningfully address the student's school attendance; and

(2) specify whether the student is eligible for or receives special education services under Subchapter A, Chapter 29.

(c) A truancy court shall dismiss a petition filed by a truant conduct prosecutor under Section 25A.054 if the court determines that the school district's referral:

(1) does [complaint or referral made by a school district under this section that is] not comply [made in compliance] with Subsection (b);

(2) does not satisfy the elements required for truant conduct;

(3) is not timely filed, unless the school district delayed the referral under Section 25.0951(d); or

(4) is otherwise substantively defective.

(d) Except as provided by Subsection (e), a school district shall employ a truancy prevention facilitator or juvenile case manager to implement the truancy prevention measures required by this section and any other effective truancy prevention measures as determined by the school district or campus. At least annually, the truancy prevention facilitator shall meet to discuss effective truancy prevention measures with a case manager or other individual designated by a truancy court to provide services to students of the school district in truancy cases.

(e) Instead of employing a truancy prevention facilitator, a school district may designate an existing district employee or juvenile case manager to implement the truancy prevention measures required by this section and any other effective truancy prevention measures as determined by the school district or campus.

(f) The agency shall adopt rules:

(1) creating minimum standards for truancy prevention measures adopted by a school district under this section; and

(2) establishing a set of best practices for truancy prevention measures.

(g) The agency shall adopt rules to provide for sanctions for a school district found to be not in compliance with this section.

SECTION 10. Sections 25.0916(a), (c), (d), (f), (h), and (i), Education Code, are amended to read as follows:

(a) This section applies only to a county with two or more courts hearing truancy cases and two or more school districts [+]

~~[(1) with a population greater than 1.5 million; and~~

~~[(2) that includes at least:~~

~~[(A) 15 school districts with the majority of district territory in the county; and~~

~~[(B) one school district with a student enrollment of 50,000 or more and an annual dropout rate spanning grades 9-12 of at least five percent, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education].~~

(c) Not later than September 1, 2016 ~~[2013]~~, the county judge and the mayor of the municipality in the county with the greatest population shall each appoint one member to serve on the committee as a representative of each of the following:

- (1) a juvenile ~~[district]~~ court;
- (2) a municipal court;
- (3) the office of a justice of the peace;
- (4) the superintendent or designee of an independent school district;
- (5) an open-enrollment charter school, if one exists in the county;
- (6) the office of the prosecutor with original truancy jurisdiction in the county ~~[district attorney]~~; and
- (7) the general public.

(d) Not later than September 1, 2016 ~~[2013]~~, the county judge shall appoint to serve on the committee one member from the house of representatives and one member from the senate who are members of the respective standing legislative committees with primary jurisdiction over public education.

(f) Not later than September 1, 2017 ~~[2014]~~, the committee shall recommend:

- (1) a uniform process for filing truancy cases with the judicial system;
- (2) uniform administrative procedures;
- (3) uniform deadlines for processing truancy cases;
- (4) effective prevention, intervention, and diversion methods to reduce truancy and referrals to a county, justice, or municipal court;
- (5) a system for tracking truancy information and sharing truancy information among school districts and open-enrollment charter schools in the county; and

(6) any changes to statutes or state agency rules the committee determines are necessary to address truancy.

(h) The committee's presiding officer shall issue a report not later than December 1, 2017 ~~[2015]~~, on the implementation of the recommendations and compliance with state truancy laws by a school district located in the county.

(i) This section expires January 1, 2018 ~~[2016]~~.

SECTION 11. Section 25.093, Education Code, is amended by amending Subsections (a) and (c) and adding Subsection (c-1) to read as follows:

(a) If a warning is issued as required by Section 25.095(a), the parent with criminal negligence fails to require the child to attend school as required by law, and the child has absences for the amount of time specified under Section 25A.003(a) ~~[25.094]~~, the parent commits an offense.

(c) An offense under Subsection (a) is a ~~[Class C]~~ misdemeanor, punishable by fine only, in an amount not to exceed:

- (1) \$100 for a first offense;
- (2) \$200 for a second offense;
- (3) \$300 for a third offense;
- (4) \$400 for a fourth offense; or

(5) \$500 for a fifth or subsequent offense.

(c-1) Each day the child remains out of school may constitute a separate offense. Two or more offenses under Subsection (a) may be consolidated and prosecuted in a single action. If the court orders deferred disposition under Article 45.051, Code of Criminal Procedure, the court may require the defendant to provide personal services to a charitable or educational institution as a condition of the deferral.

SECTION 12. Sections 25.095(a), (b), and (c), Education Code, are amended to read as follows:

(a) A school district or open-enrollment charter school shall notify a student's parent in writing at the beginning of the school year that if the student is absent from school on 10 or more days or parts of days within a six-month period in the same school year ~~[or on three or more days or parts of days within a four week period]:~~

(1) the student's parent is subject to prosecution under Section 25.093; and

(2) the student is subject to ~~[prosecution under Section 25.094 or to]~~ referral to a truancy ~~[juvenile]~~ court ~~[in a county with a population of less than 100,000]~~ for truancy conduct under Section 25A.003(a) ~~[that violates that section].~~

(b) A school district shall notify a student's parent if the student has been absent from school, without excuse under Section 25.087, on three days or parts of days within a four-week period. The notice must:

(1) inform the parent that:

(A) it is the parent's duty to monitor the student's school attendance and require the student to attend school; and

(B) the student ~~[parent]~~ is subject to truancy prevention measures ~~[prosecution]~~ under Section 25.0915 ~~[25.093]~~; and

(2) request a conference between school officials and the parent to discuss the absences.

(c) The fact that a parent did not receive a notice under Subsection (a) or (b) does not create a defense ~~[to prosecution]~~ under Section 25.093 or 25A.003(a) ~~[25.094]~~.

SECTION 13. Section 25.0951, Education Code, is amended to read as follows:

Sec. 25.0951. SCHOOL DISTRICT COMPLAINT OR REFERRAL FOR FAILURE TO ATTEND SCHOOL. (a) If a student fails to attend school without excuse on 10 or more days or parts of days within a six-month period in the same school year, a school district shall within 10 school days of the student's 10th absence~~[-~~

~~[(1) file a complaint against the student or the student's parent or both in a county, justice, or municipal court for an offense under Section 25.093 or 25.094, as appropriate, or refer the student to a juvenile court in a county with a population of less than 100,000 for conduct that violates Section 25.094; or~~

~~[(2)] refer the student to a truancy [juvenile] court for truant conduct [indicating a need for supervision] under Section 25A.003(a) [51.03(b)(2), Family Code].~~

(b) If a student fails to attend school without excuse as specified by Subsection (a), a school district may file a complaint against the student's parent in a county, justice, or municipal court for an offense under Section 25.093 if the school district provides evidence of the parent's criminal negligence ~~[If a student fails to attend~~

~~school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described by Subsection (a), the school district may:~~

~~[(1) file a complaint against the student or the student's parent or both in a county, justice, or municipal court for an offense under Section 25.093 or 25.094, as appropriate, or refer the student to a juvenile court in a county with a population of less than 100,000 for conduct that violates Section 25.094; or~~

~~[(2) refer the student to a juvenile court for conduct indicating a need for supervision under Section 51.03(b)(2), Family Code].~~

~~[(e)] In this subsection [section], "parent" includes a person standing in parental relation.~~

~~(c) [(d)] A court shall dismiss a complaint [or referral] made by a school district under Subsection (b) [under this section] that:~~

~~(1) does [is] not comply [made in compliance] with this section;~~

~~(2) does not allege the elements required for the offense;~~

~~(3) is not timely filed, unless the school district delayed the referral under Subsection (d); or~~

~~(4) is otherwise substantively defective.~~

~~(d) Notwithstanding Subsection (a), a school district may delay a referral of a student for truant conduct, or may choose to not refer a student for truant conduct, if the school district:~~

~~(1) is applying truancy prevention measures to the student under Section 25.0915; and~~

~~(2) determines that the truancy prevention measures are succeeding and it is in the best interest of the student that a referral be delayed or not be made.~~

SECTION 14. Section 25.0952, Education Code, is amended to read as follows:

Sec. 25.0952. PROCEDURES APPLICABLE TO PARENT CONTRIBUTING TO NONATTENDANCE OFFENSE ~~[SCHOOL ATTENDANCE RELATED OFFENSES]~~. In a proceeding based on a complaint under Section 25.093 ~~[or 25.094]~~, the court shall, except as otherwise provided by this chapter, use the procedures and exercise the powers authorized by Chapter 45, Code of Criminal Procedure.

SECTION 15. Section 29.087(d), Education Code, is amended to read as follows:

(d) A student is eligible to participate in a program authorized by this section if:

(1) the student has been ordered by a court under Section 25A.003 ~~[Article 45.054, Code of Criminal Procedure, as added by Chapter 1514, Acts of the 77th Legislature, Regular Session, 2001,]~~ or by the Texas Juvenile Justice Department ~~[Youth Commission]~~ to:

(A) participate in a preparatory class for the high school equivalency examination; or

(B) take the high school equivalency examination administered under Section 7.111; or

(2) the following conditions are satisfied:

(A) the student is at least 16 years of age at the beginning of the school year or semester;

(B) the student is a student at risk of dropping out of school, as defined by Section 29.081;

(C) the student and the student's parent or guardian agree in writing to the student's participation;

(D) at least two school years have elapsed since the student first enrolled in ninth grade and the student has accumulated less than one third of the credits required to graduate under the minimum graduation requirements of the district or school; and

(E) any other conditions specified by the commissioner.

SECTION 16. Section 33.051(2), Education Code, is amended to read as follows:

(2) "Missing child" means a child whose whereabouts are unknown to the legal custodian of the child and:

(A) the circumstances of whose absence indicate that the child did not voluntarily leave the care and control of the custodian and that the taking of the child was not authorized by law; or

(B) the child has engaged in conduct indicating a need for supervision under Section 51.03(b)(2) [~~51.03(b)(3)~~], Family Code.

SECTION 17. Subtitle E, Title 2, Education Code, is amended by adding Chapter 25A to read as follows:

CHAPTER 25A. TRUANCY COURT PROCEEDINGS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 25A.001. SCOPE AND PURPOSE. (a) This chapter details the procedures and proceedings in cases involving allegations of truant conduct.

(b) The purpose of this chapter is to encourage school attendance by creating simple civil judicial procedures through which children are held accountable for excessive school absences.

(c) The best interest of the child is the primary consideration in adjudicating truant conduct of the child.

Sec. 25A.002. DEFINITIONS. In this chapter:

(1) "Child" means a person who is 12 years of age or older and younger than 19 years of age.

(2) "Juvenile court" means a court designated under Section 51.04, Family Code, to exercise jurisdiction over proceedings under Title 3, Family Code.

(3) "Qualified telephone interpreter" means a telephone service that employs licensed court interpreters, as defined by Section 157.001, Government Code.

(4) "Truancy court" means a court designated under Section 25A.004 to exercise jurisdiction over cases involving allegations of truant conduct.

Sec. 25A.003. TRUANT CONDUCT. (a) A child engages in truant conduct if the child is required to attend school under Section 25.085 and fails to attend school on 10 or more days or parts of days within a six-month period in the same school year.

(b) Truant conduct may be prosecuted only as a civil case in a truancy court.

(c) It is an affirmative defense to an allegation of truant conduct that one or more of the absences required to be proven have been excused by a school official or by the court or that one or more of the absences were involuntary, but only if there is an

insufficient number of unexcused or voluntary absences remaining to constitute truant conduct. The burden is on the child to show by a preponderance of the evidence that the absence has been or should be excused or that the absence was involuntary. A decision by the court to excuse an absence for purposes of this subsection does not affect the ability of the school district to determine whether to excuse the absence for another purpose.

Sec. 25A.004. TRUANCY COURTS; JURISDICTION. (a) The following are designated as truancy courts:

(1) in a county with a population of 1.75 million or more, the constitutional county court;

(2) justice courts; and

(3) municipal courts.

(b) A truancy court has exclusive original jurisdiction over cases involving allegations of truant conduct.

(c) A municipality may enter into an agreement with a contiguous municipality or a municipality with boundaries that are within one-half mile of the municipality seeking to enter into the agreement to establish concurrent jurisdiction of the municipal courts in the municipalities and provide original jurisdiction to a municipal court in which a truancy case is brought as if the municipal court were located in the municipality in which the case arose.

(d) A truancy court retains jurisdiction over a person, without regard to the age of the person, who was referred to the court under Section 25A.051 for engaging in truant conduct before the person's 18th birthday, until final disposition of the case.

Sec. 25A.005. COURT SESSIONS. A truancy court is considered to be in session at all times.

Sec. 25A.006. VENUE. Venue for a proceeding under this chapter is the county in which the school in which the child is enrolled is located.

Sec. 25A.007. RIGHT TO JURY TRIAL. (a) A child alleged to have engaged in truant conduct is entitled to a jury trial.

(b) The number of jurors in a case involving an allegation of truant conduct is six. The state and the child are each entitled to three preemptory challenges.

(c) There is no jury fee for a trial under this chapter.

Sec. 25A.008. WAIVER OF RIGHTS. A right granted to a child by this chapter or by the constitution or laws of this state or the United States is waived in proceedings under this chapter if:

(1) the right is one that may be waived;

(2) the child and the child's parent or guardian are informed of the right, understand the right, understand the possible consequences of waiving the right, and understand that waiver of the right is not required;

(3) the child signs the waiver;

(4) the child's parent or guardian signs the waiver; and

(5) the child's attorney signs the waiver, if the child is represented by counsel.

Sec. 25A.009. EFFECT OF ADJUDICATION. (a) An adjudication of a child as having engaged in truant conduct is not a conviction of crime. An order of adjudication does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application or appointment.

(b) The adjudication of a child as having engaged in truant conduct may not be used in any subsequent court proceedings, other than an appeal under this chapter.

Sec. 25A.010. BURDEN OF PROOF. A court or jury may not return a finding that a child has engaged in truant conduct unless the state has proved the conduct beyond a reasonable doubt.

Sec. 25A.011. APPLICABLE RULES OF EVIDENCE. The Texas Rules of Evidence applicable to criminal cases apply in a proceeding under this chapter.

Sec. 25A.012. APPLICABLE STATUTES REGARDING DISCOVERY. Discovery in a proceeding under this chapter is governed by Chapter 39, Code of Criminal Procedure.

Sec. 25A.013. PROCEDURAL RULES. The supreme court may promulgate rules of procedure applicable to proceedings under this chapter.

Sec. 25A.014. INTERPRETERS. (a) When on the motion for appointment of an interpreter by a party or on the motion of the court, in any proceeding under this chapter, the court determines that the child, the child's parent or guardian, or a witness does not understand and speak English, an interpreter must be sworn to interpret for the person. Articles 38.30(a), (b), and (c), Code of Criminal Procedure, apply in a proceeding under this chapter. A qualified telephone interpreter may be sworn to provide interpretation services if an interpreter is not available to appear in person before the court.

(b) In any proceeding under this chapter, if a party notifies the court that the child, the child's parent or guardian, or a witness is deaf, the court shall appoint a qualified interpreter to interpret the proceedings in any language, including sign language, that the deaf person can understand. Articles 38.31(d), (e), (f), and (g), Code of Criminal Procedure, apply in a proceeding under this chapter.

Sec. 25A.015. SIGNATURES. Any requirement under this chapter that a document be signed or that a document contain a person's signature, including the signature of a judge or a clerk of the court, is satisfied if the document contains the signature of the person as captured on an electronic device or as a digital signature.

Sec. 25A.016. PUBLIC ACCESS TO COURT HEARINGS. (a) Except as provided by Subsection (b), a truancy court shall open a hearing under this chapter to the public unless the court, for good cause shown, determines that the public should be excluded.

(b) The court may prohibit a person from personally attending a hearing if the person is expected to testify at the hearing and the court determines that the person's testimony would be materially affected if the person hears other testimony at the hearing.

Sec. 25A.017. RECORDING OF PROCEEDINGS. (a) The proceedings in a truancy court that is not a court of record may not be recorded.

(b) The proceedings in a truancy court that is a court of record must be recorded by stenographic notes or by electronic, mechanical, or other appropriate means.

Sec. 25A.018. JUVENILE CASE MANAGERS. A truancy court may employ a juvenile case manager in accordance with Article 45.056, Code of Criminal Procedure, to provide services to children who have been referred to the truancy court or who are in jeopardy of being referred to the truancy court.

SUBCHAPTER B. INITIAL PROCEDURES

Sec. 25A.051. INITIAL REFERRAL TO TRUANCY COURT. When a truancy court receives a referral under Section 25.0915 and the court is not required to dismiss the referral under that section, the court shall forward the referral to a truant conduct prosecutor who serves the court.

Sec. 25A.052. TRUANT CONDUCT PROSECUTOR. A truant conduct prosecutor in a court that is designated as a truancy court may be any attorney who represents the state in civil or criminal matters in that justice or municipal court or that constitutional county court.

Sec. 25A.053. REVIEW BY PROSECUTOR. (a) The truant conduct prosecutor shall promptly review the facts described in a referral received under Section 25A.051.

(b) The prosecutor may, in the prosecutor's discretion, determine whether to file a petition with the truancy court requesting an adjudication of the child for truant conduct. If the prosecutor decides not to file a petition requesting an adjudication, the prosecutor shall inform the truancy court and the school district of the decision.

(c) The prosecutor may not file a petition for an adjudication of a child for truant conduct if the referral was not made in compliance with Section 25.0915.

Sec. 25A.054. STATE'S PETITION. (a) A petition for an adjudication of a child for truant conduct initiates an action of the state against a child who has allegedly engaged in truant conduct.

(b) The proceedings shall be styled "In the matter of _____, Child," identifying the child by the child's initials only.

(c) The petition may be on information and belief.

(d) The petition must state:

(1) with reasonable particularity the time, place, and manner of the acts alleged to constitute truant conduct;

(2) the name, age, and residence address, if known, of the child who is the subject of the petition;

(3) the names and residence addresses, if known, of at least one parent, guardian, or custodian of the child and of the child's spouse, if any; and

(4) if the child's parent, guardian, or custodian does not reside or cannot be found in the state, or if their places of residence are unknown, the name and residence address of any known adult relative residing in the county or, if there is none, the name and residence address of the known adult relative residing nearest to the location of the court.

(e) Filing fees may not be charged for the filing of the state's petition.

Sec. 25A.055. LIMITATIONS PERIOD. A petition may not be filed after the 30th day after the date of the last absence giving rise to the act of truant conduct.

Sec. 25A.056. HEARING DATE. (a) After the petition has been filed, the truancy court shall set a date and time for an adjudication hearing.

(b) The hearing may not be held on or before the 10th day after the date the petition is filed.

Sec. 25A.057. SUMMONS. (a) After setting the date and time of an adjudication hearing, the truancy court shall direct the issuance of a summons to:

(1) the child named in the petition;

(2) the child's parent, guardian, or custodian;

(3) the child's guardian ad litem, if any; and

(4) any other person who appears to the court to be a proper or necessary party to the proceeding.

(b) The summons must require the persons served to appear before the court at the place, date, and time of the adjudication hearing to answer the allegations of the petition. A copy of the petition must accompany the summons. If a person, other than the child, required to appear under this section fails to attend a hearing, the truancy court may proceed with the hearing.

(c) The truancy court may endorse on the summons an order directing the person having the physical custody or control of the child to bring the child to the hearing.

(d) A party, other than the child, may waive service of summons by written stipulation or by voluntary appearance at the hearing.

Sec. 25A.058. SERVICE OF SUMMONS. (a) If a person to be served with a summons is in this state and can be found, the summons shall be served on the person personally or by registered or certified mail, return receipt requested, at least five days before the date of the adjudication hearing.

(b) Service of the summons may be made by any suitable person under the direction of the court.

Sec. 25A.059. REPRESENTATION BY ATTORNEY. A child may be represented by an attorney in a case under this chapter. Representation by an attorney is not required.

Sec. 25A.060. CHILD'S ANSWER. After the petition has been filed, the child may answer, orally or in writing, the petition at or before the commencement of the hearing. If the child does not answer, a general denial of the alleged truant conduct is assumed.

Sec. 25A.061. GUARDIAN AD LITEM. (a) If a child appears before the truancy court without a parent or guardian, or it appears to the court that the child's parent or guardian is incapable or unwilling to make decisions in the best interest of the child with respect to proceedings under this chapter, the court may appoint a guardian ad litem to protect the interests of the child in the proceedings.

(b) An attorney for a child may also be the child's guardian ad litem. A law enforcement officer, probation officer, or other employee of the truancy court may not be appointed as a guardian ad litem.

(c) The court may order a child's parent or other person responsible to support the child to reimburse the county or municipality for the cost of the guardian ad litem. The court may issue the order only after determining that the parent or other responsible person has sufficient financial resources to offset the cost of the child's guardian ad litem wholly or partly.

Sec. 25A.062. ATTENDANCE AT HEARING. (a) The child must be personally present at the adjudication hearing. The truancy court may not proceed with the adjudication hearing in the absence of the child.

(b) Each parent or guardian of a child and any court-appointed guardian ad litem of a child is required to attend the adjudication hearing.

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

(1) a person for whom, for good cause shown, the court excuses attendance;

(2) a person who is not a resident of this state; or

(3) a parent of a child for whom a managing conservator has been appointed and the parent is not a conservator of the child.

Sec. 25A.063. RIGHT TO REEMPLOYMENT. (a) An employer may not terminate the employment of a permanent employee because the employee is required under Section 25A.062(b) to attend a hearing.

(b) Notwithstanding any other law, an employee whose employment is terminated in violation of this section is entitled to return to the same employment that the employee held when notified of the hearing if the employee, as soon as practical after the hearing, gives the employer actual notice that the employee intends to return.

(c) A person who is injured because of a violation of this section is entitled to:

(1) reinstatement to the person's former position;

(2) damages not to exceed an amount equal to six times the amount of monthly compensation received by the person on the date of the hearing; and

(3) reasonable attorney's fees in an amount approved by the court.

(d) It is a defense to an action brought under this section that the employer's circumstances changed while the employee attended the hearing and caused reemployment to be impossible or unreasonable. To establish a defense under this subsection, an employer must prove that the termination of employment was because of circumstances other than the employee's attendance at the hearing.

Sec. 25A.064. SUBPOENA OF WITNESS. A witness may be subpoenaed in accordance with the procedures for the subpoena of a witness under the Code of Criminal Procedure.

Sec. 25A.065. CHILD ALLEGED TO BE MENTALLY ILL. (a) A party may make a motion requesting that a petition alleging a child to have engaged in truant conduct be dismissed because the child has a mental illness, as defined by Section 571.003, Health and Safety Code. In response to the motion, the truancy court shall temporarily stay the proceedings to determine whether probable cause exists to believe the child has a mental illness. In making a determination, the court may:

(1) consider the motion, supporting documents, professional statements of counsel, and witness testimony; and

(2) observe the child.

(b) If the court determines that probable cause exists to believe that the child has a mental illness, the court shall dismiss the petition. If the court determines that evidence does not exist to support a finding that the child has a mental illness, the court shall dissolve the stay and continue with the truancy court proceedings.

SUBCHAPTER C. ADJUDICATION HEARING AND REMEDIES

Sec. 25A.101. ADJUDICATION HEARING; JUDGMENT. (a) A child may be found to have engaged in truant conduct only after an adjudication hearing conducted in accordance with the provisions of this chapter.

(b) At the beginning of the adjudication hearing, the judge of the truancy court shall explain to the child and the child's parent, guardian, or guardian ad litem:

(1) the allegations made against the child;

(2) the nature and possible consequences of the proceedings;

(3) the child's privilege against self-incrimination;

(4) the child's right to trial and to confrontation of witnesses;

(5) the child's right to representation by an attorney if the child is not already represented; and

(6) the child's right to a jury trial.

(c) Trial is by jury unless jury is waived in accordance with Section 25A.008. Jury verdicts under this chapter must be unanimous.

(d) The Texas Rules of Evidence do not apply in a truancy proceeding under this chapter except:

(1) when the judge hearing the case determines that a particular rule must be followed to ensure that the proceedings are fair to all parties; or

(2) as otherwise provided by this chapter.

(e) A child alleged to have engaged in truant conduct need not be a witness against nor otherwise incriminate himself or herself. An extrajudicial statement of the child that was obtained without fulfilling the requirements of this chapter or of the constitution of this state or the United States may not be used in an adjudication hearing. A statement made by the child out of court is insufficient to support a finding of truant conduct unless it is corroborated wholly or partly by other evidence.

(f) At the conclusion of the adjudication hearing, the court or jury shall find whether the child has engaged in truant conduct. The finding must be based on competent evidence admitted at the hearing. The child shall be presumed to have not engaged in truant conduct and no finding that a child has engaged in truant conduct may be returned unless the state has proved the conduct beyond a reasonable doubt. In all jury cases the jury will be instructed that the burden is on the state to prove that a child has engaged in truant conduct beyond a reasonable doubt.

(g) If the court or jury finds that the child did not engage in truant conduct, the court shall dismiss the case with prejudice.

(h) If the court or jury finds that the child did engage in truant conduct, the court shall proceed to issue a judgment finding the child has engaged in truant conduct and order the remedies the court finds appropriate under Section 25A.103. The jury is not involved in ordering remedies for a child who has been adjudicated as having engaged in truant conduct.

Sec. 25A.102. REMEDIAL ACTIONS. (a) The truancy court shall determine and order appropriate remedial actions in regard to a child who has been found to have engaged in truant conduct.

(b) The truancy court shall orally pronounce the court's remedial actions in the child's presence and enter those actions in a written order.

(c) After pronouncing the court's remedial actions, the court shall advise the child and the child's parent, guardian, or guardian ad litem of:

(1) the child's right to appeal, as detailed in Subchapter D; and

(2) the procedures for the sealing of the child's records under Section 25A.201.

Sec. 25A.103. REMEDIAL ORDER. (a) A truancy court may enter a remedial order requiring a child who has been found to have engaged in truant conduct to:

(1) attend school without unexcused absences;

(2) attend a preparatory class for the high school equivalency examination administered under Section 7.111 if the court determines that the individual is unlikely to do well in a formal classroom environment due to the individual's age;

(3) if the child is at least 16 years of age, take the high school equivalency examination administered under Section 7.111, if that is in the best interest of the child;

(4) attend a nonprofit, community-based special program that the court determines to be in the best interest of the child, including:

(A) an alcohol and drug abuse program;

(B) a rehabilitation program;

(C) a counseling program, including a self-improvement program;

(D) a program that provides training in self-esteem and leadership;

(E) a work and job skills training program;

(F) a program that provides training in parenting, including parental

responsibility;

(G) a program that provides training in manners;

(H) a program that provides training in violence avoidance;

(I) a program that provides sensitivity training; and

(J) a program that provides training in advocacy and mentoring;

(5) complete not more than 50 hours of community service on a project acceptable to the court; and

(6) participate for a specified number of hours in a tutorial program covering the academic subjects in which the child is enrolled that are provided by the school the child attends.

(b) A truancy court may not order a child who has been found to have engaged in truant conduct to:

(1) attend a juvenile justice alternative education program; or

(2) perform more than 16 hours of community service per week under this section.

(c) In addition to any other order authorized by this section, a truancy court may order the Department of Public Safety to suspend the driver's license or permit of a child who has been found to have engaged in truant conduct. If the child does not have a driver's license or permit, the court may order the Department of Public Safety to deny the issuance of a license or permit to the child. The period of the license or permit suspension or the order that the issuance of a license or permit be denied may not extend beyond the maximum time period that a remedial order is effective as provided by Section 25A.104.

Sec. 25A.104. MAXIMUM TIME REMEDIAL ORDER IS EFFECTIVE. A truancy court's remedial order under Section 25A.103 is effective until the later of:

(1) the date specified by the court in the order, which may not be later than the 180th day after the date the order is entered; or

(2) the last day of the school year in which the order was entered.

Sec. 25A.105. ORDERS AFFECTING PARENTS AND OTHERS. (a) If a child has been found to have engaged in truant conduct, the truancy court may:

(1) order the child and the child's parent to attend a class for students at risk of dropping out of school that is designed for both the child and the child's parent;

(2) order any person found by the court to have, by a wilful act or omission, contributed to, caused, or encouraged the child's truant conduct to do any act that the court determines to be reasonable and necessary for the welfare of the child or to refrain from doing any act that the court determines to be injurious to the child's welfare;

(3) enjoin all contact between the child and a person who is found to be a contributing cause of the child's truant conduct, unless that person is the child's parent or guardian, in which case the court may contact the Department of Family and Protective Services, if necessary;

(4) after notice to, and a hearing with, all persons affected, order any person living in the same household with the child to participate in social or psychological counseling to assist in the child's rehabilitation;

(5) order the child's parent or other person responsible for the child's support to pay all or part of the reasonable costs of treatment programs in which the child is ordered to participate if the court finds the child's parent or person responsible for the child's support is able to pay the costs;

(6) order the child's parent to attend a program for parents of students with unexcused absences that provides instruction designed to assist those parents in identifying problems that contribute to the child's unexcused absences and in developing strategies for resolving those problems; and

(7) order the child's parent to perform not more than 50 hours of community service with the child.

(b) A person subject to an order proposed under Subsection (a) is entitled to a hearing before the order is entered by the court.

(c) On a finding by the court that a child's parents have made a reasonable good faith effort to prevent the child from engaging in truant conduct and that, despite the parents' efforts, the child continues to engage in truant conduct, the court shall waive any requirement for community service that may be imposed on a parent under this section.

Sec. 25A.106. LIABILITY FOR CLAIMS ARISING FROM COMMUNITY SERVICE. (a) A municipality or county that establishes a program to assist children and their parents in rendering community service under this subchapter may purchase an insurance policy protecting the municipality or county against a claim brought by a person other than the child or the child's parent for a cause of action that arises from an act of the child or parent while rendering the community service. The municipality or county is not liable for the claim to the extent that damages are recoverable under a contract of insurance or under a plan of self-insurance authorized by statute.

(b) The liability of the municipality or county for a claim that arises from an action of the child or the child's parent while rendering community service may not exceed \$100,000 to a single person and \$300,000 for a single occurrence in the case of personal injury or death, and \$10,000 for a single occurrence of property damage. Liability may not extend to punitive or exemplary damages.

(c) This section does not waive a defense, immunity, or jurisdictional bar available to the municipality or county or its officers or employees, nor shall this section be construed to waive, repeal, or modify any provision of Chapter 101, Civil Practice and Remedies Code.

Sec. 25A.107. COURT COST. (a) If a child is found to have engaged in truant conduct, the truancy court, after giving the child, parent, or other person responsible for the child's support a reasonable opportunity to be heard, shall order the child, parent, or other person, if financially able to do so, to pay a court cost of \$50 to the clerk of the court.

(b) The court's order to pay the \$50 court cost is not effective unless the order is reduced to writing and signed by the judge. The written order to pay the court cost may be part of the court's order detailing the remedial actions in the case.

(c) The clerk of the court shall keep a record of the court costs collected under this section and shall forward the funds to the county treasurer, municipal treasurer, or person fulfilling the role of a county treasurer or municipal treasurer, as appropriate.

(d) The court costs collected under this section shall be deposited in a special account that can be used only to offset the cost of the operations of the truancy court.

Sec. 25A.108. HEARING TO MODIFY REMEDY. (a) A truancy court may hold a hearing to modify any remedy imposed by the court. A remedy may only be modified during the period the order is effective under Section 25A.104.

(b) There is no right to a jury at a hearing under this section.

(c) A hearing to modify a remedy imposed by the court shall be held on the petition of the child and the child's parent, guardian, guardian ad litem, or attorney, the state, or the court. Reasonable notice of a hearing to modify disposition shall be given to all parties.

(d) Notwithstanding any other law, in considering a motion to modify a remedy imposed by the court, the truancy court may consider a written report from a school district official or employee, juvenile case manager, or professional consultant in addition to the testimony of witnesses. The court shall provide the attorney for the child and the prosecuting attorney with access to all written matters to be considered by the court. The court may order counsel not to reveal items to the child or to the child's parent, guardian, or guardian ad litem if the disclosure would materially harm the treatment and rehabilitation of the child or would substantially decrease the likelihood of receiving information from the same or similar sources in the future.

(e) The truancy court shall pronounce, in the presence of the child, the court's changes to the remedy, if any. The court shall specifically state the new remedy and the court's reasons for modifying the remedy in a written order. The court shall furnish a copy of the order to the child.

Sec. 25A.109. MOTION FOR NEW TRIAL. The order of a truancy court may be challenged by filing a motion for new trial. Rules 505.3(c) and (e), Texas Rules of Civil Procedure, apply to a motion for new trial.

SUBCHAPTER D. APPEAL

Sec. 25A.151. RIGHT TO APPEAL. (a) The child or the state may appeal any order of a truancy court.

(b) An appeal from a truancy court shall be to a juvenile court. The case must be tried de novo in the juvenile court. This chapter applies to the de novo trial in the juvenile court. On appeal, the judgment of the truancy court is vacated.

(c) A judgment of a juvenile court in a trial conducted under Subsection (b) may be appealed in the same manner as an appeal under Chapter 56, Family Code.

Sec. 25A.152. GOVERNING LAW. Rule 506, Texas Rules of Civil Procedure, applies to the appeal of an order of a truancy court to a juvenile court in the same manner as the rule applies to an appeal of a judgment of a justice court to a county court, except an appeal bond is not required.

Sec. 25A.153. COUNSEL ON APPEAL. (a) A child may be represented by counsel on appeal.

(b) If the child and the child's parent, guardian, or guardian ad litem request an appeal, the attorney who represented the child before the truancy court, if any, shall file a notice of appeal with the court that will hear the appeal and inform that court whether that attorney will handle the appeal.

(c) An appeal serves to vacate the order of the truancy court.

SUBCHAPTER E. RECORDS

Sec. 25A.201. SEALING OF RECORDS. (a) A child who has been found to have engaged in truant conduct may apply, on or after the child's 18th birthday, to the truancy court that made the finding to seal the records relating to the allegation and finding of truant conduct held by:

- (1) the court;
- (2) the truant conduct prosecutor; and
- (3) the school district.

(b) The application must include the following information or an explanation of why one or more of the following is not included:

- (1) the child's:
 - (A) full name;
 - (B) sex;
 - (C) race or ethnicity;
 - (D) date of birth;
 - (E) driver's license or identification card number; and
 - (F) social security number;

(2) the dates on which the truant conduct was alleged to have occurred; and
(3) if known, the cause number assigned to the petition and the court and county in which the petition was filed.

(c) The truancy court shall order that the records be sealed after determining the child complied with the remedies ordered by the court in the case.

(d) All index references to the records of the truancy court that are ordered sealed shall be deleted not later than the 30th day after the date of the sealing order.

(e) A truancy court, clerk of the court, truant conduct prosecutor, or school district shall reply to a request for information concerning a child's sealed truant conduct case that no record exists with respect to the child.

(f) Inspection of the sealed records may be permitted by an order of the truancy court on the petition of the person who is the subject of the records and only by those persons named in the order.

(g) A person whose records have been sealed under this section is not required in any proceeding or in any application for employment, information, or licensing to state that the person has been the subject of a proceeding under this chapter. Any statement that the person has never been found to have engaged in truant conduct may not be held against the person in any criminal or civil proceeding.

(h) On or after the fifth anniversary of a child's 16th birthday, on the motion of the child or on the truancy court's own motion, the truancy court may order the destruction of the child's records that have been sealed under this section if the child has not been convicted of a felony.

Sec. 25A.202. CONFIDENTIALITY OF RECORDS. Records and files created under this chapter may be disclosed only to:

(1) the judge of the truancy court, the truant conduct prosecutor, and the staff of the judge and prosecutor;

(2) the child or an attorney for the child;

(3) a governmental agency if the disclosure is required or authorized by law;

(4) a person or entity to whom the child is referred for treatment or services if the agency or institution disclosing the information has entered into a written confidentiality agreement with the person or entity regarding the protection of the disclosed information;

(5) the Texas Department of Criminal Justice and the Texas Juvenile Justice Department for the purpose of maintaining statistical records of recidivism and for diagnosis and classification;

(6) the agency; or

(7) with leave of the truancy court, any other person, agency, or institution having a legitimate interest in the proceeding or in the work of the court.

Sec. 25A.203. DESTRUCTION OF CERTAIN RECORDS. A truancy court shall order the destruction of the records relating to allegations of truant conduct if a prosecutor decides not to file a petition for an adjudication of truant conduct after a review of the referral under Section 25A.053.

SUBCHAPTER F. ENFORCEMENT OF ORDERS

Sec. 25A.251. CHILDREN IN CONTEMPT OF COURT. (a) If a child fails to obey an order issued by a truancy court under Section 25A.103(a), the truancy court, after providing notice and an opportunity for a hearing, may find the child in contempt of court.

(b) If a truancy court finds a child in contempt of court under Subsection (a) or a child is in direct contempt of court, the court may:

(1) refer the child to the juvenile court in the county for delinquent conduct under Section 51.03(a)(2), Family Code, unless the child committed the contempt while 17 years of age or older; or

(2) hold the child in contempt of court and order either or both of the following:

(A) that the child pay a fine not to exceed \$100; or

(B) that the Department of Public Safety suspend the child's driver's license or permit or, if the child does not have a license or permit, order that the Department of Public Safety deny the issuance of a license or permit to the child until the child fully complies with the court's orders.

(c) A truancy court may not order the confinement of a child for the child's failure to obey an order of the court issued under Section 25A.103(a).

(d) A truancy court that orders the suspension or denial of a driver's license or permit under Subsection (b)(2)(B) shall notify the Department of Public Safety on receiving proof of compliance with the orders of the court and order the department to revoke the suspension or denial of the license.

Sec. 25A.252. PARENT OR OTHER PERSON IN CONTEMPT OF COURT.

(a) A truancy court may enforce the following orders by contempt:

(1) an order that a parent of a child, guardian of a child, or any court-appointed guardian ad litem of a child attend an adjudication hearing under Section 25A.062(b);

(2) an order requiring a person other than a child to take a particular action under Section 25A.105(a);

(3) an order that a child's parent, or other person responsible to support the child, reimburse the municipality or county for the cost of the guardian ad litem appointed for the child under Section 25A.061(c); and

(4) an order that a parent, or person other than the child, pay the \$50 court cost under Section 25A.107.

(b) A truancy court may find a parent or person other than the child in direct contempt of the court.

(c) The penalty for a finding of contempt under Subsection (a) or (b) is a fine in an amount not to exceed \$100.

(d) In addition to the assessment of a fine under Subsection (c), direct contempt of the truancy court by a parent or person other than the child is punishable by:

(1) confinement in jail for a maximum of three days;

(2) a maximum of 40 hours of community service; or

(3) both confinement and community service.

Sec. 25A.253. WRIT OF ATTACHMENT. A truancy court may issue a writ of attachment for a person who violates an order entered under Section 25A.057(c). The writ of attachment is executed in the same manner as in a criminal proceeding as provided by Chapter 24, Code of Criminal Procedure.

Sec. 25A.254. ENTRY OF TRUANCY COURT ORDER AGAINST PARENT OR OTHER ELIGIBLE PERSON. (a) The truancy court shall:

(1) provide notice to a person who is the subject of a proposed truancy court order under Section 25A.252; and

(2) provide a sufficient opportunity for the person to be heard regarding the proposed order.

(b) A truancy court order under Section 25A.252 must be in writing and a copy promptly furnished to the parent or other eligible person.

(c) The truancy court may require the parent or other eligible person to provide suitable identification to be included in the court's file. Suitable identification includes fingerprints, a driver's license number, a social security number, or similar indicia of identity.

Sec. 25A.255. APPEAL. (a) The parent or other eligible person against whom a final truancy court order has been entered under Section 25A.252 may appeal as provided by law from judgments entered by a justice court in civil cases.

(b) Rule 506, Texas Rules of Civil Procedure, applies to an appeal under this section, except an appeal bond is not required.

(c) The pendency of an appeal initiated under this section does not abate or otherwise affect the proceedings in the truancy court involving the child.

Sec. 25A.256. MOTION FOR ENFORCEMENT. (a) The state may initiate enforcement of a truancy court order under Section 25A.252 against a parent or person other than the child by filing a written motion. In ordinary and concise language, the motion must:

(1) identify the provision of the order allegedly violated and sought to be enforced;

(2) state specifically and factually the manner of the person's alleged noncompliance;

(3) state the relief requested; and

(4) contain the signature of the party filing the motion.

(b) The state must allege the particular violation by the person of the truancy court order that the state had a reasonable basis for believing the person was violating when the motion was filed.

Sec. 25A.257. NOTICE AND APPEARANCE. (a) On the filing of a motion for enforcement, the truancy court shall by written notice set the date, time, and place of the hearing and order the person against whom enforcement is sought to appear and respond to the motion.

(b) The notice must be given by personal service or by certified mail, return receipt requested, on or before the 10th day before the date of the hearing on the motion. The notice must include a copy of the motion for enforcement. Personal service must comply with the Code of Criminal Procedure.

(c) If a person moves to strike or specially excepts to the motion for enforcement, the truancy court shall rule on the exception or motion to strike before the court hears evidence on the motion for enforcement. If an exception is sustained, the court shall give the movant an opportunity to replead and continue the hearing to a designated date and time without the requirement of additional service.

(d) If a person who has been personally served with notice to appear at the hearing does not appear, the truancy court may not hold the person in contempt, but may issue a warrant for the arrest of the person.

Sec. 25A.258. CONDUCT OF ENFORCEMENT HEARING. (a) The movant must prove beyond a reasonable doubt that the person against whom enforcement is sought engaged in conduct constituting contempt of a reasonable and lawful court order as alleged in the motion for enforcement.

(b) The person against whom enforcement is sought has a privilege not to be called as a witness or otherwise to incriminate himself or herself.

(c) The truancy court shall conduct the enforcement hearing without a jury.

(d) The truancy court shall include in the court's judgment:

(1) findings for each violation alleged in the motion for enforcement; and

(2) the punishment, if any, to be imposed.

(e) If the person against whom enforcement is sought was not represented by counsel during any previous court proceeding involving a motion for enforcement, the person may, through counsel, raise any defense or affirmative defense to the proceeding that could have been asserted in the previous court proceeding that was not asserted because the person was not represented by counsel.

(f) It is an affirmative defense to enforcement of a truancy court order under Section 25A.252 that the court did not provide the parent or other eligible person with due process of law in the proceeding in which the court entered the order.

SECTION 18. Section 51.02(15), Family Code, is amended to read as follows:

(15) "Status offender" means a child who is accused, adjudicated, or convicted for conduct that would not, under state law, be a crime if committed by an adult, including:

(A) [~~truancy under Section 51.03(b)(2);~~

~~]~~ ~~running away from home under Section 51.03(b)(2) [51.03(b)(3)];~~

(B) [~~C~~] a fineable only offense under Section 51.03(b)(1) transferred to the juvenile court under Section 51.08(b), but only if the conduct constituting the offense would not have been criminal if engaged in by an adult;

~~[(D) failure to attend school under Section 25.094, Education Code;]~~

(C) [~~E~~] a violation of standards of student conduct as described by Section 51.03(b)(4) [~~51.03(b)(5)~~];

(D) [~~F~~] a violation of a juvenile curfew ordinance or order;

(E) [~~G~~] a violation of a provision of the Alcoholic Beverage Code applicable to minors only; or

(F) [~~H~~] a violation of any other fineable only offense under Section 8.07(a)(4) or (5), Penal Code, but only if the conduct constituting the offense would not have been criminal if engaged in by an adult.

SECTION 19. Sections 51.03(a), (b), (e), and (f), Family Code, are amended to read as follows:

(a) Delinquent conduct is:

(1) conduct, other than a traffic offense, that violates a penal law of this state or of the United States punishable by imprisonment or by confinement in jail;

(2) conduct that violates a lawful order of a court under circumstances that would constitute contempt of that court in:

(A) a justice or municipal court; ~~[or]~~

(B) a county court for conduct punishable only by a fine; or

(C) a truancy court;

(3) conduct that violates Section 49.04, 49.05, 49.06, 49.07, or 49.08, Penal Code; or

(4) conduct that violates Section 106.041, Alcoholic Beverage Code, relating to driving under the influence of alcohol by a minor (third or subsequent offense).

(b) Conduct indicating a need for supervision is:

(1) subject to Subsection (f), conduct, other than a traffic offense, that violates:

(A) the penal laws of this state of the grade of misdemeanor that are punishable by fine only; or

(B) the penal ordinances of any political subdivision of this state;

(2) ~~the absence of a child on 10 or more days or parts of days within a six month period in the same school year or on three or more days or parts of days within a four week period from school;~~

~~(3)~~ the voluntary absence of a child from the child's home without the consent of the child's parent or guardian for a substantial length of time or without intent to return;

~~(4)~~ conduct prohibited by city ordinance or by state law involving the inhalation of the fumes or vapors of paint and other protective coatings or glue and other adhesives and the volatile chemicals itemized in Section 485.001, Health and Safety Code;

~~(5)~~ an act that violates a school district's previously communicated written standards of student conduct for which the child has been expelled under Section 37.007(c), Education Code;

~~(6)~~ conduct that violates a reasonable and lawful order of a court entered under Section 264.305;

~~(7)~~ notwithstanding Subsection (a)(1), conduct described by Section 43.02(a)(1) or (2), Penal Code; or

~~(8)~~ notwithstanding Subsection (a)(1), conduct that violates Section 43.261, Penal Code.

(e) For the purposes of Subsection (b)(2) ~~(b)(3)~~, "child" does not include a person who is married, divorced, or widowed.

(f) Conduct ~~[Except as provided by Subsection (g), conduct]~~ described under Subsection (b)(1) does not constitute conduct indicating a need for supervision unless the child has been referred to the juvenile court under Section 51.08(b).

SECTION 20. Section 51.13(e), Family Code, is amended to read as follows:

(e) A finding that a child engaged in conduct indicating a need for supervision as described by Section 51.03(b)(7) ~~51.03(b)(8)~~ is a conviction only for the purposes of Sections 43.261(c) and (d), Penal Code.

SECTION 21. Section 54.0404(a), Family Code, is amended to read as follows:

(a) If a child is found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(7) ~~51.03(b)(8)~~, the juvenile court may enter an order requiring the child to attend and successfully complete an educational program described by Section 37.218, Education Code, or another equivalent educational program.

SECTION 22. Section 54.05(b), Family Code, is amended to read as follows:

(b) Except for a commitment to the Texas Juvenile Justice Department or to a post-adjudication secure correctional facility under Section 54.04011 ~~—a disposition under Section 54.0402,~~ or a placement on determinate sentence probation under Section 54.04(q), all dispositions automatically terminate when the child reaches the child's 18th birthday.

SECTION 23. Section 58.0022, Family Code, is amended to read as follows:

Sec. 58.0022. FINGERPRINTS OR PHOTOGRAPHS TO IDENTIFY RUNAWAYS. A law enforcement officer who takes a child into custody with probable cause to believe that the child has engaged in conduct indicating a need for supervision as described by Section 51.03(b)(2) [~~51.03(b)(3)~~] and who after reasonable effort is unable to determine the identity of the child, may fingerprint or photograph the child to establish the child's identity. On determination of the child's identity or that the child cannot be identified by the fingerprints or photographs, the law enforcement officer shall immediately destroy all copies of the fingerprint records or photographs of the child.

SECTION 24. Section 58.003(c-3), Family Code, is amended to read as follows:

(c-3) Notwithstanding Subsections (a) and (c) and subject to Subsection (b), a juvenile court, on the court's own motion and without a hearing, shall order the sealing of records concerning a child found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(6) [~~51.03(b)(7)~~] or taken into custody to determine whether the child engaged in conduct indicating a need for supervision described by Section 51.03(b)(6) [~~51.03(b)(7)~~]. This subsection applies only to records related to conduct indicating a need for supervision described by Section 51.03(b)(6) [~~51.03(b)(7)~~].

SECTION 25. Section 58.106(a), Family Code, is amended to read as follows:

(a) Except as otherwise provided by this section, information contained in the juvenile justice information system is confidential information for the use of the department and may not be disseminated by the department except:

- (1) with the permission of the juvenile offender, to military personnel of this state or the United States;
- (2) to a person or entity to which the department may grant access to adult criminal history records as provided by Section 411.083, Government Code;
- (3) to a juvenile justice agency;
- (4) to the Texas Juvenile Justice Department [~~Youth Commission and the Texas Juvenile Probation Commission~~] for analytical purposes;
- (5) to the office of independent ombudsman of the Texas Juvenile Justice Department [~~Youth Commission~~]; and
- (6) to a county, justice, or municipal court exercising jurisdiction over a juvenile[, including a court exercising jurisdiction over a juvenile under Section 54.021].

SECTION 26. Section 59.003(a), Family Code, is amended to read as follows:

(a) Subject to Subsection (e), after a child's first commission of delinquent conduct or conduct indicating a need for supervision, the probation department or prosecuting attorney may, or the juvenile court may, in a disposition hearing under Section 54.04 or a modification hearing under Section 54.05, assign a child one of the following sanction levels according to the child's conduct:

- (1) for conduct indicating a need for supervision, other than conduct described in Section 51.03(b)(3) or (4) [~~51.03(b)(4) or (5)~~] or a Class A or B misdemeanor, the sanction level is one;

(2) for conduct indicating a need for supervision under Section 51.03(b)(3) or (4) [~~51.03(b)(4) or (5)~~] or a Class A or B misdemeanor, other than a misdemeanor involving the use or possession of a firearm, or for delinquent conduct under Section 51.03(a)(2), the sanction level is two;

(3) for a misdemeanor involving the use or possession of a firearm or for a state jail felony or a felony of the third degree, the sanction level is three;

(4) for a felony of the second degree, the sanction level is four;

(5) for a felony of the first degree, other than a felony involving the use of a deadly weapon or causing serious bodily injury, the sanction level is five;

(6) for a felony of the first degree involving the use of a deadly weapon or causing serious bodily injury, for an aggravated controlled substance felony, or for a capital felony, the sanction level is six; or

(7) for a felony of the first degree involving the use of a deadly weapon or causing serious bodily injury, for an aggravated controlled substance felony, or for a capital felony, if the petition has been approved by a grand jury under Section 53.045, or if a petition to transfer the child to criminal court has been filed under Section 54.02, the sanction level is seven.

SECTION 27. Section 61.002(a), Family Code, is amended to read as follows:

(a) Except as provided by Subsection (b), this chapter applies to a proceeding to enter a juvenile court order:

(1) for payment of probation fees under Section 54.061;

(2) for restitution under Sections 54.041(b) and 54.048;

(3) for payment of graffiti eradication fees under Section 54.0461;

(4) for community service under Section 54.044(b);

(5) for payment of costs of court under Section 54.0411 or other provisions of law;

(6) requiring the person to refrain from doing any act injurious to the welfare of the child under Section 54.041(a)(1);

(7) enjoining contact between the person and the child who is the subject of a proceeding under Section 54.041(a)(2);

(8) ordering a person living in the same household with the child to participate in counseling under Section 54.041(a)(3);

(9) [~~requiring a parent or guardian of a child found to be truant to participate in an available program addressing truancy under Section 54.041(f);~~

~~(10)~~ requiring a parent or other eligible person to pay reasonable attorney's fees for representing the child under Section 51.10(e);

(10) [~~(11)~~] requiring the parent or other eligible person to reimburse the county for payments the county has made to an attorney appointed to represent the child under Section 51.10(j);

(11) [~~(12)~~] requiring payment of deferred prosecution supervision fees under Section 53.03(d);

(12) [~~(13)~~] requiring a parent or other eligible person to attend a court hearing under Section 51.115;

(13) [~~(14)~~] requiring a parent or other eligible person to act or refrain from acting to aid the child in complying with conditions of release from detention under Section 54.01(r);

(14) [(45)] requiring a parent or other eligible person to act or refrain from acting under any law imposing an obligation of action or omission on a parent or other eligible person because of the parent's or person's relation to the child who is the subject of a proceeding under this title;

(15) [(46)] for payment of fees under Section 54.0462; or

(16) [(47)] for payment of the cost of attending an educational program under Section 54.0404.

SECTION 28. Section 264.304(c), Family Code, is amended to read as follows:

(c) The court shall determine that the child is an at-risk child if the court finds that the child has engaged in the following conduct:

(1) conduct, other than a traffic offense and except as provided by Subsection (d), that violates:

(A) the penal laws of this state; or

(B) the penal ordinances of any political subdivision of this state;

(2) the unexcused voluntary absence of the child on 10 or more days or parts of days within a six-month period [~~or three or more days or parts of days within a four-week period~~] from school without the consent of the child's parent, managing conservator, or guardian;

(3) the voluntary absence of the child from the child's home without the consent of the child's parent, managing conservator, or guardian for a substantial length of time or without intent to return;

(4) conduct that violates the laws of this state prohibiting driving while intoxicated or under the influence of intoxicating liquor (first or second offense) or driving while under the influence of any narcotic drug or of any other drug to a degree that renders the child incapable of safely driving a vehicle (first or second offense); or

(5) conduct that evidences a clear and substantial intent to engage in any behavior described by Subdivisions (1)-(4).

SECTION 29. Section 26.045(d), Government Code, is amended to read as follows:

(d) A county court in a county with a population of 1.75 million or more has original jurisdiction over cases alleging a violation of Section 25.093 [~~or 25.094~~], Education Code, or alleging truant conduct under Section 25A.003(a), Education Code.

SECTION 30. Section 29.003(i), Government Code, is amended to read as follows:

(i) A municipality may enter into an agreement with a contiguous municipality or a municipality with boundaries that are within one-half mile of the municipality seeking to enter into the agreement to establish concurrent jurisdiction of the municipal courts in the municipalities and provide original jurisdiction to a municipal court in which a case is brought as if the municipal court were located in the municipality in which the case arose, for:

(1) all cases in which either municipality has jurisdiction under Subsection (a); and

(2) cases that arise under Section 821.022, Health and Safety Code, or Section 25A.003(a) [~~25.094~~], Education Code.

SECTION 31. Subtitle B, Title 2, Government Code, is amended by adding Chapter 36 to read as follows:

CHAPTER 36. JUDICIAL DONATION TRUST FUNDS FOR TRUANCY

Sec. 36.001. ESTABLISHMENT OF TRUST FUNDS. (a) The governing body of a municipality or the commissioners court of a county may establish a judicial donation trust fund as a separate account held outside the municipal or county treasury to be used in accordance with this chapter.

(b) The governing body of a municipality or the commissioners court of a county may accept a gift, grant, donation, or other consideration from a public or private source that is designated for the judicial donation trust fund.

(c) Money received under Subsection (b) shall be deposited in the judicial donation trust fund and may only be disbursed in accordance with this chapter.

(d) Interest and income from the assets of the judicial donation trust fund shall be credited to and deposited in the trust fund.

Sec. 36.002. PROCEDURES AND ELIGIBILITY. The governing body of a municipality or the commissioners court of a county shall:

(1) adopt the procedures necessary to receive and disburse money from the judicial donation trust fund under this chapter; and

(2) establish eligibility requirements for disbursement of money under this chapter to assist needy children or families who appear before a truancy court or justice or municipal court for truant conduct under Chapter 25A, Education Code, or an offense under Section 25.093, Education Code, as applicable, by providing money for resources and services that eliminate barriers to school attendance or that seek to prevent criminal behavior.

Sec. 36.003. USE OF FUNDS IN ACCOUNT. (a) The judge of a truancy court or justice or municipal court, in accordance with Section 36.002, may award money from a judicial donation trust fund established under Section 36.001 to eligible children or families who appear before the court for truant conduct or an offense under Section 25.093, Education Code.

(b) A judge of a truancy court or justice or municipal court may order the municipal or county treasurer to issue payment from the judicial donation trust fund for money awarded under this section.

SECTION 32. Section 54.1172(a), Government Code, is amended to read as follows:

(a) The county judge may appoint one or more part-time or full-time magistrates to hear a matter alleging a violation of Section 25.093 [~~or 25.094~~], Education Code, or alleging truant conduct under Section 25A.003(a), Education Code.

SECTION 33. Section 54.1952(a), Government Code, is amended to read as follows:

(a) The county judge may appoint one or more part-time or full-time magistrates to hear a matter alleging a violation of Section 25.093 [~~or 25.094~~], Education Code, or alleging truant conduct under Section 25A.003(a), Education Code, referred to the magistrate by a court having jurisdiction over the matter.

SECTION 34. Section 54.1955, Government Code, is amended to read as follows:

Sec. 54.1955. POWERS. (a) Except as limited by an order of the county judge, a magistrate appointed under this subchapter may:

- (1) conduct hearings;
- (2) hear evidence;
- (3) issue summons for the appearance of witnesses;
- (4) examine witnesses;
- (5) swear witnesses for hearings;
- (6) recommend rulings or orders or a judgment in a case;
- (7) regulate proceedings in a hearing;
- (8) accept a plea of guilty or nolo contendere in a case alleging a violation

of Section 25.093 [~~or 25.094~~], Education Code, and assess a fine or court costs or order community service in satisfaction of a fine or costs in accordance with Article 45.049, Code of Criminal Procedure;

(9) for a violation of Section 25.093, Education Code, enter an order suspending a sentence or deferring a final disposition that includes at least one of the requirements listed in Article 45.051, Code of Criminal Procedure;

(10) for an uncontested adjudication of truant conduct under Section 25A.003, Education Code, accept a plea to the petition or a stipulation of evidence, and take any other action authorized under Chapter 25A, Education Code; and

(11) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the referral order, including the entry of an order that includes at least one of the remedial options [requirements] in Section 25A.103, Education Code [Article 45.054, Code of Criminal Procedure; and

[(11) if the magistrate finds that a child as defined by Article 45.058, Code of Criminal Procedure, has violated an order under Article 45.054, Code of Criminal Procedure, proceed as authorized by Article 45.050, Code of Criminal Procedure].

(b) With respect to an issue of law or fact the ruling on which could result in the dismissal of a prosecution under Section 25.093 [~~or 25.094~~], Education Code, or a case of truant conduct under Section 25A.003, Education Code, a magistrate may not rule on the issue but may make findings, conclusions, and recommendations on the issue.

SECTION 35. Section 54.1956, Government Code, is amended to read as follows:

Sec. 54.1956. NOT GUILTY PLEA ENTERED OR DENIAL OF ALLEGED CONDUCT. (a) On entry of a not guilty plea for a violation of Section 25.093, Education Code, the magistrate shall refer the case back to the referring court for all further pretrial proceedings and a full trial on the merits before the court or a jury.

(b) On denial by a child of truant conduct, as defined by Section 25A.003(a), Education Code, the magistrate shall refer the case to the appropriate truancy court for adjudication.

SECTION 36. Section 71.0352, Government Code, is amended to read as follows:

Sec. 71.0352. JUVENILE DATA [~~DATE~~]: JUSTICE, MUNICIPAL, AND TRUANCY [~~JUVENILE~~] COURTS. As a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System:

(1) a justice court, ~~and~~ municipal court, or truancy court ~~courts~~ shall report the number of cases filed for ~~the following offenses~~:

(A) ~~truancy conduct under Section 25A.003(a), Education Code [failure to attend school under Section 25.094, Education Code];~~

(B) ~~the offense of parent contributing to nonattendance under Section 25.093, Education Code; and~~

(C) ~~a violation of a local daytime curfew ordinance adopted under Section 341.905 or 351.903, Local Government Code; and~~

(2) in cases in which a child fails to obey an order of a justice court, ~~or~~ municipal court, or truancy court under circumstances that would constitute contempt of court, the justice court, ~~or~~ municipal court, or truancy court shall report the number of incidents in which the child is:

(A) referred to the appropriate juvenile court for delinquent conduct as provided by Article 45.050(c)(1), Code of Criminal Procedure, or ~~and~~ Section 25A.251(b)(1) ~~[51.03(a)(2)]~~, Education ~~Family~~ Code; or

(B) held in contempt, fined, or denied driving privileges as provided by Article 45.050(c)(2), Code of Criminal Procedure, or Section 25A.251(b)(2), Education Code.

SECTION 37. Section 102.021, Government Code, is amended to read as follows:

Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE. A person convicted of an offense shall pay the following under the Code of Criminal Procedure, in addition to all other costs:

(1) court cost on conviction of any offense, other than a conviction of an offense relating to a pedestrian or the parking of a motor vehicle (Art. 102.0045, Code of Criminal Procedure) . . . \$4;

(2) a fee for services of prosecutor (Art. 102.008, Code of Criminal Procedure) . . . \$25;

(3) fees for services of peace officer:

(A) issuing a written notice to appear in court for certain violations (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(B) executing or processing an issued arrest warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal Procedure) . . . \$50;

(C) summoning a witness (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(D) serving a writ not otherwise listed (Art. 102.011, Code of Criminal Procedure) . . . \$35;

(E) taking and approving a bond and, if necessary, returning the bond to courthouse (Art. 102.011, Code of Criminal Procedure) . . . \$10;

(F) commitment or release (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(G) summoning a jury (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(H) attendance of a prisoner in habeas corpus case if prisoner has been remanded to custody or held to bail (Art. 102.011, Code of Criminal Procedure) . . . \$8 each day;

(I) mileage for certain services performed (Art. 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

(J) services of a sheriff or constable who serves process and attends examining trial in certain cases (Art. 102.011, Code of Criminal Procedure) . . . not to exceed \$5;

(4) services of a peace officer in conveying a witness outside the county (Art. 102.011, Code of Criminal Procedure) . . . \$10 per day or part of a day, plus actual necessary travel expenses;

(5) overtime of peace officer for time spent testifying in the trial or traveling to or from testifying in the trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;

(6) court costs on an offense relating to rules of the road, when offense occurs within a school crossing zone (Art. 102.014, Code of Criminal Procedure) . . . \$25;

(7) court costs on an offense of passing a school bus (Art. 102.014, Code of Criminal Procedure) . . . \$25;

(8) court costs on an offense of parent contributing to student nonattendance [~~truancy or contributing to truancy~~] (Art. 102.014, Code of Criminal Procedure) . . . \$20;

(9) cost for visual recording of intoxication arrest before conviction (Art. 102.018, Code of Criminal Procedure) . . . \$15;

(10) cost of certain evaluations (Art. 102.018, Code of Criminal Procedure) . . . actual cost;

(11) additional costs attendant to certain intoxication convictions under Chapter 49, Penal Code, for emergency medical services, trauma facilities, and trauma care systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

(12) additional costs attendant to certain child sexual assault and related convictions, for child abuse prevention programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;

(13) court cost for DNA testing for certain felonies (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;

(14) court cost for DNA testing for the offense of public lewdness or indecent exposure (Art. 102.020(a)(2), Code of Criminal Procedure) . . . \$50;

(15) court cost for DNA testing for certain felonies (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;

(16) if required by the court, a restitution fee for costs incurred in collecting restitution installments and for the compensation to victims of crime fund (Art. 42.037, Code of Criminal Procedure) . . . \$12;

(17) if directed by the justice of the peace or municipal court judge hearing the case, court costs on conviction in a criminal action (Art. 45.041, Code of Criminal Procedure) . . . part or all of the costs as directed by the judge; and

(18) costs attendant to convictions under Chapter 49, Penal Code, and under Chapter 481, Health and Safety Code, to help fund drug court programs established under Chapter 122, 123, 124, or 125, Government Code, or former law (Art. 102.0178, Code of Criminal Procedure) . . . \$60.

SECTION 38. Section 103.021, Government Code, is amended to read as follows:

Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Code of Criminal Procedure if ordered by the court or otherwise required:

(1) a personal bond fee (Art. 17.42, Code of Criminal Procedure) . . . the greater of \$20 or three percent of the amount of the bail fixed for the accused;

(2) cost of electronic monitoring as a condition of release on personal bond (Art. 17.43, Code of Criminal Procedure) . . . actual cost;

(3) a fee for verification of and monitoring of motor vehicle ignition interlock (Art. 17.441, Code of Criminal Procedure) . . . not to exceed \$10;

(3-a) costs associated with operating a global positioning monitoring system as a condition of release on bond (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs, subject to a determination of indigency;

(3-b) costs associated with providing a defendant's victim with an electronic receptor device as a condition of the defendant's release on bond (Art. 17.49(b)(3), Code of Criminal Procedure) . . . actual costs, subject to a determination of indigency;

(4) repayment of reward paid by a crime stoppers organization on conviction of a felony (Art. 37.073, Code of Criminal Procedure) . . . amount ordered;

(5) reimbursement to general revenue fund for payments made to victim of an offense as condition of community supervision (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50 for a misdemeanor offense or \$100 for a felony offense;

(6) payment to a crime stoppers organization as condition of community supervision (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50;

(7) children's advocacy center fee (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50;

(8) family violence center fee (Art. 42.12, Code of Criminal Procedure) . . . \$100;

(9) community supervision fee (Art. 42.12, Code of Criminal Procedure) . . . not less than \$25 or more than \$60 per month;

(10) additional community supervision fee for certain offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per month;

(11) for certain financially able sex offenders as a condition of community supervision, the costs of treatment, specialized supervision, or rehabilitation (Art. 42.12, Code of Criminal Procedure) . . . all or part of the reasonable and necessary costs of the treatment, supervision, or rehabilitation as determined by the judge;

(12) fee for failure to appear for trial in a justice or municipal court if a jury trial is not waived (Art. 45.026, Code of Criminal Procedure) . . . costs incurred for impaneling the jury;

(13) costs of certain testing, assessments, or programs during a deferral period (Art. 45.051, Code of Criminal Procedure) . . . amount ordered;

(14) special expense on dismissal of certain misdemeanor complaints (Art. 45.051, Code of Criminal Procedure) . . . not to exceed amount of fine assessed;

(15) an additional fee:

(A) for a copy of the defendant's driving record to be requested from the Department of Public Safety by the judge (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal to the sum of the fee established by Section 521.048, Transportation Code, and the state electronic Internet portal fee;

(B) as an administrative fee for requesting a driving safety course or a course under the motorcycle operator training and safety program for certain traffic offenses to cover the cost of administering the article (Art. 45.0511(f)(1), Code of Criminal Procedure) . . . not to exceed \$10; or

(C) for requesting a driving safety course or a course under the motorcycle operator training and safety program before the final disposition of the case (Art. 45.0511(f)(2), Code of Criminal Procedure) . . . not to exceed the maximum amount of the fine for the offense committed by the defendant;

(16) a request fee for teen court program (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the court ordering the fee is located in the Texas-Louisiana border region, but otherwise not to exceed \$10;

(17) a fee to cover costs of required duties of teen court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the court ordering the fee is located in the Texas-Louisiana border region, but otherwise \$10;

(18) a mileage fee for officer performing certain services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per mile;

(19) certified mailing of notice of hearing date (Art. 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

(20) certified mailing of certified copies of an order of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2, plus postage;

(20-a) a fee to defray the cost of notifying state agencies of orders of expungement (Art. 45.0216, Code of Criminal Procedure) . . . \$30 per application;

~~[(20-b) a fee to defray the cost of notifying state agencies of orders of expunction (Art. 45.055, Code of Criminal Procedure) . . . \$30 per application;]~~

(21) sight orders:

(A) if the face amount of the check or sight order does not exceed \$10 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$10;

(B) if the face amount of the check or sight order is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$15;

(C) if the face amount of the check or sight order is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$30;

(D) if the face amount of the check or sight order is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$50; and

(E) if the face amount of the check or sight order is greater than \$500 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$75;

(22) fees for a pretrial intervention program:

(A) a supervision fee (Art. 102.012(a), Code of Criminal Procedure) . . . \$60 a month plus expenses; and

(B) a district attorney, criminal district attorney, or county attorney administrative fee (Art. 102.0121, Code of Criminal Procedure) . . . not to exceed \$500;

(23) parking fee violations for child safety fund in municipalities with populations:

(A) greater than 850,000 (Art. 102.014, Code of Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

(B) less than 850,000 (Art. 102.014, Code of Criminal Procedure) . . . not to exceed \$5;

(24) an administrative fee for collection of fines, fees, restitution, or other costs (Art. 102.072, Code of Criminal Procedure) . . . not to exceed \$2 for each transaction; and

(25) a collection fee, if authorized by the commissioners court of a county or the governing body of a municipality, for certain debts and accounts receivable, including unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30 percent of an amount more than 60 days past due.

SECTION 39. Subchapter B, Chapter 103, Government Code, is amended by adding Section 103.035 to read as follows:

Sec. 103.035. ADDITIONAL COSTS IN TRUANCY CASES: EDUCATION CODE. A party to a truancy case in a truancy court shall pay court costs of \$50 under Section 25A.107, Education Code, if ordered by the truancy court.

SECTION 40. Section 81.032, Local Government Code, is amended to read as follows:

Sec. 81.032. ACCEPTANCE OF DONATIONS AND BEQUESTS. The commissioners court may accept a gift, grant, donation, bequest, or devise of money or other property on behalf of the county, including a donation under Chapter 36, Government Code, for the purpose of performing a function conferred by law on the county or a county officer.

SECTION 41. The following laws are repealed:

- (1) Articles 45.054 and 45.055, Code of Criminal Procedure;
- (2) Section 25.094, Education Code; and
- (3) Sections 51.03(d), (e-1), and (g), 51.04(h), 51.08(e), 54.021, 54.0402, 54.041(f) and (g), and 54.05(a-1), Family Code.

SECTION 42. The changes in law made by this Act apply only to an offense committed or conduct that occurs on or after the effective date of this Act. An offense committed or conduct that occurs before the effective date of this Act is governed by the law in effect on the date the offense was committed or the conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed or conduct occurs before the effective date of this Act if any element of the offense or conduct occurs before that date.

SECTION 43. To the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 44. 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.

The amendment to **CSSB 106** was read.

Senator Whitmire offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **CSSB 106** by Whitmire (84R20146) as follows:

(1) In SECTION 7 of the amendment, amending Section 25.085, Education Code (page 5, line 2), strike "Subsections (e) and (f)" and substitute "Subsections (b), (e), and (f)".

(2) In SECTION 7 of the amendment, amending Section 25.085, Education Code (page 5, between lines 3 and 4), insert the following:

(b) Unless specifically exempted by Section 25.086, a child who is at least six years of age, or who is younger than six years of age and has previously been enrolled in first grade, and who has not yet reached the child's 19th [~~18th~~] birthday shall attend school.

(3) In SECTION 7 of the amendment, amending Section 25.085(e), Education Code (page 5, line 5), strike "18th birthday" and substitute "19th [~~18th~~] birthday".

(4) In SECTION 17 of the amendment, in added Section 25A.004(d), Education Code (page 19, line 31), strike "18th birthday" and substitute "19th birthday".

(5) In SECTION 17 of the amendment, in added Section 25A.006, Education Code (page 20, line 5), between "located" and the underlined period, insert "or the county in which the child resides".

(6) In SECTION 17 of the amendment, in added Section 25A.009(b), Education Code (page 21, line 2), between "than" and "an", insert "for the purposes of determining an appropriate remedial action under this chapter or in".

(7) In SECTION 17 of the amendment, strike added Section 25A.011, Education Code (page 21, lines 6-8).

(8) In SECTION 17 of the amendment, in added Section 25A.012, Education Code (page 21, line 11), between "Procedure" and the underlined period, insert " other than Articles 39.14(i) and (j)".

(9) Renumber Sections 25A.012, 25A.013, 25A.014, 25A.015, 25A.016, 25A.017, and 25A.018, Education Code (pages 21-22), as Sections 25A.011, 25A.012, 25A.013, 25A.014, 25A.015, 25A.016, and 25A.017, respectively.

(10) In SECTION 17 of the amendment, strike added Section 25A.052, Education Code (page 23, lines 1-5), and substitute the following:

Sec. 25A.052. TRUANT CONDUCT PROSECUTOR. In a justice or municipal court or a constitutional county court that is designated as a truancy court, the attorney who represents the state in criminal matters in that court shall serve as the truant conduct prosecutor.

(11) In SECTION 17 of the amendment, in added Section 25A.055, Education Code (page 24, line 12), strike "30th" and substitute "45th".

(12) In SECTION 17 of the amendment, in added Section 25A.062(b), Education Code (page 26, line 12), strike "Each" and substitute "A".

(13) In SECTION 17 of the amendment, in added Section 25A.101(d), Education Code (page 28, line 26), between "rule" and "must", insert "of evidence applicable to criminal cases".

(14) In SECTION 17 of the amendment, in added Section 25A.101(e), Education Code (page 29, line 1), strike "without fulfilling the requirements of this chapter or" and substitute "in violation".

(15) In SECTION 17 of the amendment, in added Section 25A.103(b)(1), Education Code (page 31, line 12), between "program" and the underlined semicolon, insert ", a boot camp, or a for-profit truancy class".

(16) In SECTION 17 of the amendment, in added Section 25A.203, Education Code (page 38, lines 22 and 23), strike "the records relating to allegations of truant conduct" and substitute "records relating to allegations of truant conduct that are held by the court or by the prosecutor".

(17) In SECTION 17 of the amendment, in added Section 25A.251(a), Education Code (page 38, line 30), between "court" and the underlined period, insert "on the court's own motion".

(18) In SECTION 17 of the amendment, in added Section 25A.256, Education Code (page 41, between lines 27 and 28), insert the following:

(c) The truancy court may also initiate enforcement of an order under this section on its own motion.

The amendment to Floor Amendment No. 1 to **CSSB 106** was read and was adopted without objection.

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

Senator Seliger offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 3

Amend Floor Amendment No. 1 to **CSSB 106** (senate committee report) as follows:

In Section 17 of the bill (page 20, line 50), in Section 67, Code of Criminal Procedure, insert the following and renumber subsequent sections accordingly:

Sec. 67.08. FAILURE TO OBEY TRUANCY COURT ORDER; CHILDREN IN CONTEMPT OF COURT.

(a) If a child fails to obey an order issued by a truancy court under Section 64.03(a), the truancy court, after providing notice and an opportunity for a hearing, may:

(1) refer the child to a juvenile court for a hearing to be conducted pursuant to Section 67.011; or

(2) hold the child in contempt of court and order either or both of the following:

(A) that the child pay a fine not to exceed \$100; or

(B) that the Department of Public Safety suspend the child's driver's license or permit or, if the child does not have a license or permit, order that the Department of Public Safety deny the issuance of a license or permit to the child until the child fully complies with the court's orders.

(b) A truancy court may not order the confinement of a child for the child's failure to obey an order of the court issued under Section 64.03(a).

Sec. 67.011. PROCEEDINGS IN JUVENILE COURT.

(a) Upon referral from a truancy court pursuant to Section 67.08(a)(1), the truancy court shall conduct a hearing in order to determine if probable cause exists to believe that the child engaged in conduct that would constitute contempt of the order issued by the truancy court. The hearing shall be conducted within 10 days of the juvenile court's receipt of the referral from the truancy court.

(b) If the juvenile court finds that probable cause exists to believe that the child engaged in conduct that would constitute contempt of the order issued by the truancy court, the juvenile court shall:

(1) enter an order requiring the child to comply with the truancy court's order;

(2) forward a copy of the order to the truancy court within 24 hours; and

(3) admonish the child, orally and in writing, of the consequences of subsequent referrals to the juvenile court, including:

(A) a charge of delinquent conduct for contempt of the truancy court's order; and

(B) a detention hearing.

(c) If the court finds that probable cause does not exist to believe that the child engaged in conduct that would constitute contempt of the order issued by the truancy court, the juvenile court shall enter an order requiring the child's continued compliance with the truancy court's order.

The amendment to Floor Amendment No. 1 to **CSSB 106** was read.

Senator Seliger withdrew Floor Amendment No. 3.

Question: Shall Floor Amendment No. 1 as amended to **CSSB 106** be adopted?

AT EASE

The President at 1:48 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 2:08 p.m. called the Senate to order as In Legislative Session.

Question: Shall Floor Amendment No. 1 as amended to **CSSB 106** be adopted?

Senator Whitmire moved to temporarily postpone further consideration of **CSSB 106**.

The motion prevailed.

Question: Shall Floor Amendment No. 1 as amended to **CSSB 106** be adopted?

(Senator Eltife in Chair)**SENATE BILL 1725 ON SECOND READING**

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1725** at this time on its second reading:

SB 1725, Relating to notice of excess proceeds following an ad valorem tax sale.

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 1725 ON THIRD READING

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1725** 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 200 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 200** at this time on its second reading:

CSSB 200, Relating to the continuation and functions of the Health and Human Services Commission and the provision of health and human services in this state.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 200** (senate committee report) as follows:

(1) Strike SECTIONS 1.01 through 1.12 of the bill (page 1, line 26, through page 13, line 58) and substitute the following appropriately numbered SECTIONS:

SECTION 1.__. (a) Chapter 531, Government Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. CONSOLIDATION OF HEALTH AND HUMAN SERVICES
SYSTEM

Sec. 531.02001. CONSOLIDATION OF HEALTH AND HUMAN SERVICES SYSTEM GENERALLY. In accordance with this subchapter, the functions of the health and human services system described under Sections 531.0201, 531.02011, and 531.02012 are consolidated in the commission through a phased transfer of those functions under which:

(1) the initial transfers required under Section 531.0201 occur:

(A) on or after the date on which the executive commissioner submits the transition plan to the required persons under Section 531.0204(e); and

- (B) not later than September 1, 2016;
- (2) the final transfers required under Section 531.02011 occur:
 - (A) on or after September 1, 2016; and
 - (B) not later than September 1, 2017; and
- (3) transfers of administrative support services functions occur in accordance with Section 531.02012.

Sec. 531.02002. MEANING OF FUNCTION IN RELATION TO TRANSFERS. For purposes of the transfers mandated by this subchapter, "function" includes a power, duty, program, or activity of a state agency or entity.

Sec. 531.0201. PHASE ONE: INITIAL TRANSFERS TO COMMISSION. On the dates specified in the transition plan required under Section 531.0204, the following functions are transferred to the commission as provided by this subchapter:

(1) all functions, including any remaining administrative support services functions, of each state agency and entity subject to abolition under Section 531.0202(a); and

(2) except as provided by Section 531.02013, all client services of the health and human services system, including client services functions performed by the following:

(A) the state agency subject to abolition under Section 531.0202(b);

(B) the Department of Family and Protective Services; and

(C) the Department of State Health Services.

Sec. 531.02011. PHASE TWO: FINAL TRANSFERS TO COMMISSION. On the dates specified in the transition plan required under Section 531.0204, the following functions are transferred to the commission as provided by this subchapter:

(1) all functions of the state agency subject to abolition under Section 531.0202(b) that remained with the agency after the initial transfer of functions under Section 531.0201 or a transfer of administrative support services functions under Section 531.02012;

(2) regulatory functions and functions related to state-operated institutions of the Department of State Health Services; and

(3) regulatory functions of the Department of Family and Protective Services.

Sec. 531.02012. TRANSFER AND CONSOLIDATION OF ADMINISTRATIVE SUPPORT SERVICES FUNCTIONS. (a) In this section, "administrative support services" has the meaning assigned under Section 531.00553.

(b) As soon as practicable after the first day of the period prescribed by Section 531.02001(1) and not later than the last day of the period prescribed by Section 531.02001(2), in accordance with and on the dates specified in the transition plan required under Section 531.0204, the executive commissioner shall, after consulting with affected state agencies and divisions, transfer and consolidate within the commission administrative support services functions of the health and human services system to the extent consolidation of those support services functions is feasible and contributes to the effective performance of the system. Consolidation of an administrative support services function under this section must be conducted in accordance with the principles and requirements for organization of administrative support services under Section 531.00553(c).

(c) Consultation with affected state agencies and divisions under Subsection (b) must be conducted in a manner that ensures client services are, at most, only minimally affected, and must result in a memorandum of understanding or other agreement between the commission and each affected agency or division that:

(1) details measurable performance goals that the commission is expected to meet;

(2) identifies a means by which the agency or division may seek permission from the executive commissioner to find an alternative way to address the needs of the agency or division, as appropriate;

(3) identifies steps to ensure that programs under the health and human services system, whether large or small, receive administrative support services that are adequate to meet the program's needs; and

(4) if appropriate, specifies that staff responsible for providing administrative support services consolidated within the commission are located in the area where persons requiring those services are located to ensure the staff understands related program needs and can respond to those needs in a timely manner.

Sec. 531.02013. FUNCTIONS REMAINING WITH CERTAIN AGENCIES. The following functions are not subject to transfer under Sections 531.0201 and 531.02011:

(1) the functions of the Department of Family and Protective Services, including the statewide intake of reports and other information, related to the following:

(A) child protective services, including services that are required by federal law to be provided by this state's child welfare agency; and

(B) adult protective services, other than investigations of the alleged abuse, neglect, or exploitation of an elderly person or person with a disability:

(i) in a facility operated, or in a facility or by a person licensed, certified, or registered, by a state agency; or

(ii) by a provider that has contracted to provide home and community-based services; and

(2) the public health functions of the Department of State Health Services, including health care data collection and maintenance of the Texas Health Care Information Collection program.

Sec. 531.02014. RELATED TRANSFERS; EFFECT OF CONSOLIDATION. (a) All of the following that relate to a function that is transferred under Section 531.0201, 531.02011, or 531.02012 are transferred to the commission on the date the related function is transferred as specified in the transition plan required under Section 531.0204:

(1) all obligations and contracts, including obligations and contracts related to a grant program;

(2) all property and records in the custody of the state agency or entity from which the function is transferred;

(3) all funds appropriated by the legislature and other money; and

(4) all complaints, investigations, or contested cases that are pending before the state agency or entity from which the function is transferred or a governing person or entity of the state agency or entity, without change in status.

(b) A rule, policy, or form adopted by or on behalf of a state agency or entity from which functions are transferred under Section 531.0201, 531.02011, or 531.02012 that relates to a function that is transferred under one of those sections becomes a rule, policy, or form of the commission upon transfer of the related function and remains in effect:

(1) until altered by the commission; or

(2) unless it conflicts with a rule, policy, or form of the commission.

(c) A license, permit, or certification in effect that was issued by a state agency or entity from which functions are transferred under Section 531.0201 or 531.02011 that relates to a function that is transferred under either of those sections is continued in effect as a license, permit, or certification of the commission upon transfer of the related function until the license, permit, or certification expires, is suspended or revoked, or otherwise becomes invalid.

Sec. 531.0202. ABOLITION OF STATE AGENCIES AND ENTITIES; EFFECT OF TRANSFERS. (a) Each of the following state agencies and entities is abolished on a date that is within the period prescribed by Section 531.02001(1), that is specified in the transition plan required under Section 531.0204 for the abolition of the agency or entity, and that occurs after all of the agency's or entity's functions have been transferred to the commission in accordance with Section 531.0201:

(1) the Department of Assistive and Rehabilitative Services;

(2) the Health and Human Services Council;

(3) the Aging and Disability Services Council;

(4) the Assistive and Rehabilitative Services Council;

(5) the Family and Protective Services Council;

(6) the State Health Services Council;

(7) the Office for the Prevention of Developmental Disabilities; and

(8) the Texas Council on Autism and Pervasive Developmental Disorders.

(b) The Department of Aging and Disability Services is abolished on a date that is within the period prescribed by Section 531.02001(2), that is specified in the transition plan required under Section 531.0204 for the abolition of the department, and that occurs after all of the department's functions have been transferred to the commission in accordance with Sections 531.0201 and 531.02011.

(c) The abolition of a state agency or entity listed in Subsection (a) or (b) and the transfer of its functions and related obligations, rights, contracts, records, property, and funds to the commission as provided by this subchapter and the transfer of functions and related obligations, rights, contracts, records, property, and funds from the Department of Family and Protective Services and the Department of State Health Services as provided by this subchapter do not affect or impair an act done, any obligation, right, order, permit, certificate, rule, criterion, standard, or requirement existing, or any penalty accrued under former law, and that law remains in effect for any action concerning those matters.

Sec. 531.0203. HEALTH AND HUMAN SERVICES TRANSITION LEGISLATIVE OVERSIGHT COMMITTEE. (a) In this section, "committee" means the Health and Human Services Transition Legislative Oversight Committee established under this section.

(b) The Health and Human Services Transition Legislative Oversight Committee is created to facilitate the transfer of functions to the commission under Sections 531.0201, 531.02011, and 531.02012 with minimal negative effect on the delivery of services to which those functions relate.

(c) The committee is composed of 11 voting members, as follows:

(1) four members of the senate, appointed by the lieutenant governor;

(2) four members of the house of representatives, appointed by the speaker of the house of representatives; and

(3) three members of the public, appointed by the governor.

(d) The executive commissioner serves as an ex officio, nonvoting member of the committee.

(e) A member of the committee serves at the pleasure of the appointing official.

(f) The lieutenant governor and the speaker of the house of representatives shall each designate a presiding co-chair from among their respective appointments.

(g) A member of the committee may not receive compensation for serving on the committee but is entitled to reimbursement for travel expenses incurred by the member while conducting the business of the committee as provided by the General Appropriations Act.

(h) The committee shall:

(1) facilitate the transfer of functions to the commission under Sections 531.0201, 531.02011, and 531.02012 with minimal negative effect on the delivery of services to which those functions relate;

(2) with assistance from the commission and the state agencies and entities from which functions are transferred under Sections 531.0201, 531.02011, and 531.02012, advise the executive commissioner concerning:

(A) the functions to be transferred under this subchapter and the funds and obligations that are related to the functions;

(B) the transfer of the functions and related records, property, funds, and obligations by the state agencies and entities as provided by this subchapter; and

(C) the reorganization of the commission's administrative structure in accordance with this subchapter, Sections 531.0055, 531.00553, 531.00561, 531.00562, and 531.008, and other provisions enacted by the 84th Legislature that become law; and

(3) meet:

(A) during the period between the establishment of the committee and September 1, 2017, at least quarterly at the call of either chair, in addition to meeting at other times as determined appropriate by either chair;

(B) during the period between September 2, 2017, and December 31, 2019, at least semiannually at the call of either chair, in addition to meeting at other times as determined appropriate by either chair; and

(C) during the period between January 1, 2020, and August 31, 2023, at least annually at the call of either chair, in addition to meeting at other times as determined appropriate by either chair.

(i) Chapter 551 applies to the committee.

(j) The committee shall submit a report to the governor, lieutenant governor, speaker of the house of representatives, and legislature not later than December 1 of each even-numbered year. The report must include an update on the progress of and issues related to:

(1) the transfer of functions under Sections 531.0201, 531.02011, and 531.02012 to the commission as provided by this subchapter; and

(2) the reorganization of the commission's administrative structure in accordance with this subchapter, Sections 531.0055, 531.00553, 531.00561, 531.00562, and 531.008, and other provisions enacted by the 84th Legislature that become law.

(k) The committee is abolished September 1, 2023.

Sec. 531.02031. STUDY ON CONTINUING NEED FOR CERTAIN STATE AGENCIES. (a) Not later than September 1, 2018, the executive commissioner shall conduct a study and submit a report and recommendation to the Health and Human Services Transition Legislative Oversight Committee regarding the need to continue the Department of Family and Protective Services and the Department of State Health Services as state agencies separate from the commission.

(b) Not later than December 1, 2018, the Health and Human Services Transition Legislative Oversight Committee shall review the report and recommendation submitted under Subsection (a) and submit a report and recommendation to the legislature regarding the need to continue the Department of Family and Protective Services and the Department of State Health Services as state agencies separate from the commission.

Sec. 531.0204. TRANSITION PLAN FOR IMPLEMENTATION OF CONSOLIDATION. (a) The transfers of functions under Sections 531.0201, 531.02011, and 531.02012 to the commission must be accomplished in accordance with a transition plan developed by the executive commissioner that ensures that the transfers and provision of health and human services in this state are accomplished in a careful and deliberative manner. The transition plan must:

(1) include an outline of the commission's reorganized structure, including its divisions, in accordance with this subchapter, Sections 531.00561, 531.00562, and 531.008, and other provisions enacted by the 84th Legislature that become law;

(2) include details regarding movement of functions and a timeline that, subject to the periods prescribed by Section 531.02001, specifies the dates on which:

(A) the transfers under Sections 531.0201, 531.02011, and 531.02012 are to be made;

(B) each state agency or entity subject to abolition under Section 531.0202 is abolished; and

(C) each division of the commission is created and the division's director is appointed;

(3) for purposes of Sections 531.0201, 531.02011, and 531.02013, define:

(A) client services functions;

(B) regulatory functions;

(C) public health functions; and

(D) functions related to:

(i) state-operated institutions;

(ii) child protective services; and

(iii) adult protective services; and

(4) include an evaluation and determination of the feasibility and potential effectiveness of consolidating administrative support services into the commission in accordance with Section 531.02012, including a report of:

(A) the specific support services that will be consolidated within the commission;

(B) a timeline that details when specific support services will be consolidated, including a description of the support services that will transfer by the last day of each period prescribed by Section 531.02001; and

(C) measures the commission will take to ensure information resources and contracting support services continue to operate properly across the health and human services system under any consolidation of administrative support services.

(b) In defining the transferred functions under Subsection (a)(3), the executive commissioner shall ensure that:

(1) not later than the last day of the period prescribed by Section 531.02001(1), all functions of an agency or entity subject to abolition under Section 531.0202(a) are transferred to the commission; and

(2) not later than the last day of the period prescribed by Section 531.02001(2), all functions of the agency subject to abolition under Section 531.0202(b) are transferred to the commission.

(c) In developing the transition plan, the executive commissioner shall, before submitting the plan to the Health and Human Services Transition Legislative Oversight Committee, the governor, and the Legislative Budget Board as required by Subsection (e):

(1) hold public hearings in various geographic areas in this state regarding the plan; and

(2) solicit and consider input from appropriate stakeholders.

(d) Within the periods prescribed by Section 531.02001, the commission shall begin administering the respective functions assigned to the commission under Sections 531.0201 and 531.02011, as applicable. The assumption of the administration of the functions must be accomplished in accordance with the transition plan.

(e) The executive commissioner shall submit the transition plan to the Health and Human Services Transition Legislative Oversight Committee, the governor, and the Legislative Budget Board not later than March 1, 2016. The Health and Human Services Transition Legislative Oversight Committee shall comment on and make recommendations to the executive commissioner regarding any concerns or adjustments to the transition plan the committee determines appropriate. The executive commissioner may not finalize the transition plan until the executive commissioner has reviewed and considered the comments and recommendations of the committee regarding the transition plan.

(f) The executive commissioner shall publish in the Texas Register:

(1) the transition plan developed under this section;

(2) any adjustments to the transition plan recommended by the Health and Human Services Transition Legislative Oversight Committee;

(3) a statement regarding whether the executive commissioner adopted or otherwise incorporated the recommended adjustments; and

(4) if the executive commissioner did not adopt a recommended adjustment, the justification for not adopting the adjustment.

Sec. 531.02041. REQUIRED REPORTS AFTER TRANSITION PLAN SUBMISSION. If, at any time after the executive commissioner submits the transition plan in accordance with Section 531.0204(e), the executive commissioner proposes to make a substantial organizational change to the health and human services system that was not included in the transition plan, the executive commissioner shall, before implementing the proposed change, submit a report detailing the proposed change to the Health and Human Services Transition Legislative Oversight Committee.

Sec. 531.0205. APPLICABILITY OF FORMER LAW. An action brought or proceeding commenced before the date of a transfer prescribed by this subchapter in accordance with the transition plan required under Section 531.0204, including a contested case or a remand of an action or proceeding by a reviewing court, is governed by the laws and rules applicable to the action or proceeding before the transfer.

Sec. 531.0206. LIMITED-SCOPE SUNSET REVIEW. (a) The Sunset Advisory Commission shall conduct a limited-scope review of the commission during the state fiscal biennium ending August 31, 2023, in the manner provided by Chapter 325 (Texas Sunset Act). The review must provide:

(1) an update on the commission's progress with respect to the consolidation of the health and human services system mandated by this subchapter, including the commission's compliance with the transition plan required under Section 531.0204;

(2) an evaluation and recommendations regarding the need to continue the Department of Family and Protective Services and the Department of State Health Services as state agencies separate from the commission; and

(3) any additional information the Sunset Advisory Commission determines appropriate, including information regarding any additional organizational changes the Sunset Advisory Commission recommends.

(b) The commission is not abolished solely because the commission is not explicitly continued following the review required by this section.

Sec. 531.0207. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2023.

(b) Not later than October 1, 2015:

(1) the lieutenant governor, the speaker of the house of representatives, and the governor shall make the appointments to the Health and Human Services Transition Legislative Oversight Committee as required by Section 531.0203(c), Government Code, as added by this article; and

(2) the lieutenant governor and the speaker of the house of representatives shall each designate a presiding co-chair of the Health and Human Services Transition Legislative Oversight Committee in accordance with Section 531.0203(f), Government Code, as added by this article.

(c) As soon as appropriate under the consolidation under Subchapter A-1, Chapter 531, Government Code, as added by this article, and in a manner that minimizes disruption of services, the Health and Human Services Commission shall take appropriate action to be designated as the state agency responsible under federal law for any state or federal program that is transferred to the commission in accordance with that subchapter and for which federal law requires the designation of a responsible state agency.

(d) Notwithstanding Section 531.0201, 531.02011, or 531.02012, Government Code, as added by this article, a power, duty, program, function, or activity of the Department of Assistive and Rehabilitative Services may not be transferred to the Health and Human Services Commission under that section if:

(1) H.B. No. 3294 or S.B. No. 208, 84th Legislature, Regular Session, 2015, or similar legislation of the 84th Legislature, Regular Session, 2015, is enacted, becomes law, and provides for the transfer of the power, duty, program, function, or activity to the Texas Workforce Commission subject to receipt of any necessary federal approval or other authorization for the transfer to occur; and

(2) the Department of Assistive and Rehabilitative Services or the Texas Workforce Commission receives the necessary federal approval or other authorization to enable the transfer to occur not later than September 1, 2016.

(e) If neither the Department of Assistive and Rehabilitative Services nor the Texas Workforce Commission receives the federal approval or other authorization described by Subsection (d) of this section to enable the transfer of the power, duty, program, function, or activity to the Texas Workforce Commission to occur not later than September 1, 2016, as provided by the legislation described by Subsection (d) of this section, the power, duty, program, function, or activity of the Department of Assistive and Rehabilitative Services transfers to the Health and Human Services Commission in accordance with Section 531.0201 or 531.02011, Government Code, as added by this article, and the transition plan required under Section 531.0204, Government Code, as added by this article.

SECTION 1. __. Subchapter A, Chapter 531, Government Code, is amended by adding Sections 531.0011 and 531.0012 to read as follows:

Sec. 531.0011. REFERENCES IN LAW MEANING COMMISSION OR APPROPRIATE DIVISION. (a) In this code or in any other law, a reference to any of the following state agencies or entities in relation to a function transferred under Section 531.0201, 531.02011, or 531.02012, as applicable, means the commission or the division of the commission performing the function previously performed by the state agency or entity before the transfer, as appropriate:

- (1) health and human services agency;
- (2) the Department of State Health Services;
- (3) the Department of Aging and Disability Services;
- (4) the Department of Family and Protective Services; or
- (5) the Department of Assistive and Rehabilitative Services.

(b) In this code or in any other law and notwithstanding any other law, a reference to any of the following state agencies or entities in relation to a function transferred under Section 531.0201, 531.02011, or 531.02012, as applicable, from the state agency that assumed the relevant function in accordance with Chapter 198 (H.B.

2292), Acts of the 78th Legislature, Regular Session, 2003, means the commission or the division of the commission performing the function previously performed by the agency that assumed the function before the transfer, as appropriate:

- (1) the Texas Department on Aging;
- (2) the Texas Commission on Alcohol and Drug Abuse;
- (3) the Texas Commission for the Blind;
- (4) the Texas Commission for the Deaf and Hard of Hearing;
- (5) the Texas Department of Health;
- (6) the Texas Department of Human Services;
- (7) the Texas Department of Mental Health and Mental Retardation;
- (8) the Texas Rehabilitation Commission;
- (9) the Texas Health Care Information Council; or
- (10) the Interagency Council on Early Childhood Intervention.

(c) In this code or in any other law and notwithstanding any other law, a reference to the Department of Protective and Regulatory Services in relation to a function transferred under Section 531.0201, 531.02011, or 531.02012, as applicable, from the Department of Family and Protective Services means the commission or the division of the commission performing the function previously performed by the Department of Family and Protective Services before the transfer.

(d) This section applies notwithstanding Section 531.001(4).

Sec. 531.0012. REFERENCES IN LAW MEANING EXECUTIVE COMMISSIONER OR DESIGNEE. (a) In this code or in any other law, a reference to any of the following persons in relation to a function transferred under Section 531.0201, 531.02011, or 531.02012, as applicable, means the executive commissioner, the executive commissioner's designee, or the director of the division of the commission performing the function previously performed by the state agency from which it was transferred and that the person represented, as appropriate:

- (1) the commissioner of aging and disability services;
- (2) the commissioner of assistive and rehabilitative services;
- (3) the commissioner of state health services; or
- (4) the commissioner of the Department of Family and Protective Services.

(b) In this code or in any other law and notwithstanding any other law, a reference to any of the following persons or entities in relation to a function transferred under Section 531.0201, 531.02011, or 531.02012, as applicable, from the state agency that assumed or continued to perform the function in accordance with Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, means the executive commissioner or the director of the division of the commission performing the function performed before the enactment of Chapter 198 (H.B. 2292) by the state agency that was abolished or renamed by Chapter 198 (H.B. 2292) and that the person or entity represented:

(1) an executive director or other chief administrative officer of a state agency listed in Section 531.0011(b) or of the Department of Protective and Regulatory Services; or

(2) the governing body of a state agency listed in Section 531.0011(b) or of the Department of Protective and Regulatory Services.

(c) A reference to any of the following councils means the executive commissioner or the executive commissioner's designee, as appropriate, and a function of any of the following councils is a function of that appropriate person:

- (1) the Health and Human Services Council;
- (2) the Aging and Disability Services Council;
- (3) the Assistive and Rehabilitative Services Council;
- (4) the Family and Protective Services Council; or
- (5) the State Health Services Council.

SECTION 1. (a) Subchapter A, Chapter 531, Government Code, is amended by adding Section 531.0051 to read as follows:

Sec. 531.0051. HEALTH AND HUMAN SERVICES COMMISSION EXECUTIVE COUNCIL. (a) The Health and Human Services Commission Executive Council is established to receive public input and advise the executive commissioner regarding the operation of the commission. The council shall seek and receive public comment on:

- (1) proposed rules;
- (2) recommendations of advisory committees;
- (3) legislative appropriations requests or other documents related to the appropriations process;
- (4) the operation of health and human services programs; and
- (5) other items the executive commissioner determines appropriate.

(b) The council does not have authority to make administrative or policy decisions.

(c) The council is composed of:

- (1) the executive commissioner;
- (2) the director of each division established by the executive commissioner under Section 531.008(c);
- (3) the commissioner of a health and human services agency; and
- (4) other individuals appointed by the executive commissioner as the executive commissioner determines necessary.

(d) The executive commissioner serves as the chair of the council and shall adopt rules for the operation of the council.

(e) Members of the council appointed under Subsection (c)(4) serve at the pleasure of the executive commissioner.

(f) The council shall meet at the call of the executive commissioner at least quarterly. The executive commissioner may call additional meetings as the executive commissioner determines necessary.

(g) The council shall give public notice of the date, time, and place of each meeting held by the council. A live video transmission of each meeting must be publicly available through the Internet.

(h) A majority of the members of the council constitute a quorum for the transaction of business.

(i) A council member appointed under Subsection (c)(4) may not receive compensation for service as a member of the council but is entitled to reimbursement for travel expenses incurred by the member while conducting the business of the council as provided by the General Appropriations Act.

(j) The executive commissioner shall develop and implement policies that provide the public with a reasonable opportunity to appear before the council and to speak on any issue under the jurisdiction of the commission.

(k) A meeting of individual members of the council that occurs in the ordinary course of commission operation is not a meeting of the council, and the requirements of Subsection (g) do not apply.

(l) This section does not limit the authority of the executive commissioner to establish additional advisory committees or councils.

(m) Chapters 551 and 2110 do not apply to the council.

(b) As soon as possible after the executive commissioner of the Health and Human Services Commission appoints division directors in accordance with Section 531.00561, Government Code, as added by this article, the Health and Human Services Commission Executive Council established under Section 531.0051, Government Code, as added by this article, shall begin operation.

SECTION 1. __. The heading to Section 531.0055, Government Code, is amended to read as follows:

Sec. 531.0055. EXECUTIVE COMMISSIONER: GENERAL RESPONSIBILITY FOR HEALTH AND HUMAN SERVICES SYSTEM [AGENCIES].

SECTION 1. __. Section 531.0055, Government Code, is amended by amending Subsection (b), as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and amending Subsections (d), (e), (f), (g), (h), (k), and (l) to read as follows:

(b) The commission shall:

(1) supervise the administration and operation of Medicaid, including the administration and operation of the Medicaid managed care system in accordance with Section 531.021;

(2) perform information systems planning and management for the health and human services system ~~[agencies]~~ under Section 531.0273, with:

(A) the provision of information technology services for the ~~[at]~~ health and human services system ~~[agencies]~~ considered to be a centralized administrative support service either performed by commission personnel or performed under a contract with the commission; and

(B) an emphasis on research and implementation on a demonstration or pilot basis of appropriate and efficient uses of new and existing technology to improve the operation of the health and human services system ~~[agencies]~~ and delivery of health and human services;

(3) monitor and ensure the effective use of all federal funds received for the ~~[by a]~~ health and human services system ~~[agency]~~ in accordance with Section 531.028 and the General Appropriations Act;

(4) implement Texas Integrated Enrollment Services as required by Subchapter F, except that notwithstanding Subchapter F, determining eligibility for benefits under the following programs is the responsibility of and must be centralized by the commission:

(A) the child health plan program;

(B) the financial assistance program under Chapter 31, Human Resources Code;

(C) Medicaid;

(D) the supplemental nutrition assistance program under Chapter 33, Human Resources Code;

(E) long-term care services, as defined by Section 22.0011, Human Resources Code;

(F) community-based support services identified or provided in accordance with Section 531.02481; and

(G) other health and human services programs, as appropriate; and

(5) implement programs intended to prevent family violence and provide services to victims of family violence.

(d) After implementation of the commission's duties under Subsections (b) and (c), the commission shall implement the powers and duties given to the commission under Section 531.0248. Nothing in the priorities established by this section is intended to limit the authority of the commission to work simultaneously to achieve the multiple tasks assigned to the commission in this section, when such an approach is beneficial in the judgment of the commission. The commission shall plan and implement an efficient and effective centralized system of administrative support services for the health and human services system in accordance with Section 531.00553 [agencies]. [~~The performance of administrative support services for health and human services agencies is the responsibility of the commission. The term "administrative support services" includes, but is not limited to, strategic planning and evaluation, audit, legal, human resources, information resources, purchasing, contract management, financial management, and accounting services.~~]

(e) Notwithstanding any other law, the executive commissioner shall adopt rules and policies for the operation of and provision of health and human services by the health and human services system [agencies]. In addition, the executive commissioner, as necessary to perform the functions described by Subsections (b), (c), and (d) and Section 531.00553 in implementation of applicable policies established for a health and human services system [an] agency or division, as applicable, by the executive commissioner, shall:

(1) manage and direct the operations of each [health and human services] agency or division, as applicable;

(2) supervise and direct the activities of each agency or division director, as applicable; and

(3) be responsible for the administrative supervision of the internal audit program for the [an] health and human services system agencies, including:

(A) selecting the director of internal audit;

(B) ensuring that the director of internal audit reports directly to the executive commissioner; and

(C) ensuring the independence of the internal audit function.

(f) The operational authority and responsibility of the executive commissioner for purposes of Subsection (e) for [an] each health and human services system agency or division, as applicable, includes authority over and responsibility for the:

(1) management of the daily operations of the agency or division, including the organization and management of the agency or division and ~~its [agency]~~ operating procedures;

(2) allocation of resources within the agency or division, including use of federal funds received by the agency or division;

(3) personnel and employment policies;

(4) contracting, purchasing, and related policies, subject to this chapter and other laws relating to contracting and purchasing by a state agency;

(5) information resources systems used by the agency or division;

(6) location of ~~[agency]~~ facilities; and

(7) coordination of agency or division activities with activities of other components of the health and human services system and state agencies~~[-including other health and human services agencies].~~

(g) Notwithstanding any other law, the operational authority and responsibility of the executive commissioner for purposes of Subsection (e) for ~~[a]~~ each health and human services system agency or division, as applicable, includes the authority and responsibility to adopt or approve, subject to applicable limitations, any rate of payment or similar provision required by law to be adopted or approved by a health and human services system ~~[the]~~ agency.

(h) For each health and human services system agency and division, as applicable, the executive commissioner shall implement a program to evaluate and supervise ~~[the]~~ daily operations ~~[of the agency]~~. The program must include measurable performance objectives for each agency or division director and adequate reporting requirements to permit the executive commissioner to perform the duties assigned to the executive commissioner under this section.

(k) The executive commissioner and each agency director shall enter into a memorandum of understanding in the manner prescribed by Section 531.0163 that:

(1) clearly defines the responsibilities of the agency director and the executive commissioner, including:

(A) the responsibility of the agency director to report to the governor and to report to and implement policies of the executive commissioner; and

(B) the extent to which the agency director acts as a liaison between the agency and the commission;

(2) establishes the program of evaluation and supervision of daily operations required by Subsection (h); ~~and~~

(3) describes each delegation of a power or duty made to an agency director; and

(4) ensures that the commission and each health and human services agency has access to databases or other information maintained or kept by each other agency that is necessary for the operation of a function performed by the commission or the health and human services agency, to the extent not prohibited by other law ~~[under Subsection (i) or other law]~~.

(l) Notwithstanding any other law, the executive commissioner has the authority to adopt policies and rules governing the delivery of services to persons who are served by ~~the [each]~~ health and human services system ~~[agency]~~ and the rights and duties of persons who are served or regulated by ~~the system [each agency]~~.

SECTION 1. __. Subchapter A, Chapter 531, Government Code, is amended by adding Section 531.00553 to read as follows:

Sec. 531.00553. ADMINISTRATIVE SUPPORT SERVICES. (a) In this section, the term "administrative support services" includes strategic planning and evaluation, audit, legal, human resources, information resources, purchasing, contracting, financial management, and accounting services.

(b) Subject to Subsection (c), the executive commissioner shall plan and implement an efficient and effective centralized system of administrative support services for the health and human services system. The performance of administrative support services for the health and human services system is the responsibility of the commission.

(c) The executive commissioner shall plan and implement the centralized system of administrative support services in accordance with the following principles and requirements:

(1) the executive commissioner shall consult with the commissioner of each agency and with the director of each division within the health and human services system to ensure the commission is responsive to and addresses agency or division needs;

(2) consolidation of staff providing the support services must be done in a manner that ensures each agency or division within the health and human services system that loses staff as a result of the centralization of support services has adequate resources to carry out functions of the agency or division, as appropriate; and

(3) the commission and each agency or division within the health and human services system shall, as appropriate, enter into a memorandum of understanding or other written agreement for the purpose of ensuring accountability for the provision of administrative services by clearly detailing:

(A) the responsibilities of each agency or division and the commission;

(B) the points of contact for each agency or division and the commission;

(C) the transfer of personnel among each agency or division and the commission;

(D) the budgetary effect the agreement has on each agency or division and the commission; and

(E) any other item determined by the executive commissioner to be critical for maintaining accountability.

(d) The memorandum of understanding or other agreement required under Subsection (c), if appropriate, may be combined with the memorandum of understanding required under Section 531.0055(k).

SECTION 1. __. Section 531.0056, Government Code, is amended by adding Subsection (g) to read as follows:

(g) The requirements of this section apply with respect to a state agency listed in Section 531.001(4) only until the agency is abolished under Section 531.0202.

SECTION 1. __. (a) Subchapter A, Chapter 531, Government Code, is amended by adding Sections 531.00561 and 531.00562 to read as follows:

Sec. 531.00561. APPOINTMENT AND QUALIFICATIONS OF DIVISION DIRECTORS. (a) The executive commissioner shall appoint a director for each division established within the commission under Section 531.008, except that the director of the office of inspector general is appointed in accordance with Section 531.102(a-1).

(b) The executive commissioner shall:

(1) develop clear qualifications for the director of each division appointed under this section that ensure that an individual appointed director has:

(A) demonstrated experience in fields relevant to the director position;

and

(B) executive-level administrative and leadership experience; and

(2) ensure the qualifications developed under Subdivision (1) are publicly available.

Sec. 531.00562. DIVISION DIRECTOR DUTIES. (a) The executive commissioner shall clearly define the duties and responsibilities of a division director and develop clear policies for the delegation of specific decision-making authority, including budget authority, to division directors.

(b) The delegation of decision-making authority should be significant enough to ensure the efficient administration of the commission's programs and services.

(b) The executive commissioner of the Health and Human Services Commission shall implement Sections 531.00561 and 531.00562, Government Code, as added by this article, on the date specified in the transition plan required under Section 531.0204, Government Code, as added by this article.

SECTION 1. (a) Section 531.008, Government Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 531.008. DIVISIONS OF COMMISSION. (a) The ~~[Subject to Subsection (e), the]~~ executive commissioner shall ~~[may]~~ establish divisions within the commission along functional lines as necessary for effective administration and for the discharge of the commission's functions.

(b) The ~~[Subject to Subsection (e), the]~~ executive commissioner may allocate and reallocate functions among the commission's divisions.

(c) Notwithstanding Subsections (a) and (b), the ~~[The]~~ executive commissioner shall establish the following divisions and offices within the commission:

(1) a medical and social services division ~~[the eligibility services division to make eligibility determinations for services provided through the commission or a health and human services agency related to:~~

~~[(A) the child health plan program;~~

~~[(B) the financial assistance program under Chapter 31, Human Resources Code;~~

~~[(C) Medicaid;~~

~~[(D) the supplemental nutrition assistance program under Chapter 33, Human Resources Code;~~

~~[(E) long-term care services, as defined by Section 22.0011, Human Resources Code;~~

~~[(F) community-based support services identified or provided in accordance with Section 531.02481; and~~

~~[(G) other health and human services programs, as appropriate];~~

(2) the office of inspector general to perform fraud and abuse investigation and enforcement functions as provided by Subchapter C and other law;

(3) a regulatory division ~~[the office of the ombudsman to:~~

~~[(A) provide dispute resolution services for the commission and the health and human services agencies; and~~

~~[(B) perform consumer protection functions related to health and human services];~~

(4) an administrative division ~~[a purchasing division as provided by Section 531.017]; and~~

(5) a facilities division for the purpose of administering state facilities, including state hospitals and state-supported living centers ~~[an internal audit division to conduct a program of internal auditing in accordance with Chapter 2102].~~

(d) Subsection (c) does not prohibit the executive commissioner from establishing additional divisions under Subsection (a) as the executive commissioner determines appropriate. This subsection and Subsection (c) expire September 1, 2023.

(b) The executive commissioner of the Health and Human Services Commission shall establish divisions within the commission as required under Section 531.008, Government Code, as amended by this article, on the date specified in the transition plan required under Section 531.0204, Government Code, as added by this article.

SECTION 1. _. (a) Subchapter A, Chapter 531, Government Code, is amended by adding Section 531.0083 to read as follows:

Sec. 531.0083. OFFICE OF POLICY AND PERFORMANCE. (a) In this section, "office" means the office of policy and performance established by this section.

(b) The executive commissioner shall establish the office of policy and performance as an executive-level office designed to coordinate policy and performance efforts across the health and human services system. To coordinate those efforts, the office shall:

(1) develop a performance management system;

(2) take the lead in supporting and providing oversight for the implementation of major policy changes and in managing organizational changes; and

(3) act as a centralized body of experts within the commission that offers program evaluation and process improvement expertise.

(c) In developing a performance management system under Subsection (b)(1), the office shall:

(1) gather, measure, and evaluate performance measures and accountability systems used by the health and human services system;

(2) develop new and refined performance measures as appropriate; and

(3) establish targeted, high-level system metrics that are capable of measuring and communicating overall performance and achievement of goals by the health and human services system to both internal and public audiences through various mechanisms, including the Internet.

(d) In providing support and oversight for the implementation of policy or organizational changes within the health and human services system under Subsection (b)(2), the office shall:

(1) ensure individuals receiving services from or participating in programs administered through the health and human services system do not lose visibility or attention during the implementation of any new policy or organizational change by:

(A) establishing timelines and milestones for any transition;

(B) supporting staff of the health and human services system in any change between service delivery methods; and

(C) providing feedback to executive management on technical assistance and other support needed to achieve a successful transition;

(2) address cultural differences among staff of the health and human services system; and

(3) track and oversee changes in policy or organization mandated by legislation or administrative rule.

(e) In acting as a centralized body of experts under Subsection (b)(3), the office shall:

(1) for the health and human services system, provide program evaluation and process improvement guidance both generally and for specific projects identified with executive or stakeholder input or through risk analysis; and

(2) identify and monitor cross-functional efforts involving different administrative components within the health and human services system and the establishment of cross-functional teams when necessary to improve the coordination of services provided through the system.

(f) The executive commissioner may otherwise develop the office's structure and duties as the executive commissioner determines appropriate.

(b) As soon as practicable after the effective date of this article but not later than October 1, 2015, the executive commissioner of the Health and Human Services Commission shall establish the office of policy and performance as an executive office within the commission as required under Section 531.0083, Government Code, as added by this article.

(c) The office of policy and performance required under Section 531.0083, Government Code, as added by this article, shall assist the Health and Human Services Transition Legislative Oversight Committee created under Section 531.0203, Government Code, as added by this article, by performing the functions required of the office under Section 531.0083(b)(2), Government Code, as added by this article, with respect to the consolidation mandated by Subchapter A-1, Chapter 531, Government Code, as added by this article.

SECTION 1. __. Section 531.017, Government Code, is amended to read as follows:

Sec. 531.017. PURCHASING UNIT ~~[DIVISION]~~. (a) The commission shall establish a purchasing unit ~~[division]~~ for the management of administrative activities related to the purchasing functions within ~~[of the commission and]~~ the health and human services system ~~[agencies]~~.

(b) The purchasing unit ~~[division]~~ shall:

(1) seek to achieve targeted cost reductions, increase process efficiencies, improve technological support and customer services, and enhance purchasing support within the [for each] health and human services system [agency]; and

(2) if cost-effective, contract with private entities to perform purchasing functions for the [commission and the] health and human services system [agencies].

SECTION 1. Effective September 1, 2017, Section 1001.002, Health and Safety Code, is amended to read as follows:

Sec. 1001.002. AGENCY AND AGENCY FUNCTIONS. (a) In this section, "function" includes a power, duty, program, or activity and an administrative support services function associated with the power, duty, program, or activity, unless consolidated under Section 531.02012, Government Code.

(b) The department is an agency of the state.

(c) In accordance with Subchapter A-1, Chapter 531, Government Code, and notwithstanding any other law, the department performs only functions related to public health, including health care data collection and maintenance of the Texas Health Care Information Collection program.

SECTION 1. Effective September 1, 2017, Subchapter A, Chapter 1001, Health and Safety Code, is amended by adding Sections 1001.004 and 1001.005 to read as follows:

Sec. 1001.004. REFERENCES IN LAW MEANING DEPARTMENT. In this code or any other law, a reference to the department in relation to a function described by Section 1001.002(c) means the department. A reference in law to the department in relation to any other function has the meaning assigned by Section 531.0011, Government Code.

Sec. 1001.005. REFERENCES IN LAW MEANING COMMISSIONER OR DESIGNEE. In this code or in any other law, a reference to the commissioner in relation to a function described by Section 1001.002(c) means the commissioner. A reference in law to the commissioner in relation to any other function has the meaning assigned by Section 531.0012, Government Code.

SECTION 1. Effective September 1, 2017, Section 40.002(b), Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(b) Except as provided by Section 40.0025 [Notwithstanding any other law], the department shall:

(1) provide protective services for children and elderly persons and persons with disabilities, including investigations of alleged abuse, neglect, or exploitation in facilities of the Department of State Health Services and the Department of Aging and Disability Services or the successor agency for either of those agencies;

(2) provide family support and family preservation services that respect the fundamental right of parents to control the education and upbringing of their children;

(3) license, register, and enforce regulations applicable to child-care facilities, child-care administrators, and child-placing agency administrators; and

(4) implement and manage programs intended to provide early intervention or prevent at-risk behaviors that lead to child abuse, delinquency, running away, truancy, and dropping out of school.

SECTION 1. Effective September 1, 2017, Subchapter A, Chapter 40, Human Resources Code, is amended by adding Sections 40.0025, 40.0026, and 40.0027 to read as follows:

Sec. 40.0025. AGENCY FUNCTIONS. (a) In this section, "function" includes a power, duty, program, or activity and an administrative support services function associated with the power, duty, program, or activity, unless consolidated under Section 531.02012, Government Code.

(b) In accordance with Subchapter A-1, Chapter 531, Government Code, and notwithstanding any other law, the department performs only functions, including the statewide intake of reports and other information, related to the following services:

(1) child protective services, including services that are required by federal law to be provided by this state's child welfare agency; and

(2) adult protective services, other than investigations of the alleged abuse, neglect, or exploitation of an elderly person or person with a disability:

(A) in a facility operated, or in a facility or by a person licensed, certified, or registered, by a state agency; or

(B) by a provider that has contracted to provide home and community-based services.

Sec. 40.0026. REFERENCES IN LAW MEANING DEPARTMENT. In this code or any other law, a reference to the department in relation to a function described by Section 40.0025(b) means the department. A reference in law to the department in relation to any other function has the meaning assigned by Section 531.0011, Government Code.

Sec. 40.0027. REFERENCES IN LAW MEANING COMMISSIONER OR DESIGNEE. In this code or in any other law, a reference to the commissioner in relation to a function described by Section 40.0025(b) means the commissioner. A reference in law to the commissioner in relation to any other function has the meaning assigned by Section 531.0012, Government Code.

SECTION 1. Sections 40.0515(d) and (e), Human Resources Code, are amended to read as follows:

(d) A performance review conducted under Subsection (b)(3) is considered a performance evaluation for purposes of Section 40.032(c) of this code or Section 531.009(c), Government Code, as applicable. The department shall ensure that disciplinary or other corrective action is taken against a supervisor or other managerial employee who is required to conduct a performance evaluation for adult protective services personnel under Section 40.032(c) of this code or Section 531.009(c), Government Code, as applicable, or a performance review under Subsection (b)(3) and who fails to complete that evaluation or review in a timely manner.

(e) The annual performance evaluation required under Section 40.032(c) of this code or Section 531.009(c), Government Code, as applicable, of the performance of a supervisor in the adult protective services division must:

(1) be performed by an appropriate program administrator; and

(2) include:

(A) an evaluation of the supervisor with respect to the job performance standards applicable to the supervisor's assigned duties; and

(B) an evaluation of the supervisor with respect to the compliance of employees supervised by the supervisor with the job performance standards applicable to those employees' assigned duties.

(2) Strike SECTIONS 1.15 through 1.17 of the bill (page 18, line 63, through page 20, line 4) and substitute the following appropriately numbered SECTION:

SECTION 1. __. (a) Effective September 1, 2016, Subchapter K, Chapter 531, Government Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is repealed.

(b) Effective September 1, 2016, the following provisions of the Health and Safety Code are repealed:

- (1) Section 1001.021;
- (2) Section 1001.022;
- (3) Section 1001.023;
- (4) Section 1001.024;
- (5) Section 1001.025;
- (6) Section 1001.026; and
- (7) Section 1001.027.

(c) Effective September 1, 2016, the following provisions of the Human Resources Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

- (1) Section 40.021;
- (2) Section 40.022;
- (3) Section 40.0226;
- (4) Section 40.024;
- (5) Section 40.025;
- (6) Section 40.026;
- (7) Section 117.002;
- (8) Section 117.021;
- (9) Section 117.022;
- (10) Section 117.023;
- (11) Section 117.024;
- (12) Section 117.025;
- (13) Section 117.026;
- (14) Section 117.027;
- (15) Section 117.028;
- (16) Section 117.029;
- (17) Section 117.030;
- (18) Section 117.032;
- (19) Section 117.051;
- (20) Section 117.052;
- (21) Section 117.053;
- (22) Section 117.054;
- (23) Section 117.055;
- (24) Section 117.056;
- (25) Section 117.072; and
- (26) Subchapter B, Chapter 161.

(d) Effective September 1, 2017, Section 531.0055(i), Government Code, is repealed.

(e) Effective September 1, 2017, the following provisions of the Human Resources Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

- (1) Section 161.002;
- (2) Section 161.051;
- (3) Section 161.052;
- (4) Section 161.053;
- (5) Section 161.054;
- (6) Section 161.055;
- (7) Section 161.056; and
- (8) Section 161.072.

(f) Notwithstanding Subsections (a), (b), (c), (d), and (e) of this section, the implementation of a provision repealed by one of those subsections ceases on the date the responsible state agency or entity listed in Section 531.0202, Government Code, as added by this article, is abolished as provided by Subchapter A-1, Chapter 531, Government Code, as added by this article.

(3) Renumber the SECTIONS of ARTICLE 1 accordingly.

(4) In SECTION 2.02 of the bill, adding Section 531.00552, Government Code, strike added Section 531.00552(c), Government Code (page 20, lines 24 and 25).

(5) In ARTICLE 2 of the bill, strike SECTION 2.05(c) (page 21, lines 33 through 41) and substitute the following:

(c) As soon as possible after a function is transferred to the Health and Human Services Commission in accordance with Section 531.0201, 531.02011, or 531.02012, Government Code, as added by this Act, the Health and Human Services Commission shall, in accordance with Section 531.0164, Government Code, as added by this article, ensure that an Internet website related to the transferred function is updated, transferred, or consolidated to reflect the consolidation mandated by Subchapter A-1, Chapter 531, Government Code, as added by this Act.

(6) In ARTICLE 2 of the bill, strike SECTION 2.06(c) (page 22, lines 9 through 25) and substitute the following:

(c) Notwithstanding any other provision of state law but except as provided by Subsection (d) of this section:

(1) each office of an ombudsman established before the effective date of this section that performs ombudsman duties for a state agency or entity subject to abolition under Section 531.0202, Government Code, as added by this Act, is abolished on the date the state agency or entity for which the office performs ombudsman duties is abolished in accordance with the transition plan under Section 531.0204, Government Code, as added by this Act; and

(2) each office of an ombudsman established before the effective date of this section that performs ombudsman duties for the Department of Family and Protective Services or the Department of State Health Services is abolished on the date specified in the transition plan under Section 531.0204, Government Code, as added by this Act.

(d) The following offices of an ombudsman are not abolished under Subsection (c) of this section and continue in existence:

(1) the office of independent ombudsman for state supported living centers established under Subchapter C, Chapter 555, Health and Safety Code;

(2) the office of the state long-term care ombudsman; and

(3) any other ombudsman office serving all or part of the health and human services system that is required by federal law.

(7) In ARTICLE 2 of the bill, in SECTION 2.06(d) (page 22, line 26), strike "(d)" and substitute "(e)".

(8) In ARTICLE 2 of the bill, in SECTION 2.06(d) (page 22, line 29), strike "(c)" and substitute "(d)".

(9) In ARTICLE 2 of the bill, strike SECTION 2.07(d) (page 22, lines 59 through 66) and substitute the following:

(d) As soon as possible after a function is transferred to the Health and Human Services Commission in accordance with Section 531.0201 or 531.02011, Government Code, as added by this Act, the Health and Human Services Commission shall, in accordance with Section 531.0192, Government Code, as added by this article, ensure a hotline or call center related to the transferred function is transferred or consolidated to reflect the consolidation mandated by Subchapter A-1, Chapter 531, Government Code, as added by this Act.

(10) In SECTION 2.11 of the bill, in added Section 531.02731, Government Code (page 24, line 19), strike "(a)".

(11) In SECTION 2.11 of the bill, strike added Section 531.02731(b), Government Code (page 24, lines 23 and 24).

(12) In SECTION 2.13(b) of the bill, in added Section 531.1034(a), Government Code (page 26, line 10), strike "excluded from participating" and substitute "denied participation".

(13) Strike ARTICLE 4 of the bill (page 47, line 25, through page 48, line 11) and substitute the following:

ARTICLE 4. CONTINUATION OF HEALTH AND HUMAN SERVICES POWERS AND DUTIES

SECTION 4.01. Section 531.004, Government Code, is amended to read as follows:

Sec. 531.004. SUNSET PROVISION. The Health and Human Services Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2027 [~~2015~~].

SECTION 4.02. Section 108.016, Health and Safety Code, is amended to read as follows:

Sec. 108.016. SUNSET REVIEW. Unless the department is continued in existence in accordance with Chapter 325, Government Code (Texas Sunset Act), after the review required by Section 1001.003 [~~11.003(b)~~], this chapter expires on the date the department is abolished under that section [~~September 1, 2015~~].

SECTION 4.03. Section 1001.003, Health and Safety Code, is amended to read as follows:

Sec. 1001.003. SUNSET PROVISION. The Department of State Health Services is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2023 ~~[2015]~~.

SECTION 4.04. Section 40.003, Human Resources Code, is amended to read as follows:

Sec. 40.003. SUNSET PROVISION. The Department of Family and Protective Services is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2023 ~~[2015]~~.

SECTION 4.05. Section 117.003, Human Resources Code, is amended to read as follows:

Sec. 117.003. SUNSET PROVISION. Unless the commission is [The Department of Assistive and Rehabilitative Services is subject to Chapter 325, Government Code (Texas Sunset Act). Unless] continued in existence as provided by Chapter 325, Government Code [that chapter], after the review required by Section 531.004, Government Code, [the department is abolished and] this chapter expires on the date the commission is abolished under that section [September 1, 2015].

SECTION 4.06. Section 161.003, Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 161.003. SUNSET PROVISION. Unless the commission is [The department is subject to Chapter 325, Government Code (Texas Sunset Act). Unless] continued in existence as provided by Chapter 325, Government Code [that chapter], after the review required by Section 531.004, Government Code, [the department is abolished and] this chapter expires on the date the commission is abolished under that section [September 1, 2015].

The amendment to **CSSB 200** was read.

Senator Uresti offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 by Nelson to **CSSB 200** (senate committee report) as follows:

(1) In Item (1) of the amendment, in added Subchapter A-1, Chapter 531, Government Code, in added Section 531.02001, Government Code, strike "in the commission".

(2) In Item (1) of the amendment, in added Subchapter A-1, Chapter 531, Government Code, in the heading to added Section 531.0201, Government Code, strike "TO COMMISSION." and substitute ". (a)".

(3) In Item (1) of the amendment, in added Subchapter A-1, Chapter 531, Government Code, immediately following added Section 531.0201(2)(C), Government Code, insert the following:

(b) On the dates specified in the transition plan required under Section 531.0204, all functions in the health and human services system related to prevention and early intervention services, including the Nurse-Family Partnership Competitive Grant Program under Subchapter C, Chapter 265, Family Code, are transferred to the Department of Family and Protective Services.

(4) In Item (1) of the amendment, in added Subchapter A-1, Chapter 531, Government Code, at the end of added Section 531.02013(1)(A), Government Code, strike "; and" and substitute "½".

(5) In Item (1) of the amendment, in added Subchapter A-1, Chapter 531, Government Code, immediately following added Section 531.02013(1)(B)(ii), Government Code, insert the following:

(C) prevention and early intervention services; and

(6) In Item (1) of the amendment, in added Subchapter A-1, Chapter 531, Government Code, in added Section 531.02014(a), Government Code, strike "to the commission" and substitute "to the commission or the Department of Family and Protective Services, as applicable,".

(7) In Item (1) of the amendment, in added Subchapter A-1, Chapter 531, Government Code, strike added Section 531.02014(b), Government Code, and substitute the following:

(b) A rule, policy, or form adopted by or on behalf of a state agency or entity from which functions are transferred under Section 531.0201, 531.02011, or 531.02012 that relates to a function that is transferred under one of those sections becomes a rule, policy, or form of the receiving state agency upon transfer of the related function and remains in effect:

(1) until altered by the commission or other receiving state agency, as applicable; or

(2) unless it conflicts with a rule, policy, or form of the receiving state agency.

(8) In Item (1) of the amendment, in added Subchapter A-1, Chapter 531, Government Code, in added Section 531.0202(a), Government Code, strike "have been transferred to the commission" and substitute "have been transferred".

(9) In Item (1) of the amendment, in added Subchapter A-1, Chapter 531, Government Code, in added Section 531.0202(c), Government Code, strike "to the commission as provided by this subchapter" and substitute "as provided by this subchapter".

(10) In Item (1) of the amendment, in added Subchapter A-1, Chapter 531, Government Code, in added Section 531.0202(c), Government Code, strike "funds from the Department of Family and Protective Services and the Department" and substitute "funds to or from the Department of Family and Protective Services and from the Department".

(11) In Item (1) of the amendment, in added Subchapter A-1, Chapter 531, Government Code, in added Section 531.0203(b), Government Code, strike "transfer of functions to the commission" and substitute "transfer of functions".

(12) In Item (1) of the amendment, in added Subchapter A-1, Chapter 531, Government Code, in added Section 531.0203(h)(1), Government Code, strike "transfer of functions to the commission" and substitute "transfer of functions".

(13) In Item (1) of the amendment, in added Subchapter A-1, Chapter 531, Government Code, in added Section 531.0203(j)(1), Government Code, strike "to the commission as provided by this subchapter" and substitute "to the commission and the Department of Family and Protective Services, including the need for any additional statutory changes required to complete the transfer of prevention and early intervention services functions to the department in accordance with this subchapter".

(14) In Item (1) of the amendment, in added Subchapter A-1, Chapter 531, Government Code, immediately following added Section 531.02031(b), Government Code, insert the following:

(c) The Health and Human Services Transition Legislative Oversight Committee shall include the following in the report submitted to the legislature under Subsection (b):

(1) an evaluation of the transfer of prevention and early intervention services functions to the Department of Family and Protective Services as provided by this subchapter, including an evaluation of:

(A) any increased coordination and efficiency in the operation of the programs achieved as a result of the transfer;

(B) the department's coordination with other state agency programs providing similar prevention and early intervention services; and

(C) the department's interaction with stakeholders and other interested parties in performing the department's functions; and

(2) any recommendations concerning the transfer of prevention and early intervention services functions of the department to another state agency.

(15) In Item (1) of the amendment, in added Subchapter A-1, Chapter 531, Government Code, in added Section 531.0204(a), Government Code, strike "to the commission".

(16) In Item (1) of the amendment, in added Subchapter A-1, Chapter 531, Government Code, in added Section 531.0204(a)(3)(D), Government Code, strike Subparagraphs (ii) and (iii) and substitute the following:

(ii) child protective services;

(iii) adult protective services; and

(iv) prevention and early intervention services; and

(17) In Item (1) of the amendment, in added Subchapter A-1, Chapter 531, Government Code, in added Section 531.0204(b)(1), Government Code, strike "to the commission; and" and substitute the following:

to the commission or the Department of Family and Protective Services, as applicable;

(2) the transferred prevention and early intervention services functions to the Department of Family and Protective Services include:

(A) prevention and early intervention services as defined under Section 265.001, Family Code; and

(B) programs that:

(i) provide parent education;

(ii) promote healthier parent-child relationships; or

(iii) prevent family violence; and

(18) In Item (1) of the amendment, in added Subchapter A-1, Chapter 531, Government Code, in added Section 531.0204(b)(2), Government Code, strike "(2)" and substitute "(3)".

(19) In Item (1) of the amendment, in added Subchapter A-1, Chapter 531, Government Code, strike added Section 531.0204(d), Government Code, and substitute the following:

(d) Within the periods prescribed by Section 531.02001:

(1) the commission shall begin administering the respective functions assigned to the commission under Sections 531.0201 and 531.02011, as applicable; and

(2) the Department of Family and Protective Services shall begin administering the functions assigned to the department under Section 531.0201.

(d-1) The assumption of the administration of the functions transferred to the commission and the Department of Family and Protective Services under Sections 531.0201 and 531.02011, as applicable, must be accomplished in accordance with the transition plan.

(20) In Item (1) of the amendment, in added Section 531.0011(a), Government Code, between "to a function transferred" and "under Section 531.0201,", insert "to the commission".

(21) In Item (1) of the amendment, in added Section 531.0011(b), Government Code, between "to a function transferred" and "under Section 531.0201,", insert "to the commission".

(22) In Item (1) of the amendment, in added Section 531.0012(a), Government Code, between "to a function transferred" and "under Section 531.0201,", insert "to the commission".

(23) In Item (1) of the amendment, in added Section 531.0012(b), Government Code, between "to a function transferred" and "under Section 531.0201,", insert "to the commission".

(24) In Item (1) of the amendment, insert the following appropriately numbered SECTIONS:

SECTION 1. __. Chapter 265, Family Code, is amended by designating Sections 265.001 through 265.004 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. PREVENTION AND EARLY INTERVENTION SERVICES

SECTION 1. __. Section 265.002, Family Code, is amended to read as follows:

Sec. 265.002. PREVENTION AND EARLY INTERVENTION SERVICES DIVISION. (a) The department shall operate a division to provide services for children in at-risk situations and for the families of those children and to achieve the consolidation of prevention and early intervention services within the jurisdiction of a single agency in order to avoid fragmentation and duplication of services and to increase the accountability for the delivery and administration of these services. The division shall be called the prevention and early intervention services division and shall have the following duties:

(1) to plan, develop, and administer a comprehensive and unified delivery system of prevention and early intervention services to children and their families in at-risk situations;

(2) to improve the responsiveness of services for at-risk children and their families by facilitating greater coordination and flexibility in the use of funds by state and local service providers;

(3) to provide greater accountability for prevention and early intervention services in order to demonstrate the impact or public benefit of a program by adopting outcome measures; and

(4) to assist local communities in the coordination and development of prevention and early intervention services in order to maximize federal, state, and local resources.

(b) The department's prevention and early intervention services division must be organizationally separate from the department's divisions performing child protective services and adult protective services functions.

SECTION 1. __. Subchapter A, Chapter 265, Family Code, as added by this article, is amended by adding Section 265.006 to read as follows:

Sec. 265.006. PROHIBITION ON USE OF AGENCY NAME OR LOGO. The department may not allow the use of the department's name or identifying logo or insignia on forms or other materials related to the department's prevention and early intervention services that are:

(1) provided by the department's contractors; or

(2) distributed by the department's contractors to the department's clients.

SECTION 1. __. (a) Subchapter Q, Chapter 531, Government Code, including provisions amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is transferred to Chapter 265, Family Code, redesignated as Subchapter C, Chapter 265, Family Code, and amended to read as follows:

SUBCHAPTER C ~~[Q]~~. NURSE-FAMILY PARTNERSHIP COMPETITIVE GRANT PROGRAM

Sec. 265.101 ~~[531.651]~~. DEFINITIONS. In this subchapter:

(1) "Competitive grant program" means the nurse-family partnership competitive grant program established under this subchapter.

(2) "Partnership program" means a nurse-family partnership program.

Sec. 265.102 ~~[531.652]~~. OPERATION OF NURSE-FAMILY PARTNERSHIP COMPETITIVE GRANT PROGRAM. (a) The department ~~[commission]~~ shall operate a nurse-family partnership competitive grant program through which the department ~~[commission]~~ will award grants for the implementation of nurse-family partnership programs, or the expansion of existing programs, and for the operation of those programs for a period of not less than two years.

(b) The department ~~[commission]~~ shall award grants under the program to applicants, including applicants operating existing programs, in a manner that ensures that the partnership programs collectively:

(1) operate in multiple communities that are geographically distributed throughout this state; and

(2) provide program services to approximately 2,000 families.

Sec. 265.103 ~~[531.653]~~. PARTNERSHIP PROGRAM REQUIREMENTS. A partnership program funded through a grant awarded under this subchapter must:

(1) strictly adhere to the program model developed by the Nurse-Family Partnership National Service Office, including any clinical, programmatic, and data collection requirements of that model;

(2) require that registered nurses regularly visit the homes of low-income, first-time mothers participating in the program to provide services designed to:

- (A) improve pregnancy outcomes;
- (B) improve child health and development;
- (C) improve family economic self-sufficiency and stability; and
- (D) reduce the incidence of child abuse and neglect;

(3) require that nurses who provide services through the program:

(A) receive training from the office of the attorney general at least once each year on procedures by which a person may voluntarily acknowledge the paternity of a child and on the availability of child support services from the office;

(B) provide a mother with information about the rights, responsibilities, and benefits of establishing the paternity of her child, if appropriate;

(C) provide assistance to a mother and the alleged father of her child if the mother and alleged father seek to voluntarily acknowledge paternity of the child, if appropriate; and

(D) provide information to a mother about the availability of child support services from the office of the attorney general; and

(4) require that the regular nurse visits described by Subdivision (2) begin not later than a mother's 28th week of gestation and end when her child reaches two years of age.

Sec. 265.104 [~~531.654~~]. APPLICATION. (a) A public or private entity, including a county, municipality, or other political subdivision of this state, may apply for a grant under this subchapter.

(b) To apply for a grant, an applicant must submit a written application to the department [~~commission~~] on a form prescribed by the department [~~commission~~] in consultation with the Nurse-Family Partnership National Service Office.

(c) The application prescribed by the department [~~commission~~] must:

(1) require the applicant to provide data on the number of low-income, first-time mothers residing in the community in which the applicant proposes to operate or expand a partnership program and provide a description of existing services available to those mothers;

(2) describe the ongoing monitoring and evaluation process to which a grant recipient is subject under Section 265.109 [~~531.659~~], including the recipient's obligation to collect and provide information requested by the department [~~commission~~] under Section 265.109(c) [~~531.659(e)~~]; and

(3) require the applicant to provide other relevant information as determined by the department [~~commission~~].

Sec. 265.105 [~~531.655~~]. ADDITIONAL CONSIDERATIONS IN AWARDING GRANTS. In addition to the factors described by Sections 265.102(b) [~~531.652(b)~~] and 265.103 [~~531.653~~], in determining whether to award a grant to an applicant under this subchapter, the department [~~commission~~] shall consider:

(1) the demonstrated need for a partnership program in the community in which the applicant proposes to operate or expand the program, which may be determined by considering:

(A) the poverty rate, the crime rate, the number of births to Medicaid recipients, the rate of poor birth outcomes, and the incidence of child abuse and neglect during a prescribed period in the community; and

(B) the need to enhance school readiness in the community;

(2) the applicant's ability to participate in ongoing monitoring and performance evaluations under Section 265.109 [~~531.659~~], including the applicant's ability to collect and provide information requested by the department [~~commission~~] under Section 265.109(c) [~~531.659(c)~~];

(3) the applicant's ability to adhere to the partnership program standards adopted under Section 265.106 [~~531.656~~];

(4) the applicant's ability to develop broad-based community support for implementing or expanding a partnership program, as applicable; and

(5) the applicant's history of developing and sustaining innovative, high-quality programs that meet the needs of families and communities.

Sec. 265.106 [~~531.656~~]. PARTNERSHIP PROGRAM STANDARDS. The executive commissioner, with the assistance of the Nurse-Family Partnership National Service Office, shall adopt standards for the partnership programs funded under this subchapter. The standards must adhere to the Nurse-Family Partnership National Service Office program model standards and guidelines that were developed in multiple, randomized clinical trials and have been tested and replicated in multiple communities.

Sec. 265.107 [~~531.657~~]. USE OF AWARDED GRANT FUNDS. The grant funds awarded under this subchapter may be used only to cover costs related to implementing or expanding and operating a partnership program, including costs related to:

(1) administering the program;

(2) training and managing registered nurses who participate in the program;

(3) paying the salaries and expenses of registered nurses who participate in the program;

(4) paying for facilities and equipment for the program; and

(5) paying for services provided by the Nurse-Family Partnership National Service Office to ensure a grant recipient adheres to the organization's program model.

Sec. 265.108 [~~531.658~~]. STATE NURSE CONSULTANT. Using money appropriated for the competitive grant program, the department [~~commission~~] shall hire or contract with a state nurse consultant to assist grant recipients with implementing or expanding and operating the partnership programs in the applicable communities.

Sec. 265.109 [~~531.659~~]. PROGRAM MONITORING AND EVALUATION; ANNUAL COMMITTEE REPORTS. (a) The department [~~commission~~], with the assistance of the Nurse-Family Partnership National Service Office, shall:

(1) adopt performance indicators that are designed to measure a grant recipient's performance with respect to the partnership program standards adopted by the executive commissioner under Section 265.106 [~~531.656~~];

(2) use the performance indicators to continuously monitor and formally evaluate on an annual basis the performance of each grant recipient; and

(3) prepare and submit an annual report, not later than December 1 of each year, to the Senate Health and Human Services Committee, or its successor, and the House Human Services Committee, or its successor, regarding the performance of each grant recipient during the preceding state fiscal year with respect to providing partnership program services.

(b) The report required under Subsection (a)(3) must include:

(1) the number of low-income, first-time mothers to whom each grant recipient provided partnership program services and, of that number, the number of mothers who established the paternity of an alleged father as a result of services provided under the program;

(2) the extent to which each grant recipient made regular visits to mothers during the period described by Section 265.103(4) [~~531.653(4)~~]; and

(3) the extent to which each grant recipient adhered to the Nurse-Family Partnership National Service Office's program model, including the extent to which registered nurses:

(A) conducted home visitations comparable in frequency, duration, and content to those delivered in Nurse-Family Partnership National Service Office clinical trials; and

(B) assessed the health and well-being of mothers and children participating in the partnership programs in accordance with indicators of maternal, child, and family health defined by the department [~~commission~~] in consultation with the Nurse-Family Partnership National Service Office.

(c) On request, each grant recipient shall timely collect and provide data and any other information required by the department [~~commission~~] to monitor and evaluate the recipient or to prepare the report required by this section.

Sec. 265.110 [~~531.660~~]. COMPETITIVE GRANT PROGRAM FUNDING. (a) The department [~~commission~~] shall actively seek and apply for any available federal funds, including federal Medicaid and Temporary Assistance for Needy Families (TANF) funds, to assist in financing the competitive grant program established under this subchapter.

(b) The department [~~commission~~] may use appropriated funds from the state government and may accept gifts, donations, and grants of money from the federal government, local governments, private corporations, or other persons to assist in financing the competitive grant program.

(b) Notwithstanding the transfer of Subchapter Q, Chapter 531, Government Code, to Chapter 265, Family Code, and redesignation as Subchapter C of that chapter, the Health and Human Services Commission shall continue to administer the Nurse-Family Partnership Competitive Grant Program under that subchapter until the date the program transfers to the Department of Family and Protective Services in

accordance with Section 531.0201, Government Code, as added by this article, and the transition plan under Section 531.0204, Government Code, as added by this article.

(25) In Item (1) of the amendment, in added Section 40.0025(b)(1), Human Resources Code, after the underlined semicolon, strike "and".

(26) In Item (1) of the amendment, in added Section 40.0025(b)(2)(B), Human Resources Code, strike the underlined period and insert the following:
; and

(3) prevention and early intervention services functions, including:

(A) prevention and early intervention services as defined under Section 265.001, Family Code; and

(B) programs that:

(i) provide parent education;

(ii) promote healthier parent-child relationships; or

(iii) prevent family violence.

(27) In Item (5) of the amendment, striking SECTION 2.05(c) of the bill, in the substituted SECTION 2.05(c), strike "function is transferred to the Health and Human Services Commission in accordance" and substitute "function is transferred in accordance".

(28) In Item (9) of the amendment, striking SECTION 2.07(d) of the bill, in the substituted SECTION 2.07(d), strike "function is transferred to the Health and Human Services Commission in accordance" and substitute "function is transferred in accordance".

The amendment to Floor Amendment No. 1 to **CSSB 200** was read and was adopted without objection.

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

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 200**, the amendment as amended was adopted without objection.

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

Senator V. Taylor offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 200** (Senate committee printing) in SECTION 1.03(a) of the bill, in added Section 531.0051, Government Code, as follows:

(1) Immediately following added Section 531.0051(c), Government Code (page 7, between lines 62 and 63), insert the following:

(c-1) To the extent the executive commissioner appoints members to the council under Subsection (c)(3), the executive commissioner shall make every effort to ensure that those appointments result in a council membership that includes:

(1) a balanced representation of a broad range of health and human services industry and consumer interests; and

(2) representation from broad geographic regions of this state.

(2) Strike added Section 531.0051(e), Government Code (page 7, lines 65 and 66), and substitute the following:

(e) Members of the council appointed under Subsection (c)(3):

(1) are subject to the restrictions applicable to service on the council provided by Section 531.006(a-1); and

(2) serve at the pleasure of the executive commissioner.

The amendment to **CSSB 200** 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 200** (senate committee report) in ARTICLE 1 as follows:

(1) In SECTION 1.13(i), (page 16, lines 34-36), strike "the date specified in the transition plan required under Section 531.0204, Government Code, as added by this article", and replace with "September 1, 2017."

(2) In SECTION 1.13(j), (page 16, lines 43-44), strike "the date specified in the transition plan required under Section 531.0204, Government Code, as added by this article", and replace with "September 1, 2017."

The amendment to **CSSB 200** was read and was adopted without objection.

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

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 200** (senate committee printing) in ARTICLE 1 of the bill by striking SECTION 1.15(a) (page 18, lines 63 through 66) and substituting the following:

(a) Effective September 1, 2016, the following provisions of the Government Code, including provisions amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

(1) Section 531.0235; and

(2) Subchapter K, Chapter 531.

The amendment to **CSSB 200** 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 200** (Senate committee printing) in ARTICLE 2 of the bill as follows:

(1) In Section 531.0192(a)(3), Government Code (page 22, line 44) strike "; and".

(2) In Section 531.0192(a)(4), Government Code (page 22, line 48), strike the period and insert the following:
; and

(5) develop policies and standards for hotlines and call centers that include both quality and quantity performance measures and benchmarks and may include:

- (A) client satisfaction with call resolution;
- (B) accuracy of information provided;
- (C) the percentage of received calls that are answered;
- (D) the amount of time a caller spends on hold; and
- (E) call abandonment rates.

(a-1) In developing policies and standards under Subsection (a)(5), the commission may allow varied performance measures and benchmarks for a hotline or call center based on factors affecting the capacity of the hotline or call center, including factors such as staffing levels and funding.

The amendment to **CSSB 200** was read and was adopted without objection.

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

Senator V. Taylor offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSSB 200** (Senate committee printing) as follows:

(1) In SECTION 2.21(a) of the bill, strike proposed Sections 533.082 and 533.083, Government Code (page 29, lines 23 through 61), and substitute the following:

Sec. 533.082. PILOT PROGRAM TO INCREASE INCENTIVE-BASED PROVIDER PAYMENTS. The commission shall develop a pilot program to increase the use and effectiveness of incentive-based provider payments by managed care organizations providing services under the Medicaid managed care program. The commission and the managed care organizations providing those services in at least one managed care service delivery area shall work with health care providers and professional associations composed of health care providers to develop common payment incentive methodologies for the pilot program that:

- (1) are structured to reward appropriate, quality care;
- (2) align outcomes of the pilot program with the commission's Medicaid managed care quality-based payment programs;
- (3) are not intended to supplant existing incentive-based contracts between the managed care organizations and providers;
- (4) are structured to encourage formal arrangements among providers to work together to provide better patient care;
- (5) are adopted by all managed care organizations providing services under the Medicaid managed care program through the same managed care service delivery model so that similar incentive methodologies apply to all participating providers under the same model; and
- (6) are voluntarily agreed to by the participating providers.

(2) In SECTION 2.21(a) of the bill, in proposed Section 533.084, Government Code (page 29, line 62), strike "533.084" and substitute "533.083".

(3) In SECTION 2.21(a) of the bill, in proposed Section 533.084(1), Government Code (page 29, line 67), strike "structures" and substitute "goals and outcome measures".

(4) In SECTION 2.21(a) of the bill, in proposed Section 533.084(1), Government Code (page 29, line 68), strike "under those structures" and substitute "using those goals and outcome measures".

(5) In SECTION 2.21(a) of the bill, in proposed Section 533.084(2), Government Code (page 30, line 2), strike "structures" and substitute "goals and outcome measures".

(6) In SECTION 2.21(a) of the bill, strike proposed Section 533.085, Government Code (page 30, lines 4 and 5), and substitute the following:

Sec. 533.084. EXPIRATION. Sections 533.081 and 533.082 and this section expire September 1, 2018.

(7) In SECTION 2.21(b) of the bill (page 30, lines 7 through 9), strike "the executive commissioner of the Health and Human Services Commission shall establish the work group and the commission" and substitute "the Health and Human Services Commission".

(8) In SECTION 2.21(c) of the bill (page 30, line 17), strike "structures identified by the commission under Section 533.084," and substitute "goals and outcome measures identified by the commission under Section 533.083,".

(9) In SECTION 2.21(d) of the bill (page 30, lines 23 and 24), strike "structures identified by the commission under Section 533.084," and substitute "goals and outcome measures identified by the commission under Section 533.083,".

The amendment to **CSSB 200** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 7.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSSB 200** (Senate committee printing) by adding the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumbering the subsequent SECTIONS of ARTICLE 2 appropriately:

SECTION 2.____. (a) Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.02472 to read as follows:

Sec. 32.02472. EXPANDED ELIGIBILITY FOR MEDICAL ASSISTANCE UNDER PATIENT PROTECTION AND AFFORDABLE CARE ACT. (a) Notwithstanding any other law, the department shall provide medical assistance to all persons who apply for that assistance and for whom federal matching funds are available under the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152) to provide that assistance.

(b) The executive commissioner of the Health and Human Services Commission shall adopt rules regarding the provision of medical assistance as required by this section.

(b) The change in law made by this section applies only to an initial determination or recertification of eligibility of a person for medical assistance under Chapter 32, Human Resources Code, made on or after January 1, 2016, regardless of the date the person applied for that assistance.

(c) As soon as possible after the effective date of this article, the executive commissioner of the Health and Human Services Commission shall take all necessary actions to expand eligibility for medical assistance under Chapter 32, Human Resources Code, in accordance with Section 32.02472, Human Resources Code, as added by this article, including notifying appropriate federal agencies of that expanded eligibility.

The amendment to **CSSB 200** was read.

(President in Chair)

On motion of Senator Nelson, Floor Amendment No. 8 was tabled 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.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSSB 200** (senate committee report) in ARTICLE 3 of the bill as follows:

(1) In SECTION 3.02(a), amending Section 531.012, Government Code (page 31, lines 44-46), strike Subdivisions (11), (12), and (13), and substitute the following:

(11) protective services; and

(12) prevention efforts.

(2) Strike SECTION 3.23, amending Section 535.051(c), Government Code (page 40, lines 31-38).

(3) Strike SECTION 3.25, amending Section 535.106(b), Government Code (page 41, lines 2-16).

(4) In SECTION 3.45(a), strike Subdivisions (24), (25), and (26), repealing Sections 535.053, 535.054, and 535.055, Government Code (page 46, lines 9-11), respectively, substitute the following appropriately numbered subdivision, and renumber subsequent subdivisions of the SECTION accordingly:

() Section 535.055(f);

(5) In SECTION 3.46, strike Subdivisions (12) (page 46, lines 61-62) and (27) (page 47, line 19) and renumber subsequent subdivisions of the SECTION accordingly.

(6) Insert the following appropriately numbered SECTIONS to the ARTICLE:

SECTION 3.____. Section 535.053, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The interagency coordinating group for faith- and community-based initiatives is composed of each faith- and community-based liaison designated under Section 535.051 and a liaison from the State Commission on National and Community Service. ~~[The commission shall provide administrative support to the interagency coordinating group.]~~

(a-1) Service on the interagency coordinating group is an additional duty of the office or position held by each person designated as a liaison under Section 531.051(b). The state agencies described by Section 535.051(b) shall provide administrative support for the interagency coordinating group as coordinated by the presiding officer.

SECTION 3.____. Sections 535.055(a) and (b), Government Code, are amended to read as follows:

(a) The Texas Nonprofit Council is established to help direct the interagency coordinating group in carrying out the group's duties under this section. The state agencies of the interagency coordinating group described by Section 531.051(b) [commission] shall provide administrative support to the council as coordinated by the presiding officer of the interagency coordinating group.

(b) The governor [executive commissioner], in consultation with the presiding officer of the interagency coordinating group, shall appoint as members of the council two representatives from each of the following groups and entities to represent each group's and entity's appropriate sector:

- (1) statewide nonprofit organizations;
 - (2) local governments;
 - (3) faith-based groups, at least one of which must be a statewide interfaith group;
 - (4) community-based groups;
 - (5) consultants to nonprofit corporations; and
 - (6) statewide associations of nonprofit organizations.
- (7) Renumber SECTIONS of ARTICLE 3 of the bill appropriately.

(Senator Hancock in Chair)

The amendment to **CSSB 200** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 9.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSSB 200** (senate committee report) in SECTION 3.02(a) of ARTICLE 3 of the bill, by striking proposed Section 531.012(d), Government Code (page 31, lines 63 through 66), and substituting the following:

(d) An advisory committee established under this section shall:

- (1) report any recommendations to the executive commissioner at a meeting of the Health and Human Services Commission Executive Council established under Section 531.0051; and

(2) submit a written report to the legislature of any policy recommendations made to the executive commissioner under Subdivision (1) [as needed].

The amendment to **CSSB 200** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 10.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSSB 200** (senate committee report) in ARTICLE 3 of the bill as follows:

(1) Strike SECTION 3.05 of the ARTICLE amending Section 531.02443(e), Government Code (page 32, lines 44-62), and renumber subsequent SECTIONS of the ARTICLE accordingly.

(2) In SECTION 3.45(a), strike Subdivision (4), repealing Section 531.02441, Government Code (page 45, line 58), and renumber subsequent subdivisions of the subsection accordingly.

(3) In SECTION 3.46, strike Subdivision (13) (page 46, lines 63 and 64) and renumber subsequent subdivisions of the SECTION accordingly.

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

SECTION 3.____. Section 531.02441(j), Government Code, is amended to read as follows:

(j) The task force is abolished and this [This] section expires September 1, 2017.

The amendment to **CSSB 200** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 11.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 12

Amend **CSSB 200** (senate committee report) in ARTICLE 3 of the bill as follows:

(1) In SECTION 3.08(b), in added Section 531.0736(c)(1), Government Code (page 34, line 69), strike "and".

(2) In SECTION 3.08(b), in added Section 531.0736(c)(2), Government Code, between "pharmacist" and the underlined period (page 35, line 3), insert the following:

;(3) include at least 17 physicians and pharmacists who:

(A) provide services across the entire population of Medicaid recipients and represent different specialties, including at least one of each of the following types of physicians:

(i) a pediatrician;

(ii) a primary care physician;

(iii) an obstetrician and gynecologist;

(iv) a child and adolescent psychiatrist; and

(v) an adult psychiatrist; and

(B) have experience in either developing or practicing under a preferred drug list; and

(4) include a consumer advocate who represents Medicaid recipients

(3) In SECTION 3.08(b), in added Section 531.0736, Government Code (page 35, between lines 3 and 4), insert the following:

(c-1) The executive commissioner by rule shall develop and implement a process by which a person may apply to become a member of the board and shall post the application and information regarding the application process on the commissioner's Internet website.

(4) In SECTION 3.08(b), in added Section 531.0736(d)(2), Government Code (page 35, line 7), strike "otherwise".

(5) In SECTION 3.08(b), in added Section 531.0736(f), Government Code (page 35, line 11), after the underlined period, insert "The presiding officer must be a physician.".

(6) In SECTION 3.08(b), in added Section 531.0736(g), Government Code (page 35, line 14), between "lists" and the underlined period, insert ", the adoption of or changes to drug use criteria, or the adoption of prior authorization or drug utilization review proposals".

(7) In SECTION 3.08(b), in added Section 531.0736(k), Government Code (page 35, lines 46 and 47), strike "cost-effective medically appropriate drug therapies for Medicaid recipients" and substitute "a range of clinically effective, safe, cost-effective, and medically appropriate drug therapies for the diverse segments of the Medicaid population".

(8) In SECTION 3.08(c), in redesignated and amended Section 531.0737(a), Government Code (page 36, line 2) between "(a) A" and "member", insert "voting".

(9) In SECTION 3.08(c), in redesignated and amended Section 531.0737(a), Government Code (page 36, line 6), between "assist" and "in the", insert "in the development of the preferred drug lists or".

(10) Strike SECTIONS 3.08(h) and (i) (page 37, lines 8 through 25) and substitute the following:

(h) The term of a member serving on the Medicaid Drug Utilization Review Board on September 1, 2015, expires on October 31, 2015. Not later than November 1, 2015, the executive commissioner of the Health and Human Services Commission shall appoint the initial members to the Drug Utilization Review Board in accordance with Section 531.0736, Government Code, as added by this article, for terms beginning November 1, 2015. In making the initial appointments and notwithstanding Section 531.0736(e), Government Code, as added by this article, the executive commissioner shall designate as close to one-half as possible of the members to serve for terms expiring November 1, 2017, and the remaining members to serve for terms expiring November 1, 2019.

(i) Not later than October 1, 2015, and before making initial appointments to the Drug Utilization Review Board as provided by Subsection (h) of this section, the executive commissioner of the Health and Human Services Commission shall adopt and implement the application process required under Section 531.0736(c-1), Government Code, as added by this article.

(j) Not later than January 1, 2016, and except as provided by Subsection (i) of this section, the executive commissioner of the Health and Human Services Commission shall adopt or amend rules as necessary to reflect the changes in law made to the Drug Utilization Review Board under Section 531.0736, Government Code, as added by this article, including rules that reflect the changes to the board's functions and composition.

The amendment to **CSSB 200** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 12.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 13

Amend **CSSB 200** (senate committee report) in ARTICLE 3 as follows:

(1) In SECTION 3.15, in amended Section 533.00253(b), Government Code (page 39, lines 1-3), strike "[, in consultation with the advisory committee and the Children's Policy Council established under Section 22.035, Human Resources Code,]" and substitute ", in consultation with the advisory committee [and the Children's Policy Council established under Section 22.035, Human Resources Code],".

(2) In SECTION 3.45(a)(17) (page 46, line 2), strike "Sections 533.00253(a)(1) and (f);" and substitute "Section 533.00253(f);".

(3) In SECTION 3.45(a), strike Subdivision (18) (page 46, line 3), repealing Section 533.00254, Government Code, and renumber subsequent subdivisions of the subsection accordingly.

(4) In SECTION 3.46, strike Subdivision (21) (page 47, line 9) and renumber subsequent subdivisions of the SECTION accordingly.

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

SECTION 3.____. Section 533.00254(f), Government Code, is amended to read as follows:

(f) On the first anniversary of the date the commission completes implementation of the STAR Kids Medicaid managed care program under Section 533.00253 [September 1, 2016]:

- (1) the advisory committee is abolished; and
- (2) this section expires.

(6) Strike SECTION 3.17, amending Section 534.052, Government Code (page 39, lines 43-51), and renumber subsequent SECTIONS of the ARTICLE accordingly.

(7) Strike SECTION 3.18, amending Section 534.104(d), Government Code (page 39, lines 52-63), and renumber subsequent SECTIONS of the ARTICLE accordingly.

(8) Strike SECTION 3.19, amending Section 534.105, Government Code (page 39, line 64 through page 40, line 9), and renumber subsequent SECTIONS of the ARTICLE accordingly.

(9) Strike SECTION 3.20, amending Section 534.108(d), Government Code (page 40, lines 10-18), and renumber subsequent SECTIONS of the ARTICLE accordingly.

(10) Strike SECTION 3.21, amending Section 534.201(d), Government Code (page 40, lines 19-24), and renumber subsequent SECTIONS of the ARTICLE accordingly.

(11) Strike SECTION 3.22, amending Section 534.202(d), Government Code (page 40, lines 25-30), and renumber subsequent SECTIONS of the ARTICLE accordingly.

(12) Strike SECTION 3.37, amending Sections 533A.0335(c) and (d), Health and Safety Code (page 44, lines 11-26), and renumber subsequent SECTIONS of the ARTICLE accordingly.

(13) Strike SECTION 3.38, amending Section 533A.03551(b), Health and Safety Code (page 44, lines 27-40), and renumber subsequent SECTIONS of the ARTICLE accordingly.

(14) In SECTION 3.45(a), strike Subdivisions (22) and (23), repealing Sections 534.001(1) and 534.053, Government Code (page 46, lines 7 and 8), respectively, and renumber subsequent subdivisions of the subsection accordingly.

(15) In SECTION 3.45(b), strike Subdivision (9), repealing Section 533A.0335(a)(1), Health and Safety Code (page 46, line 27), and renumber subsequent subdivisions of the subsection accordingly.

(16) In SECTION 3.46, strike Subdivision (10) (page 46, lines 57 and 58) and renumber subsequent subdivisions of the SECTION accordingly.

(17) Insert the following appropriately numbered SECTION to the ARTICLE and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 3. ____ . Section 534.053(g), Government Code, is amended to read as follows:

(g) On the one-year anniversary of the date the commission completes implementation of the transition required under Section 534.202 [January 1, 2024]:

- (1) the advisory committee is abolished; and
- (2) this section expires.

The amendment to **CSSB 200** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 13.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 14

Amend **CSSB 200** (senate committee report) in ARTICLE 3 of the bill as follows:

(1) In SECTION 3.45(b), strike Subdivision (8), repealing Section 241.187, Health and Safety Code (page 46, line 26), and renumber subsequent subdivisions of the subsection accordingly.

(2) In SECTION 3.46, strike Subdivision (16) (page 47, line 1) and renumber subsequent subdivisions of the SECTION accordingly.

The amendment to **CSSB 200** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 14.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 15

Amend **CSSB 200** (senate committee report) in ARTICLE 3 of the bill as follows:

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

SECTION 3.____. (a) Not later than November 1, 2015, the executive commissioner of the Health and Human Services Commission shall publish in the Texas Register:

(1) a list of the new advisory committees established or to be established as a result of this article, including the advisory committees required under Section 531.012(a), Government Code, as amended by this article; and

(2) a list that identifies the advisory committees listed in Section 3.46 of this article:

(A) that will not be continued in any form; or

(B) whose functions will be assumed by a new advisory committee established under Section 531.012(a), Government Code, as amended by this article.

(b) The executive commissioner of the Health and Human Services Commission shall ensure that an advisory committee established under Section 531.012(a), Government Code, as amended by this article, begins operations immediately on its establishment to ensure ongoing public input and engagement.

(c) This section takes effect September 1, 2015.

SECTION 3.____. Except as otherwise provided by this article, this article takes effect January 1, 2016.

(2) In SECTION 3.02(b) of the ARTICLE, immediately following "article." (page 31, line 69), add "This subsection takes effect September 1, 2015."

The amendment to **CSSB 200** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 15.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 16

Amend **CSSB 200** (senate committee report) in ARTICLE 3 of the bill as follows:

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

SECTION 3.____. Section 22.035, Human Resources Code, is amended by adding Subsection (n) to read as follows:

(n) The work group is abolished and this section expires September 1, 2017.

(2) Strike SECTION 3.11 amending Section 531.159(f), Government Code (page 37, lines 46-54), and renumber subsequent SECTIONS of the ARTICLE accordingly.

(3) Strike the recital to SECTION 3.15 (page 38, lines 67-69), and substitute the following:

Section 533.00253, Government Code, is amended by amending Subsection (b), as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and Subsection (f) to read as follows:

(4) In SECTION 3.15, amending Section 533.00253(b), Government Code (page 39, lines 1-3), strike "[~~in consultation with the advisory committee and the Children's Policy Council established under Section 22.035, Human Resources Code.~~]" and substitute the following:

, in consultation with the [~~advisory committee and the~~] Children's Policy Council established under Section 22.035, Human Resources Code,

(5) In SECTION 3.15, immediately following amended Section 533.00253(b), Government Code (page 39, between lines 27 and 28), insert the following:

(f) The commission shall seek ongoing input from the Children's Policy Council regarding the establishment and implementation of the STAR Kids managed care program. This subsection expires on the date the Children's Policy Council is abolished under Section 22.035(n), Human Resources Code.

(6) In SECTION 3.45(a)(17) (page 46, line 2), strike "Sections 533.00253(a)(1) and (f)" and substitute "Section 533.00253(a)(1)".

(7) Strike SECTION 3.45(c) (page 46, lines 37-41) and substitute the following:

(c) Section 32.022(e), Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is repealed.

(8) In SECTION 3.46, strike Subdivision (4) (page 46, line 50) and renumber subsequent subdivisions accordingly.

The amendment to **CSSB 200** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 16.

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

CSSB 200 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 200 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 200** 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 Garcia was recognized and introduced to the Senate a Dreamer Week of Action delegation.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 641 ON SECOND READING**

Senator Schwertner moved to suspend the regular order of business to take up for consideration **CSSB 641** at this time on its second reading:

CSSB 641, Relating to debit card or stored value card surcharges; providing a civil penalty.

The motion prevailed.

Senators Burton and Hall asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 641** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter E, Chapter 59, Finance Code, is transferred to Title 12, Business & Commerce Code, redesignated as Chapter 604A, Business & Commerce Code, and amended to read as follows:

CHAPTER 604A [~~SUBCHAPTER E~~]. PROHIBITION OF CERTAIN
SURCHARGES [~~SURCHARGE~~]

Sec. 604A.001 [~~59.401~~]. DEFINITIONS. In this chapter [~~subchapter~~]:

(1) "Cardholder" means the person named on the face of a debit or stored value card to whom or for whose benefit the card is issued.

(2) "Debit card" has the meaning assigned by [~~in~~] Section 502.001[~~Business & Commerce Code~~].

(3) "Merchant" means a person in the business of selling or leasing goods or services.

(4) "Stored value card" has the meaning assigned by [~~as defined in~~] Section 604.001(1), [~~Business & Commerce Code~~], but does not include the meaning assigned by [~~as defined in~~] Section 604.001(2)[~~Business & Commerce Code~~].

(5) "Surcharge" means an increase in the price charged for goods or services imposed on a buyer who pays with a debit or stored value card that is not imposed on a buyer who pays by other means. The term does not include a discounted price charged for goods or services to a buyer who pays with cash.

Sec. 604A.002 [~~59.402~~]. IMPOSITION OF SURCHARGE FOR USE OF DEBIT OR STORED VALUE CARD. (a) In a sale of goods or services, a merchant may not impose a surcharge on a buyer who uses a debit or stored value card instead of cash, a check, credit card, or a similar means of payment.

(b) This section does not apply to a state agency, county, local governmental entity, or other governmental entity that accepts a debit or stored value card for the payment of fees, taxes, or other charges.

Sec. 604A.003. CIVIL PENALTY. (a) A person who knowingly violates Section 604A.002 is liable to the state for a civil penalty in an amount not to exceed \$1,000 for each violation. The attorney general or the prosecuting attorney in the county in which the violation occurs may bring:

(1) a suit to recover the civil penalty imposed under this section; and

(2) an action in the name of the state to restrain or enjoin a person from violating this chapter.

(b) Before bringing the action, the attorney general or prosecuting attorney shall give the person notice of the person's noncompliance and liability for a civil penalty. If the person complies with Section 604A.002 not later than the 30th day after the date of the notice, the violation is cured and the person is not liable for the civil penalty. A person who has previously received notice of noncompliance under this subsection is not entitled to notice of or the opportunity to cure a subsequent violation of Section 604A.002.

(c) The attorney general or the prosecuting attorney, as appropriate, is entitled to recover reasonable expenses incurred in obtaining injunctive relief, civil penalties, or both, under this section, including reasonable attorney's fees, court costs, and investigatory costs.

SECTION 2. The changes in law made by this Act apply only to a sale of goods or services occurring on or after the effective date of this Act. A sale of goods or services occurring before the effective date of this Act is governed by the law in effect on the date the sale occurred, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

The amendment to **CSSB 641** 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 Schwertner and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 641 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: Burton, Hall.

COMMITTEE SUBSTITUTE SENATE BILL 641 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 641** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Burton, Hall.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 106 ON SECOND READING**

The Presiding Officer, Senator Hancock in Chair, laid before the Senate **CSSB 106** by Senator Whitmire on its second reading. The bill had been read second time, an amendment offered, amendment amended, and further consideration temporarily postponed:

CSSB 106, Relating to court jurisdiction and procedures relating to truancy; providing criminal penalties; imposing a court cost.

Question: Shall Floor Amendment No. 1 as amended to **CSSB 106** be adopted?

Senator Seliger again offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 3

Amend Floor Amendment No. 1 to **CSSB 106** (senate committee report) as follows:

In Section 17 of the bill (page 20, line 50), in Section 67, Code of Criminal Procedure, insert the following and renumber subsequent sections accordingly:

Sec. 67.08. FAILURE TO OBEY TRUANCY COURT ORDER; CHILDREN IN CONTEMPT OF COURT.

(a) If a child fails to obey an order issued by a truancy court under Section 64.03(a), the truancy court, after providing notice and an opportunity for a hearing, may:

(1) refer the child to a juvenile court for a hearing to be conducted pursuant to Section 67.011; or

(2) hold the child in contempt of court and order either or both of the following:

(A) that the child pay a fine not to exceed \$100; or

(B) that the Department of Public Safety suspend the child's driver's license or permit or, if the child does not have a license or permit, order that the Department of Public Safety deny the issuance of a license or permit to the child until the child fully complies with the court's orders.

(b) A truancy court may not order the confinement of a child for the child's failure to obey an order of the court issued under Section 64.03(a).

Sec. 67.011. PROCEEDINGS IN JUVENILE COURT.

(a) Upon referral from a truancy court pursuant to Section 67.08(a)(1), the truancy court shall conduct a hearing in order to determine if probable cause exists to believe that the child engaged in conduct that would constitute contempt of the order issued by the truancy court. The hearing shall be conducted within 10 days of the juvenile court's receipt of the referral from the truancy court.

(b) If the juvenile court finds that probable cause exists to believe that the child engaged in conduct that would constitute contempt of the order issued by the truancy court, the juvenile court shall:

(1) enter an order requiring the child to comply with the truancy court's order;

(2) forward a copy of the order to the truancy court within 24 hours; and

(3) admonish the child, orally and in writing, of the consequences of subsequent referrals to the juvenile court, including:

(A) a charge of delinquent conduct for contempt of the truancy court's order; and

(B) a detention hearing.

(c) If the court finds that probable cause does not exist to believe that the child engaged in conduct that would constitute contempt of the order issued by the truancy court, the juvenile court shall enter an order requiring the child's continued compliance with the truancy court's order.

The amendment to Floor Amendment No. 1 to **CSSB 106** was again read and was adopted without objection.

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

Senator L. Taylor offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 4

Amend Floor Amendment No. 1 by Whitmire to **CSSB 106** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. The changes in law made by this Act do not apply to an independent school district located:

(1) wholly within a county that has a population of more than 285,000, is adjacent to the Gulf of Mexico, and is adjacent to a county that has a population of more than four million; or

(2) partially within a county described by Subdivision (1) of this section and partially within a county with a population of more than four million.

The amendment to Floor Amendment No. 1 to **CSSB 106** was read.

On motion of Senator Whitmire, Floor Amendment No. 4 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Birdwell, Burton, Campbell, Ellis, Eltife, Estes, Garcia, Hinojosa, Huffines, Huffman, Lucio, Menéndez, Nelson, Rodriguez, Seliger, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Creighton, Fraser, Hall, Hancock, Kolkhorst, Nichols, Perry, Schwertner, L. Taylor, V. Taylor.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 106**, the amendment as amended was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 as amended except as follows:

Nays: Creighton, Hall, Hancock, L. Taylor, V. Taylor.

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

CSSB 106 as amended was passed to engrossment by the following vote: Yeas 26, Nays 5.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Ellis, Eltife, Estes, Fraser, Garcia, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Creighton, Hall, Hancock, L. Taylor, V. Taylor.

COMMITTEE SUBSTITUTE SENATE BILL 106 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 **CSSB 106** 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, Ellis, Eltife, Estes, Fraser, Garcia, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Creighton, Hall, Hancock, L. Taylor, V. Taylor.

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

REMARKS ORDERED PRINTED

On motion of Senator Kolkhorst and by unanimous consent, the exchange between Senators Whitmire and Kolkhorst regarding **CSSB 106** was ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Kolkhorst: Looking at page 19, I know there's a reference to 1.75 million or more, and that's your truancy court's jurisdiction. And I just want to look at, obviously that's a very large county, includes Harris County, but I want to make sure before I vote, what court will handle these types of things in small counties?

Senator Whitmire: Okay.

Senator Kolkhorst: Does it revert back to current law?

Senator Whitmire: Perfect question. Let me assure you, as I've said several times, nothing changes. I'm supposing Brenham probably goes to a Justice of the Peace. That is what happens, certainly, in the smaller counties. You get into urban areas, they might use a municipal court. That's at the choice of the school district. None of that has changed. That 1.7 language speaks strictly to Dallas, because the County Judge took it upon himself, happens to be a male right now, to set up truancy courts. They have a pretty good system up there. They use case managers, they've appointed about

three individuals to hear these. Dallas County wanted to continue their truancy court system as it's authorized by the constitutional county court-at-law. So, it touches no other part of the state, and I'm going to repeat one more time, there's nothing in the current practices that school districts and courts are doing that is prohibited under this proposal, except the writing of a criminal citation, a fine. So, I can guarantee you that Washington County, JPs are handling it, referred to them by the school district and that will continue.

Senator Kolkhorst: And I thank you for that clarification as, you know, you and I have visited, and you've assured me of that over and over and over, and so, and just a quick follow-up. I know that you've put in some verbiage about school districts and prevention, page 16, lines 10 through 17, and just a clarification of how much time does a school district have to make a determination that the truancy prevention measures are succeeding, just to make sure that school districts are going to have to do some measures. Or what's your interpretation of that?

Senator Whitmire: It's good faith, is the intent. There's no time restraints on them. And, quite frankly, there's no sanctions if they don't do it. It's the intent of this bill for early intervention, school districts are doing that, and—

Senator Kolkhorst: So, you're codifying that school districts should make attempts to—

Senator Whitmire: —well, they actually have to designate someone in charge of truancy. I mean, you can't just, the families that are being referred to courts need to know who to speak to. And it's going to be an administrator in charge of truancy.

Senator Kolkhorst: Okay.

Senator Whitmire: I mean, you know, without being redundant, I can't emphasize what a big, big problem truancy is throughout this state. I mean, the fact that we charged over 100,000 kids with a criminal citation last year, a fine, because they're missing school. And in closing, that's what I want us to get us back focused on. We're solving a huge problem, and if you don't want to accept my recommendation, take the Chief Justice of the State Supreme Court, Nathan Hecht. I mean, a very honorable, credentialed individual mentioned this in his State of the Judiciary.

Senator Kolkhorst: Absolutely, I was sitting right behind you.

Senator Whitmire: I'm doing the groundwork.

Senator Kolkhorst: Yeah. I, I was—

Senator Whitmire: And I appreciate—

Senator Kolkhorst: —sitting right behind you—

Senator Whitmire: —your support.

Senator Kolkhorst: —and that's one of the things that, you know, I want to clarify because I know that we've heard from folks that have said that this bill could potentially undo or make truancy worse. Your goal is to make truancy, I mean, go away. We're going to work with the children to get them back in school. We don't need dropout rates. We don't need frustration. We don't need to criminalize them.

We need to find a way, the carrot instead of the stick, to get them into the schools, to get them educated, to go on to have a better life. That's your goal of this bill. Is that correct?

Senator Whitmire: Yes, Ma'am. It is the serious business of being firm, making certain they're in school, give them the supervision they need. I'm only saying that you cannot become a criminal and end up in court paying fines, largely because of the hardship of the family. And I look forward, you know—

Senator Kolkhorst: Thank, thank you, Dean. I know you've put a lot of effort into this.

Senator Whitmire: —yeah.

Senator Kolkhorst: I look forward to working with you and bettering our efforts in deterring truancy—

Senator Whitmire: Sure.

Senator Kolkhorst: —throughout the State of Texas. Thank you.

Senator Whitmire: It will improve attendance, I promise.

(President in Chair)

(Senator Eltife in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 14 ON SECOND READING**

Senator L. Taylor moved to suspend the regular order of business to take up for consideration **CSSB 14** at this time on its second reading:

CSSB 14, Relating to empowering the parents of students to petition for the reconstitution, repurposing, alternative management, or closure of low-performing public school campuses.

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

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

Nays: Ellis, Menéndez, Uresti, Watson, Whitmire, Zaffirini.

The bill was read second time.

Senator L. Taylor offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 14** (senate committee printing) in SECTION 2 of the bill, in added Section 39.1071, Education Code, as follows:

(1) Following added Subsection (p) (page 3, between lines 36 and 37), insert:

(q) An operator of a charter school is prohibited from funding a parent petition campaign conducted under this section.

(2) In added Subsection (q) (page 3, line 37), strike "(q)" and substitute "(r)".

(3) In added Subsection (r) (page 3, line 44), strike "(r)" and substitute "(s)".

The amendment to **CSSB 14** was read and was adopted without objection.

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

Senator L. Taylor offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 14** (senate committee printing) in SECTION 2 of the bill, in added Section 39.1073, Education Code, as follows:

(1) In added Subsection (b) (page 3, line 57), strike "an" and substitute "a charter holder as the".

(2) In added Subsection (b) (page 3, line 63), between "schools" and ".", insert "and who submit information demonstrating a record of success with respect to each item listed under Section 39.107(k)".

(3) In added Subsection (b) (page 3, line 67), between "company" and ".", insert "and that submit information demonstrating a record of success with respect to each item listed under Section 39.107(k)".

The amendment to **CSSB 14** was read and was adopted without objection.

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

Senator L. Taylor offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 14** (senate committee printing), in SECTION 2 of the bill, in added Section 39.1073, Education Code, as follows:

(1) In added Subsection (c) (page 4, lines 2-3), strike "school districts" and substitute "open-enrollment charter schools under Subchapter D, Chapter 12".

(2) In added Subsection (c) (page 4, line 5), strike "continue to".

The amendment to **CSSB 14** 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 14** (senate committee printing) as follows:

In SECTION 2 of the bill, in added Section 39.1071, Education Code (on page 1, line 48), strike "two" and insert "three".

RODRÍGUEZ
GARCIA

The amendment to **CSSB 14** was read and was adopted without objection.

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

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

CSSB 14 as amended was passed to engrossment by the following vote: Yeas 25, Nays 6.

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

Nays: Ellis, Menéndez, Uresti, Watson, Whitmire, Zaffirini.

**COMMITTEE SUBSTITUTE
SENATE BILL 14 ON THIRD READING**

Senator L. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 14** be placed on its third reading and final passage.

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

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

Nays: Ellis, Menéndez, Uresti, Watson, Whitmire, Zaffirini.

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

**SENATE BILL 661 REREFERRED
(Motion In Writing)**

Senator Estes submitted a Motion In Writing requesting that **SB 661** be withdrawn from the Committee on Business and Commerce and rereferred to the Committee on Veteran Affairs and Military Installations.

The Motion In Writing was read and prevailed without objection.

(President in Chair)

**SENATE RULES SUSPENDED
(Posting Rules)**

Senator Perry moved to suspend Senate Rule 11.10(a) and Senate Rule 11.18(a) in order that the Committee on Agriculture, Water, and Rural Affairs might meet today in the Senate Chamber.

The motion prevailed by a viva voce vote.

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

Nays: Watson.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Campbell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Veteran Affairs and Military Installations might meet and consider **SB 661** today.

CO-AUTHOR OF SENATE BILL 14

On motion of Senator L. Taylor, Senator Bettencourt will be shown as Co-author of **SB 14**.

CO-AUTHORS OF SENATE BILL 106

On motion of Senator Whitmire, Senators Garcia and Rodríguez will be shown as Co-authors of **SB 106**.

CO-AUTHOR OF SENATE BILL 217

On motion of Senator Hinojosa, Senator Bettencourt will be shown as Co-author of **SB 217**.

CO-AUTHOR OF SENATE BILL 268

On motion of Senator Watson, Senator Lucio will be shown as Co-author of **SB 268**.

CO-AUTHOR OF SENATE BILL 335

On motion of Senator V. Taylor, Senator Burton will be shown as Co-author of **SB 335**.

CO-AUTHOR OF SENATE BILL 337

On motion of Senator V. Taylor, Senator Burton will be shown as Co-author of **SB 337**.

CO-AUTHOR OF SENATE BILL 339

On motion of Senator Eltife, Senator Ellis will be shown as Co-author of **SB 339**.

CO-AUTHOR OF SENATE BILL 458

On motion of Senator Lucio, Senator Seliger will be shown as Co-author of **SB 458**.

CO-AUTHORS OF SENATE BILL 621

On motion of Senator Estes, Senators Menéndez, Rodríguez, and V. Taylor will be shown as Co-authors of **SB 621**.

CO-AUTHOR OF SENATE BILL 953

On motion of Senator Birdwell, Senator Huffines will be shown as Co-author of **SB 953**.

CO-AUTHOR OF SENATE BILL 1253

On motion of Senator Hall, Senator Lucio will be shown as Co-author of **SB 1253**.

CO-AUTHORS OF SENATE BILL 1601

On motion of Senator Kolkhorst, Senators Hall and Schwertner will be shown as Co-authors of **SB 1601**.

CO-AUTHORS OF SENATE BILL 1664

On motion of Senator Perry, Senators Garcia and Rodríguez will be shown as Co-authors of **SB 1664**.

CO-AUTHOR OF SENATE BILL 1675

On motion of Senator Huffines, Senator V. Taylor will be shown as Co-author of **SB 1675**.

CO-AUTHOR OF SENATE BILL 1750

On motion of Senator West, Senator Hinojosa will be shown as Co-author of **SB 1750**.

CO-AUTHOR OF SENATE BILL 1920

On motion of Senator Watson, Senator Menéndez will be shown as Co-author of **SB 1920**.

CO-AUTHOR OF SENATE BILL 2046

On motion of Senator V. Taylor, Senator Campbell will be shown as Co-author of **SB 2046**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 6

On motion of Senator Hall, Senator Campbell will be shown as Co-author of **SCR 6**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 569 by Watson, In memory of Martha Ellen Bonner Miller.

SR 572 by Watson, In memory of Don L. Rives.

SR 573 by Watson, In memory of Caroline Natalie Richards.

Congratulatory Resolutions

SR 564 by Menéndez, Recognizing the Texas Grand Lodge of the Order of the Sons of Hermann on the occasion of its 125th anniversary.

SR 565 by Creighton, Recognizing Percussion One for its participation in a cultural exchange in Australia.

SR 567 by Estes, Recognizing the dedication of Millsap United Methodist Church as a Recorded Texas Historic Landmark.

SR 570 by Nelson, Recognizing Kenneth H. Cooper and The Cooper Institute.

Official Designation Resolution

SR 566 by Rodríguez, Declaring April 11, 2015, as Massing of the Colors Day in Texas.

RECESS

On motion of Senator Whitmire, the Senate at 4:13 p.m. recessed 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 15, 2015

AGRICULTURE, WATER, AND RURAL AFFAIRS — **SCR 34, SB 1749, SB 1766**

FINANCE — **CSSB 1280**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **SB 1148**

FINANCE — **CSSB 1512**

STATE AFFAIRS — **CSSJR 66, CSSB 1984, CSSB 1939, CSSB 1792, CSSB 1968, CSSB 1457, CSSB 1448, CSSB 28, CSSB 251, CSSB 479, CSSB 627, CSSB 795, CSSB 817, CSSB 1369**

BUSINESS AND COMMERCE — **SB 957, SB 1075**

HIGHER EDUCATION — **SB 2031, SB 1188, SB 295, SB 37, SB 1776, SB 24**

BUSINESS AND COMMERCE — **SB 902, SB 526, SB 1017, SB 498, SB 1852, SB 1596, SB 1313, SB 1133**

BILLS ENGROSSED

April 14, 2015

SB 42, SB 100, SB 460, SB 543, SB 601, SB 607, SB 686, SB 807, SB 866, SB 912, SB 931, SB 933, SB 949, SB 978, SB 1135, SB 1210, SB 1228, SB 1237, SB 1296, SB 1337, SB 1630, SB 1657, SB 1985

RESOLUTIONS ENROLLED

April 14, 2015

SR 556, SR 557, SR 558, SR 559, SR 560, SR 561, SR 562, SR 563, SR 568

