

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-THIRD DAY

(Tuesday, May 19, 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.

The Reverend Charles Patterson, Church of the Hills, Cedar Park, offered the invocation as follows:

Father God, thank You for who You are and thank You for what You do for and through each of us. Thank You for the Members, the men and women of this legislative body. Bless their homes, their families, their vocational pursuits, and their finances. Thank You for those who assist them and grant them a sense of personal well-being. Please be very present today in this Chamber in every interaction and in every deliberation. Cause Your counsel and wisdom to prevail in the remaining decision-making processes. May You be present in every Member's office, and I ask that You would bless each person who serves with them as a member of their staff. As these men and women give their time and energy to serve the people of the State of Texas, I pray that their decisions would serve to prosper the people of our state in body, soul, mind, and spirit. May Your favor and goodness rest upon us. I ask these things in the name of Jesus Christ. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 19, 2015 - 1

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 459 Lucio Sponsor: Alvarado
Relating to the creation of the Advisory Council on Cultural Affairs in the office of the governor.

(Amended)

SB 481 Hancock Sponsor: Smithee
Relating to consumer information concerning facility-based physicians and notice and availability of mediation for balance billing by a facility-based physician.

(Committee Substitute)

SB 498 Taylor, Larry Sponsor: Bonnen, Dennis
Relating to building code requirements for residential property insured by the Texas Windstorm Insurance Association.

SB 652 Schwertner Sponsor: Farney
Relating to excluding a franchisor as an employer of a franchisee or a franchisee's employees.

(Committee Substitute)

SB 653 Eltife Sponsor: Oliveira
Relating to increasing the amount of burial benefits required to be paid by an insurance carrier under the workers' compensation system.

SB 686 Seliger Sponsor: Clardy
Relating to the Math and Science Scholars Loan Repayment Program.

SB 746 Whitmire Sponsor: Turner, Sylvester
Relating to the civil commitment of sexually violent predators; amending provisions subject to criminal penalties.

(Amended)

SB 837 Watson Sponsor: Workman
Relating to a common characteristic or use project in a public improvement district in certain municipalities.

(Committee Substitute)

SB 934 Kolkhorst Sponsor: Farney
Relating to providing training academies for public school teachers who provide mathematics instruction to students in kindergarten through grade three.

(Amended)

SB 1057

Hinojosa

Sponsor: Herrero

Relating to the provision of funding for indigent defense services.

(Committee Substitute)

SB 2034

Lucio

Sponsor: Lucio III

Relating to the creation of the Cameron County Healthcare District; granting the authority to impose a tax and issue bonds; granting the power of eminent domain.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 39 (129 Yeas, 0 Nays, 2 Present, not voting)

HB 225 (130 Yeas, 1 Nays, 1 Present, not voting)

HB 789 (128 Yeas, 0 Nays, 1 Present, not voting)

HB 1180 (131 Yeas, 0 Nays, 1 Present, not voting)

HB 1246 (134 Yeas, 0 Nays, 1 Present, not voting)

HB 1546 (126 Yeas, 5 Nays, 1 Present, not voting)

HB 1945 (130 Yeas, 0 Nays, 1 Present, not voting)

HB 1964 (117 Yeas, 14 Nays, 2 Present, not voting)

HB 1993 (129 Yeas, 0 Nays, 1 Present, not voting)

HB 2152 (130 Yeas, 0 Nays, 2 Present, not voting)

HB 2476 (118 Yeas, 13 Nays, 1 Present, not voting)

HB 2813 (123 Yeas, 6 Nays, 1 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 923 (non-record vote)

House Conferees: Flynn - Chair/Bell/Fletcher/Huberty/King, Phil

HB 1378 (non-record vote)

House Conferees: Flynn - Chair/Bonnen, Dennis/King, Phil/Rodriguez, Justin/Zedler

HB 3123 (non-record vote)

House Conferees: Price - Chair/Burkett/Dutton/Gonzales, Larry/Raymond

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIANS OF THE DAY

Senator Watson was recognized and presented Drs. John and Judith Egerton of Austin as the Physicians of the Day.

The Senate welcomed the Egertons and thanked them for their participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Perry was recognized and introduced to the Senate junior and senior students from Harrold High School.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Menéndez was recognized and introduced to the Senate Mark Twain Middle School students.

The Senate welcomed its guests.

MESSAGE FROM THE GOVERNOR

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

May 19, 2015
Austin, Texas

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

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the State Preservation Board for a term to expire February 1, 2017:

Iris H. Moore
Fort Worth, Texas

Ms. Moore is replacing Ms. M. Cris Graham whose term expired.

Respectfully submitted,
/s/Greg Abbott
Governor

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

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.

Members, Board of Directors, Angelina and Neches River Authority: Joseph Lee Anderson, Angelina County; David Merle King, Nacogdoches County; Thomas Richard Murphy, Houston County.

Commissioner, Division of Workers' Compensation, Texas Department of Insurance: William Ryan Brannan, Travis County.

Member, Executive Council of Physical Therapy and Occupational Therapy Examiners: Arthur Roger Matson, Williamson County.

Members, Board of Trustees, Teacher Retirement System of Texas: Joseph Victor Colonna, Dallas County; David Corpus, Harris County; Dolores Emilia Ramirez, Cameron County.

Member, Texas Juvenile Justice Board: Riley Neal Shaw, Tarrant County.

Members, Texas Medical Board: John Robert Guerra, Hidalgo County; Surendra Kumar Varma, Lubbock County.

Members, Board of Regents, Texas State University System: Veronica Ann Muzquiz Edwards, Bexar County; James David Montagne, Jefferson County; Alan Lee Tinsley, Madison County.

Members, Texas Water Development Board: Bech Knud Bruun, Travis County; Kathleen Thea Jackson, Jefferson County; Carlos Rubinstein, Williamson County.

Members, Board of Directors, Upper Colorado River Authority: William S. Holland, Tom Green County; Martin Needham Lee, Coke County; John Nikolauk, Schleicher County.

Member, Board of Directors, Upper Guadalupe River Authority: Robert James Waller, Kerr County.

CONCLUSION OF MORNING CALL

The President at 11:42 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE HOUSE BILL 2033 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSHB 2033** at this time on its second reading:

CSHB 2033, Relating to authorizing counties to require the submission of digital maps in connection with the county plat approval process.

The motion prevailed by the following vote: Yeas 22, Nays 9.

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

Nays: Birdwell, Burton, Creighton, Fraser, Hall, Hancock, Kolkhorst, Perry, L. Taylor.

The bill was read second time and was passed to third reading by the following vote: Yeas 22, Nays 9. (Same as previous roll call)

HOUSE BILL 1596 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1596** at this time on its second reading:

HB 1596, Relating to the Hidalgo County Healthcare District; decreasing the possible maximum rate of a tax.

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

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

HOUSE BILL 1596 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 **HB 1596** be placed on its third reading and final passage.

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

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

HOUSE BILL 122 ON SECOND READING

Senator Nichols moved to suspend the regular order of business to take up for consideration **HB 122** at this time on its second reading:

HB 122, Relating to the Texas Mobility Fund.

The motion prevailed.

Senator Watson 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 third reading by a viva voce vote.

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

Nays: Watson.

HOUSE BILL 122 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 **HB 122** be placed on its third reading and final passage.

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

Nays: Watson.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 801 ON SECOND READING**

On motion of Senator Eltife and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 801** at this time on its second reading:

CSHB 801, Relating to planning for the use of and liability resulting from prescribed burns by the Parks and Wildlife Department.

The bill was read second time.

Senator Eltife offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 801** in SECTION 1 of the bill, in added Section 11.357, Parks and Wildlife Code (senate committee report, page 2, line 69, through page 3, line 1), by striking "of insurance coverage required by Section 11.355" and substituting "paid by the insurance provider described by Section 11.355 to the claimant".

The amendment to **CSHB 801** was read and was adopted without objection.

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

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 801** (senate committee printing) in SECTION 1 of the bill, in added Section 11.354(a), Parks and Wildlife Code (page 2, line 21), by striking "area" and substituting "area, including water utility officials with water facilities within two miles of the prescribed burn".

The amendment to **CSHB 801** was read and was adopted without objection.

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

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

CSHB 801 as amended was passed to third reading without objection.

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

HOUSE BILL 2536 ON SECOND READING

Senator Whitmire moved to suspend the regular order of business to take up for consideration **HB 2536** at this time on its second reading:

HB 2536, Relating to jurisdiction in an eminent domain proceeding in Harris County.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Birdwell, Campbell, Eltife, Estes, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, Uresti, West, Whitmire, Zaffirini.

Nays: Bettencourt, Burton, Creighton, Ellis, Fraser, Garcia, Lucio, V. Taylor, Watson.

The bill was read second time.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2536** (senate committee printing) in SECTION 1 of the bill, amending Section 25.1032, Government Code (page 1, line 30), between "cases." and "Notwithstanding", by inserting the following:

A county civil court at law has jurisdiction in Harris County of eminent domain proceedings, both statutory and inverse, if the amount in controversy in a statutory proceeding exceeds the amount provided by Section 25.0003(c). In a statutory proceeding in a county civil court at law in which the amount in controversy exceeds the amount provided by Section 25.0003(c), the jury shall be composed of 12 members unless the parties agree to a jury composed of six members, and drawing of jury panels, selection of jurors, and practice and procedure must conform to that prescribed by law for district courts in the county in which the statutory county court is located.

The amendment to **HB 2536** was read.

On motion of Senator Whitmire, Floor Amendment No. 1 was tabled by the following vote: Yeas 21, Nays 10.

Yeas: Campbell, Eltife, Estes, Fraser, Hall, Hancock, Hinojosa, Huffman, Kolkhorst, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, Uresti, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Burton, Creighton, Ellis, Garcia, Huffines, Lucio, V. Taylor, Watson.

HB 2536 was passed to third reading by the following vote: Yeas 22, Nays 9.

Yeas: Birdwell, Campbell, Eltife, Estes, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, Uresti, West, Whitmire, Zaffirini.

Nays: Bettencourt, Burton, Creighton, Ellis, Fraser, Garcia, Lucio, V. Taylor, Watson.

HOUSE BILL 2536 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 **HB 2536** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Ellis, Garcia, V. Taylor, Watson.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.

Yeas: Birdwell, Campbell, Eltife, Estes, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, Uresti, West, Whitmire, Zaffirini.

Nays: Bettencourt, Burton, Creighton, Ellis, Fraser, Garcia, Lucio, V. Taylor, Watson.

(Senator Bettencourt in Chair)

COMMITTEE SUBSTITUTE**HOUSE BILL 2033 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2033** be placed on its third reading and final passage:

CSHB 2033, Relating to authorizing counties to require the submission of digital maps in connection with the county plat approval process.

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

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

Nays: Burton, Creighton, Fraser, Hall, Hancock, L. Taylor.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.

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

Nays: Birdwell, Burton, Creighton, Fraser, Hall, Hancock, Kolkhorst, Perry, L. Taylor.

HOUSE BILL 671 ON SECOND READING

Senator Nichols moved to suspend the regular order of business to take up for consideration **HB 671** at this time on its second reading:

HB 671, Relating to an intercollegiate athletics fee at Stephen F. Austin State University; authorizing imposition of a fee.

The motion prevailed.

Senators Burton, Hall, and V. Taylor 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 third reading by a viva voce vote.

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

Nays: Burton, Hall, V. Taylor.

HOUSE BILL 671 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 **HB 671** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

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, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Hall, V. Taylor.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

(Senator West in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1025 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 1025** at this time on its second reading:

CSSB 1025, Relating to supplemental compensation paid to certain county judges.

The motion prevailed.

Senators Burton, Campbell, Hall, Huffines, and V. Taylor 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: Burton, Campbell, Hall, Huffines, V. Taylor.

**COMMITTEE SUBSTITUTE
SENATE BILL 1025 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1025** be placed on its third reading and final passage.

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

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

Nays: Burton, Campbell, Hall, Huffines, V. Taylor.

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

HOUSE BILL 1422 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 1422** at this time on its second reading:

HB 1422, Relating to the restoration of expired eminent domain authority of certain rural rail transportation districts.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffines, Huffman, Lucio, Menéndez, Nelson, Nichols, Rodríguez, Seliger, L. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Burton, Campbell, Creighton, Hall, Kolkhorst, Perry, Schwertner, V. Taylor.

The bill was read second time and was passed to third reading by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

AT EASE

The Presiding Officer at 1:00 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 1:37 p.m. called the Senate to order as In Legislative Session.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 19, 2015 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 26

Flynn

Urging the United States Congress to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

HCR 74

Davis, Yvonne

Directing the Texas Water Development Board and the Texas Commission on Environmental Quality to support the creation of a model water recycling project in an appropriate location.

HCR 90

Hunter

Requesting the speaker and lieutenant governor to create a joint interim committee to study seawater desalination on the Texas coast.

HCR 96

Hunter

Requesting the speaker of the house of representatives and the lieutenant governor to create a joint interim committee to study the issue of advertising public notices.

HCR 107

Hunter

Requesting the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to study human trafficking in Texas.

SB 169

Uresti

Sponsor: King, Susan

Relating to ensuring that certain military members and their spouses and dependents maintain their positions on interest lists or other waiting lists for certain health and human services assistance programs.

(Committee Substitute)

SB 339

Eltife

Sponsor: Klick

Relating to the medical use of low-THC cannabis and the regulation of related organizations and individuals; requiring a dispensing organization to obtain a license to dispense low-THC cannabis and any employee of a dispensing organization to obtain a registration; authorizing fees.

SB 455

Creighton

Sponsor: Schofield

Relating to special three-judge district courts convened to hear certain cases.

SB 461

Perry

Sponsor: Parker

Relating to false or misleading packaging, labeling, or advertising of certain abusable synthetic substances; providing civil penalties; creating a criminal offense.

SB 876

Eltife

Sponsor: Frullo

Relating to the licensing of insurance agents and adjusters; providing a penalty.

(Amended)

SB 912

Eltife

Sponsor: Crownover

Relating to a volume-based exemption from reporting requirements for certain accidental discharges or spills from wastewater facilities.

SB 1697 Huffman Sponsor: Smithee
Relating to the confidentiality of certain information regarding procedures and substances used in the execution of a convict.

SCR 13 Seliger Sponsor: Anchia
Urging the U.S. Congress to end the ban on crude oil exports.

SCR 32 Bettencourt Sponsor: Wu
Urging Congress to expedite natural gas exports.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 941 (135 Yeas, 9 Nays, 2 Present, not voting)

HB 2154 (139 Yeas, 5 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**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: **SCR 47**.

WHITMIRE

The Motion In Writing was read and prevailed without objection.

SENATE RESOLUTION ON FIRST READING

The following resolution was introduced, read first time, and referred to the committee indicated:

SCR 47 by Lucio, Hinojosa, Zaffirini

Urging the United States Department of Agriculture Food and Nutrition Service to select the Rio Grande Valley region as the next expansion site for the Healthy Incentives Pilot program.

To Committee on Health and Human Services.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 211 To Committee on Criminal Justice.

HB 234 To Committee on Criminal Justice.

HB 456 To Committee on Administration.

HB 580 To Committee on Criminal Justice.

HB 603 To Committee on Criminal Justice.

HB 913 To Committee on State Affairs.

HB 1066 To Committee on Administration.
HB 1166 To Committee on Administration.
HB 1265 To Committee on State Affairs.
HB 1290 To Committee on Administration.
HB 1346 To Committee on Administration.
HB 1371 To Committee on Administration.
HB 1447 To Committee on Administration.
HB 1845 To Committee on Criminal Justice.
HB 1849 To Committee on Administration.
HB 1947 To Committee on Administration.
HB 2020 To Committee on Administration.
HB 2096 To Committee on Finance.
HB 2113 To Committee on Administration.
HB 2194 To Committee on Administration.
HB 2303 To Committee on State Affairs.
HB 2407 To Committee on Administration.
HB 2525 To Committee on Administration.
HB 2919 To Committee on Business and Commerce.
HB 3002 To Committee on Administration.
HB 3238 To Committee on Administration.
HB 3668 To Committee on Administration.
HB 3750 To Committee on Business and Commerce.
HB 3888 To Committee on Administration.
HB 3901 To Committee on Business and Commerce.
HB 4128 To Committee on Administration.
HB 4140 To Committee on Administration.
HB 4168 To Committee on Administration.
HB 4188 To Committee on Administration.
HB 4189 To Committee on Administration.

COMMITTEE SUBSTITUTE HOUSE BILL 100 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSHB 100** at this time on its second reading:

CSHB 100, Relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education.

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

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

Nays: Birdwell, Burton, Hall, Huffines, V. Taylor.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 100** (senate committee report) in SECTION 1 of the bill, in added Section 55.1789(a)(1)(B), Education Code (page 5, line 61), by striking "Basic" and substituting "Basin".

The amendment to **CSHB 100** was read and was adopted without objection.

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

Senator Eltife offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 100** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 55, Education Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. DEDICATED FUNDING FOR CAPITAL PROJECTS

Sec. 55.51. FINDINGS AND PURPOSE; DEMONSTRATED NEED. (a) The legislature finds that:

(1) higher education facilities and related infrastructure that are state-of-the-art in terms of space utilization, capacity, technology, efficiency, safety, accessibility, functionality, and condition are critical to accommodating enrollment growth, improving learning environments, fostering excellence and student achievement, increasing the state's academic competitiveness, and meeting the state's workforce needs;

(2) many existing facilities and related infrastructure at institutions of higher education are insufficient, inadequate, or substandard in terms of space utilization, capacity, technology, efficiency, safety, accessibility, functionality, and condition; and

(3) the legislature's long-standing practice of authorizing university systems and institutions of higher education under Subchapter B to issue revenue bonds to finance capital improvement projects results in an ever-increasing reliance on long-term debt and a growing debt service obligation, while the sounder practice of financing those projects from available general revenue appropriations is feasible.

(b) The purpose of this subchapter is to finance the construction and renovation of specific facilities and related infrastructure at institutions of higher education for which there is a critical, demonstrated need in a manner that does not increase the long-term debt or debt service obligations of this state's institutions of higher education.

Sec. 55.52. ALLOCATIONS TO INSTITUTIONS FOR SPECIFIC CAPITAL PROJECTS. (a) The comptroller shall distribute, in the manner described by Section 55.53, the total amount appropriated to the higher education capital projects fund established under Section 55.54 to the state's university systems and institutions of higher education, in the amounts specified by this section to be used only to acquire, purchase, construct, improve, renovate, enlarge, or equip property and facilities, including roads and related infrastructure, for the capital projects described by this section.

(b) Funding shall be distributed as provided by Subsection (a) as follows:

(1) for The Texas A&M University System:

(A) Texas A&M University–Commerce, \$48 million for construction of a nursing and health sciences building;

(B) Texas A&M University–Corpus Christi, \$60 million for construction of a life sciences research and engineering building;

(C) Texas A&M University–Kingsville, \$60 million for an educational complex;

(D) Texas A&M University–Texarkana, \$32 million for construction of an academic and student services building;

(E) West Texas A&M University:

(i) \$38,160,000 for construction of an agricultural sciences complex; and

(ii) \$7,200,000 for renovation of the Amarillo Center;

(F) The Texas A&M University System Health Science Center:

(i) \$72 million for construction of a dental clinic facility at the Baylor College of Dentistry; and

(ii) \$66 million for construction of a multidisciplinary research and education facility in Bryan, Texas;

(G) Texas A&M International University, \$48,449,063 for library renovation through the addition of instructional and support spaces;

(H) Prairie View A&M University, \$19,941,000 for construction of a fabrication center and capital improvements;

(I) Tarleton State University:

(i) \$54 million for construction of an applied sciences building; and

(ii) \$39,600,000 for construction of a southwest metroplex building in Tarrant County;

(J) Texas A&M University, \$71,875,000 for construction of a biocontainment research facility;

(K) Texas A&M University at Galveston, \$60 million for construction of a classroom and laboratory facility and campus infrastructure;

(L) Texas A&M University–Central Texas, \$36 million for construction of a multipurpose building; and

(M) Texas A&M University–San Antonio, \$57,750,000 for construction of a science and technology building and campus infrastructure;

(2) for The University of Texas System:

(A) The University of Texas at Austin, \$73,750,000 for renovation of Robert A. Welch Hall;

(B) The University of Texas–Rio Grande Valley:

(i) \$36,432,000 for construction of a multipurpose academic building at the campus in Brownsville, Texas; and

(ii) \$30,600,000 for construction of an interdisciplinary engineering academic studies building at the campus in Edinburg, Texas;

(C) The University of Texas Southwestern Medical Center at Dallas, \$73,750,000 for the construction and renovation of a vivarium and academic and laboratory facilities;

(D) The University of Texas Health Science Center at San Antonio, \$73,750,000 for facility renewal and renovation;

(E) The University of Texas M. D. Anderson Cancer Center, \$61,250,000 for construction of the Sheikh Zayed Bin Sultan Al Nahyan building;

(F) The University of Texas Medical Branch at Galveston, \$59,325,000 for construction of a health education center;

(G) The University of Texas at Arlington, \$70 million for construction of a science and education innovation and research building;

(H) The University of Texas at Dallas, \$70 million for construction of an engineering building;

(I) The University of Texas at El Paso, \$70 million for construction of an interdisciplinary research facility;

(J) The University of Texas at San Antonio, \$70 million for construction of an instructional science and engineering building;

(K) The University of Texas at Tyler, \$60 million for construction of a STEM building;

(L) The University of Texas Health Science Center at Houston, \$73,750,000 for the renovation and modernization of educational and research facilities;

(M) The University of Texas Health Science Center at Tyler, \$14,800,000 for the renovation and modernization of educational and research facilities; and

(N) The University of Texas of the Permian Basin, \$48 million for construction of engineering and kinesiology buildings;

(3) for the University of Houston System:

(A) the University of Houston:

(i) \$76,500,000 for construction of a health and biomedical sciences center; and

(ii) \$54 million for construction of a new academic building located in Sugar Land, Texas;

(B) the University of Houston–Clear Lake:

(i) \$24,624,000 for construction of a health sciences and classroom building located in Pearland, Texas; and

(ii) \$65,025,000 for construction of a STEM and classroom building;

(C) the University of Houston–Downtown, \$60 million for construction of a science and technology building;

(D) the University of Houston–Victoria, \$60 million for academic expansion and land acquisition; and

(E) the University of Houston System, \$37,118,500 for land acquisition for construction of a building in the area near Katy, Texas;

(4) for the Texas State University System:

(A) Lamar University, \$60 million for construction of a science building;

(B) Lamar State College–Orange, \$10 million for construction of a multipurpose education building;

(C) Lamar State College–Port Arthur, \$8,080,000 for expansion of technology program facilities;

(D) Lamar Institute of Technology, \$12,500,000 for construction and renovation of technical arts buildings;

(E) Texas State University:

(i) \$63 million for construction of an engineering and sciences building; and

(ii) \$48,600,000 for construction of a health professions building in Round Rock, Texas;

(F) Sam Houston State University, \$48 million for construction of a biology laboratory building; and

(G) Sul Ross State University, \$6,240,000 for renovation and modernization of educational and related facilities and infrastructure;

(5) for the University of North Texas System:

(A) the University of North Texas System, \$49 million for renovation of college of law buildings;

(B) the University of North Texas, \$70 million for construction and renovation of college of visual arts and design facilities;

(C) the University of North Texas at Dallas, \$57,750,000 for construction of a student learning and success center; and

(D) the University of North Texas Health Science Center at Fort Worth, \$73,750,000 for construction of an interdisciplinary research building;

(6) for Texas Woman's University, \$37,997,000 for a laboratory building;

(7) for Midwestern State University, \$58,400,000 for an academic expansion and revitalization project;

(8) for Stephen F. Austin State University, \$46,400,000 for a science, technology, engineering, and mathematics research building;

(9) for the Texas Tech University System:

(A) Texas Tech University Health Sciences Center:

(i) \$60,264,000 for construction of Lubbock education, research, and technology facilities;

(ii) \$12,830,400 for construction of the Permian Basin academic facility; and

(iii) \$5,715,000 for construction of the Amarillo Panhandle Clinical/Hospital Simulation;

(B) Texas Tech University Health Sciences Center at El Paso, \$71,860,000 for construction of the El Paso Medical Science Building II;

(C) Texas Tech University, \$70 million for construction of an experimental sciences high tech interdisciplinary research building; and

(D) Angelo State University, \$21,360,000 for construction of a College of Health and Human Services building;

(10) for Texas Southern University, \$60 million for the Robert J. Terry Library at Texas Southern University; and

(11) for the Texas State Technical College System:

(A) Texas State Technical College–West Texas, \$12 million for construction of an industrial technology center;

(B) Texas State Technical College–Harlingen, \$3,750,000 for Phase II of the Engineering Technology Center renovation;

(C) Texas State Technical College–Waco, \$14,950,000 for construction of the Fort Bend Campus Building #2; and

(D) Texas State Technical College–Marshall, \$11,040,000 for purchase and renovation of the North Texas Technology Center.

Sec. 55.53. PAYMENT OF PROJECT COSTS. (a) On presentation by a university system or institution of higher education of proof of necessary costs incurred by the system or institution for a project authorized for the system or institution by Section 55.52, the comptroller shall pay or reimburse the system or institution for those costs out of the total amount allocated for the project under that section.

(b) The comptroller by rule shall prescribe the manner in which a system or institution provides proof of project costs under this section.

Sec. 55.54. HIGHER EDUCATION CAPITAL PROJECTS FUND. (a) The higher education capital projects fund is established as a trust fund held by the comptroller of public accounts outside the treasury.

(b) The fund is composed of legislative appropriations made to the fund for the purposes of this subchapter. Money in the fund may be distributed only as provided by Section 55.53.

(c) The fund is exempt from the application of Section 403.095, Government Code.

SECTION 2. In addition to other appropriations made by the 84th Legislature, Regular Session, 2015, the amount of \$3 billion is appropriated on September 1, 2015, from the general revenue fund to the higher education capital projects fund established under Section 55.54, Education Code, as added by this Act, for the purpose of implementing Subchapter D, Chapter 55, Education Code, as added by this Act.

SECTION 3. This Act takes effect September 1, 2015.

The amendment to **CSHB 100** was read.

Senator Eltife withdrew Floor Amendment No. 2.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 100** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION ____ . Subchapter B, Chapter 55, Education Code, is amended by adding Section 55.26 to read as follows:

Sec. 55.26. CERTAIN BONDS CONTINGENT ON TEMPORARY LIMITATIONS ON TUITION INCREASES. (a) In this section, "tuition" includes:

(1) tuition for which the rates are prescribed by Chapter 54; and

(2) tuition charged by an institution of higher education under Section 54.0513 or another law authorizing an institution of higher education to establish tuition rates.

(b) Notwithstanding any other provision of this chapter or other law, if the governing board of an institution of higher education is authorized to issue revenue bonds for a capital project at the institution under Section 55.1781, 55.1782, 55.1783, 55.1784, 55.1785, 55.1786, 55.1787, 55.1788, 55.1789, 55.17891, or 55.17892, the total amount of tuition charged by the institution to a student for the 2016-2017 or 2017-2018 academic year may not exceed by more than one percent the total amount of tuition that the governing board would have charged to a similarly situated student of the institution for the preceding academic year, as that amount is adjusted for each academic year for inflation according to the inflation rate determined under Subsection (d), except that the total amount of tuition charged to a student may increase based on a change in the student's residency status, degree program, course load, course level, tuition exemption status, or other circumstance affecting the tuition charged to the student.

(c) For purposes of this section, students are similarly situated if they share the same residency status, degree program, course load, course level, tuition exemption status, and other circumstances affecting the tuition charged to the student.

(d) Not later than January 31 of each year, or as soon thereafter as practicable, the Legislative Budget Board shall publish the inflation rate to be used for purposes of this section for the next academic year and certify that rate to the governing board of each institution of higher education for which bonds may be issued under a statute listed in Subsection (b). The inflation rate is the percentage increase, if any, as expressed in decimal form rounded to the nearest thousandth of one percent, in the consumer price index, as defined by Section 341.201, Finance Code, for the preceding calendar year as compared to the consumer price index for the year preceding that year.

(e) This section expires September 1, 2018.

The amendment to **CSHB 100** was read.

Senator Ellis offered the following amendment to Floor Amendment No. 3:

Floor Amendment No. 4

Amend Floor Amendment No. 3 by Schwertner to **CSHB 100** by adding a new subsection (f) as follows:

(f) This section shall not go into effect unless the Texas Higher Education Coordinating Board certifies in writing that general academic institutions are funded at least at the same ratio of state appropriations per full time student equivalent to tuition and fees per full time student equivalent as existed in fiscal year 2003.

The amendment to Floor Amendment No. 3 to **CSHB 100** was read.

Senator Ellis withdrew Floor Amendment No. 4.

Question recurring on the adoption of Floor Amendment No. 3 to **CSHB 100**, Senator Schwertner withdrew the amendment.

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

CSHB 100 as amended was passed to third reading by the following vote: Yeas 26, Nays 5.

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

Nays: Birdwell, Burton, Hall, Huffines, V. Taylor.

COMMITTEE SUBSTITUTE HOUSE BILL 100 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 100** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Burton, Hall, Huffines, V. Taylor.

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

GUESTS PRESENTED

Senator Uresti, joined by Senator Menéndez, was recognized and introduced to the Senate members of the West Avenue Elementary School fourth-grade class.

The Senate welcomed its guests.

HOUSE BILL 1422 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1422** be placed on its third reading and final passage:

HB 1422, Relating to the restoration of expired eminent domain authority of certain rural rail transportation districts.

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

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

Nays: Birdwell, Burton, Hall, Kolkhorst, Perry, Schwertner.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10.

Yeas: Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffines, Huffman, Lucio, Menéndez, Nelson, Nichols, Rodríguez, Seliger, L. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Burton, Campbell, Creighton, Hall, Kolkhorst, Perry, Schwertner, V. Taylor.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1221 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **CSHB 1221** at this time on its second reading:

CSHB 1221, Relating to seller's disclosures in connection with residential real property subject to groundwater regulation.

The motion prevailed.

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

The bill was read second time.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1221** (senate committee report) as follows:

(1) Insert the following appropriately numbered SECTION of the bill and renumber subsequent SECTIONS accordingly:

SECTION _____. It is the intent of the legislature that Section 5.008(b), Property Code, as amended by this Act, does not:

(1) require a seller to disclose that the residential real property subject to a notice required by that section is located in a groundwater conservation district or a subsidence district unless the seller has actual knowledge on the date of the notice that the real property is located in a groundwater conservation district or a subsidence district; or

(2) create any duty for any person to investigate to determine if the residential real property is located in a groundwater conservation district or a subsidence district.

(2) In SECTION 1 of the bill, in amended Section 5.008(b), Property Code (page 3, lines 53-55), strike "a subsidence district, or other special purpose district with the authority to regulate the withdrawal of groundwater" and substitute "or a subsidence district".

The amendment to **CSHB 1221** 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 Estes and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 1221 as amended was passed to third reading by the following vote: Yeas 30, Nays 1.

Nays: Burton.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1221 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1221** be placed on its third reading and final passage.

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

Nays: Burton.

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

SENATE BILL 359 WITH HOUSE AMENDMENT

Senator West called **SB 359** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 359** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a peace officer to apprehend a person for emergency detention and the authority of certain facilities and physicians to temporarily detain a person with mental illness.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter A, Chapter 573, Health and Safety Code, is amended to read as follows:

SUBCHAPTER A. APPREHENSION, ~~[BY PEACE OFFICER OR]~~

TRANSPORTATION, OR DETENTION WITHOUT JUDGE'S OR

MAGISTRATE'S ORDER ~~[FOR EMERGENCY DETENTION BY GUARDIAN]~~

SECTION 2. Section 573.001, Health and Safety Code, is amended by adding Subsection (i) to read as follows:

(i) A peace officer may take a person who has been admitted to a facility into custody under this section. For purposes of this subsection, "facility" has the meaning assigned by Section 573.005.

SECTION 3. Subchapter A, Chapter 573, Health and Safety Code, is amended by adding Section 573.005 to read as follows:

Sec. 573.005. TEMPORARY DETENTION IN CERTAIN FACILITIES. (a) In this section, "facility" means:

(1) an inpatient mental health facility other than a community center, a facility operated by or under contract with a community center, an entity that the department designates to provide mental health services, a local mental health authority, or a facility operated by or under contract with a local mental health authority, unless the facility is licensed under Chapter 577;

(2) a hospital, or the emergency department of a hospital, licensed under Chapter 241; and

(3) a freestanding emergency medical care facility licensed under Chapter 254.

(b) The governing body of a facility may adopt and implement a written policy that provides for the facility or a physician at the facility to detain a person who voluntarily requested treatment from the facility or who lacks the capacity to consent to treatment, as provided by this section, if:

(1) the person expresses a desire to leave the facility or attempts to leave the facility before the examination or treatment is completed; and

(2) a physician at the facility:

(A) has reason to believe and does believe that:

(i) the person has a mental illness; and

(ii) because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and

(B) believes that there is not sufficient time to file an application for emergency detention or for an order of protective custody.

(c) A policy adopted and implemented by a facility under this section may not allow the facility or a physician at the facility to detain a person who has been transported to the facility for emergency detention under this chapter.

(d) A policy adopted and implemented by a facility under this section must require:

(1) the facility staff or the physician who intends to detain the person under the policy to notify the person of that intention;

(2) a physician to document a decision by the facility or the physician to detain a person under the policy and to place a notice of detention in the person's medical record that contains the same information as required in a peace officer's notification of detention under Section 573.002; and

(3) the period of a person's detention under the policy to be less than four hours following the time the person first expressed a desire to leave, or attempted to leave, the facility, and the facility or physician to release the person not later than the end of the four-hour period unless the facility staff or physician arranges for a peace officer to take the person into custody under Section 573.001 or an order of protective custody is issued.

(e) Detention of a person under a policy adopted and implemented by a facility under this section is not considered involuntary psychiatric hospitalization for purposes of Section 411.172(e), Government Code.

(f) A physician, person, or facility that detains or does not detain a person under a policy adopted and implemented by a facility under this section and that acts in good faith and without malice is not civilly or criminally liable for that action.

(g) A facility is not civilly or criminally liable for its governing body's decision to adopt or not to adopt a policy under this section.

SECTION 4. This Act takes effect September 1, 2015.

The amendment was read.

Senator West moved to concur in the House amendment to **SB 359**.

The motion prevailed by the following vote: Yeas 27, Nays 4.

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

Nays: Burton, Hall, Huffines, Kolkhorst.

SENATE BILL 66 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 66** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 66** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. This Act shall be known as the Cameron Espinosa Act.

SECTION 2. Chapter 38, Education Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. MAINTENANCE, ADMINISTRATION, AND DISPOSAL OF EPINEPHRINE AUTO-INJECTORS

Sec. 38.201. DEFINITIONS. In this subchapter:

(1) "Advisory committee" means the committee established under Section 38.202.

(2) "Anaphylaxis" means a sudden, severe, and potentially life-threatening allergic reaction that occurs when a person is exposed to an allergen.

(3) "Epinephrine auto-injector" means a disposable medical drug delivery device that contains a premeasured single dose of epinephrine that is intended to be used to treat anaphylaxis.

(4) "Physician" means a person who holds a license to practice medicine in this state.

(5) "School personnel" means an employee of a school district or open-enrollment charter school. The term includes a member of the board of trustees of a school district or the governing body of an open-enrollment charter school.

Sec. 38.202. ADVISORY COMMITTEE: ESTABLISHMENT AND COMPOSITION. (a) The commissioner of state health services shall establish an advisory committee to examine and review the administration of epinephrine auto-injectors to a person experiencing an anaphylactic reaction on a campus of a school district or an open-enrollment charter school.

(b) The advisory committee shall be composed of members appointed by the commissioner of state health services. In making appointments, the commissioner shall ensure that:

(1) a majority of the members are physicians with expertise in treating anaphylaxis, including physicians who specialize in the fields of pediatrics, allergies, asthma, and immunology; and

(2) at least one member is a registered nurse employed by a school district or open-enrollment charter school as a school nurse.

(c) A member of the advisory committee serves at the pleasure of the commissioner of state health services.

(d) A vacancy on the advisory committee is filled by the commissioner of state health services in the same manner as other appointments to the advisory committee.

Sec. 38.203. ADVISORY COMMITTEE: PRESIDING OFFICER. The advisory committee shall elect a presiding officer.

Sec. 38.204. ADVISORY COMMITTEE: COMPENSATION AND EXPENSES. Members of the advisory committee serve without compensation but are entitled to reimbursement for travel expenses.

Sec. 38.205. ADVISORY COMMITTEE: APPLICABILITY OF OTHER LAW. Chapter 2110, Government Code, does not apply to the advisory committee.

Sec. 38.206. ADVISORY COMMITTEE: OPEN MEETINGS. Meetings of the advisory committee are subject to Chapter 551, Government Code.

Sec. 38.207. ADVISORY COMMITTEE: DUTIES. The advisory committee shall advise the commissioner of state health services on:

(1) the storage and maintenance of epinephrine auto-injectors on school campuses;

(2) the training of school personnel and school volunteers in the administration of an epinephrine auto-injector; and

(3) a plan for one or more school personnel members or school volunteers trained in the administration of an epinephrine auto-injector to be on each school campus.

Sec. 38.208. MAINTENANCE AND ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS. (a) Each school district and open-enrollment charter school may adopt and implement a policy regarding the maintenance, administration, and disposal of epinephrine auto-injectors at each campus in the district or school.

(b) If a policy is adopted under Subsection (a), the policy:

(1) must provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on a school campus; and

(2) may provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis at an off-campus school event or while in transit to or from a school event.

(c) The commissioner of state health services, in consultation with the commissioner of education, and with advice from the advisory committee, shall adopt rules regarding the maintenance, administration, and disposal of an epinephrine auto-injector at a school campus subject to a policy adopted under Subsection (a). The rules must establish:

(1) the number of epinephrine auto-injectors available at each campus;

(2) the process for each school district and open-enrollment charter school to check the inventory of epinephrine auto-injectors at regular intervals for expiration and replacement; and

(3) the amount of training required for school personnel and school volunteers to administer an epinephrine auto-injector.

(d) Each school district and open-enrollment charter school that adopts a policy under Subsection (a) must require that each campus have one or more school personnel members or school volunteers authorized and trained to administer an epinephrine auto-injector present during all hours the campus is open.

(e) The supply of epinephrine auto-injectors at each campus must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an epinephrine auto-injector.

Sec. 38.209. REPORT ON ADMINISTERING EPINEPHRINE AUTO-INJECTOR. (a) Not later than the 10th business day after the date a school personnel member or school volunteer administers an epinephrine auto-injector in accordance with a policy adopted under Section 38.208(a), the school shall report the information required under Subsection (b) to:

(1) the school district or the charter holder if the school is an open-enrollment charter school;

(2) the physician or other person who prescribed the epinephrine auto-injector;

(3) the commissioner of education; and

(4) the commissioner of state health services.

(b) The report required under this section must include the following information:

(1) the age of the person who received the administration of the epinephrine auto-injector;

(2) whether the person who received the administration of the epinephrine auto-injector was a student, a school personnel member or school volunteer, or a visitor;

(3) the physical location where the epinephrine auto-injector was administered;

(4) the number of doses of epinephrine auto-injector administered;

(5) the title of the person who administered the epinephrine auto-injector;

and

(6) any other information required by the commissioner of education.

Sec. 38.210. TRAINING. (a) Each school district and open-enrollment charter school that adopts a policy under Section 38.208(a) is responsible for training school personnel and school volunteers in the administration of an epinephrine auto-injector.

(b) Training required under this section must:

(1) include information on:

(A) recognizing the signs and symptoms of anaphylaxis;

(B) administering an epinephrine auto-injector;

(C) implementing emergency procedures, if necessary, after administering an epinephrine auto-injector; and

(D) properly disposing of used or expired epinephrine auto-injectors;

and

(2) be provided in a formal training session or through online education and be completed annually.

(c) Each school district and open-enrollment charter school shall maintain records on the training required under this section.

Sec. 38.211. PRESCRIPTION OF EPINEPHRINE AUTO-INJECTORS. (a) A physician or person who has been delegated prescriptive authority under Chapter 157, Occupations Code, may prescribe epinephrine auto-injectors in the name of a school district or open-enrollment charter school.

(b) A physician or other person who prescribes epinephrine auto-injectors under Subsection (a) shall provide the school district or open-enrollment charter school with a standing order for the administration of an epinephrine auto-injector to a person reasonably believed to be experiencing anaphylaxis.

(c) The standing order under Subsection (b) is not required to be patient-specific, and the epinephrine auto-injector may be administered to a person without a previously established physician-patient relationship.

(d) Notwithstanding any other provisions of law, supervision or delegation by a physician is considered adequate if the physician:

(1) periodically reviews the order; and

(2) is available through direct telecommunication as needed for consultation, assistance, and direction.

(e) An order issued under this section must contain:

(1) the name and signature of the prescribing physician or other person;

(2) the name of the school district or open-enrollment charter school to which the order is issued;

(3) the quantity of epinephrine auto-injectors to be obtained and maintained under the order; and

(4) the date of issue.

(f) A pharmacist may dispense an epinephrine auto-injector to a school district or open-enrollment charter school without requiring the name or any other identifying information relating to the user.

Sec. 38.212. NOTICE TO PARENTS. If a school district or open-enrollment charter school implements a policy under this subchapter for the maintenance, administration, and disposal of epinephrine auto-injectors, the district or school shall provide written notice to a parent or guardian of each student enrolled in the district or school. Notice required under this section must be provided before the policy is implemented by the district or school and before the start of each school year.

Sec. 38.213. GIFTS, GRANTS, AND DONATIONS. A school district or open-enrollment charter school may accept gifts, grants, donations, and federal and local funds to implement this subchapter.

Sec. 38.214. RULES. Except as otherwise provided by this subchapter, the commissioner of education and the commissioner of state health services shall jointly adopt rules necessary to implement this subchapter.

Sec. 38.215. IMMUNITY FROM LIABILITY. (a) A person who in good faith takes, or fails to take, any action under this subchapter is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act, including:

(1) issuing an order for epinephrine auto-injectors;

(2) supervising or delegating the administration of an epinephrine auto-injector;

(3) possessing, maintaining, storing, or disposing of an epinephrine auto-injector;

(4) prescribing an epinephrine auto-injector;

(5) dispensing an epinephrine auto-injector;

(6) administering, or assisting in administering, an epinephrine auto-injector;

(7) providing, or assisting in providing, training, consultation, or advice in the development, adoption, or implementation of policies, guidelines, rules, or plans;
or

(8) undertaking any other act permitted or required under this subchapter.

(b) The immunities and protections provided by this subchapter are in addition to other immunities or limitations of liability provided by law.

(c) Notwithstanding any other law, this subchapter does not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides a basis for a cause of action for an act or omission under this subchapter.

(d) A cause of action does not arise from an act or omission described by this section.

(e) A school district or open-enrollment charter school and school personnel and school volunteers are immune from suit resulting from an act, or failure to act, under this subchapter, including an act or failure to act under related policies and procedures.

(f) An act or failure to act by school personnel or a school volunteer under this subchapter, including an act or failure to act under related policies and procedures, is the exercise of judgment or discretion on the part of the school personnel or school volunteer and is not considered to be a ministerial act for purposes of liability of the school district or open-enrollment charter school.

SECTION 3. Section 38.0151, Education Code, is amended by adding Subsection (f) to read as follows:

(f) A school district or open-enrollment charter school that provides for the maintenance, administration, and disposal of epinephrine auto-injectors under Subchapter E is not required to comply with this section.

SECTION 4. This Act applies beginning with the 2015-2016 school year.

SECTION 5. 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 was read.

Senator Hinojosa moved to concur in the House amendment to **SB 66**.

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.

SENATE BILL 373 WITH HOUSE AMENDMENT

Senator West called **SB 373** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 373** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. This Act may be cited as the Margaret Joy Thomas Act.

The amendment was read.

Senator West moved to concur in the House amendment to **SB 373**.

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

Nays: Hall.

SENATE BILL 805 WITH HOUSE AMENDMENTS

Senator Huffman called **SB 805** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 805** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the employment of individuals qualified for a veteran's employment preference.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Military Veterans' Full Employment Act.

SECTION 2. Chapter 657, Government Code, is amended to read as follows:

CHAPTER 657. VETERAN'S EMPLOYMENT PREFERENCES

Sec. 657.001. DEFINITIONS. In this chapter:

(1) "State agency" means a board, commission, council, committee, department, office, agency, or other governmental entity in the executive, legislative, or judicial branch of state government, including an institution of higher education as defined by Section 61.003, Education Code. [~~"Established service-connected disability" means a disability that has been or may be established by official records.~~]

(2) "Veteran" has the meaning assigned by Section 2308.251.

(3) "Veteran with a disability" means a veteran who is classified as disabled by the United States Department of Veterans Affairs or its successor or the branch of the service in which the veteran served and whose disability is service-connected. [~~"Public entity" means a public department, commission, board, or agency.~~]

Sec. 657.002. INDIVIDUALS QUALIFIED FOR [ENTITLED TO] VETERAN'S EMPLOYMENT PREFERENCE. The following individuals qualify [a] A veteran qualifies for a veteran's employment preference [~~if the veteran~~]:

(1) a veteran, including a veteran with a disability ~~[served in the military for not less than 90 consecutive days during a national emergency declared in accordance with federal law or was discharged from military service for an established service connected disability];~~

(2) a ~~[was honorably discharged from military service; and~~

~~[(3) is competent.~~

~~[(b) A] veteran's surviving spouse who has not remarried; and~~

~~(3) [or] an orphan of a veteran [qualifies for a veteran's employment preference] if[;~~

~~[(1) the veteran was killed while on active duty];~~

~~[(2) the veteran served in the military for not less than 90 consecutive days during a national emergency declared in accordance with federal law; and~~

~~[(3) the spouse or orphan is competent].~~

~~[(c) In this section, "veteran" means an individual who served in the army, navy, air force, marine corps, or coast guard of the United States or in an auxiliary service of one of those branches of the armed forces.]~~

Sec. 657.003. VETERAN'S EMPLOYMENT PREFERENCE. (a) An individual who qualifies for a veteran's employment preference is entitled to a preference in employment with or appointment to a state agency ~~[public entity or for a public work of this state]~~ over other applicants for the same position who do not have a greater qualification.

(b) A state agency shall provide to an individual ~~[An individual who has an established service connected disability and is]~~ entitled to a veteran's employment preference ~~[is entitled to preference]~~ for employment or appointment ~~[in a position for which a competitive examination is not held]~~ over ~~[all]~~ other applicants for the same position ~~[without a service connected disability and]~~ who do not have a greater qualification a veteran's employment preference, in the following order of priority:

(1) a veteran with a disability;

(2) a veteran;

(3) a veteran's surviving spouse who has not remarried; and

(4) an orphan of a veteran if the veteran was killed while on active duty.

(c) If a state agency ~~[public entity or public work of this state]~~ requires a competitive examination under a merit system or civil service plan for selecting or promoting employees, an individual entitled to a veteran's employment preference who otherwise is qualified for that position and who has received at least the minimum required score for the test is entitled to have a service credit of 10 points added to the test score. A veteran with a disability ~~[An individual who has an established service connected disability]~~ is entitled to have a service credit of five additional points added to the individual's test score.

(d) An individual entitled to a veteran's employment preference is not disqualified from holding a position with a state agency ~~[public entity or public work of this state]~~ because of age or an established service-connected disability if the age or disability does not make the individual incompetent to perform the duties of the position.

~~[(e) This chapter does not apply to:~~

~~[(1) the position of private secretary or deputy of an official or department; or~~

~~[(2) a person holding a strictly confidential relation to the appointing or employing officer.]~~

Sec. 657.004. VETERAN EMPLOYMENT GOAL [PREFERENCE REQUIRED] FOR STATE AGENCIES [PUBLIC ENTITIES AND PUBLIC WORKS]. (a) Each state agency shall establish a goal of hiring, in full-time positions at the agency, a number of veterans equal to at least [An individual whose duty is to appoint or employ individuals for a public entity or public work of this state shall give preference in hiring to individuals entitled to a veteran's employment preference so that at least] 40 percent of the total number of employees of the state agency [public entity or public work are selected from individuals given that preference. A public entity or public work that does not have 40 percent of its employees who are entitled to the preference shall, in filling vacancies, give preferences to individuals entitled to a veteran's employment preference until it does have at least 40 percent of its employees who are entitled to the preference].

(b) A state agency may establish a veteran employment goal that is greater than the percentage required under Subsection (a) [A public entity or public work shall, when possible, give 10 percent of the preferences granted under this chapter to qualified veterans discharged from the armed services of the United States within the preceding 18 months.

[(c) A public entity or public work that has at least 40 percent of its employees who are entitled to the preference is exempt from the requirements of Section 657.005].

Sec. 657.0045. DESIGNATION OF OPEN POSITION FOR AND IMMEDIATE HIRING OF INDIVIDUAL ENTITLED TO VETERAN'S EMPLOYMENT PREFERENCE. (a) A state agency may designate an open position as a veteran's position and only accept applications for that position from individuals who are entitled to a veteran's employment preference under Section 657.003.

(b) Notwithstanding any other law, a state agency may hire or appoint for an open position within the agency an individual entitled to a veteran's employment preference under Section 657.003 without announcing or advertising the position if the agency:

(1) uses the automated labor exchange system administered by the Texas Workforce Commission to identify an individual who qualifies for a veteran's employment preference under this chapter; and

(2) determines the individual meets the qualifications required for the position.

Sec. 657.0046. STATE AGENCY VETERAN'S LIAISON. (a) Each state agency that has at least 500 full-time equivalent positions shall designate an individual from the agency to serve as a veteran's liaison.

(b) A state agency that has fewer than 500 full-time equivalent positions may designate an individual from the agency to serve as a veteran's liaison.

(c) Each state agency that designates a veteran's liaison shall make available on the agency's Internet website the liaison's individual work contact information.

Sec. 657.0047. INTERVIEWS AT STATE AGENCIES. For each announced open position at a state agency, the state agency shall interview:

(1) if the total number of individuals interviewed for the position is six or fewer, at least one individual qualified for a veteran's employment preference under Section 657.003; or

(2) if the total number of individuals interviewed for the position is more than six, a number of individuals qualified for a veteran's employment preference under Section 657.003 equal to at least 20 percent of the total number interviewed.

Sec. 657.005. EMPLOYMENT INVESTIGATION. (a) The individual whose duty is to appoint or employ an applicant for a position with a [~~public entity or public work of this~~] state agency or an officer or the chief administrator of the agency [~~entity or work~~] who receives an application for appointment or employment by an individual entitled to a veteran's employment preference, before appointing or employing any individual, shall investigate the qualifications of the applicant for the position. [~~If the applicant is of good moral character and can perform the duties of the position, the officer, chief executive, or individual whose duty is to appoint or employ shall appoint or employ the applicant for the position.~~]

(b) An applicant who is a veteran with a [~~an established service connected~~] disability shall furnish the official records to the individual whose duty is to fill the position.

Sec. 657.006. FEDERAL LAW AND GRANTS. To the extent that this chapter conflicts with federal law or a limitation provided by a federal grant to a state agency [~~public entity~~], this chapter shall be construed to operate in harmony with the federal law or limitation of the federal grant.

Sec. 657.007. PREFERENCE APPLICABLE TO REDUCTION IN WORKFORCE. (a) An individual entitled to a hiring or appointment preference under this chapter is also entitled to a preference in retaining employment if the state agency [~~public entity~~] that employs or appoints the individual reduces its workforce.

(b) The preference granted under this section applies only to the extent that a reduction in workforce by an employing state agency [~~public entity~~] involves other employees of a similar type or classification.

Sec. 657.008. REPORTING REQUIREMENTS. (a) A state agency [~~public entity~~] shall file quarterly with the comptroller a report that states:

(1) the percentage of the total number of employees hired or appointed by the agency [~~entity~~] during the reporting period who are persons entitled to a preference under this chapter;

(2) the percentage of the total number of the agency's [~~entity's~~] employees who are persons entitled to a preference under this chapter; and

(3) the number of complaints filed with the executive director [~~governing body~~] of the agency [~~entity~~] under Section 657.010 during that quarter and the number of those complaints resolved by the executive director [~~governing body~~].

(b) The comptroller shall make each quarterly report filed under Subsection (a) available to the public on the comptroller's Internet website.

(c) Not later than December 1 of each year, the [~~The~~] comptroller shall file [~~annually~~] with the legislature a report that compiles and analyzes information that the comptroller receives from state agencies [~~public entities~~] under Subsection (a).

Sec. 657.009. ~~STATE AGENCIES [PUBLIC ENTITIES]~~ TO LIST POSITIONS WITH TEXAS WORKFORCE COMMISSION. (a) A state agency [public entity] shall provide to the Texas Workforce Commission, under rules adopted under this section by the commission, information regarding an open position that is subject to the hiring or appointment preference required by this chapter.

(b) The Texas Workforce Commission shall make available to the public the information provided by a state agency [public entity] under Subsection (a).

(c) To promote the purposes of this chapter, the Texas Workforce Commission shall adopt rules under this section that facilitate the exchange of employment information between state agencies [public entities] and individuals entitled to a preference under this chapter.

(d) The Texas Workforce Commission shall adopt forms and procedures necessary to administer this section.

Sec. 657.010. COMPLAINT REGARDING EMPLOYMENT DECISION OF STATE AGENCY ~~[PUBLIC ENTITY OR PUBLIC WORK]~~. (a) An individual entitled to a veteran's employment preference under this chapter who is aggrieved by a decision of a state agency [public entity or public work of this state] to which this chapter applies relating to hiring or appointing the individual, or relating to retaining the individual if the state agency [entity or work] reduces its workforce, may appeal the decision by filing a written complaint with the executive director [governing body] of the state agency [public entity or public work] under this section.

(b) The executive director [governing body] of a state agency [public entity or public work] that receives a written complaint under Subsection (a) shall respond to the complaint not later than the 15th business day after the date the executive director [governing body] receives the complaint. The executive director [governing body] may render a different hiring or appointment decision than the decision that is the subject of the complaint if the executive director [governing body] determines that the veteran's preference was not applied.

SECTION 3. Subtitle A, Title 2, Labor Code, is amended by adding Chapter 23 to read as follows:

CHAPTER 23. VOLUNTARY VETERAN'S EMPLOYMENT PREFERENCE FOR PRIVATE EMPLOYERS

Sec. 23.001. DEFINITION. In this chapter, "veteran" means an individual who:

- (1) has served on active duty in the armed forces of the United States; and
- (2) was honorably discharged from military service.

Sec. 23.002. VOLUNTARY PREFERENCE POLICY. (a) A private employer may adopt a policy under which the employer may give a preference in employment decisions regarding hiring, promotion, or retention to a veteran over another qualified applicant or employee.

(b) A policy adopted under this section must be in writing.

Sec. 23.003. APPLICATION OF POLICY. (a) An employer shall apply any policy adopted under this chapter reasonably and in good faith in employment decisions regarding hiring, promotion, or retention during a reduction in the employer's workforce.

(b) An employer may require appropriate documentation from a veteran for the veteran to be eligible for the preference under a policy adopted under this chapter.

(c) Granting a preference in accordance with a policy adopted under this chapter does not violate Chapter 21.

SECTION 4. (a) The changes in law made by this Act to Chapter 657, Government Code, apply only to an open position with a state agency for which the state agency begins accepting applications on or after the effective date of this Act. An open position with a state agency for which the state agency begins accepting applications before the effective date of this Act is governed by the law in effect on the date the state agency began accepting applications, and the former law is continued in effect for that purpose.

(b) Chapter 23, Labor Code, as added by this Act, applies only to an employment decision made on or after the effective date of this Act. An employment decision made before the effective date of this Act is governed by the law in effect on the date the decision was made, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2015.

Floor Amendment No. 1

Amend **CSSB 805** (house committee report) as follows:

(1) On page 6, line 9, between "AGENCIES." and "For", insert "(a)".

(2) On page 6, between lines 18 and 19, insert the following:

(b) A state agency that does not receive any applications from individuals who qualify for a veteran's employment preference under Section 657.003 is not required to comply with Subsection (a).

Floor Amendment No. 1 on Third Reading

Amend **SB 805** (house committee printing) on third reading on page 4 by striking lines 15 through 20 and substituting the following:

(a) Each state agency shall establish a goal of hiring, in full-time positions at the agency, a number of veterans equal to at least 20 [An individual whose duty is to appoint or employ individuals for a public entity or public work of this state shall give preference in hiring to individuals entitled to a veteran's employment preference so that at least 40] percent of the total

The amendments were read.

Senator Huffman moved to concur in the House amendments to **SB 805**.

The motion prevailed by the following vote: Yeas 28, Nays 3.

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

Nays: Burton, Huffines, Zaffirini.

SENATE BILL 684 WITH HOUSE AMENDMENT

Senator L. Taylor called **SB 684** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 684** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION _____. Subchapter D, Chapter 1451, Insurance Code, is amended by adding Section 1451.156 to read as follows:

Sec. 1451.156. PROHIBITED CONDUCT. (a) A managed care plan may not directly or indirectly:

(1) control or attempt to control the professional judgment, manner of practice, or practice of an optometrist or therapeutic optometrist;

(2) employ an optometrist or therapeutic optometrist if part of the optometrist's or therapeutic optometrist's duties involves the practice of optometry or therapeutic optometry;

(3) pay an optometrist or therapeutic optometrist for a service not provided;

(4) restrict or limit an optometrist's or therapeutic optometrist's choice of sources or suppliers of services or materials, including optical laboratories used by the optometrist or therapeutic optometrist to provide services or materials to a patient; or

(5) require an optometrist or therapeutic optometrist to disclose a patient's confidential or protected health information unless the disclosure is authorized by the patient or permitted without authorization under the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) or under Section 602.053.

(b) Subsection (a)(3) does not prohibit the use of capitation as a method of payment.

(c) Subsection (a)(4) does not restrict or limit a managed care plan's determination of specific amounts of coverage or reimbursement for the use of network or out-of-network suppliers or laboratories.

(d) This section shall be liberally construed to prevent managed care plans from controlling or attempting to control the professional judgment, manner of practice, or practice of an optometrist or therapeutic optometrist.

SECTION _____. Section 1451.156, Insurance Code, as added by this Act, applies only to a contract between a managed care plan issuer and an optometrist or therapeutic optometrist entered into or renewed, or a managed care plan delivered, issued for delivery, or renewed, on or after September 1, 2015. A contract entered into or renewed, or a plan delivered, issued for delivery, or renewed, before September 1, 2015, is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

The amendment was read.

Senator L. Taylor moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 684** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators L. Taylor, Chair; Campbell, Creighton, Hancock, and Whitmire.

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

SB 31, SB 97, SB 140, SB 314, SB 381, SB 425, SB 570, SB 584, SB 627, SB 671, SB 695, SB 797, SB 810, SB 812, SB 814, SB 832, SB 839, SB 850, SB 909, SB 1059, SB 1116, SB 1128, SB 1407, SB 1507, SB 1879, SB 1929.

HB 115, HB 188, HB 280, HB 389, HB 431, HB 437, HB 511, HB 601, HB 643, HB 705, HB 795, HB 834, HB 896, HB 931, HB 949, HB 1068, HB 1077, HB 1133, HB 1148, HB 1388, HB 1662, HB 1756, HB 1933, HB 1934, HB 1937, HB 2002, HB 2022, HB 2200, HB 2272, HB 2394, HB 2400, HB 2419, HB 2491, HB 2604, HB 2809, HB 2819, HB 2878, HB 2894, HB 2913, HB 3081, HB 3628, HB 4139, HB 4141, HB 4153.

HB 158, HB 495, HB 2208, HB 2476, HB 2813.

SENATE CONCURRENT RESOLUTION 48

The President laid before the Senate the following resolution:

SCR 48, Convening a joint memorial session to honor Texans killed while serving in the United States military and commemorating Memorial Day 2015.

CAMPBELL

The resolution was read.

On motion of Senator Campbell and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

SENATE RULE 11.13 SUSPENDED (Consideration of Bills in Committees) (Motion In Writing)

Senator Hancock submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rule 11.13 so that committees may meet during the Local and Uncontested Calendar.

HANCOCK

The Motion In Writing was read and prevailed without objection.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Nichols and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation might meet and consider the following bills tomorrow:

HB 1080, HB 1237, HB 1738, HB 4099.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator L. Taylor and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider the following bills tomorrow: **HB 2251, HB 3987.**

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet and consider **HB 2150** today.

SENATE RULES SUSPENDED
(Posting Rules)

Senator Eltife moved to suspend Senate Rule 11.10(a) and Senate Rule 11.18(a) in order that the Committee on Business and Commerce might meet in the Senate Chamber today.

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 Schwertner and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider the following bills tomorrow: **HB 177, HB 2903, HB 3374, HB 3781.**

SENATE RULES SUSPENDED
(Posting Rules)

Senator Birdwell moved to suspend Senate Rule 11.10(a) and Senate Rule 11.18(a) in order that the Subcommittee on Border Security might meet and consider **HB 11** in the Senate Chamber today.

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)

Senator Lucio moved to suspend Senate Rule 11.10(a) and Senate Rule 11.18(a) in order that the Committee on Intergovernmental Relations might meet in the Senate Chamber today.

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.

CO-AUTHOR OF SENATE BILL 309

On motion of Senator Campbell, Senator Huffines will be shown as Co-author of **SB 309**.

CO-SPONSORS OF HOUSE BILL 14

On motion of Senator Watson, Senators Hinojosa and Zaffirini will be shown as Co-sponsors of **HB 14**.

CO-SPONSORS OF HOUSE BILL 786

On motion of Senator Zaffirini, Senators Ellis and Watson will be shown as Co-sponsors of **HB 786**.

CO-SPONSOR OF HOUSE BILL 1049

On motion of Senator Rodríguez, Senator Birdwell will be shown as Co-sponsor of **HB 1049**.

CO-SPONSOR OF HOUSE BILL 1415

On motion of Senator Uresti, Senator Campbell will be shown as Co-sponsor of **HB 1415**.

CO-SPONSOR OF HOUSE BILL 1510

On motion of Senator Garcia, Senator Watson will be shown as Co-sponsor of **HB 1510**.

CO-SPONSORS OF HOUSE BILL 2031

On motion of Senator Hinojosa, Senators Creighton, Kolkhorst, and Zaffirini will be shown as Co-sponsors of **HB 2031**.

CO-SPONSOR OF HOUSE BILL 4097

On motion of Senator Kolkhorst, Senator Creighton will be shown as Co-sponsor of **HB 4097**.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:08 p.m. agreed to adjourn, in memory of Richard Martin, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 911 by V. Taylor, In memory of Minnie Hawthorne-Ewing.

SR 912 by Ellis, In memory of Annie Mae Charles.

Congratulatory Resolutions

SR 831 by West, Recognizing Nathaniel Williams for his posthumous induction into the African American Educators Hall of Fame.

SR 832 by West, Recognizing Joyce Willard Teal for her induction into the African American Educators Hall of Fame.

SR 833 by West, Recognizing Charlie Mae Smith for her induction into the African American Educators Hall of Fame.

SR 834 by West, Recognizing Thalia Matherson for her induction into the African American Educators Hall of Fame.

SR 835 by West, Recognizing Betty L. Perkins for her induction into the African American Educators Hall of Fame.

SR 836 by West, Recognizing Verna George Brown Mitchell for her induction into the African American Educators Hall of Fame.

SR 837 by West, Recognizing Mary E. Lester for her induction into the African American Educators Hall of Fame.

SR 838 by West, Recognizing Marva T. Dixon for her induction into the African American Educators Hall of Fame.

SR 839 by West, Recognizing Cleveland Burton Jackson for his posthumous induction into the African American Educators Hall of Fame.

SR 840 by West, Recognizing John Freeman Hightower for his induction into the African American Educators Hall of Fame.

SR 841 by West, Recognizing Evelyn Dickerson for her induction into the African American Educators Hall of Fame.

SR 842 by West, Recognizing Marie A. Barree for her induction into the African American Educators Hall of Fame.

SR 843 by West, Recognizing Ruby Johnson Abel for her induction into the African American Educators Hall of Fame.

SR 844 by Ellis, Recognizing Shardae Womack for her work in the office of Representative Senfronia Thompson.

SR 845 by Ellis, Recognizing Rebekah Wells for her work in the office of Representative Wayne Faircloth.

SR 846 by Ellis, Recognizing Steven Valles for his work in the office of Representative Borris Miles.

SR 847 by Ellis, Recognizing Philesha Torrence for her work in the office of the Texas AFL-CIO.

SR 848 by Ellis, Recognizing Nahom Tesfaselassie for his work in the office of Senator John Whitmire.

SR 849 by Ellis, Recognizing Mya Strauss for her work in the office of Representative Garnet Coleman.

SR 850 by Ellis, Recognizing Karmah Stokes for her work in the office of Representative Nicole Collier.

SR 851 by Ellis, Recognizing NaAsiaha Simone for her work in the office of Representative Dawonna Dukes.

SR 852 by Ellis, Recognizing Emiliano Romero for his work in the office of Senator José Rodríguez.

SR 853 by Ellis, Recognizing Johannah Roberson for her work in the office of Senator Rodney Ellis.

SR 854 by Ellis, Recognizing Akayla Pomare for her work in the office of Representative Alma Allen.

SR 855 by Ellis, Recognizing Shamil Patel for his work in the office of Representative Eddie Lucio III.

SR 856 by Ellis, Recognizing Ruth Ogu for her work in the office of Senator Kevin Eltife.

SR 857 by Ellis, Recognizing Abel Mulugheta for his work in the office of Representative Rafael Anchia.

SR 858 by Ellis, Recognizing Marlan Mitchell for his work in the office of Senator Rodney Ellis.

SR 859 by Ellis, Recognizing Robert McKnight for his work in the office of Senator Rodney Ellis.

SR 860 by Ellis, Recognizing Nondumiso Mbambo for her work in the office of Representative Yvonne Davis.

SR 861 by Ellis, Recognizing Lindsey Linder for her work in the office of the Texas Criminal Justice Coalition.

SR 862 by Ellis, Recognizing Sarah Lacy for her work in the office of Senator Rodney Ellis.

SR 863 by Ellis, Recognizing Jeffrey Kane for his work in the office of Representative Todd Hunter.

SR 864 by Ellis, Recognizing Joanna Joseph for her work in the office of Representative Toni Rose.

SR 865 by Ellis, Recognizing Lashondra Jones for her work in the office of the Texas Criminal Justice Coalition.

- SR 866** by Ellis, Recognizing Gregory Jones for his work in the office of the Texas Association of Business.
- SR 867** by Ellis, Recognizing Damien Jones for his work in the office of Representative Ron Reynolds and the Congressional Black Caucus.
- SR 868** by Ellis, Recognizing Phillip Yates for his work in the office of Speaker of the House Joe Straus.
- SR 869** by Ellis, Recognizing Mallerick Warnell for his work in the office of Representative Eric Johnson.
- SR 870** by Ellis, Recognizing Devin Vickers for her work in the office of Representative Abel Herrero.
- SR 871** by Ellis, Recognizing Leigh Uranga for her work in the office of Representative David Simpson.
- SR 872** by Ellis, Recognizing Erika Smiley for her work in the office of the Texas Legislative Black Caucus.
- SR 873** by Ellis, Recognizing Anthony Stewart for his work in the office of the Association of Electric Companies of Texas.
- SR 874** by Ellis, Recognizing Katherine Spearman for her work in the office of Lieutenant Governor Dan Patrick.
- SR 875** by Ellis, Recognizing Jeron Ravin for his work in the office of Representative César Blanco.
- SR 876** by Ellis, Recognizing Sana Rajani for her work in the office of Representative Hubert Vo.
- SR 877** by Ellis, Recognizing Alec Puente for his work in the office of Senator Rodney Ellis.
- SR 878** by Ellis, Recognizing Shaina Pomerantz for her work in the office of the Texas Legislative Study Group.
- SR 879** by Ellis, Recognizing Sandra Morales for her work in the office of Chief Justice Nathan Hecht.
- SR 880** by Ellis, Recognizing John Montgomery for his work in the office of Senator Rodney Ellis.
- SR 881** by Ellis, Recognizing Mason Mueller for his work in the office of Representative Phil Stephenson.
- SR 882** by Ellis, Recognizing Samone Jones for her work in the office of Senator Royce West.
- SR 883** by Ellis, Recognizing Conrad John for his work in the Travis County Intergovernmental Relations Office.
- SR 884** by Ellis, Recognizing Angel Jenkins for her work in the office of Representative Chris Turner.

SR 885 by Ellis, Recognizing JaQuay Jackson for her work in the office of Representative Yvonne Davis.

SR 886 by Ellis, Recognizing Earl Harrison Humphreys for his work in the office of Representative Gene Wu.

SR 887 by Ellis, Recognizing Nathaniel Henry for his work in the office of the Texas Association of Counties.

SR 888 by Ellis, Recognizing Zackary Griffin for his work in the office of Representative James White.

SR 889 by Ellis, Recognizing Cambrey Dent for her work in the office of Senator Judith Zaffirini.

SR 890 by Ellis, Recognizing Pearl Cruz for her work in the office of Senator Kel Seliger.

SR 891 by Ellis, Recognizing Danielle Cooper for her work in the office of Representative Helen Giddings.

SR 892 by Ellis, Recognizing Maegan Collins for her work in the office of Speaker of the House Joe Straus.

SR 893 by Ellis, Recognizing Sophie Cohen for her work in the office of Representative Carol Alvarado.

SR 894 by Ellis, Recognizing Zarinah Cogbill for her work in the office of the Innocence Project New York.

SR 895 by Ellis, Recognizing Diamond Cherry for her work in the office of Representative Armando Walle.

SR 896 by Ellis, Recognizing Amala Chacko for her work in the office of Representative Tom Craddick.

SR 897 by Ellis, Recognizing Patrick Celestine for his work in the office of the Texas Criminal Justice Coalition.

SR 898 by Ellis, Recognizing Michelle Castillo for her work in the office of Senator Rodney Ellis.

SR 899 by Ellis, Recognizing Alonzo Campos for his work in the office of Senator Sylvia Garcia.

SR 900 by Ellis, Recognizing Dominique Calhoun for his work in the office of Representative Sylvester Turner.

SR 901 by Ellis, Recognizing Danielle Broussard for her work in the office of the Texas Criminal Defense Lawyers Association.

SR 902 by Ellis, Recognizing Liliane Bedford for her work in the office of Senator Rodney Ellis.

SR 903 by Ellis, Recognizing Neo Baepi for her work in the office of Representative Helen Giddings.

SR 904 by Ellis, Recognizing Zoe Ang for her work in the office of Representative Travis Clardy.

SR 905 by Ellis, Recognizing Amy Anazia for her work in the office of Representative Ana Hernandez.

SR 906 by Ellis, Recognizing Arnold Alaniz for his work in the office of Representative Roland Gutierrez.

SR 907 by Ellis, Recognizing Tanesha Airline for her work in the office of the Texas Defender Service.

SR 908 by Hinojosa, Recognizing Becky Moeller on the occasion of her retirement.

SR 909 by Menéndez, Recognizing The University of Texas at San Antonio softball team for winning the Conference USA West Division title.

SR 910 by V. Taylor, Recognizing Laura Bennett on the occasion of her 100th birthday.

Official Designation Resolution

SR 824 by Schwertner, Proclaiming the month of May 2015 Cystic Fibrosis Awareness Month in Texas.

RECESS

On motion of Senator Whitmire, the Senate at 3:09 p.m. recessed until 8:30 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

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

May 19, 2015

INTERGOVERNMENTAL RELATIONS — **CSSB 1499**

TRANSPORTATION — **HB 127, HB 168, HB 499, HB 735, HB 1044, HB 1321, HB 1605, HB 1741, HB 2540, HB 2708, HB 3236**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSSB 1398**

EDUCATION — **CSHB 1305**

BUSINESS AND COMMERCE — **HB 1514, HB 1881, HB 3028**

AGRICULTURE, WATER, AND RURAL AFFAIRS — **HB 4112, HB 2031, HB 3264, SR 642, HB 1665**

TRANSPORTATION — **CSHB 1273, CSHB 3610, CSHB 830**

STATE AFFAIRS — CSHB 2182, CSHB 1510, HB 4086, HB 3747, HB 1692, HB 3160, HB 2778, HB 2747, HB 1492, HB 2354, HB 1096, HB 2193, HB 1079, HB 943, HB 9, CSHB 910

BILLS AND RESOLUTIONS ENROLLED

May 18, 2015

SB 31, SB 97, SB 140, SB 314, SB 381, SB 425, SB 570, SB 584, SB 627, SB 671, SB 695, SB 797, SB 810, SB 812, SB 814, SB 832, SB 839, SB 850, SB 909, SB 1059, SB 1116, SB 1128, SB 1407, SB 1507, SB 1879, SB 1929, SR 689, SR 827, SR 828, SR 829, SR 830

SIGNED BY GOVERNOR

May 19, 2015

SB 193, SB 288, SB 505, SB 529, SB 572, SB 655, SB 700, SB 742, SB 784, SB 815, SB 1024, SB 1264, SB 1651

FILED WITHOUT SIGNATURE OF GOVERNOR

May 19, 2015

SB 1099

