

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-SECOND DAY

(Continued)

(Thursday, April 9, 2015)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Hancock.

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

CSSB 57 (Nelson)

Relating to information collected by a regional tollway authority, regional transportation authority, or coordinated county transportation authority.
(viva voce vote) (31-0) (31-0)

SB 59 (Nelson)

Relating to exempting the procurement of services for victims of family violence from competitive bidding requirements.
(viva voce vote) (31-0) (31-0)

SB 60 (Nelson)

Relating to video recordings made by children's advocacy centers.
(viva voce vote) (31-0) (31-0)

SB 94 (Hinojosa)

Relating to certain fees charged for the adjudication of pharmacy benefit claims.
(viva voce vote) (29-2) "Nays" Hall, Huffines (29-2) "Nays" Hall, Huffines

CSSB 203 (Nelson)

Relating to the continuation and functions of the Texas Health Services Authority as a quasi-governmental entity and the electronic exchange of health care information.
(viva voce vote) (31-0) (31-0)

CSSB 277 (Schwertner)

Relating to the abolition of certain health-related task forces and advisory committees.
(viva voce vote) (31-0) (31-0)

SB 287 (West)

Relating to the elimination of certain court fees and costs.
(viva voce vote) (31-0) (31-0)

CSSB 291 (Nelson)

Relating to the jurisdiction of a county court at law in Tarrant County.
(viva voce vote) (31-0) (31-0)

SB 292 (Nelson)

Relating to a request for a waiver of the waiting period before human remains may be cremated.
(viva voce vote) (31-0) (31-0)

SB 344 (Huffman)

Relating to the prosecution of the offense of online solicitation of a minor.
(viva voce vote) (31-0) (31-0)

SB 345 (Huffman)

Relating to the prosecution of the offense of breach of computer security.
(viva voce vote) (31-0) (31-0)

SB 347 (Nichols)

Relating to the governing board of the Trinity Valley Community College District.
(viva voce vote) (31-0) (31-0)

CSSB 363 (Fraser)

Relating to the election dates for directors of the Bandera County River Authority and Groundwater District.
(viva voce vote) (31-0) (31-0)

CSSB 394 (Perry)

Relating to the use of supplemental environmental projects by a local government to come into compliance with environmental laws or remediate environmental harm caused by the local government.
(viva voce vote) (31-0) (31-0)

SB 462 (Huffman)

Relating to authorizing a revocable deed that transfers real property at the transferor's death.
(viva voce vote) (31-0) (31-0)

SB 463 (Huffman)

Relating to the restructuring of certain fund accounts of the Texas County and District Retirement System.
(viva voce vote) (31-0) (31-0)

SB 529 (Hancock)

Relating to the eligibility of a landman for unemployment compensation.
(viva voce vote) (31-0) (31-0)

CSSB 530 (Hancock)

Relating to the licensing of vehicles for hire by certain airport governing boards; authorizing the imposition of fees.

(viva voce vote) (31-0) (31-0)

SB 540 (Eltife)

Relating to the hours during which a holder of a retail dealer's on-premise late hours license may sell beer.

(viva voce vote) (31-0) (31-0)

SB 551 (Seliger)

Relating to the duty of the Water Conservation Advisory Council to submit a report and recommendations regarding water conservation in this state.

(viva voce vote) (30-1) "Nay" V. Taylor (30-1) "Nay" V. Taylor

CSSB 569 (Creighton)

Relating to the presumption of abandonment of certain tangible personal property held by a county.

(viva voce vote) (31-0) (31-0)

CSSB 572 (Eltife)

Relating to certain title insurance policy liability and reinsurance requirements.

(viva voce vote) (31-0) (31-0)

SB 578 (Hinojosa)

Relating to providing inmates of the Texas Department of Criminal Justice with information regarding reentry and reintegration resources.

(viva voce vote) (31-0) (31-0)

CSSB 582 (Kolkhorst)

Relating to education and training programs for food handlers; eliminating the authority of a local health jurisdiction to require certain fees.

(viva voce vote) (31-0) (31-0)

SB 584 (Uresti)

Relating to the indexing of correction instruments in a county index to real property records.

(viva voce vote) (31-0) (31-0)

SB 596 (Estes)

Relating to the imposition of the student centers fee at Texas Woman's University.

(viva voce vote) (29-2) "Nays" Huffines, V. Taylor (29-2) "Nays" Huffines, V. Taylor

SB 603 (Hinojosa)

Relating to the Texas Emissions Reduction Plan.

(viva voce vote) (31-0) (31-0)

SB 622 (Uresti)

Relating to the physician assistant board.

(viva voce vote) (31-0) (31-0)

CSSB 633 (Fraser)

Relating to a Pan American Games reimbursement fund, an Olympic Games reimbursement fund, a Major Events reimbursement fund, a Motor Sports Racing reimbursement fund, an Events reimbursement fund for sporting and non-sporting events, and a special event trust fund.

(viva voce vote) (29-2) "Nays" Burton, Huffines (29-2) "Nays" Burton, Huffines

SB 643 (Creighton)

Relating to proceedings held in auxiliary facilities outside certain county seats.

(viva voce vote) (31-0) (31-0)

SB 657 (Eltife)

Relating to the appointment of the commissioners of certain financial regulatory agencies by the Finance Commission of Texas.

(viva voce vote) (31-0) (31-0)

SB 660 (Rodríguez)

Relating to regional coordinators within the veteran entrepreneur program.

(viva voce vote) (31-0) (31-0)

SB 667 (Eltife)

Relating to reinsurance, distributions, and pooling arrangements by captive insurance companies.

(viva voce vote) (31-0) (31-0)

SB 679 (Nelson)

Relating to public meetings of joint airport boards.

(viva voce vote) (31-0) (31-0)

SB 680 (Nelson)

Relating to the sale of alcoholic beverages in areas annexed or owned by certain municipalities.

(viva voce vote) (31-0) (31-0)

SB 700 (Eltife)

Relating to the use of electronic processes by and electronic information submitted to the Texas Alcoholic Beverage Commission; authorizing a fee.

(viva voce vote) (31-0) (31-0)

SB 734 (Fraser)

Relating to the setting of annual interest rates for utility deposits by the Public Utility Commission of Texas.

(viva voce vote) (31-0) (31-0)

(Senator Uresti in Chair)**CSSB 742** (Ellis)

Relating to the issuance of Texas Medical Center specialty license plates.

(viva voce vote) (31-0) (31-0)

CSSB 774 (Fraser)

Relating to studies on the rates of electric utilities.

(viva voce vote) (31-0) (31-0)

SB 775 (Fraser)

Relating to the repeal of the goal for natural gas use.
(viva voce vote) (31-0) (31-0)

CSSB 782 (Eltife)

Relating to the investigation by the commissioner of insurance of acts of insurance fraud.
(viva voce vote) (30-1) "Nay" Huffines (30-1) "Nay" Huffines

SB 783 (Eltife)

Relating to the development of antifraud educational programs by the Texas Department of Insurance and acceptance of gifts, grants, and donations for the department's fraud unit.
(viva voce vote) (31-0) (31-0)

SB 784 (Eltife)

Relating to collection and use of certain information reported to and by the Texas Department of Insurance and certain approval authority and hearings held in connection with reported information.
(viva voce vote) (31-0) (31-0)

SB 812 (Rodríguez)

Relating to the appointment of an associate judge in a family law proceeding involving a name change.
(viva voce vote) (31-0) (31-0)

CSSB 814 (Rodríguez)

Relating to waivers of citation in certain family law suits.
(viva voce vote) (31-0) (31-0)

SB 815 (Rodríguez)

Relating to a temporary restraining order for preservation of property and protection of the parties in a suit for the dissolution of marriage.
(viva voce vote) (31-0) (31-0)

CSSB 822 (Rodríguez)

Relating to the applicability of certain definitions and certain laws governing attorneys ad litem, guardians ad litem, and amicus attorneys in family law proceedings.
(viva voce vote) (31-0) (31-0)

SB 844 (V. Taylor)

Relating to the expiration of licenses for insurance agents and adjusters.
(viva voce vote) (31-0) (31-0)

SB 855 (Zaffirini)

Relating to the territory and board of the Canyon Regional Water Authority.
(viva voce vote) (31-0) (31-0)

SB 858 (Eltife)

Relating to license holders authorized to obtain label approval for beer, ale, and malt liquor.
(viva voce vote) (31-0) (31-0)

CSSB 859 (Eltime)

Relating to partnerships and limited liability companies.

(viva voce vote) (31-0) (31-0)

CSSB 860 (Eltime)

Relating to corporations and fundamental business transactions.

(viva voce vote) (31-0) (31-0)

SB 875 (Eltime)

Relating to the regulation of state trust companies.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

CSSB 876 (Eltime)

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

(viva voce vote) (31-0) (31-0)

SB 880 (Nelson)

Relating to certain committees and programs to develop the wine industry in this state through the Department of Agriculture.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

SB 899 (Eltime)

Relating to the regulation of money services businesses; affecting the prosecution of a criminal offense.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

(Senator Huffines in Chair)**SB 932** (Fraser)

Relating to the authority of the Public Utility Commission of Texas to retain assistance for federal proceedings affecting certain electric utilities and consumers.

(viva voce vote) (31-0) (31-0)

SB 979 (Creighton)

Relating to individual indemnity health insurance.

(viva voce vote) (31-0) (31-0)

SB 1051 (Kolkhorst)

Relating to the powers and duties of the North Fort Bend Water Authority.

(viva voce vote) (31-0) (31-0)

SB 1077 (Eltime)

Relating to the definition of "person" under the Uniform Commercial Code.

(viva voce vote) (31-0) (31-0)

CSSB 1099 (Estes)

Relating to the operation and functions of the Texas Grain Producer Indemnity Board.

(viva voce vote) (31-0) (31-0)

SB 1137 (Creighton)

Relating to improvement projects of the Sabine-Neches Navigation District of Jefferson County, Texas; providing authority to issue anticipation notes and time warrants.

(viva voce vote) (31-0) (31-0)

SB 1204 (Rodríguez)

Relating to a waiver of fees by the Department of Agriculture and the Parks and Wildlife Department for certain educational programs involving aquaculture and hydroponics.

(viva voce vote) (31-0) (31-0)

SB 1264 (Eltife)

Relating to the regulation of certain industrialized housing and industrialized buildings.

(viva voce vote) (31-0) (31-0)

SB 1301 (Perry)

Relating to the governance and administration of the Texas Water Resources Finance Authority.

(viva voce vote) (31-0) (31-0)

SB 1407 (Schwertner)

Relating to encouraging age-appropriate normalcy activities for children in the managing conservatorship of the state.

(viva voce vote) (31-0) (31-0)

SB 1459 (Bettencourt)

Relating to the powers and duties of the West Harris County Regional Water Authority.

(viva voce vote) (31-0) (31-0)

SB 1703 (Huffman)

Relating to the deadlines for certain processes and procedures involving an election.

(viva voce vote) (31-0) (31-0)

CSSB 1707 (Huffman)

Relating to the sealing of certain juvenile records.

(viva voce vote) (31-0) (31-0)

CSSB 2004 (Eltife)

Relating to deferred maintenance funding for state facilities.

(viva voce vote) (30-1) "Nay" Burton (30-1) "Nay" Burton

**BILL REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Birdwell and Senator Hancock requested in writing that **SB 670** be removed from the Local and Uncontested Calendar.

(Senator Hancock in Chair)

RECESS

Pursuant to a previously adopted motion, the Senate at 8:36 a.m. recessed until 11:00 a.m. today.

AFTER RECESS

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

The Reverend Jonathan Scanlon, Genesis Presbyterian Church, Austin, offered the invocation as follows:

Gracious God of justice and truth and of all that is right and good, we pray You will watch carefully and listen attentively as these the servants of the great State of Texas come now as one body to serve the people. Use these women and men, we pray, to set the example of a representative republic guided by the generous principles of equality and compassion. May our work give voice to the silenced, hope to the forgotten, uplift the marginalized, break down the walls of hostility that separate, bind any wounds that fester, and nurture what is good for the well-being of all. Remind us, again, how justice is what love looks like in public as our capacity for justice makes democracy possible, while our inclination for injustice makes democracy necessary. Speak through us this day and guide us toward wholeness and a better tomorrow. Amen.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, April 9, 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 5 Otto
Relating to strategic fiscal reviews of state agencies.

HB 8 Otto
Relating to the deposit of money received from the federal government.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Nelson was recognized and presented Dr. Dan Sepdham of Flower Mound as the Physician of the Day.

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

GUESTS PRESENTED

Senator L. Taylor was recognized and introduced to the Senate a Leadership Clear Lake delegation.

The Senate welcomed its guests.

FORMER MEMBERS DAY

Senator Whitmire was recognized and introduced the following:

Former Lieutenant Governors

The Honorable Ben Barnes–DeLeon
Lieutenant Governor–1969 to 1973

The Honorable William P. Hobby–Houston
Lieutenant Governor–1973 to 1991

Former Senators

The Honorable Don Adams–Jasper
State Senator–1973 to 1977

The Honorable Richard Anderson–Marshall
State Senator–1986 to 1989

The Honorable Kip Averitt–McLennan
State Senator–2002 to 2010

The Honorable Gonzalo Barrientos–Austin
State Senator–1985 to 2007

The Honorable J. E. "Buster" Brown–Lake Jackson
State Senator–1981 to 2002

The Honorable Kent Caperton–Bryan
State Senator–1981 to 1991

The Honorable Ron Clower–Garland
State Senator–1973 to 1981

The Honorable Wendy Davis–Fort Worth
State Senator–2009 to 2015

The Honorable Robert Duncan–Lubbock
State Senator–1996 to 2014

The Honorable Michael Galloway–The Woodlands
State Senator–1995 to 1999

The Honorable Bill Haley–Center
State Senator–1989 to 1995

The Honorable Kent Hance–Lubbock
State Senator–1975 to 1979

The Honorable Glenn Hegar, Jr.–Katy
State Senator–2006 to 2014

The Honorable Kyle Janek–Harris
State Senator–2002 to 2008

The Honorable Glenn Kothmann–San Antonio
State Senator–1971 to 1987

The Honorable Cyndi Krier—San Antonio
State Senator—1985 to 1993

The Honorable Jon Lindsay—Houston
State Senator—1997 to 2007

The Honorable Ted Lyon—Rockwall
State Senator—1983 to 1993

The Honorable Bill Meier—Eules
State Senator—1973 to 1983

The Honorable John T. Montford—Lubbock
State Senator—1983 to 1996

The Honorable Carl A. Parker—Port Arthur
State Senator—1977 to 1995

The Honorable Bill Sarpalius—Amarillo
State Senator—1981 to 1989

The Honorable A. R. "Babe" Schwartz—Galveston
State Senator—1960 to 1981

The Honorable John Sharp—Victoria
State Senator—1982 to 1987

Former Secretary of the Senate

Charles Schnabel
Secretary of the Senate—1955 to 1977

The Senate welcomed its guests.

IN MEMORIAM

Senator Hancock was recognized to read the following names from "A State of Remembrance, April 9, 2015":

The Honorable Charles Galloway Calhoun, Jr.—Smith County
State Senator—1961 to 1967

The Honorable Ray Farabee—Wichita County
State Senator—1975 to 1988

The Honorable Jack Hightower—Wilbarger County
State Senator—1965 to 1975

The Honorable Grant Jones—Taylor County
State Senator—1973 to 1989

The Honorable Bob McFarland—Tarrant County
State Senator—1983 to 1991

The Honorable Johnnie B. Rogers—Travis County
State Senator—1953 to 1957

The Honorable Pete Snelson—Midland County
State Senator—1965 to 1967

Former Secretary of the Senate Betty King—Travis County
Longest serving Secretary—1977 to 2001

ACKNOWLEDGMENT

Lieutenant Governor Patrick spoke on the importance of acknowledging former Members, their contributions to the state, and the work of the Texas Senate.

CONCLUSION

Senator Whitmire was again recognized for closing remarks and thanked the honored guests for their service to the State of Texas.

AT EASE

The President at 11:44 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 12:00 p.m. called the Senate to order as In Legislative Session.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a South Texas Youth Conference delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 511

Senator L. Taylor offered the following resolution:

WHEREAS, Nearly 36 million people are held in some form of slavery today, whether through commercial sexual exploitation, forced labor, bonded labor, or coerced service as child soldiers, and human trafficking is the second most profitable global crime, generating more than \$150 billion annually; and

WHEREAS, Four billion of the world's poorest people reside outside the protection of the effective rule of law; they can be readily exploited because of inept or corrupt public justice systems, which permit not only human trafficking and modern slavery, but also police brutality, rape, illegal land seizure, and more; and

WHEREAS, Organizations such as International Justice Mission, Polaris Project, UnBound, and Shared Hope International work every day to secure immediate victim rescue and aftercare, to bring perpetrators to justice, and to ensure that public justice systems, including law enforcement, courts, and laws, are effectively protecting people from heinous crimes; and

WHEREAS, In the United States, human traffickers have utilized Texas as a conduit, destination, and launching point for human trafficking and modern slavery; however, the state is a national leader in introducing and enforcing laws that address the scourge of human trafficking and slavery, both within its borders and in neighboring regions; moreover, the state secures high-quality data to assess the problem through the unprecedented Texas Slavery Mapping Project; and

WHEREAS, Texans from all walks of life, including students, business owners, and pastors and other people of faith and conscience, have demonstrated support for developing, funding, and promoting effective antitrafficking and antislavery measures, including rescue, safe houses, and aftercare for victims, as well as prosecution and strong repercussions for perpetrators; residents also advocate for educational initiatives and for the enactment of antitrafficking and antislavery laws in the state, in the nation, and throughout the developing world; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 84th Legislature, hereby recognize April 10, 2015, as Texas Ending Modern Slavery Day and commend the officials and organizations dedicated to helping victims and preventing the victimization of others.

SR 511 was read and was adopted without objection.

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

**SENATE CONCURRENT RESOLUTION 28
ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **SCR 28** at this time on its second reading:

SCR 28, Recognizing April 2015 as Autism Awareness Month.

The resolution was read second time and was adopted without objection.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 655 ON SECOND READING**

Senator Eltife moved to suspend the regular order of business to take up for consideration **CSSB 655** at this time on its second reading:

CSSB 655, Relating to own risk and solvency assessment by insurers and insurance groups; providing a penalty.

The motion prevailed.

Senator Hall 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: Hall.

**COMMITTEE SUBSTITUTE
SENATE BILL 655 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 655** be placed on its third reading and final passage.

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

Nays: Hall.

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 125 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 125** at this time on its second reading:

CSSB 125, Relating to certain assessments for 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 125 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 125** 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 332 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 332** at this time on its second reading:

CSSB 332, Relating to the use of maximum allowable cost lists related to pharmacy benefits.

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 332 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 332** 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 970 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 970** at this time on its second reading:

CSSB 970, Relating to the failure to handle certain animals in accordance with rules of the Texas Animal Health Commission; amending provisions subject to a criminal penalty.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 970 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 970** 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 987 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 987** at this time on its second reading:

SB 987, Relating to the regulation of dangerous wild animals.

The bill was read second time.

(Senator Eltife in Chair)

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 987** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in the recital (page 1, line 19), between "Code," and "is", insert "as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015,".

(2) In SECTION 1 of the bill, strike amended Section 822.102(a)(3), Health and Safety Code (page 1, lines 29-30), and substitute the following:

(3) an organization that is an accredited member of the Association of Zoos and Aquariums;

(3) In SECTION 1 of the bill, strike amended Section 822.102(a)(11)(A), Health and Safety Code (page 2, lines 6-9), and substitute the following:

(A) owned by or in the possession, control, or custody of a person who is a participant in a species survival plan of the Association of Zoos and Aquariums for that species; and

The amendment to **SB 987** 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 Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 987 as amended was passed to engrossment without objection.

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

SENATE BILL 987 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 987** 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 387 ON SECOND READING

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 387** at this time on its second reading:

CSSB 387, Relating to trusts and certain other forms of asset protection.

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

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

COMMITTEE SUBSTITUTE

SENATE BILL 387 ON THIRD READING

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 387** 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 835 ON SECOND READING

Senator V. Taylor moved to suspend the regular order of business to take up for consideration **SB 835** at this time on its second reading:

SB 835, Relating to increasing the punishment for the offense of fraudulent or fictitious military record.

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.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 835** (senate committee printing) as follows:

(1) In SECTION 1 of the bill (page 1, line 22), strike "**A**" and substitute "**B**".

The amendment to **SB 835** 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: Huffines.

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

SB 835 as amended was passed to engrossment by a viva voce vote.

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

Nays: Huffines.

SENATE BILL 835 ON THIRD READING

Senator V. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 835** 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)

SENATE BILL 928 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 928** at this time on its second reading:

SB 928, Relating to the abolition of the equine incentive program.

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 928 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 928** 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)**COMMITTEE SUBSTITUTE
SENATE BILL 359 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 359** at this time on its second reading:

CSSB 359, Relating to the authority of a peace officer to apprehend a person for emergency detention and the authority of certain facilities to temporarily detain a person with mental illness.

The motion prevailed.

Senators Burton, Huffines, and Kolkhorst 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, Huffines, Kolkhorst.

**COMMITTEE SUBSTITUTE
SENATE BILL 359 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 359** 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, Hall, Hancock, Hinojosa, Huffman, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Huffines, Kolkhorst.

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

SENATE BILL 901 ON SECOND READING

Senator Eltife moved to suspend the regular order of business to take up for consideration **SB 901** at this time on its second reading:

SB 901, Relating to the amount of temporary income benefits to which an injured employee is entitled under the workers' compensation system.

The motion prevailed.

Senator Nichols 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: Nichols.

SENATE BILL 901 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 **SB 901** be placed on its third reading and final passage.

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

Nays: Nichols.

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

SENATE BILL 55 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 55** at this time on its second reading:

SB 55, Relating to the creation of a grant program to support community mental health programs for veterans with mental illness.

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.

(Senator Eltife in Chair)

SENATE BILL 55 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 **SB 55** 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 790 ON SECOND READING

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 790** at this time on its second reading:

SB 790, Relating to the procedures applicable to the revocation of a person's release on parole or to mandatory supervision.

The bill was read second time.

(President in Chair)

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 790** (senate committee report page 33-40) in Section 1 of the bill, by striking added subdivisions 508.254(d)(1), Government Code, and substituting the following:

"(1) the person is arrested or held in custody only on a charge that the person committed an administrative violation of release;"

The amendment to **SB 790** 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.

SB 790 as amended was passed to engrossment without objection.

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

SENATE BILL 790 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 790** 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 195 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 195** at this time on its second reading:

CSSB 195, Relating to prescriptions for certain controlled substances, access to information about those prescriptions, and the duties of prescribers and other entities registered with the Federal Drug Enforcement Administration; authorizing fees; amending provisions subject to a criminal penalty.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 195** (senate committee printing) as follows:

(1) Strike the recital to SECTION 2 of the bill (page 1, lines 38-40) and substitute the following:

SECTION 2. Section 481.002, Health and Safety Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended by amending Subdivisions (4) and (45) and adding Subdivision (56) to read as follows:

(2) In SECTION 2 of the bill, redesignate proposed Section 481.002(55), Health and Safety Code (page 1, line 55), as Section 481.002(56), Health and Safety Code.

(3) Strike the recital to SECTION 7 of the bill (page 2, lines 26-27) and substitute the following:

SECTION 7. Section 481.068, Health and Safety Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(4) In SECTION 7 of the bill, strike amended Section 481.068(b), Health and Safety Code (page 2, lines 36-45), and substitute the following:

(b) Except as provided by Sections 481.074 and 481.075, a practitioner engaged in authorized medical practice or research may not be required to furnish the name or identity of a patient or research subject to the board [~~department~~], the Department of State Health Services, or any other agency, public official, or law enforcement officer. A practitioner may not be compelled in a state or local civil, criminal, administrative, legislative, or other proceeding to furnish the name or identity of an individual that the practitioner is obligated to keep confidential.

(5) Strike SECTION 8 of the bill (page 2, lines 50-67) and substitute the following:

SECTION 8. Section 481.073(a), Health and Safety Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) Only a practitioner defined by Section 481.002(39)(A) and an agent designated in writing by the practitioner in accordance with rules adopted by the board [~~department~~] may communicate a prescription by telephone. A pharmacy that receives a telephonically communicated prescription shall promptly write the prescription and file and retain the prescription in the manner required by this subchapter. A practitioner who designates an agent to communicate prescriptions shall maintain the written designation of the agent in the practitioner's usual place of business and shall make the designation available for inspection by investigators for the Texas Medical Board, the State Board of Dental Examiners, the State Board of Veterinary Medical Examiners, the board, and the department. A practitioner who designates a different agent shall designate that agent in writing and maintain the designation in the same manner in which the practitioner initially designated an agent under this section.

The amendment to **CSSB 195** 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 195 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 195 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 195** 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 481 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **SB 481** at this time on its second reading:

SB 481, Relating to notice and availability of mediation for balance billing by a facility-based physician.

The motion prevailed.

Senators Campbell, Nichols, and Schwertner 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 the following vote: Yeas 28, Nays 3.

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

Nays: Campbell, Nichols, Schwertner.

SENATE BILL 481 ON THIRD READING

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 481** be placed on its third reading and final passage.

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

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

Nays: Campbell, Nichols, Schwertner.

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

SENATE BILL 432 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **SB 432** at this time on its second reading:

SB 432, Relating to continuation of an additional fee for filing civil cases in certain Dallas County courts.

The motion prevailed.

Senator 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: V. Taylor.

SENATE BILL 432 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 432** be placed on its third reading and final passage.

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

Nays: V. Taylor.

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

(Senator Schwertner in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 523 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 523** at this time on its second reading:

CSSB 523, Relating to the sunset review of river authorities.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 523** (Senate Committee Printing) as follows:

(1) In SECTION 2 of the bill, in added Section 8501.0015, Special District Local Laws Code (page 2, line 12), strike "2017" and substitute "2023".

(2) In SECTION 5 of the bill, in added Section 1A, Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933 (page 2, line 53), strike "2017" and substitute "2021".

(3) In SECTION 6 of the bill, in added Section 1A, Chapter 186, Acts of the 50th Legislature, Regular Session, 1947 (page 2, line 67), strike "2019" and substitute "2023".

(4) In SECTION 8 of the bill, in added Section 8504.0021, Special District Local Laws Code (page 3, line 27), strike "2019" and substitute "2021".

(5) In SECTION 10 of the bill, in added Section 1A, Chapter 438, Acts of the 63rd Legislature, Regular Session, 1973 (page 3, line 54), strike "2021" and substitute "2017".

(6) In SECTION 11 of the bill, in added Section 1A, Chapter 279, Acts of the 56th Legislature, Regular Session, 1959 (page 3, line 68), strike "2021" and substitute "2019".

(7) In SECTION 15 of the bill, in added Section 1A, Chapter 426, Acts of the 45th Legislature, Regular Session, 1937 (page 4, line 55), strike "2023" and substitute "2021".

(8) In SECTION 16 of the bill, in amended Section 1A(a), Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985 (page 5, line 1), strike "2023" and substitute "2017".

(9) In SECTION 17 of the bill, in added Section 1A, Chapter 518, Acts of the 54th Legislature, Regular Session, 1955 (page 5, line 17), strike "2023" and substitute "2021".

(10) In SECTION 18 of the bill, in added Section 1A, Chapter 126, General Laws, Acts of the 44th Legislature, Regular Session, 1935 (page 5, line 31), strike "2021" and substitute "2017".

(11) In SECTION 19 of the bill, in added Section 1A, Chapter 5, page 1062, Special Laws, Acts of the 46th Legislature, Regular Session, 1939 (page 5, line 45), strike "2021" and substitute "2019".

The amendment to **CSSB 523** was read and was adopted without objection.

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

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

CSSB 523 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 523 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 523** 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 L. Taylor in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 694 ON SECOND READING

On motion of Senator Bettencourt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 694** at this time on its second reading:

CSSB 694, Relating to authorizing patients with certain terminal illnesses to access certain investigational drugs, biological products, and devices that are in clinical trials.

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 694** by Bettencourt, by adding the following to Section 1 (5) on lines 1-43 to 1-47: the use of available investigational drugs, biological products, and devices is a decision that should be made by the patient with a terminal illness in consultation with the patient's physician to pursue the preservation of their own life and is not a decision to be made by the government; and

The amendment to **CSSB 694** 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 Bettencourt and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 694 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 694 ON THIRD READING

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 694** 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 408 ON SECOND READING

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **SB 408** at this time on its second reading:

SB 408, Relating to consideration of a bidder's principal place of business in awarding certain county contracts.

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

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

Nays: Burton, Creighton, Fraser, Hall, Hancock, Huffines, Kolkhorst, Perry, Schwertner, V. Taylor.

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

SENATE BILL 386 ON SECOND READING

On motion of Senator V. Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 386** at this time on its second reading:

SB 386, Relating to the appointment of school marshals by public junior colleges.

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 386 ON THIRD READING

Senator V. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 386** 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 474 ON SECOND READING**

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **CSSB 474** at this time on its second reading:

CSSB 474, Relating to the recovery of costs and fees in connection with certain eminent domain proceedings.

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

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

Nays: Ellis, Garcia, Menéndez, Rodríguez, Watson, Zaffirini.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 474 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 474** be placed on its third reading and final passage.

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

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

Nays: Ellis, Garcia, Menéndez, Rodríguez, Watson, Zaffirini.

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

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1191 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 1191** at this time on its second reading:

CSSB 1191, Relating to the amount and allocation of the annual constitutional appropriation to certain agencies and institutions of higher education.

The motion prevailed.

Senators Burton, Campbell, 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, V. Taylor.

**COMMITTEE SUBSTITUTE
SENATE BILL 1191 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 1191** be placed on its third reading and final passage.

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

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

Nays: Burton, Campbell, V. Taylor.

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 12 ON SECOND READING**

Senator Uresti moved to suspend the regular order of business to take up for consideration **CSSB 12** at this time on its second reading:

CSSB 12, Relating to alternative fuel fleets of certain governmental entities, including funding for motor vehicles, infrastructure, and equipment.

The motion prevailed.

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

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

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 12** (senate committee printing) as follows:

(1) Strike SECTION 2 of the bill, adding proposed Subchapter R, Chapter 403, Government Code (page 2, line 2, through page 4, line 24), and substitute the following appropriately numbered SECTION:

SECTION __. Subtitle C, Title 5, Health and Safety Code, is amended by adding Chapter 395 to read as follows:

CHAPTER 395. GOVERNMENTAL ALTERNATIVE FUEL FLEET GRANT PROGRAM

Sec. 395.001. DEFINITIONS. In this chapter:

(1) "Alternative fuel" means compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen fuel cells, or electricity, including electricity to power fully electric vehicles and plug-in hybrid motor vehicles.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Incremental cost" means the cost of a motor vehicle or the cost of purchasing or installing refueling infrastructure and equipment less a baseline cost that would otherwise be incurred by a grant recipient in the normal course of business. Incremental costs may include added lease or fuel costs as well as additional capital costs.

(4) "Motor vehicle" means a self-propelled device designed for transporting persons or property on a public highway that is required to be registered under Chapter 502, Transportation Code.

(5) "Program" means the governmental alternative fuel fleet grant program established under this chapter.

(6) "State agency" has the meaning assigned by Section 2151.002, Government Code.

Sec. 395.002. PROGRAM. (a) The commission shall establish and administer a governmental alternative fuel fleet grant program to assist an eligible state agency, county, or municipality in complying with Section 2158.0051, Government Code, through the purchase or lease of new motor vehicles that operate primarily on an alternative fuel.

(b) The program is funded under the Texas emissions reduction plan established under Chapter 386.

(c) The program may provide a grant to a state agency, county, or municipality to:

(1) purchase or lease a new motor vehicle described by Section 395.004; or

(2) purchase and install refueling infrastructure and equipment described by Section 395.005 to store and dispense alternative fuel needed for a motor vehicle described by Subdivision (1).

Sec. 395.003. ELIGIBLE APPLICANTS. (a) A state agency, county, or municipality is eligible to apply for a grant under this program if the entity operates a fleet of more than 15 motor vehicles, excluding motor vehicles that are owned and operated by a private company or other third party under a contract with the entity.

(b) A transit or school transportation provider or other similar entity established to provide public or school transportation services is eligible for a grant under this program.

Sec. 395.004. MOTOR VEHICLE REQUIREMENTS. (a) A grant recipient may purchase or lease with money from a grant under the program a new motor vehicle that:

(1) is originally manufactured to operate using one or more alternative fuels or is converted to operate using one or more alternative fuels before the first retail sale of the vehicle; and

(2) has a dedicated system, dual-fuel system, or bi-fuel system with a range of at least 125 miles when operating on the alternative fuel without refueling, as published by the United States Environmental Protection Agency.

(b) A grant recipient may not use money from a grant under the program to replace a motor vehicle, transit bus, or school bus that operates on an alternative fuel unless the replacement vehicle produces fewer emissions and has greater fuel efficiency than the vehicle being replaced.

Sec. 395.005. REFUELING INFRASTRUCTURE AND EQUIPMENT REQUIREMENTS. A grant recipient may purchase or install refueling infrastructure or equipment with money from a grant under the program if:

(1) the purchase or installation is made in conjunction with the purchase or lease of a motor vehicle as described by Section 395.004;

(2) the grant recipient demonstrates that a refueling station that meets the needs of the recipient is not available within 30 miles of the location at which the recipient's vehicles are stored or primarily used; and

(3) the refueling infrastructure or equipment will be owned and operated by the grant recipient.

Sec. 395.006. ELIGIBLE COSTS. (a) A motor vehicle lease agreement paid for with money from a grant under the program must have a term of at least three years.

(b) Refueling infrastructure or equipment purchased or installed with money from a grant under the program must be used specifically to store or dispense alternative fuel, as determined by the commission.

Sec. 395.007. GRANT AMOUNTS. (a) The commission may establish standardized grant amounts based on the incremental costs associated with the purchase or lease of different categories of motor vehicles, including the type of fuel used, vehicle class, and other categories the commission considers appropriate.

(b) In determining the incremental costs and setting the standardized grant amounts, the commission may consider the difference in cost between a new motor vehicle operated using conventional gasoline or diesel fuel and a new motor vehicle operated using alternative fuel.

(c) The amount of a grant for the purchase or lease of a motor vehicle may not exceed the amount of the incremental cost of the purchase or lease.

(d) The commission may establish grant amounts to reimburse the full cost of the purchase and installation of refueling infrastructure or equipment or may establish criteria for reimbursing a percentage of the cost.

(e) A grant under the program may be combined with funding from other sources, including other grant programs, except that a grant may not be combined with other funding or grants from the Texas emissions reduction plan. When combined with other funding sources, a grant may not exceed the total cost to the grant recipient.

Sec. 395.008. AVAILABILITY OF EMISSIONS REDUCTION CREDITS. (a) A purchase, lease, or installation that uses money from a grant under the program may not be used for credit under a state or federal emissions reduction credit averaging, banking, or trading program.

(b) An emissions reduction generated by a purchase or lease under this chapter:
(1) may not be used as a marketable emissions reduction credit; and
(2) may be used to demonstrate conformity with the state implementation plan.

(c) A project involving a new emissions reduction measure that would otherwise generate marketable credits under a state or federal emissions reduction credit averaging, banking, or trading program is not eligible for funding under the program unless:

(1) the project includes the transfer of the reductions that would otherwise be marketable credits to the state implementation plan; and
(2) the reductions are permanently retired.

Sec. 395.009. USE OF GRANT MONEY BY COUNTY OR MUNICIPALITY. A county or municipality shall prioritize the actions listed in Sections 2158.0051(b)(1)-(4), Government Code, when using money from a grant under the program.

Sec. 395.010. GRANT PROCEDURES AND CRITERIA. (a) The commission shall establish specific criteria and procedures in order to implement and administer the program, including the creation and provision of application forms and guidance on the application process.

(b) The commission shall award a grant through a contract between the commission and the grant recipient.

(c) The commission may limit funding for a particular period according to priorities established by the commission, including limiting the availability of grants to specific entities, geographic areas, or types of vehicles and infrastructure.

(d) In determining priorities for funding under the program, the commission shall consider:

(1) the effectiveness of a proposed project in assisting an applicant in complying with Section 2158.0051, Government Code;

(2) the total amount of the emissions reduction that would be achieved from the project;

(3) the type and number of vehicles purchased, leased, or converted;

(4) the location of the fleet and the refueling infrastructure or equipment;

(5) the number of vehicles served and the rate at which vehicles are served by the refueling infrastructure or equipment;

- (6) the amount of any matching funds committed by the applicant; and
- (7) the schedule for project completion.

Sec. 395.011. FUNDING. The legislature may appropriate money to the commission from the Texas emissions reduction plan fund established under Section 386.251 to administer the program.

Sec. 395.012. EXPIRATION. This chapter expires August 31, 2025.

(2) In SECTION 3 of the bill, in amended Section 386.051(b), Health and Safety Code (page 4, lines 66 and 67), strike "Subchapter R, Chapter 403, Government Code" and substitute "Chapter 395".

(3) In SECTION 4 of the bill, in added Section 386.252(i), Health and Safety Code (page 5, line 2), strike "comptroller" and substitute "commission".

(4) In SECTION 4 of the bill, in added Section 386.252(i), Health and Safety Code (page 5, lines 4 and 5), strike "Subchapter R, Chapter 403, Government Code, except that the comptroller" and substitute "Chapter 395, except that the commission".

(5) Renumber the sections of the bill appropriately.

The amendment to **CSSB 12** was read.

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

Floor Amendment No. 2

Amend Floor Amendment No. 1 by Fraser to **CSSB 12** (senate committee printing) as follows:

(1) Add the following appropriately numbered item to the amendment:

() In SECTION 1 of the bill, immediately following added Section 2158.0051, Government Code (page 2, between lines 1 and 2), insert the following:

(c) Subsection (a)(1) does not apply to law enforcement or emergency vehicles.

(2) On page 2, lines 5-7, strike "complying with Section 2158.0051, Government Code, through the purchase or lease of new motor vehicles that operate primarily on an alternative fuel" and substitute the following:

:

(1) purchasing or leasing new motor vehicles that operate primarily on an alternative fuel; or

(2) converting motor vehicles to operate primarily on an alternative fuel

(3) On page 2, line 13, strike "or".

(4) On page 2, strike lines 14-17 and substitute the following:

(2) convert a motor vehicle to operate primarily on an alternative fuel; or

(3) purchase, lease, or install refueling infrastructure or equipment or procure refueling services as described by Section 395.005 to store and dispense alternative fuel needed for a motor vehicle described by Subdivision (1) or (2).

(5) On page 3, line 3, strike "125" and substitute "75".

(6) On page 3, strike lines 11-23 and substitute the following:

Sec. 395.005. REFUELING INFRASTRUCTURE, EQUIPMENT, AND SERVICES. A grant recipient may purchase, lease, or install refueling infrastructure or equipment or procure refueling services with money from a grant under the program if:

(1) the purchase, lease, installation, or procurement is made in conjunction with the purchase or lease of a motor vehicle as described by Section 395.004 or the conversion of a motor vehicle to operate primarily on an alternative fuel;

(2) the grant recipient demonstrates that a refueling station that meets the needs of the recipient is not available within five miles of the location at which the recipient's vehicles are stored or primarily used; and

(3) for the purchase or installation of refueling infrastructure or equipment, the infrastructure or equipment will be owned and operated by the grant recipient and for the lease of refueling infrastructure or equipment or the procurement of refueling services, a third-party service provider engaged by the grant recipient will provide the infrastructure, equipment, or services.

(7) On page 3, between lines 30 and 31, insert the following:

(c) A lease of or service agreement for refueling infrastructure, equipment, or services paid for with money from a grant under the program must have a term of at least three years.

(8) On page 4, lines 14-15, strike "purchase and installation of refueling infrastructure or equipment" and substitute "purchase, lease, installation, or procurement of refueling infrastructure, equipment, or services".

(9) On page 5, line 26, strike "In determining priorities for funding" and substitute the following:

In awarding grants under the program, the commission shall prioritize projects that:

(1) are proposed by a state agency;

(2) are in or near a nonattainment area;

(3) are in an affected county, as that term is defined by Section 386.001(2);

(4) will produce the greatest emissions reductions; and

(5) will generate the most marketable credits under a state or federal emissions reduction credit averaging, banking, or trading program.

(e) In addition to the requirements under Subsection (d), in awarding grants

(10) On page 6, between lines 10 and 11, insert the following:

(f) The commission may not award more than five percent of the total amount awarded under the program in any fiscal year for purchasing, leasing, installing, or procuring refueling infrastructure, equipment, or services.

(11) On page 6, line 14, between the underscored period and "EXPIRATION.", insert the following:

RULES. The commission may adopt rules as necessary to implement this subchapter.

Sec. 395.013. REPORT REQUIRED. On or before November 1 of each even-numbered year, the commission shall submit to the governor, the lieutenant governor, and members of the legislature a report that includes the following information regarding awards made under the program during the preceding state fiscal biennium:

(1) the number of grants awarded under the program;

(2) the recipient of each grant awarded;

(3) the number of vehicles converted or replaced;

(4) the number, type, and location of any refueling infrastructure, equipment, or services funded under the program;

- (5) the total emissions reductions achieved under the program; and
(6) any other information the commission considers relevant.

Sec. 395.014.

(12) On page 6, lines 19-25, strike items (3) and (4) of the amendment and substitute the following appropriately numbered item:

() Strike SECTION 4 of the bill.

(13) Renumber the items of the amendment appropriately.

The amendment to Floor Amendment No. 1 to **CSSB 12** 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: V. Taylor, Watson.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 12**, the amendment as amended was adopted by a viva voce vote.

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

Nays: Watson.

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

CSSB 12 as amended was passed to engrossment by a viva voce vote.

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

Nays: Burton, Hall, L. Taylor, Watson.

Present-not voting: Kolkhorst.

COMMITTEE SUBSTITUTE SENATE BILL 12 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 12** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4, Present-not voting 1.

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

Nays: Burton, Hall, L. Taylor, Watson.

Present-not voting: Kolkhorst.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4, Present-not voting 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 911 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 911** at this time on its second reading:

CSSB 911, Relating to the eligibility for grants for natural gas fueling stations under the Texas natural gas vehicle grant program.

The motion prevailed.

Senators Burton, 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, Hall, Huffines, V. Taylor.

**COMMITTEE SUBSTITUTE
SENATE BILL 911 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 911** be placed on its third reading and final passage.

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

Yeas: Bettencourt, Birdwell, 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: Burton, Hall, Huffines, V. Taylor.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1339 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 1339** at this time on its second reading:

CSSB 1339, Relating to the perfection and priority of an agricultural lien on an agricultural crop.

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 1339 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 1339** 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.

AT EASE

The President at 2:15 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 2:30 p.m. called the Senate to order as In Legislative Session.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, April 9, 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 99 Paul
In memory of David Michael Braun of Nassau Bay.

HCR 103 Simmons
Recognizing April as Autism Awareness Month in Texas.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 449 ON SECOND READING**

On motion of Senator Bettencourt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 449** at this time on its second reading:

CSSB 449, Relating to titling and registration of an autocycle.

The bill was read second time.

Senator Garcia offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 449** (Committee Printing) by adding the following appropriately numbered SECTIONS to the bill and by renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 521.084, Transportation Code, is amended to read as follows:

Sec. 521.084. CLASS M LICENSE. A Class M driver's license authorizes the holder of the license to operate a motorcycle or moped as defined by Section 541.201.

SECTION _____. Section 521.085(b), Transportation Code, is amended to read as follows:

(b) Subsection (a) does not prohibit a license holder from operating a lesser type of vehicle that is a motorcycle described by Section 521.001(a)(6-a), or an autocycle as defined by Section 501.008.

SECTION _____. Section 545.416, Transportation Code, is amended by adding Subsection (f) to read as follows:

(f) For purposes of Subsections (c) and (d), an autocycle as defined by Section 501.008 is considered to be a motorcycle.

SECTION _____. Section 547.617, Transportation Code, is amended to read as follows:

Sec. 547.617. MOTORCYCLE FOOTRESTS AND HANDHOLDS REQUIRED. (a) A motorcycle that is designed to carry more than one person must be equipped with footrests and handholds for use by the passenger.

(b) This section does not apply to an autocycle as defined by Section 501.008, or a motorcycle as defined by Section 521.001(a)(6-a).

SECTION _____. Chapter 661, Transportation Code, is amended by adding Section 661.0015 to read as follows:

Sec. 661.0015. PROTECTIVE HEADGEAR FOR AUTOCYCLE. (a) In this section, "autocycle" means a motor vehicle, other than a tractor, that is:

(1) designed to have when propelled not more than three wheels on the ground;

(2) equipped with a steering wheel;

(3) equipped with seating that does not require the operator to straddle or sit astride the seat; and

(4) manufactured and certified to comply with federal safety requirements for a motorcycle.

(b) For purposes of this chapter, an autocycle is considered to be a motorcycle.

The amendment to **CSSB 449** 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 Bettencourt and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 449 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 449 ON THIRD READING**

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 449** 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 1132 ON SECOND READING

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1132** at this time on its second reading:

SB 1132, Relating to the protection and use of certain products, information, and technology of the Parks and Wildlife Department.

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 1132 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 1132** 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 1466 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1466** at this time on its second reading:

CSSB 1466, Relating to the definition of medical schools for medical residency programs.

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 1466 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 1466** 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 776 ON SECOND READING**

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 776** at this time on its second reading:

CSSB 776, Relating to the operations of a municipally owned utility or municipal power agency; affecting a provision that is subject to criminal penalties; providing authority to issue bonds.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 776** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 37.051(g), Utilities Code (page 1, lines 32-33), strike "the municipally owned utility's certificated service area,".

(2) In SECTION 1 of the bill, in added Section 37.051(g), Utilities Code (page 1, lines 35-36), strike "are the certificated service areas" and substitute "consist of the municipal boundaries".

The amendment to **CSSB 776** 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 Fraser and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 776 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 776 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 776** 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 9 ON SECOND READING**

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSSB 9** at this time on its second reading:

CSSB 9, Relating to the constitutional limit on the rate of growth of appropriations.

The motion prevailed by the following vote: Yeas 19, Nays 12.

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

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

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 9** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike proposed Section 316.001(b), Government Code (page 1, lines 40-48), and substitute the following:

(b) The rate of growth of appropriations in a state fiscal biennium from state tax revenues not dedicated by the constitution may not exceed the estimated rate of growth of the state's economy.

(c) The rate of growth of consolidated general revenue appropriations in a state fiscal biennium may not exceed the estimated rate of growth of the state's economy.

(d) For purposes of this subchapter, the estimated rate of growth of the state's economy is the average biennial rate of growth of this state's population during the state fiscal biennium preceding the biennium for which appropriations are made and during the state fiscal biennium for which appropriations are made adjusted by the average biennial rate of monetary inflation in this state during the same period, as determined under Section 316.002.

(e) The legislature finds that, for purposes of Section 22, Article VIII, Texas Constitution, the average biennial rate of growth of this state's population during the state fiscal biennium preceding the biennium for which appropriations are made and during the state fiscal biennium for which appropriations are made, adjusted by the average biennial rate of monetary inflation in this state during the same period is an appropriate measure of the estimated rate of growth of this state's economy.

(2) In SECTION 1 of the bill, in proposed Section 316.001(c), Government Code (page 1, line 49), strike "(c)" and substitute "(f)".

(3) In SECTION 1 of the bill, in proposed Section 316.001(c), Government Code (page 1, line 52), strike "(b)" and substitute "(b) or (c)".

(4) In SECTION 1 of the bill, in proposed Section 316.001(d), Government Code (page 1, line 53), strike "(d)" and substitute "(g)".

(5) In SECTION 1 of the bill, in proposed Section 316.001(d), Government Code (page 1, line 54), strike "Subsection (b)" and substitute "Subsection (d)".

(6) In SECTION 1 of the bill, in amended Section 316.002(a), Government Code, strike page 1, line 60, and page 2, line 1, and substitute the following: 322.008(c), the board shall establish:

(1) the limit on the rate of growth of appropriations of state tax revenues not dedicated by the constitution for that state fiscal biennium, as compared to the previous state fiscal biennium, by subtracting one from the product of:

(A) the sum of one and the estimated average biennial rate of growth of this state's population during the state fiscal biennium preceding the biennium for which appropriations are made and during the state fiscal biennium for which appropriations are made; and

(B) the sum of one and the estimated average biennial rate of monetary inflation during the state fiscal biennium preceding the biennium for which appropriations are made and during the state fiscal biennium for which appropriations are made; and

(2) the limit in the rate of growth in consolidated

(7) In SECTION 1 of the bill, in amended Section 316.002(a), Government Code (page 2, line 5), strike "(1)" and substitute "(A)".

(8) In SECTION 1 of the bill, in amended Section 316.002(a), Government Code (page 2, line 10), strike "(2)" and substitute "(B)".

(9) In SECTION 1 of the bill, in amended Section 316.002(b), Government Code (page 2, line 24), between "of" and "consolidated" insert the following:

⋮

(1) appropriations of state tax revenues not dedicated by the constitution by multiplying the amount of appropriations of state tax revenues not dedicated by the constitution for the then-current state fiscal biennium by the sum of one and the limit on the rate of growth of appropriations of state tax revenues not dedicated by the constitution determined by the board under Subsection (a)(1); and

(2)

(10) In SECTION 1 of the bill, in amended Section 316.002(b), Government Code (page 2, line 28), strike "Subsection (a)" and substitute "Subsection (a)(2)".

(11) In SECTION 1 of the bill, in amended Section 316.002(c), Government Code (page 2, line 36), between "(c)" and "If", insert the following:

If the rate determined under Subsection (a)(1) is a negative number, the amount of appropriations of state tax revenues not dedicated by the constitution for the next state fiscal biennium may not exceed the amount of appropriations of state tax revenues not dedicated by the constitution in the current state fiscal biennium.

(12) In SECTION 1 of the bill, in amended Section 316.002(c), Government Code (page 2, line 36), strike "Subsection (a)" and substitute "Subsection (a)(2)".

(13) In SECTION 1 of the bill, in amended Section 316.002(d), Government Code (page 2, line 45), between "with" and "Section", insert "this subchapter and".

(14) In SECTION 1 of the bill, in amended Section 316.002(d), Government Code, on page 2, strike lines 50-51 and substitute the following:
until the board adopts:

(1) the limit on the rate of growth of appropriations of state tax revenues not dedicated by the constitution under Section 316.001(b); and

(2) the limit on the rate of growth of consolidated general revenue appropriations under Section 316.001(c) [has been adopted as required by this subchapter].

(15) In SECTION 1 of the bill, strike amended Section 316.002(e), Government Code (page 2, lines 52-63), and substitute the following:

(e) In the absence of an action by the Legislative Budget Board to adopt the limits [a spending limit] as provided by this section:

(1) for purposes of Section 316.001(b):

(A) ~~[in Subsections (a) and (b);]~~ the estimated rate of growth in the state's economy from the current fiscal biennium to the next fiscal biennium shall be treated as if it were zero; [7] and

(B) the amount of state tax revenues not dedicated by the constitution that could be appropriated within the limit established by the estimated rate of growth in the state's economy shall be the same as the level of appropriations for the current fiscal biennium; and

(2) for purposes of Section 316.001(c):

(A) the estimated rate of growth in the state's economy from the current fiscal biennium to the next fiscal biennium shall be treated as if it were zero; and

(B) the amount of consolidated general revenue appropriations that could be appropriated within the limit established by that subsection shall be the same as the level of appropriations for the current fiscal biennium.

(16) In SECTION 1 of the bill, in amended Section 316.006, Government Code, strike page 2, line 66, through page 3, line 1, and substitute the following: house, the Legislative Budget Board budget recommendations:

(1) relating to the proposed appropriations of state tax revenues not dedicated by the constitution may not exceed the limit on appropriations from those sources adopted by the committee under Section 316.005; and

(2) relating to the proposed consolidated general revenue appropriations may not exceed the limit on appropriations from those sources adopted by the committee under Section 316.005.

(17) In SECTION 2 of the bill, strike amended Section 316.007(a), Government Code (page 3, lines 4-7), and substitute the following:

(a) The Legislative Budget Board shall include in its budget recommendations:

(1) the proposed limit of appropriations from state tax revenues not dedicated by the constitution; and

(2) the proposed limit of consolidated general revenue appropriations.

(18) In SECTION 3 of the bill, in amended Section 316.008(a), Government Code, on page 3, strike lines 12-16 and substitute the following:

Constitution, raising the proposed limit on appropriations from state tax revenues not dedicated by the constitution, the proposed limit is binding on the legislature with respect to all appropriations for the next fiscal biennium made from those ~~[state tax]~~ revenues ~~[not dedicated by the constitution]~~. The proposed limit on consolidated general revenue appropriations is binding on the legislature with respect to all appropriations for the next fiscal biennium made from those sources unless the legislature adopts a resolution raising the proposed limit that is approved by a record vote of three-fifths of the members of each house of the legislature. The resolution must find that an emergency exists, identify the nature of the emergency, and specify the amount authorized. The excess authorized under this subsection may not exceed the amount specified in the resolution.

(19) Strike SECTION 5 of the bill (page 3, lines 25-29) and substitute the following:

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

The amendment to **CSSB 9** was read and was adopted by the following vote: Yeas 19, Nays 12.

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

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

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 9** (committee printing) on page 1, line 56 by inserting between the words "Dallas" and "and" the words, ", Bureau of Labor and Statistics' Consumer Price Index,".

The amendment to **CSSB 9** was read and was adopted by the following vote: Yeas 19, Nays 12.

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

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

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

CSSB 9 as amended was passed to engrossment by the following vote: Yeas 19, Nays 12. (Same as previous roll call)

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 3:30 p.m. adjourned until 3:35 p.m. today.

