

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-FOURTH DAY

(Thursday, April 30, 2015)

The Senate met at 10:00 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.

Senator Estes offered the invocation as follows:

As we pray today, let me remind you of the words of Jesus of Nazareth: Why are you trying to trap me, bring me a denarius and let me look at it. They brought him the coin and he looked at it. Whose portrait is this and whose inscription? Caesar's, they replied. Then Jesus looked at them and said, Give to Caesar what is Caesar's and to God what is God's. Let us pray. Lord, as we come together in these waning days of this session, please burn within our hearts the reality that there are things of government and things of God. Lord, please help us to not confuse the two, but help us to give our diligence, our time, and our intelligence to both, so that the people of Texas may be blessed. 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

Thursday, April 30, 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 32 Bonnen, Dennis

Relating to the computation and rates of the franchise tax; decreasing tax rates; amending provisions subject to a criminal penalty.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Birdwell was recognized and presented Dr. Lesca Hadley of Cleburne as the Physician of the Day.

The Senate welcomed Dr. Hadley, accompanied by Shiv Agarwal and Blair Cushing, and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

April 29, 2015
Austin, Texas

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

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

To be members of the Texas State University System Board of Regents for terms to expire February 1, 2021:

James "David" Montagne
Beaumont, Texas

(Mr. Montagne is being reappointed)

Veronica Ann Muzquiz Edwards
San Antonio, Texas

(replacing Kevin Lilly of Houston whose term expired)

Alan Lee Tinsley
Madisonville, Texas

(replacing Ronald Mitchell of Horseshoe Bay whose term expired)

To be members of the Texas Funeral Service Commission for terms to expire February 1, 2021:

Larry M. Allen
Mesquite, Texas

(replacing Sue Evenwel of Mount Pleasant whose term expired)

Gregory D. Compean
Richmond, Texas

(replacing Elwynn "Gene" Allen of Kerrville whose term expired)

To be members of the Texas Private Security Board for terms to expire February 1, 2021:

Patricia James
Houston, Texas

(replacing John Chism of Irving whose term expired)

Claude Siems
Houston, Texas

(replacing Brian England of Forney whose term expired)

Respectfully submitted,

/s/Greg Abbott
Governor

SENATE RESOLUTION 656

Senator Rodríguez offered the following resolution:

SR 656, Recognizing the Dark Skies of Texas at Big Bend Ranch State Park.

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 Rodríguez was recognized and introduced to the Senate a Dark Skies of Texas at Big Bend Ranch State Park delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate an Austin Downtown Founder Lions Club delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate delegations from Batesville Elementary School and San Vicente Elementary School.

The Senate welcomed its guests.

BILLS AND RESOLUTION SIGNED

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

SB 149, SB 835, SCR 17.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

CONCLUSION OF MORNING CALL

The President at 10:30 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 778 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 778** at this time on its second reading:

CSSB 778, Relating to performance-based tuition limitations for certain public institutions of higher education.

The motion prevailed.

Senators Burton and Ellis 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 778** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, on page 2, lines 22 through 60, strike added Sections 54.05131(d), (e), (f), and (g), Education Code, and substitute the following:

(d) The coordinating board in consultation with the Legislative Budget Board shall determine whether an institution has achieved the applicable target levels for purposes of Subsections (f) and (g). Using the negotiated rulemaking procedures under Chapter 2008, Government Code, the coordinating board by rule shall establish the process by which an institution's achievement on a performance measure is submitted to and verified by the coordinating board.

(e) The coordinating board shall notify the governing board of an institution as soon as practicable after the coordinating board determines that Subsection (f) or (g) applies to the tuition charged by the institution for an academic year and of the limitation prescribed by the applicable subsection on the amount of tuition that may be charged by the institution for that academic year.

(f) This subsection applies to tuition charged for an academic year by an institution to which this section applies only if the institution did not achieve, in the most recent state fiscal year preceding that academic year for which information is available, a majority of the target levels assigned to the performance measures included in the General Appropriations Act as applicable to the institution for that state fiscal year. For an academic year in which this subsection applies to the tuition charged by an institution, unless the institution has been granted an exception under Subsection (j) for that year, the amount of tuition the governing board of the institution charges under Section 54.0513 to a student for that academic year may not

exceed the total amount of tuition that the governing board would have charged under that section to a similarly situated student in the preceding academic year, as that amount is adjusted for each academic year for inflation as determined under Subsection (i). The governing board may not increase the amount of tuition charged under this subsection to a student more than once in any academic year.

(g) This subsection applies to tuition charged for an academic year by an institution to which this section applies only if the institution achieved, in the most recent state fiscal year preceding that academic year for which information is available, a majority of the target levels assigned to the performance measures included in the General Appropriations Act as applicable to the institution for that state fiscal year. For an academic year in which this subsection applies to the tuition charged by an institution, the amount of tuition the governing board of the institution charges under Section 54.0513 to a student for that academic year may not exceed by more than five percent the total amount of tuition that the governing board would have charged under that section to a similarly situated student in the preceding academic year, as that amount is adjusted for each academic year for inflation as determined under Subsection (i). The governing board may not increase the amount of tuition charged under this subsection to a student more than once in any academic year.

(h) For purposes of this section:

(1) an institution is considered to have achieved a target level assigned to a performance measure if the institution has achieved at least 98 percent of the target level; and

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

(2) In SECTION 1 of the bill, in added Section 54.05131(h), Education Code (page 2, line 61), strike "(h)" and substitute "(i)".

(3) In SECTION 1 of the bill, in added Section 54.05131(i), Education Code (page 3, line 2), strike "(i)" and substitute "(j)".

(4) In SECTION 1 of the bill, in added Section 54.05131(i), Education Code (page 3, line 4), strike "this section" and substitute "Subsection (f)".

(5) In SECTION 1 of the bill, in added Section 54.05131(i), Education Code (page 3, line 5), strike "this section" and substitute "that subsection".

(6) In SECTION 1 of the bill, following the period at the end of added Section 54.05131(i), Education Code (page 3, line 8), add the following: "Subsection (g) applies to an institution that is granted an exception under this subsection."

The amendment to **CSSB 778** was read.

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

Floor Amendment No. 2

Amend Floor Amendment No. 1 by Seliger to **CSSB 778**, on page 2, line 21, by striking "five" and substituting "three".

The amendment to Floor Amendment No. 1 to **CSSB 778** was read and was adopted without objection.

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

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 778**, the amendment as amended was adopted without objection.

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

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 778** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, strike added Section 322.025(b), Government Code (page 3, lines 19-30), and substitute the following:

(b) The governing board of each institution of higher education to which Section 54.05131, Education Code, applies shall submit to the board, as part of the institution's legislative appropriations request for the general appropriations bill prepared by the board under Section 322.008, a target level for each performance measure applicable to the institution for each of the state fiscal years covered by the bill. The target levels submitted by an institution under this subsection must be established by the institution's governing board in consultation with the institution's president and provosts and with the institution's system administration, if the institution is a component institution of a university system. In establishing the target levels, the institution's governing board shall consider the Texas Higher Education Coordinating Board's standards under Subsection (c).

(c) The Texas Higher Education Coordinating Board, using the negotiated rulemaking procedures under Chapter 2008, by rule shall develop standards to be considered by the governing board of an institution of higher education in establishing the institution's target levels for performance measures under Subsection (b). In developing the standards, the negotiating committee established for purposes of this subsection and the coordinating board shall consider institutional improvement on target levels. The coordinating board shall reconvene the negotiating committee to assist the coordinating board whenever the coordinating board modifies or updates the standards.

(2) In SECTION 2 of the bill, in added Section 322.025(c), Government Code (page 3, line 31), strike "(c)" and substitute "(d)".

The amendment to **CSSB 778** was read.

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

Floor Amendment No. 4

Amend Floor Amendment No. 3 to **CSSB 778** on page 1, line 18, between "governing board" and "the Texas", by striking "shall consider" and substituting "shall adhere to".

The amendment to Floor Amendment No. 3 to **CSSB 778** was read and was adopted without objection.

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

Question recurring on the adoption of Floor Amendment No. 3 to **CSSB 778**, the amendment as amended was adopted without objection.

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

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 778** (senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill, on page 1, line 23, strike "adding Section 54.05131" and substitute "adding Sections 54.05131 and 54.05132".

(2) At the end of SECTION 1 of the bill, immediately following added Section 54.05131, Education Code (page 3, between lines 8 and 9), add the following:

Sec. 54.05132. TEMPORARY LIMITATION ON TOTAL AMOUNT OF TUITION. (a) In this section:

(1) "General academic teaching institution" and "public state college" have the meanings assigned by Section 61.003.

(2) "Tuition" includes:

(A) tuition for which the rates are prescribed by this chapter; and

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

(b) Notwithstanding Section 54.0513, the total amount of tuition charged by a general academic teaching institution other than a public state college to a student for the 2016-2017 or 2017-2018 academic year may not exceed by more than one percent the total amount of tuition that the institution would have charged under this chapter to a similarly situated student for the preceding academic year, as that amount is adjusted for each academic year for inflation as determined under Subsection (c). For purposes of this subsection, students are similarly situated if they share the same residency status, degree program, course load, course level, tuition exemption status, and other circumstances affecting the tuition charged to the student. This subsection does not ensure that the total amount of tuition charged to an individual student does not increase based on a change in the student's residency status, degree program, course load, course level, tuition exemption status, or other circumstance affecting the tuition charged to the student.

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

(d) This section expires September 1, 2018.

(3) In SECTION 3 of the bill, on page 3, lines 41-44, strike "Tuition charged by an institution for an academic year before that academic year is covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose."

SCHWERTNER
WEST

The amendment to **CSSB 778** was read and was adopted without objection.

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

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 778** (Senate Committee Printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 56.310, Education Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding any other law, the amount appropriated for the TEXAS grant program under this subchapter for a state fiscal biennium may not exceed the amount appropriated for the program in the preceding state fiscal biennium, as that amount is adjusted for inflation. Not later than January 31 of each odd-numbered year, or as soon thereafter as practicable, the Legislative Budget Board shall publish and certify to the legislature the inflation rate to be used for purposes of this subsection for the next state fiscal biennium. The inflation rate is the percentage increase, if any, as expressed in decimal form rounded to the nearest thousandth of one percent, in the consumer price index, as defined by Section 341.201, Finance Code, for the preceding state fiscal biennium as compared to the consumer price index for the biennium preceding that biennium.

SECTION _____. Section 56.310(d), Education Code, as added by this Act, applies beginning with appropriations for the TEXAS grant program under Subchapter M, Chapter 56, Education Code, for the state fiscal biennium ending August 31, 2019.

The amendment to **CSSB 778** was read.

On motion of Senator Seliger, Floor Amendment No. 6 was tabled by the following vote: Yeas 19, Nays 12.

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

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

(Senator Eltife in Chair)

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSSB 778** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter B, Chapter 54, Education Code, is amended by adding Section 54.0514 to read as follows:

Sec. 54.0514. LIMITATION ON TOTAL AMOUNT OF TUITION. (a) In this section, "tuition" includes:

(1) tuition for which the rates are prescribed by this chapter; and

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

(a-1) This section does not apply to tuition charged by an institution of higher education for an academic period before the 2016-2017 academic year. This subsection expires January 1, 2017.

(b) The total amount of tuition charged by an institution of higher education to a student for an academic year may not exceed the total amount of tuition that the institution would have charged under this chapter to a similarly situated student for the 2015-2016 academic year. For purposes of this subsection, students are similarly situated if they share the same residency status, degree program, course load, course level, tuition exemption status, and other circumstances affecting the tuition charged to students. This subsection does not ensure that the total amount of tuition charged to an individual student does not increase based on a change in the student's residency status, degree program, course load, course level, tuition exemption status, or other circumstance affecting the tuition charged to the student.

SECTION 2. Sections 54.0513(a) and (b), Education Code, are amended to read as follows:

(a) In addition to amounts that a governing board of an institution of higher education is authorized to charge as tuition under the other provisions of this chapter, the governing board~~[, under the terms the governing board considers appropriate,]~~ may charge any student an amount designated as tuition, not to exceed the amount that enables the institution to comply with Section 54.0514, that the governing board considers necessary for the effective operation of the institution.

(b) Subject to the limit provided by Subsection (a) on the amount designated as tuition charged under this section, a [A] governing board may set a different tuition rate under this section for each program and course level offered by each institution of higher education[. A governing board may set a different tuition rate] as the governing board considers appropriate to increase graduation rates, encourage efficient use of facilities, [or] enhance employee performance, or further another legitimate purpose of the institution.

SECTION 3. Sections 54.0515(e) and (f), Education Code, are amended to read as follows:

(e) It is the legislature's intent that each institution of higher education~~[, as a condition to tuition deregulation under Section 54.0513,]~~ reasonably implement the following:

(1) each institution shall make satisfactory progress towards the goals provided in its master plan for higher education and in "Closing the Gaps," the state's master plan for higher education; and

(2) each institution shall meet acceptable performance criteria, including measures such as graduation rates, retention rates, enrollment growth, educational quality, efforts to enhance minority participation, opportunities for financial aid, and affordability.

(f) The committee shall:

(1) meet at the call of either chair;

(2) monitor and regularly report to the legislature on each institution of higher education's compliance with the requirements of Subsection (e); and

(3) receive and review information concerning the affordability and accessibility of higher education~~[-, including the impact of tuition deregulation].~~

SECTION 4. This Act applies beginning with tuition charged by public institutions of higher education for the 2016 fall semester. Tuition charged by an institution of higher education in an academic period before that semester is covered by the law in effect before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect January 1, 2016.

The amendment to **CSSB 778** was read.

On motion of Senator Seliger, Floor Amendment No. 7 was tabled by the following vote: Yeas 16, Nays 15.

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

Nays: Burton, Creighton, Ellis, Garcia, Hinojosa, Huffines, Lucio, Menéndez, Rodríguez, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

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

CSSB 778 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, Ellis.

COMMITTEE SUBSTITUTE SENATE BILL 778 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 778** be placed on its third reading and final passage.

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

Yeas: Bettencourt, Birdwell, Campbell, Creighton, 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.

Nays: Burton, Ellis.

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

REASON FOR VOTE

Senator Burton submitted the following reason for vote on **SB 778**:

I voted against SB 778 because the metrics in the bill, even if complied with, are not sufficiently tailored to justify a rise in tuition for students. I believe measurements of student debt, performance of transfer students, and the availability of courses required to complete degree plans should be key metrics. Additionally, the performance metrics are not measured by a disinterested third party.

BURTON

REMARKS ORDERED PRINTED

On motion of Senator Garcia and by unanimous consent, the remarks regarding **SB 778** were ordered reduced to writing and printed in the *Senate Journal*.

The remarks were printed in an addendum to this day's Journal.

SENATE BILL 1864 ON SECOND READING

On motion of Senator Burton and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1864** at this time on its second reading:

SB 1864, Relating to requiring a peace officer to obtain a warrant to search a cellular telephone or other wireless communications device.

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 1864 ON THIRD READING

Senator Burton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1864** 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 1215 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 1215** at this time on its second reading:

CSSB 1215, Relating to a study of the feasibility and benefits to this state of abolishing the property tax assistance division of the office of the comptroller of public accounts and transferring its powers and duties to an independent agency.

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 1215 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 1215** 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 681 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 681** at this time on its second reading:

CSSB 681, Relating to a bailiff administering the selection of names of persons for jury service in certain counties.

The motion prevailed.

Senator Fraser 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: Fraser.

**COMMITTEE SUBSTITUTE
SENATE BILL 681 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 681** be placed on its third reading and final passage.

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

Nays: Fraser.

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 955 ON SECOND READING**

Senator Schwertner moved to suspend the regular order of business to take up for consideration **CSSB 955** at this time on its second reading:

CSSB 955, Relating to permissible locations of open-enrollment charter schools created by certain institutions of higher education.

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.

COMMITTEE SUBSTITUTE SENATE BILL 955 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 955** 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 740 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 740** at this time on its second reading:

SB 740, Relating to the assessment of court costs and fees on conviction of multiple offenses or on conviction of multiple counts of the same offense.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 740** (senate committee printing) in SECTION 1 of the bill, in added Article 102.073, Code of Criminal Procedure (page 1, between lines 31 and 32), by inserting the following appropriately lettered subsection:

() This article does not apply to a single criminal action alleging only the commission of two or more offenses punishable by fine only for which a citation or notice to appear was issued in accordance with Article 14.06(b) of this code or Section 543.004, Transportation Code, as applicable.

The amendment to **SB 740** 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 West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 740 as amended was passed to engrossment without objection.

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

SENATE BILL 740 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 740** 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 724 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 724** at this time on its second reading:

CSSB 724, Relating to the motor vehicle sales tax applicable to motor vehicles used by transportation companies for certain purposes.

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 724 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 724** 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 1057 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1057** at this time on its second reading:

CSSB 1057, Relating to the provision of funding for indigent defense 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 1057 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1057** 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 1072 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 1072** at this time on its second reading:

SB 1072, Relating to the removal of a precinct or county chair for abandonment of office.

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 1072 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 1072** 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 1059 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1059** at this time on its second reading:

CSSB 1059, Relating to the issuance of certain permits for the movement of oversize or overweight vehicles.

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 1059 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1059** 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 1309 ON SECOND READING

Senator Menéndez moved to suspend the regular order of business to take up for consideration **SB 1309** at this time on its second reading:

SB 1309, Relating to eligibility requirements for issuance of a teaching certificate to an applicant who holds a Junior Reserve Officer Training Corps instructor teaching certification.

The motion prevailed.

Senator 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: Kolkhorst.

SENATE BILL 1309 ON THIRD READING

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1309** be placed on its third reading and final passage.

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

Nays: Kolkhorst.

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 750 ON SECOND READING

On motion of Senator L. Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 750** at this time on its second reading:

CSSB 750, Relating to a report made by the Texas Education Agency regarding the property and casualty insurance costs of school districts and open-enrollment charter schools.

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 750 ON THIRD READING

Senator L. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 750** 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 1148 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1148** at this time on its second reading:

SB 1148, Relating to the functions of the Public Utility Commission of Texas in relation to the economic regulation of water and sewer service.

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 1148 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 1148** 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 1820 ON SECOND READING**

On motion of Senator V. Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1820** at this time on its second reading:

CSSB 1820, Relating to the exemption of certain vehicles from towing regulations.

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 1820 ON THIRD READING**

Senator V. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1820** 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 1434 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 1434** at this time on its second reading:

SB 1434, Relating to counting time spent by students participating in certain approved off-campus instructional programs in calculation of the average daily attendance for a school district or open-enrollment charter school.

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 1434 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 1434** 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 1641 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1641** at this time on its second reading:

CSSB 1641, Relating to the establishment of a pilot program to provide protective services to certain persons determined to be at risk of future harm from abuse, neglect, or exploitation.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1641 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 1641** 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)

**COMMITTEE SUBSTITUTE
SENATE BILL 1108 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 1108** at this time on its second reading:

CSSB 1108, Relating to the creation of regional emergency communication districts; authorizing a fee.

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

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

Nays: Eltife, Hancock, Nichols, Seliger.

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: Eltife, Hancock, Nichols, Seliger.

**COMMITTEE SUBSTITUTE
SENATE BILL 1108 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 **CSSB 1108** be placed on its third reading and final passage.

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

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

Nays: Eltife, Hancock, Nichols, Seliger.

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

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 142 ON SECOND READING**

Senator Garcia moved to suspend the regular order of business to take up for consideration **CSSB 142** at this time on its second reading:

CSSB 142, Relating to the appointment and training of volunteer deputy registrars.

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 142 ON THIRD READING

Senator Garcia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 142** 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 1170 ON SECOND READING

On motion of Senator Garcia and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1170** at this time on its second reading:

CSSB 1170, Relating to excluding certain students from the computation of dropout and completion rates for purposes of public school accountability.

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 1170 ON THIRD READING

Senator Garcia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1170** 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 164 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **SB 164** at this time on its second reading:

SB 164, Relating to a notification requirement if a school counselor is not assigned to a public school campus.

The motion prevailed.

Senators Burton, Hall, Hancock, Huffines, Nelson, Perry, Schwertner, and V. Taylor asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 164** (senate committee report) in SECTION 1 of the bill, in added Section 33.008, Education Code (page 1, between lines 49 and 50), by inserting the following:

(f) A school district that is located in a county with a population of less than 100,000 is not required to provide the notice required by this section.

The amendment to **SB 164** 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 Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 164 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, Hancock, Huffines, Nelson, Perry, Schwertner, V. Taylor.

SENATE BILL 164 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 164** 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, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nichols, Rodríguez, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Nelson, Perry, Schwertner.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 8.

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

Nays: Burton, Hall, Hancock, Huffines, Nelson, Perry, Schwertner, V. Taylor.

SENATE BILL 715 ON SECOND READING

On motion of Senator Hall and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 715** at this time on its second reading:

SB 715, Relating to sworn statements and other documentation provided to support the issuance of a search warrant.

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 715 ON THIRD READING

Senator Hall moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 715** 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 1530 ON SECOND READING**

Senator Burton moved to suspend the regular order of business to take up for consideration **CSSB 1530** at this time on its second reading:

CSSB 1530, Relating to the offense of leaving a motor vehicle unattended.

The motion prevailed.

Senators Campbell and Fraser 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: Campbell, Fraser.

**COMMITTEE SUBSTITUTE
SENATE BILL 1530 ON THIRD READING**

Senator Burton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1530** be placed on its third reading and final passage.

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

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

Nays: Campbell, Fraser.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 183 ON SECOND READING**

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 183** at this time on its second reading:

CSSB 183, Relating to the offenses of the violation of civil rights of and improper sexual activity with individuals in custody; imposing 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 183 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 183** 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 228 ON THIRD READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSSB 228** at this time on its third reading and final passage:

CSSB 228, Relating to an exemption from the sales tax for firearms and hunting supplies for a limited period.

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

Yeas: Bettencourt, Campbell, Creighton, Eltife, Estes, Hall, Hancock, Hinojosa, Huffman, Kolkhorst, Lucio, Nelson, Nichols, Perry, Schwertner, L. Taylor, V. Taylor, Uresti, Watson, Whitmire.

Nays: Birdwell, Burton, Ellis, Fraser, Garcia, Huffines, Menéndez, Rodríguez, Seliger, West, Zaffirini.

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

(Senator Eltife in Chair)

(President in Chair)

ACKNOWLEDGMENT

The President acknowledged the presence of Sun Wei of Shandong Province of the People's Republic of China.

The Senate welcomed its guest.

(Senator Huffman in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 455 ON SECOND READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSSB 455** at this time on its second reading:

CSSB 455, Relating to special three-judge district courts convened to hear certain cases.

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

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

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

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

Senator Hancock submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 5.14 so that we may move the Intent Calendar deadline to 5 p.m. today.

HANCOCK

The Motion In Writing was read and prevailed without objection.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1760 ON SECOND READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSSB 1760** at this time on its second reading:

CSSB 1760, Relating to the transparent and equitable application of ad valorem taxation procedures.

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

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

Nays: Ellis, Garcia, Rodríguez, Watson, West, Whitmire, Zaffirini.

The bill was read second time.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1760** (senate committee printing) as follows:

- (1) Strike the following SECTIONS of the bill:
 - (A) SECTION 2 (page 1, line 59, through page 2, line 6);
 - (B) SECTIONS 4, 5, 6, and 7 (page 2, lines 18-65);

(C) SECTIONS 9, 10, 11, 12, 13, and 14 (page 3, line 8, through page 4, line 48);

(D) SECTION 16 (page 5, lines 17-27);

(E) SECTIONS 19, 20, 21, and 22 (page 5, line 52, through page 6, line 40);

(F) SECTION 24 (page 6, line 48, through page 7, line 9); and

(G) SECTION 29 (page 8, lines 38-39).

(2) In SECTION 25 of the bill, in amended Section 42.43(b), Tax Code (page 7), strike lines 14-19 and substitute the following:

calculated at an annual rate of 9.5 [~~that is equal to the sum of two percent and the most recent prime rate quoted and published by the Federal Reserve Board as of the first day of the month in which the refund is made, but not more than a total of eight~~] percent, calculated from the delinquency date for the taxes until the date the refund is made.

(3) Strike SECTION 30 of the bill (page 8, line 40), and substitute the following appropriately numbered SECTION:

SECTION _____. (a) Except as provided by Subsection (b) of this section, this Act takes effect January 1, 2016.

(b) Section 42.23(i), Tax Code, as added by this Act, takes effect January 1, 2020.

(4) Renumber SECTIONS of the bill accordingly.

The amendment to **CSSB 1760** was read and was adopted by the following vote: Yeas 24, Nays 7.

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

Nays: Ellis, Garcia, Rodríguez, Watson, West, Whitmire, Zaffirini.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1760** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill and cross-references to those SECTIONS accordingly:

SECTION _____. Section 26.05(b), Tax Code, is amended to read as follows:

(b) A taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. The vote on the ordinance, resolution, or order setting a tax rate that exceeds the effective tax rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance, resolution, or order. A motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the effective tax rate must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert

percentage by which the proposed tax rate exceeds the effective tax rate) percent increase in the tax rate." If the ordinance, resolution, or order sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the taxing unit that exceeds the amount of taxes imposed for that purpose in the preceding year, the taxing unit must:

(1) include in the ordinance, resolution, or order in type larger than the type used in any other portion of the document:

(A) the following statement: "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE."; and

(B) if the tax rate exceeds the effective maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE EFFECTIVE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."; and

(2) include on the home page of any Internet website operated by the unit:

(A) the following statement: "(Insert name of unit) ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and

(B) if the tax rate exceeds the effective maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE EFFECTIVE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."

The amendment to **CSSB 1760** was read.

POINT OF ORDER

Senator Ellis raised a point of order that Floor Amendment No. 2 to **CSSB 1760** was not germane to the body of the bill.

POINT OF ORDER RULING

The President stated that the point of order was respectfully overruled.

Question recurring on the adoption of Floor Amendment No. 2 to **CSSB 1760**, the amendment was adopted by the following vote: Yeas 22, Nays 9.

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

Nays: Ellis, Eltife, Garcia, Rodríguez, Seliger, Watson, West, Whitmire, Zaffirini.

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

CSSB 1760 as amended was passed to engrossment by the following vote: Yeas 24, Nays 7.

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

Nays: Ellis, Garcia, Rodríguez, Watson, West, Whitmire, Zaffirini.

**COMMITTEE SUBSTITUTE
SENATE BILL 1760 ON THIRD READING**

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1760** 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, Menéndez, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Zaffirini.

Nays: Ellis, Garcia, Rodríguez, Watson, West, Whitmire.

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

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

Nays: Ellis, Garcia, Rodríguez, Watson, West, Whitmire, Zaffirini.

**COMMITTEE SUBSTITUTE
SENATE BILL 1628 ON THIRD READING**

Senator L. Taylor moved to suspend the regular order of business to take up for consideration **CSSB 1628** at this time on its third reading and final passage:

CSSB 1628, Relating to insurance claims and certain prohibited acts and practices in or in relation to the business of insurance; amending provisions that are or may be subject to a criminal penalty.

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

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

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

The bill was read third time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 1628** on third reading as follows:

(1) In added Section 541.060(c), Insurance Code (SECTION 1 of C.S.S.B. No. 1628, senate committee printing, page 1, line 28), between "claim made under an insurance policy" and "does not constitute", insert "covering real property or improvements to real property".

(2) In amended Section 542.058(b), Insurance Code (Item (3), second reading Floor Amendment No. ___ by Senator Larry Taylor, page 1, line 17), between "dispute" and "as to", insert "in a claim made under an insurance policy covering real property or improvements to real property".

The amendment to **CSSB 1628** was read and was adopted without objection.

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

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

CSSB 1628 as again amended was finally passed by the following vote: Yeas 21, Nays 10.

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

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

REASON FOR VOTE

Senator Ellis submitted the following reason for vote on **CSSB 1628**:

As this bill has moved through the process, we've heard from homeowners, small and large businesses, and even churches, all of whom have grave concerns about this bill. Just like they've said, this bill does nothing to actually lower insurance premiums, but it does create new immunity and loopholes for insurance companies to avoid responsibility.

Through all of the nuances and details of this bill, let's be clear what it does: it offers immunity to those who break the law and denies consumers the ability to hold wrongdoers accountable. It defies logic that we should offer immunity to a whole set of bad actors – no matter how dishonest or unfair they are – simply because they happen to work for an insurance company.

This bill creates loopholes in the consumer protections that we've had in law for decades. These protections strike a balance between the industry and consumers. But suddenly, we're told that unscrupulous lawyers are abusing the system and causing rates to go up, so we've got to strip those protections away.

We keep hearing how lawsuits are driving premium increases even though insurance companies have steadily raised their rates every possible year, well before litigation related to Dolly, Rita, and Ike and the recent hailstorms.

The truth is, insurance industry losses have fluctuated from year to year, but over time they remain fairly steady. The only number that is steadily increasing is premiums paid by policyholders. Consumers see premium increases while insurance companies see profit increases.

I'm glad that Sen. Watson and Sen. Taylor were able to work together to write an amendment to Sen. Taylor's amendment that limits the new bona fide immunity loophole to just property damage. But that doesn't address the fact that Section 1 of the bill creates the same enormous loophole for every type of insurance, allowing companies to abuse the system, call every claim denial a bona fide dispute, and avoid responsibility.

We've seen so many examples of insurance industry abuses, going back to Katrina and Ike and Dolly and Sandy. I can't understand why we'd want to change the laws that have protected consumers from these abuses.

This bill even criminalizes homeowners if they make a mistake during the claim process on their home. The Senate voted down my amendment yesterday that would have held adjusters and insurance company representatives to the same standard.

Why are we going to charge homeowners - who aren't engineers or contractors or insurance experts - with a Class A misdemeanor if they make a mistake but let insurance companies lie about claims and engage in bad faith without the same penalties?

I oppose this bill because it isn't a solution to the problems facing consumers. It would harm homeowners, businesses, schools, and churches and provide no relief to skyrocketing insurance premiums.

ELLIS

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

Senator Hancock submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rule 11.13 so that committees may meet during the reading and referral of bills.

HANCOCK

The Motion In Writing was read and prevailed without objection.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet in E1.012 today.

SENATE RULES SUSPENDED
(Posting Rules)

Senator Birdwell moved to suspend Senate Rule 11.10(a) and Senate Rule 11.18(a) in order that the Subcommittee on Border Security might meet in the Senate Chamber and consider **SB 838** today.

The motion prevailed by a viva voce vote.

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

Nays: Watson.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Huffman and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider **SB 983** today.

ANNIVERSARY WISHES EXTENDED

Senator Zaffirini was recognized and, on behalf of the Senate, extended wedding anniversary wishes to Senator Nelson and her husband, Mike.

CONDOLENCES EXTENDED

The President, on behalf of the Senate, extended condolences to Glenn Hegar regarding his mother, Connie.

MOTION TO ADJOURN

On motion of Senator Hancock and by unanimous consent, the Senate at 3:42 p.m. agreed to adjourn, in memory of Nelson Salinas and Connie Hegar, mother of Comptroller Glenn Hegar, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. Monday, May 4, 2015.

(Senator L. Taylor in Chair)

HOUSE BILLS ON FIRST READING

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

- HB 181** To Committee on Education.
- HB 280** To Committee on Agriculture, Water, and Rural Affairs.
- HB 315** To Committee on Transportation.
- HB 372** To Committee on Criminal Justice.
- HB 440** To Committee on Education.
- HB 463** To Committee on Transportation.
- HB 479** To Committee on Health and Human Services.
- HB 481** To Committee on Transportation.
- HB 504** To Committee on Health and Human Services.
- HB 643** To Committee on Criminal Justice.
- HB 685** To Committee on Business and Commerce.
- HB 737** To Committee on Intergovernmental Relations.
- HB 781** To Committee on Health and Human Services.
- HB 795** To Committee on Intergovernmental Relations.
- HB 797** To Committee on Intergovernmental Relations.
- HB 801** To Committee on Agriculture, Water, and Rural Affairs.
- HB 826** To Committee on State Affairs.
- HB 906** To Committee on Veteran Affairs and Military Installations.
- HB 908** To Committee on Natural Resources and Economic Development.
- HB 978** To Committee on Transportation.
- HB 1133** To Committee on Veteran Affairs and Military Installations.
- HB 1148** To Committee on Intergovernmental Relations.

HB 1252 To Committee on Transportation.
HB 1388 To Committee on State Affairs.
HB 1415 To Committee on Intergovernmental Relations.
HB 1463 To Committee on Finance.
HB 1546 To Committee on Criminal Justice.
HB 1550 To Committee on Health and Human Services.
HB 1704 To Committee on State Affairs.
HB 1740 To Committee on Administration.
HB 1756 To Committee on State Affairs.
HB 1793 To Committee on Criminal Justice.
HB 1912 To Committee on Business and Commerce.
HB 1934 To Committee on Agriculture, Water, and Rural Affairs.
HB 1964 To Committee on Business and Commerce.
HB 2033 To Committee on Intergovernmental Relations.
HB 2066 To Committee on Business and Commerce.
HB 2083 To Committee on Finance.
HB 2154 To Committee on State Affairs.
HB 2272 To Committee on Criminal Justice.
HB 2400 To Committee on Finance.
HB 2476 To Committee on Intergovernmental Relations.
HB 2559 To Committee on Intergovernmental Relations.
HB 3091 To Committee on Business and Commerce.
HB 3291 To Committee on Natural Resources and Economic Development.
HB 3315 To Committee on Business and Commerce.
HB 3536 To Committee on Business and Commerce.
HB 3741 To Committee on Business and Commerce.

CO-AUTHOR OF SENATE BILL 272

On motion of Senator Hancock, Senator Zaffirini will be shown as Co-author of **SB 272**.

CO-AUTHOR OF SENATE BILL 459

On motion of Senator Lucio, Senator Rodríguez will be shown as Co-author of **SB 459**.

CO-AUTHOR OF SENATE BILL 1108

On motion of Senator Lucio, Senator Fraser will be shown as Co-author of **SB 1108**.

CO-AUTHOR OF SENATE BILL 1474

On motion of Senator Garcia, Senator Uresti will be shown as Co-author of **SB 1474**.

CO-AUTHORS OF SENATE BILL 1494

On motion of Senator Uresti, Senators Rodríguez and West will be shown as Co-authors of **SB 1494**.

CO-AUTHOR OF SENATE BILL 1735

On motion of Senator Birdwell, Senator V. Taylor will be shown as Co-author of **SB 1735**.

CO-AUTHOR OF SENATE BILL 1864

On motion of Senator Burton, Senator Estes will be shown as Co-author of **SB 1864**.

CO-AUTHOR OF SENATE BILL 1931

On motion of Senator Garcia, Senator Zaffirini will be shown as Co-author of **SB 1931**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 667 by Zaffirini, In memory of Jose Gerardo Garcia.

SR 670 by Lucio, In memory of Jose Luis Lucio.

HC 88 (Rodríguez), In memory of El Paso Constable Robert Parker White.

Congratulatory Resolutions

SR 666 by Eltife, Recognizing Paul Kent McGaha on the occasion of his retirement.

SR 668 by West, Recognizing Jaclyn Ramirez on the occasion of her graduation from The University of Texas at Austin.

SR 669 by Lucio, Recognizing Carmelo's Ristorante Italiano of Austin.

SR 671 by Garcia, Recognizing the citizens of Galena Park who are observing the National Day of Prayer.

SR 672 by West, Recognizing Nathan C. Hallett on the occasion of his retirement.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 3:57 p.m. adjourned, in memory of Nelson Salinas and Connie Hegar, mother of Comptroller Glenn Hegar, until 11:00 a.m. Monday, May 4, 2015.

APPENDIX

COMMITTEE REPORTS

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

April 30, 2015

FINANCE — **CSSB 1396**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSSB 1509**

BUSINESS AND COMMERCE — **CSSB 1652**

CRIMINAL JUSTICE — **SB 923, SB 1317, SB 1958, HB 10, CSSB 1743**

HEALTH AND HUMAN SERVICES — **CSSB 1582, HB 751**

CRIMINAL JUSTICE — **CSHB 225, CSSB 1944**

TRANSPORTATION — **SB 58, SB 1242, SB 1788, SB 1918, SB 2055, CSSB 1837, CSSB 320, CSSB 1511, CSSB 1803**

EDUCATION — **CSSB 1169**

CRIMINAL JUSTICE — **CSSB 145**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **HB 40, HB 975, HJR 73**

INTERGOVERNMENTAL RELATIONS — **CSSB 1363, CSSB 1679, SB 2053, SB 2059, SB 2056, SB 2044, SB 2043, SB 2026, SB 2025, SB 1365, SB 1345, CSSB 1005, SB 1002, SB 997, CSSB 839**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 1463**

INTERGOVERNMENTAL RELATIONS — **SB 946**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSSB 208**

TRANSPORTATION — **CSSB 1875, CSSB 1424, CSSB 1919**

BILLS AND RESOLUTIONS ENGROSSED

April 29, 2015

SB 326, SB 545, SB 632, SB 638, SB 777, SB 1171, SB 1243, SB 1280, SB 1304, SB 1305, SB 1307, SB 1576, SB 1708, SB 1821, SB 1828, SB 1964, SB 2054, SJR 30, SJR 60

BILL AND RESOLUTIONS ENROLLED

April 29, 2015

SB 835, SCR 17, SR 605, SR 653, SR 654, SR 655, SR 657, SR 658, SR 659, SR 660, SR 661, SR 662, SR 663, SR 664, SR 665

SENT TO GOVERNOR

April 30, 2015

SB 149, SB 835, SCR 17

