

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-FIRST DAY

(Tuesday, April 7, 2015)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

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

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

Pastor Michael Nemec, Christ Lutheran Church, Hillsboro, was introduced by Senator Birdwell and offered the invocation as follows:

Almighty and merciful God, this is the day that You have made. Let us rejoice and be glad in it. As we live and serve another day under Your grace, providence, and watchful eye, we pray for Your wisdom, Your guidance, and Your continual blessing upon all of the men and women of this State Senate to whom You have given the great honor and responsibility of serving the people of Texas. We pray that You would lead and guide the decisions and actions of our President, the members of our national Congress, our judges, our Governor, and all who serve in public office. Send Your protection and peace to the men and women who serve in our military, here at home and overseas. And through government when and where needed, but also through the education, hard work, and charity of our people, provide for the needs of all Texans, all citizens of our nation, and all peace- and freedom-loving people throughout the world. Above all, may everything that we do be done to Your glory, according to Your will, and with a sincere love and concern for those we serve. In Jesus' name. 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, April 7, 2015 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 1 Otto
General Appropriations Bill.

HB 2 Otto
Relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.

HCR 92 Harless
Congratulating Dr. Stephen C. Head on his appointment as president of the Lone Star College System.

SCR 36 Whitmire Sponsor: Pickett
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, April 1, 2015, and ending on Tuesday, April 7, 2015.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate a Cleburne Chamber of Commerce delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Schwertner was recognized and introduced to the Senate Texas Medical Association First Tuesday participants.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator L. Taylor was recognized and introduced to the Senate a Texas City-La Marque Leadership delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Creighton, joined by Senator Garcia, was recognized and introduced to the Senate a Lone Star College System delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a Zavala County delegation.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Zaffirini was recognized and presented Dr. Luis Benavides of Laredo as the Physician of the Day.

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

GUESTS PRESENTED

Senator Menéndez was recognized and introduced to the Senate a SeaWorld San Antonio delegation.

The Senate welcomed its guests.

SENATE BILLS ON FIRST READING

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

SB 2007 by Kolkhorst

Relating to the creation of the Fort Bend County Municipal Utility District No. 219; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

SB 2032 by L. Taylor

Relating to the powers and duties of the Galveston County Municipal Utility District No. 36; providing authority to issue bonds and impose fees and taxes.

To Committee on Intergovernmental Relations.

SB 2033 by L. Taylor

Relating to the powers and duties of the Galveston County Municipal Utility District No. 35; providing authority to issue bonds and impose fees and taxes.

To Committee on Intergovernmental Relations.

SB 2034 by Lucio

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.

To Committee on Intergovernmental Relations.

SB 2035 by Kolkhorst

Relating to the conversion of the Harris-Fort Bend Counties Municipal Utility District No. 4 to the Katy Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Committee on Intergovernmental Relations.

SB 2036 by Kolkhorst

Relating to the creation of the Fort Bend County Municipal Utility District No. 218; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

SB 2037 by Kolkhorst

Relating to the creation of the Harris County Municipal Utility District No. 543; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Intergovernmental Relations.

HOUSE BILL ON FIRST READING

The following bill received from the House was read first time and referred to the committee indicated:

HB 1 to Committee on Finance.

SENATE RESOLUTION 447

Senator West offered the following resolution:

SR 447, Recognizing April 7, 2015, as Red and White Day.

The resolution was read and was adopted without objection.

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

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a Delta Sigma Theta Sorority delegation.

The Senate welcomed its guests.

SENATE BILL 107 REREFERRED**(Motion In Writing)**

Senator Whitmire submitted a Motion In Writing requesting that **SB 107** be withdrawn from the Committee on Education and rereferred to the Committee on Criminal Justice.

The Motion In Writing was read and prevailed without objection.

SENATE BILL 1436 REREFERRED
(Motion In Writing)

Senator Zaffirini submitted a Motion In Writing requesting that **SB 1436** be withdrawn from the Committee on Transportation and rereferred to the Committee on Intergovernmental Relations.

The Motion In Writing was read and prevailed without objection.

CONCLUSION OF MORNING CALL

The President at 11:31 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE
SENATE BILL 18 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 18** at this time on its second reading:

CSSB 18, Relating to measures to support or enhance graduate medical education in this state, including the transfer of certain assets from the Texas Medical Liability Insurance Underwriting Association to the permanent fund supporting graduate medical education.

The bill was read second time.

Senator L. Taylor offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 18** (senate committee printing) as follows:

(1) In SECTION 8 of the bill, at the end of the heading to added Subchapter J, Chapter 2203, Insurance Code (page 5, line 12), insert ";**SUSPENSION OF NEW BUSINESS**".

(2) In SECTION 8 of the bill, between added Sections 2203.451 and 2203.452, Insurance Code (page 5, between lines 32 and 33), insert the following:

Sec. 2203.4515. SUSPENSION OF NEW BUSINESS. (a) Promptly after the completion of the actuarial study required by Section 2203.451, the commissioner, after notice and hearing, shall determine whether a necessity exists to suspend the association's authority to issue new insurance policies pending a future enactment by the legislature that becomes law or the expiration of this subchapter under Section 2203.452, whichever occurs earlier.

(b) If the commissioner determines that a necessity described by Subsection (a) exists, the commissioner shall order the association to cease issuing new policies immediately, and the association may not issue a new policy before the expiration of this subchapter under Section 2203.452 unless authorized by a law that takes effect before the expiration of this subchapter.

(c) Notwithstanding any order under this section, the association may continue to renew policies in effect immediately before the effective date of the order in accordance with the association's plan of operation.

The amendment to **CSSB 18** 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 Nelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 18 as amended was passed to engrossment without objection.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 18 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 18** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 267 ON THIRD READING**

Senator Perry moved to suspend the regular order of business to take up for consideration **CSSB 267** at this time on its third reading and final passage:

CSSB 267, Relating to the regulation by a municipality or county of the rental or leasing of housing accommodations.

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

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

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

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 699 ON SECOND READING**

Senator Eltife moved to suspend the regular order of business to take up for consideration **CSSB 699** at this time on its second reading:

CSSB 699, Relating to the Texas Real Estate Commission and the regulation of certain real estate professionals.

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 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.

**COMMITTEE SUBSTITUTE
SENATE BILL 699 ON THIRD READING**

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 699** 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)

**COMMITTEE SUBSTITUTE
SENATE BILL 760 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 760** at this time on its second reading:

CSSB 760, Relating to provider access and assignment requirements for a Medicaid managed care organization.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 760** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill, amending Section 533.005(a), Government Code (page 1, line 24), between "Code," and "is", insert "as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015,".

(2) In SECTION 1 of the bill, in amended Section 533.005(a)(23)(A), Government Code (page 4, line 38), strike "the Medicaid program" and substitute "Medicaid".

The amendment to **CSSB 760** was read and was adopted without objection.

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

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

CSSB 760 as amended was passed to engrossment without objection.

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

COMMITTEE SUBSTITUTE
SENATE BILL 760 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 760** be placed on its third reading and final passage.

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

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

SENATE BILL 188 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **SB 188** at this time on its second reading:

SB 188, Relating to certain insurers' insurance rating and underwriting practices based on certain consumer inquiries.

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

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

Nays: Burton, Hall, Huffines.

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

SENATE BILL 188 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 188** 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, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Hall, Huffines.

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

(Senator Eltife in Chair)

COMMITTEE SUBSTITUTE
SENATE BILL 189 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 189** at this time on its second reading:

CSSB 189, Relating to certain practices in the business of personal automobile insurance.

The motion prevailed.

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

The bill was read second time and was passed to engrossment by a viva voce vote.

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

Nays: Burton, Hall, Huffines.

**COMMITTEE SUBSTITUTE
SENATE BILL 189 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 189** 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, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Hall, Huffines.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 892 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 892** at this time on its second reading:

CSSB 892, Relating to educator preparation programs and teacher certification examinations.

The motion prevailed.

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

The bill was read second time and was passed to engrossment by a viva voce vote.

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

Nays: Huffines.

**COMMITTEE SUBSTITUTE
SENATE BILL 892 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 892** be placed on its third reading and final passage.

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

Nays: Huffines.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 505 ON SECOND READING**

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 505** at this time on its second reading:

CSSB 505, Relating to painting and marking requirements for certain meteorological evaluation towers; creating an offense.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 505 ON THIRD READING**

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 505** 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.

(President in Chair)

SENATE BILL 909 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 909** at this time on its second reading:

SB 909, Relating to the county courts at law in Bexar County.

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

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

SENATE BILL 909 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 **SB 909** be placed on its third reading and final passage.

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

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

(Senator Uresti in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1117 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1117** at this time on its second reading:

CSSB 1117, Relating to housing services provided through the transitional living services program to certain children in the conservatorship of the Department of Family and Protective Services.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1117 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 **CSSB 1117** be placed on its third reading and final passage.

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

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

SENATE BILL 611 ON SECOND READING

Senator Perry moved to suspend the regular order of business to take up for consideration **SB 611** at this time on its second reading:

SB 611, Relating to the confidentiality of certain water well reports.

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

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

Nays: Burton, Ellis, Garcia, Menéndez, Uresti, Watson.

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, Ellis, Garcia, Menéndez, Uresti, Watson.

SENATE BILL 611 ON THIRD READING

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 611** be placed on its third reading and final passage.

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

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

Nays: Burton, Ellis, Garcia, Menéndez, Uresti, Watson.

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

SENATE BILL 759 ON SECOND READING

Senator Hancock, on behalf of Senator Kolkhorst, moved to suspend the regular order of business to take up for consideration **SB 759** at this time on its second reading:

SB 759, Relating to the repeal of certain state taxes.

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

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

Nays: Garcia, Rodríguez.

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: Garcia, Rodríguez.

SENATE BILL 759 ON THIRD READING

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 759** be placed on its third reading and final passage.

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

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

Nays: Garcia, Rodríguez.

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

(President in Chair)**COMMITTEE SUBSTITUTE
SENATE BILL 791 ON SECOND READING**

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 791** at this time on its second reading:

CSSB 791, Relating to testing for and education about congenital cytomegalovirus in infants.

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 791** (senate committee printing) as follows:

(1) In the recital to SECTION 4 of the bill, following "Health and Safety Code," insert "as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015,".

(2) In SECTION 4 of the bill, in amended Section 161.501(a)(1)(F)(i), Health and Safety Code (page 2, line 66), between "Centers for Disease Control" and "recommendation", insert "and Prevention".

The amendment to **CSSB 791** 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 Kolkhorst and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 791 as amended was passed to engrossment without objection.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 791 ON THIRD READING**

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 791** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 893 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 893** at this time on its second reading:

CSSB 893, Relating to public school teacher performance appraisals, continuing education, professional development, career advancement, and compensation.

The motion prevailed.

Senators Ellis, Lucio, Menéndez, and West asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 893** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 21.009(a), Education Code (page 1, line 29), strike "to" and substitute "that may".

(2) In SECTION 5 of the bill, in amended Section 21.352(a), Education Code, strike Subdivision (2) (page 2, line 65, through page 3, line 1) and substitute the following:

(2) an appraisal process and performance criteria:

(A) developed by the district- and campus-level committees established under Section 11.251;

(B) containing the items described by Section [~~Sections~~] 21.351(a)[~~(1) and (2)~~]; and

(C) adopted by the board of trustees.

(3) In SECTION 9 of the bill, in added Section 21.402(a-1), Education Code (page 3, lines 67-68), strike "based on criteria that are not inconsistent with" and substitute "after considering criteria included in".

(4) In SECTION 9 of the bill, in added Section 21.402(a-1), Education Code (page 3, line 69), between "21.009" and the period, insert "or included in a locally developed framework".

(5) Strike SECTION 25 of the bill (page 7, lines 29-30) and substitute the following:

SECTION 25. Effective September 1, 2016, Section 21.403(b), Education Code, is repealed.

(6) In SECTION 27(c) of the bill (page 7, lines 39-40), strike "Except as provided by Subsections (a) and (b) of this section" and substitute "Except as otherwise provided by this Act".

(7) In SECTION 27(c) of the bill (page 7, line 43), between "this Act" and "takes", insert ", except as otherwise provided,".

The amendment to **CSSB 893** was read and was adopted by a viva voce vote.

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

Nays: Ellis, Lucio, Menéndez, West.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 893** (Senate Committee Printing) as follows:

(1) Strike SECTION 19 of the bill, amending Section 21.7061(a), Education Code (page 6, lines 44-56).

(2) Renumber remaining SECTIONS of the bill accordingly.

The amendment to **CSSB 893** was read and was adopted by a viva voce vote.

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

Nays: Ellis, Lucio, Menéndez, West.

Senator L. Taylor offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 893** (Senate Committee Printing) as follows:

(1) In the recital to SECTION 5 of the bill (page 2, lines 56 and 57), strike "Sections 21.352(a) and (c), Education Code, are amended" and substitute "Section 21.352, Education Code, is amended by amending Subsections (a) and (c) and adding Subsection (g)".

(2) In SECTION 5 of the bill, amending Section 21.352, Education Code (page 3, between lines 19 and 20), insert the following:

(g) The commissioner shall develop a training course to assist and provide support to school administrators in successfully implementing teacher appraisal processes under this section.

The amendment to **CSSB 893** was read and was adopted by a viva voce vote.

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

Nays: Ellis, Lucio, Menéndez, West.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 893** (Senate Committee Printing) as follows:

(1) Strike SECTION 6 of the bill, amending the heading to Section 21.402, Education Code (page 3, lines 20-23).

(2) Strike SECTION 7 of the bill, amending Section 21.402(a), Education Code, as effective until September 1, 2017 (page 3, lines 24-42).

(3) Strike SECTION 8 of the bill, amending Section 21.402(a), Education Code, as effective September 1, 2017 (page 3, lines 43-61).

(4) Strike SECTION 9 of the bill, amending Section 21.402, Education Code (page 3, line 62-page 4, line 39) and substitute the following:

SECTION 9. Section 21.402, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A school district may pay a higher monthly salary than the amount provided by Subsection (a) after considering criteria included in the teacher development framework adopted by the commissioner under Section 21.009 or included in a locally developed framework.

(5) Strike SECTION 10 of the bill, amending Section 21.403, Education Code (page 4, lines 40-65).

(6) Strike SECTION 11 of the bill, amending Section 21.4031(a)(2), Education Code (page 4, line 66-page 5, line 1).

(7) Strike SECTION 12 of the bill, amending Section 21.4031(b), Education Code (page 5, lines 2-12).

(8) Strike SECTION 20 of the bill, amending Section 22.107(a), Education Code (page 6, lines 57-62).

(9) Strike SECTION 22 of the bill, amending Section 42.2513(a), Education Code (page 6, line 68-page 7, line 9).

(10) Strike SECTION 23 of the bill, amending Section 823.404(a), Government Code (page 7, lines 10-17).

(11) Strike SECTION 24 of the bill, adding Section 825.4051, Government Code (page 7, lines 18-28).

(12) Strike SECTION 25 of the bill (page 7, lines 29-30) and substitute the following:

SECTION 25. Section 21.352(b), Education Code, is repealed.

(13) In SECTION 27 of the bill, strike Subsections (a) and (b) (page 7, lines 33-38).

(14) In SECTION 27 of the bill (page 7, lines 39-40), strike "(c) Except as provided by Subsections (a) and (b) of this section, this" and substitute "This".

(15) Renumber remaining SECTIONS of the bill accordingly.

The amendment to **CSSB 893** was read.

On motion of Senator Seliger, Floor Amendment No. 4 was tabled by the following vote: Yeas 22, Nays 9.

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

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

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 893** (senate committee printing) as follows:

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

SECTION _____. Sections 28.053(a), (d), and (e), Education Code, are amended to read as follows:

(a) A school participating in the program may be awarded[+:

~~[(+)]~~ a one-time \$3,000 equipment grant for providing a college advanced placement course or international baccalaureate course to be paid to a school based on need as determined by the commissioner[; ~~and~~

~~[(2)]~~ \$100 for each student who scores a three or better on a college advanced placement test or four or better on an international baccalaureate examination].

(d) A teacher participating in the program may be awarded:

(1) subsidized teacher training, not to exceed \$450 for each teacher, for a college advanced placement course or an international baccalaureate course; and

(2) \$50 for each student enrolled in the teacher's college advanced placement or international baccalaureate course who scores a three or better on the college advanced placement test or four or better on the international baccalaureate examination, as applicable, not to exceed a total amount of \$2,000 each year [a one time award of \$250 for teaching a college advanced placement course or an international baccalaureate course for the first time; and

~~[(3) a share of the teacher bonus pool, which shall be distributed by the teacher's school in shares proportional to the number of courses taught].~~

(e) To be eligible for an award under Subsection (d)(2) [(e)], a teacher must teach a college advanced placement course or an international baccalaureate course at a school with a student enrollment in which at least 50 percent of the students are educationally disadvantaged.

(2) In SECTION 25 of the bill, repealing provisions of the Education Code (page 7, line 29), strike "21.352(b) and 21.403(b)" and substitute "21.352(b), 21.403(b), and 28.053(b), (c), (f), and (g)".

(3) Strike SECTION 26 of the bill, providing for applicability of the bill (page 7, lines 31 and 32), and substitute the following appropriately numbered SECTION:

SECTION _____. (a) Except as provided by Subsection (b) of this section, this Act applies beginning with the 2016-2017 school year.

(b) Section 28.053, Education Code, as amended by this Act, applies beginning with the 2015-2016 school year.

The amendment to **CSSB 893** was read and was adopted by a viva voce vote.

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

Nays: Ellis, Lucio, Menéndez, West.

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

CSSB 893 as amended was passed to engrossment by the following vote: Yeas 29, Nays 2.

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

Nays: Ellis, West.

COMMITTEE SUBSTITUTE SENATE BILL 893 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 893** be placed on its third reading and final passage.

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

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

Nays: Ellis, West.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4.

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

Nays: Ellis, Lucio, Menéndez, West.

SENATE BILL 1911 REREFERRED
(Motion In Writing)

Senator Perry submitted a Motion In Writing requesting that **SB 1911** be withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on Agriculture, Water, and Rural Affairs.

The Motion In Writing was read and prevailed without objection.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet today.

REMARKS ORDERED PRINTED

On motion of Senator Whitmire and by unanimous consent, the remarks by Senator Lucio regarding his brother, Joe Lucio, were ordered reduced to writing and printed in the *Senate Journal* as follows:

Thank you, Dean, and thank you, Governor Patrick, and to all of my fellow Members. I wanted to rise today and share with you what's in my heart and how grateful, not only that I am but my whole family, for the many, many texts and e-mails and telephone calls that we received over the last nine days in the death of my brother, Joe Luis Lucio. So many things are running through my mind right now, in terms of what he meant to us. I'm sure that you feel in your heart, having a brother or sister that's special as he was, and they're all special, but the nine siblings that he had all voted him the favorite, everyone's favorite, and there was reason for that. Joe dedicated his entire life to making people happy and sharing with everyone his heart. He was a man who was blessed and gifted by God. He could pick up any instrument, and I saw it with my own eyes, and actually play it. His favorite was the guitar. At a very young age, I remember the family going across the river when it was safe in those days, and all of us were busy eating away at our supper, and he was the only one looking at the trio that was playing,

looking at the guitar players and singers. He was the only one focused on the music. The rest of us would focus on the food. I have that picture, and from that moment on, we knew that Joe had a special place in his heart for music. I gave him his first guitar. I have to share this with you because I think all of us have had a situation where, as teenagers, we act in an inappropriate way with our siblings. My dad had given me a guitar, Paul, and one day I got home from, I think I was a freshman or sophomore, and I heard this strumming, somebody hitting my guitar, and it was my brother, my brother Joe. He was just a little guy, and I grabbed it from him, and I saw the biggest tear coming out of his eye, all the way down to here. And I can't tell you what I felt in my heart for him. I picked him up, put him on my knee, and I told him, I asked him, You want this guitar? He said, Yes. It's yours. Let me show you how to play it. Of course, I only knew three chords, and I showed him three chords. But that was the beginning of an incredible journey for my brother, a journey that led him to not only master the guitar, and his professor in college was actually a student of Andrés Segovia from Spain. So, my brother could play the "Malagueña," his own rendition, and, actually, I always said, he could make the guitar cry so beautifully. He was so gifted. And just thinking back of the music he wrote for the church, for the mass, it was the most beautiful ceremony when all those young people, those teenagers who are now men and women in their 50s came together and played and sang in his funeral. The same songs that he had written, that he had taught them, they played in his funeral. And my brother sang the Our Father. He had recorded his own rendition, and I can't tell you how incredibly memorable that will always be to me and to all of us who were there. It was an outpouring of love. My son spoke at the funeral site, and he reminded me that Representative Lucio was about that high in 1990, and he reminded me that when I came home after I was campaigning—and actually the returns were coming in, I won my Senate seat, Governor—Joe was playing Clint Black's beautiful song, "Better Man." And he was telling everyone that I was the better man, but I got a chance to tell everyone that the better man was actually playing the song. He was a better man. And I can't thank my son, as well, for bringing back those memories. Senator Perry, thank you. Jesus does call, Jesus is calling, He does call on us, and He called on me to always be there for my brother. There wasn't a day that we didn't speak. There wasn't a day that he didn't go see my mother at the nursing home and play for her and made her happy before he went on to scoot because he was teaching music in his last few years at one of the charter schools in Brownsville. At the funeral, those kids all came and they were all crying. They brought with them so many different pieces of posterboard with beautiful messages of love. All those things added up to a consolation, a peaceful feeling in all of us that we had been blessed in our lives with the life of my brother. He died on the way back to the hospital after a very successful open heart surgery. I was in committee when it was all happening, and Senator Campbell followed me out of the room because she knew something was wrong, and she was

hearing everything that was going on, and she knew that my brother was dying. I can talk about each one of you that called me and the message you had for me, but today I wanted to thank you. So sorry for taking so much time. I'm going to backdoor a resolution for him and go back and present it at a Holy Mass, Paul, and bring the family and friends together once again. But he played and recorded some beautiful music. I have one for the birthday, Governor, this weekend was your birthday, happy birthday, and I did bring one brand new CD back with me. I want you to hear a song especially that he wrote when I was working at my desk in 1993. I couldn't believe it when I heard it. It was just a work of genius. And when you hear it, you're going to agree with me that he was certainly gifted. He wrote it that one morning when he saw me returning phone calls and working to get myself ready for the day's work. I want to thank you all for allowing me to speak about my brother who touched the lives of so many. The old Senators that have called me were crushed because they loved Joe. Carl Parker and him sang together on a couple of occasions, and I just will never forget his beautiful life that impacted so many people. He had so many students privately that he taught. There was an incredible line of Winter Texans that he entertained on the weekends, weekly. It was just something that our family will never forget, and we'll be praying for him, and I ask you to join me in doing so. I know that you all have lost a loved one at some point in your lives and you know how I feel inside. It was a hard thing to lose a sibling, first time ever. During the eulogy, I'm always used to saying my nine brothers and sisters, for the first time I said my eight brothers and sisters. I will forever cherish all the messages I got from all of you. I wish you would've known him and you would've had a great memory. Thank you very much, Dean, for this opportunity to talk about my brother, and thank you, Governor.

CO-AUTHOR OF SENATE BILL 18

On motion of Senator Nelson, Senator Zaffirini will be shown as Co-author of **SB 18**.

CO-AUTHOR OF SENATE BILL 391

On motion of Senator Burton, Senator V. Taylor will be shown as Co-author of **SB 391**.

CO-AUTHOR OF SENATE BILL 474

On motion of Senator Kolkhorst, Senator Schwertner will be shown as Co-author of **SB 474**.

CO-AUTHOR OF SENATE BILL 505

On motion of Senator Perry, Senator West will be shown as Co-author of **SB 505**.

CO-AUTHORS OF SENATE BILL 714

On motion of Senator Hall, Senators Kolkhorst and Perry will be shown as Co-authors of **SB 714**.

CO-AUTHORS OF SENATE BILL 791

On motion of Senator Kolkhorst, Senators Uresti and Zaffirini will be shown as Co-authors of **SB 791**.

CO-AUTHOR OF SENATE BILL 898

On motion of Senator Fraser, Senator Zaffirini will be shown as Co-author of **SB 898**.

CO-AUTHOR OF SENATE BILL 1099

On motion of Senator Estes, Senator Zaffirini will be shown as Co-author of **SB 1099**.

CO-AUTHOR OF SENATE BILL 1165

On motion of Senator Fraser, Senator Burton will be shown as Co-author of **SB 1165**.

CO-AUTHORS OF SENATE BILL 1407

On motion of Senator Schwertner, Senators Campbell and Kolkhorst will be shown as Co-authors of **SB 1407**.

CO-AUTHOR OF SENATE BILL 1584

On motion of Senator Lucio, Senator Menéndez will be shown as Co-author of **SB 1584**.

CO-AUTHOR OF SENATE BILL 2001

On motion of Senator Garcia, Senator Campbell will be shown as Co-author of **SB 2001**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 39

On motion of Senator Fraser, Senator Zaffirini will be shown as Co-author of **SJR 39**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 460 by Lucio, In memory of Evelon Dale.

SR 488 by Hinojosa, In memory of Oscar Soliz.

SR 490 by Uresti, In memory of Michael Tovar.

SR 494 by Lucio, In memory of James Allnut Cason Jr.

SR 495 by Lucio, In memory of Ruben Vela.

SR 496 by Lucio, In memory of Raul Garza Jr.

SR 497 by Lucio, In memory of David Mendez.

SR 498 by Ellis, In memory of John V. Singleton.

HCR 86 (Seliger), In memory of Amarillo City Council member James Harold Simms.

HCR 87 (Seliger), In memory of Gene Earl Parker of Amarillo.

Welcome and Congratulatory Resolutions

SR 457 by Lucio, Recognizing Joe G. Rivera on the occasion of his retirement.

SR 459 by Lucio, Recognizing Thomas Michael Browning on the occasion of his retirement.

SR 461 by Lucio, Recognizing Aurora De La Garza on the occasion of her retirement.

SR 462 by Lucio, Recognizing Esteban Toledo for being named the 2015 Texas Legend for the Eddie Lucio Scholarship Fund.

SR 487 by Uresti, Recognizing the Bexar County Junior Livestock Show BBQ Cook-off.

SR 489 by Schwertner, Welcoming Republican women's clubs from Senate District 5 to the Capitol.

SR 492 by Creighton, Recognizing Scott Smith for being selected Reliever Airport Manager of the Year.

SR 493 by Lucio, Recognizing Michael A. Sullenger for his service in law enforcement.

SR 501 by Campbell, Recognizing John C. Hagee on the occasion of his 75th birthday.

SR 502 by Seliger, Recognizing the Andrews County Airport for being selected Airport of the Year.

SR 503 by Seliger, Recognizing the Hemphill County Airport for being selected Most Improved General Aviation Airport of the Year.

SR 505 by Watson, Recognizing Anthony Mays for his role in the desegregation of Round Rock schools.

SR 508 by V. Taylor, Recognizing Christopher D. Fox on the occasion of his retirement.

SR 509 by V. Taylor, Recognizing Katherine Thomas for being named a Distinguished Finalist in the Prudential Spirit of Community Awards program.

SR 512 by Zaffirini, Recognizing Nancy Newman de Anda on her induction into the Junior Achievement of Laredo Business Hall of Fame.

SR 513 by Zaffirini, Recognizing Javier de Anda on his induction into the Junior Achievement of Laredo Business Hall of Fame.

SR 514 by Zaffirini, Recognizing David T. Newman on his induction into the Junior Achievement of Laredo Business Hall of Fame.

SR 515 by Zaffirini, Recognizing Anna Benavides Galo on her induction into the Junior Achievement of Laredo Business Hall of Fame.

SR 516 by Zaffirini, Recognizing Rodolfo Bazan on his induction into the Junior Achievement of Laredo Business Hall of Fame.

SR 517 by Zaffirini, Recognizing Ruben Bazan on his induction into the Junior Achievement of Laredo Business Hall of Fame.

HCR 38 (Nichols), Congratulating the Lufkin/Angelina County Chamber of Commerce on its receipt of five-star accreditation from the U.S. Chamber of Commerce.

Official Designation Resolutions

SR 456 by Lucio, Recognizing April 26, 2015, as Blue Sunday Day of Prayer in Texas.

SR 458 by Lucio, Recognizing April 4, 2015, as Harlingen Area Autism Awareness Day.

SR 491 by Garcia, Recognizing April 6, 2015, as Lone Star College Day.

SR 504 by Kolkhorst, Recognizing April 21, 2015, as Jackson County Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:08 p.m. adjourned, in memory of Joe Lucio, until 10:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

April 7, 2015

AGRICULTURE, WATER, AND RURAL AFFAIRS — **CSSB 1337, CSSB 912, CSSB 1339, CSSB 413, CSSB 1336**

INTERGOVERNMENTAL RELATIONS — **CSSB 607, SB 1210, SB 917, SB 866, SCR 28, SB 871**

CRIMINAL JUSTICE — **SB 1235, SB 589, SB 790, SB 130, SB 112, SB 1704**

HEALTH AND HUMAN SERVICES — **SB 1385**

CRIMINAL JUSTICE — **CSSB 380, CSSB 393, CSSB 1071, CSSB 1353, CSSB 1135**

HEALTH AND HUMAN SERVICES — **CSSB 694, CSSB 1406**

HIGHER EDUCATION — **SB 386, SB 1656, SB 27**

HEALTH AND HUMAN SERVICES — **CSSB 207, CSSB 206, CSSB 200, CSSB 204, CSSB 359**

FINANCE — **CSSB 9, CSSJR 2**

CRIMINAL JUSTICE — **CSSB 106, CSSB 1630**

HIGHER EDUCATION — **CSSB 1466, CSSB 686, CSSB 150**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSSB 12, CSSB 911**

HEALTH AND HUMAN SERVICES — **SB 1214**

TRANSPORTATION — **CSSB 449, CSSB 1171, CSSB 1172, CSSB 1173**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSSB 709**

CRIMINAL JUSTICE — **CSSB 183**

BILLS AND RESOLUTION ENGROSSED

April 1, 2015

SB 108, SB 159, SB 193, SB 236, SB 314, SB 519, SB 653, SB 656, SB 713, SB 804, SB 940, SB 1066, SJR 22

RESOLUTIONS ENROLLED

April 1, 2015

SR 478, SR 479, SR 480, SR 481, SR 482, SR 483, SR 484, SR 485

SIGNED BY GOVERNOR

April 2, 2015

SB 219