

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-SIXTH DAY

(Tuesday, May 5, 2015)

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

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

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

Don Garner, State Director, Capitol Commission Texas, was introduced by Senator V. Taylor and offered the invocation as follows:

Heavenly Father, I'm in awe that You would allow us to approach Your throne. What a special honor today to invoke Your blessings upon the Members of this body. I pray, Father, that each one of them might know You in all of Your holiness, in Your grace and mercy, in Your power, majesty, and love. Father, I pray that each one here would know what it means to live in submission to You, Father, that each one would know the direction and the will that You have for them, the special things You have marked out for them to accomplish in this life that will prepare them for the next. Father, I pray that You would meet every material need. Lord, these folks sacrifice so much, their families sacrifice so much to serve our state. I pray, Lord, that they would not want for anything, that You would show Yourself to be their provider and do so abundantly. Meet all of their material needs, Lord. We take this moment to say a special prayer for Senator Seliger, that You would be the great physician in his life and that You would reveal Yourself to him in that way and that he would know You are his healer. Help him to heal up quickly. Father, I pray that You would meet the spiritual needs of these Senate Members today, Father, that You would deal with all the anxious thoughts that they must be faced with with so much on the agenda for today, Lord God, that You would be an ever-present help in time of trouble to them, that You would, Father, make Yourself known to them, that each one of them might in an intimate way

know You as a God of all mercy and grace, forgiveness, and love, that each one of them, Father, would know You in a personal way as their redeemer. We ask all these things in Your name. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 5, 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 63 González, Mary
Relating to state collaboration with federally recognized Indian tribes.

HB 94 González, Mary
Relating to a database of employers penalized for failure to pay wages or convicted of certain offenses involving wage theft.

HB 120 Flynn
Relating to the purchase of food and beverages by the Texas Division of Emergency Management for certain division personnel.

HB 121 Fletcher
Relating to an alternative means of payment of certain past due criminal fines and court costs.

HB 184 Dale
Relating to the allocation of costs and attorney's fees incurred by a Court of Inquiry.

HB 256 Howard
Relating to compensatory education allotment funding.

HB 274 Miles
Relating to the enforcement of municipal rules, ordinances, or police regulations prohibiting illegal dumping; increasing a penalty.

HB 478 Dutton
Relating to the restoration of certain rights to a criminal defendant.

HB 499 Guillen
Relating to the public transportation advisory committee.

- HB 565** Burkett
Relating to powers of private toll project entities.
- HB 691** Walle
Relating to the regulation of automotive wrecking and salvage yards in certain counties; increasing the civil penalty.
- HB 721** Farias
Relating to the hunting or fishing license fee waiver for certain disabled veterans.
- HB 743** Huberty
Relating to the essential knowledge and skills of the required public school curriculum and to certain state-adopted or state-developed assessment instruments for public school students.
- HB 771** Deshotel
Relating to funding for the Texas Academy of Leadership in the Humanities.
- HB 787** Miller, Rick
Relating to the Texas Military Preparedness Commission.
- HB 930** Miller, Doug
Relating to water well drillers and pump installers; authorizing fees.
- HB 942** Kacal
Relating to the storage of certain hazardous chemicals; transferring enforcement of certain reporting requirements, including the imposition of criminal, civil, and administrative penalties, from the Department of State Health Services to the Texas Commission on Environmental Quality; amending provisions subject to a criminal penalty; reenacting a criminal offense.
- HB 973** Hernandez
Relating to the compensation and per diem compensation of emergency services commissioners in certain counties.
- HB 1062** Lucio III
Relating to authorizing a fee for county records technology and infrastructure costs in certain counties.
- HB 1094** Geren
Relating to certain death benefits for survivors of certain law enforcement officers, firefighters, and others killed in the line of duty.
- HB 1123** Paddie
Relating to increasing the punishment for the offense of possession or promotion of child pornography; changing the eligibility for parole.
- HB 1155** Alvarado
Relating to the creation of the Recruit Texas Program to facilitate the relocation to or expansion in this state of employers offering complex or high-skilled employment opportunities.
- HB 1535** Frullo
Relating to rates of and certificates of convenience and necessity for certain non-ERCOT electric utilities; authorizing a surcharge.

- HB 1643** Riddle
Relating to abatement of public nuisances on certain undeveloped land; amending provisions subject to a criminal penalty.
- HB 1706** VanDeaver
Relating to reducing paperwork and duplicate reports required of a school district.
- HB 1762** Otto
Relating to the creation of a health care advocacy program for veterans.
- HB 1860** Hunter
Relating to the creation of a grant program to provide money for security at certain major events; authorizing fees.
- HB 1862** Kuempel
Relating to notice of hospital and emergency medical services liens.
- HB 1900** Rodriguez, Eddie
Relating to the eligibility of land for appraisal for ad valorem tax purposes as qualified open-space land.
- HB 1915** Herrero
Relating to the allocation of state hotel occupancy tax revenue to certain barrier island coastal municipalities.
- HB 1927** Bonnen, Greg
Relating to the application to vote early by mail in more than one election.
- HB 1936** Oliveira
Relating to notice by a property owner to a mortgage servicer that the owner intends to enter into a contract with a property tax lender.
- HB 2049** Darby
Relating to indemnification and duties of engineers and architects under certain governmental contracts.
- HB 2171** Sheffield
Relating to information maintained in the immunization registry with the consent of an individual after the individual becomes an adult.
- HB 2207** Keffer
Relating to the foreclosure sale of property subject to an oil or gas lease.
- HB 2358** Lucio III
Relating to the exemption from certain registration and licensing requirements and taxes for certain businesses and employees who enter this state in response to a disaster or emergency.
- HB 2474** Sheffield
Relating to requirements for and the transparency of epidemiological reports and immunization exemption information and reports.
- HB 2521** Coleman
Relating to transferring from the state to a county the revenue derived from oil and gas leases of land owned by the county to be used by the county for road maintenance purposes.

- HB 2541** Zerwas
Relating to health benefit plan coverage of certain treatments for enrollees diagnosed with a terminal illness; authorizing administrative and civil penalties.
- HB 2589** Phelan
Relating to the prosecution of and punishment for assaulting a disabled individual; increasing a criminal penalty.
- HB 2612** Pickett
Relating to a report to the legislature regarding the elimination of toll roads.
- HB 2647** Ashby
Relating to a limitation on the authority to curtail groundwater production from wells used for power generation or mining.
- HB 2732** Metcalf
Relating to recovery of covered unemployment compensation debt through participation in the federal Treasury Offset Program.
- HB 3060** Anchia
Relating to functions of a municipal building and standards commission panel.
- HB 3230** Rodriguez, Justin
Relating to the determination of eligible costs and expenses for purposes of the franchise tax credit for the rehabilitation of historic structures.
- HB 3342** Kuempel
Relating to interstate compacts and cooperative agreements relating to state purchasing.
- HB 3511** Davis, Sarah
Relating to the contents of financial statements that are electronically filed by certain persons; adding a provision subject to criminal penalties.
- HB 3523** Raymond
Relating to improving the delivery and quality of Medicaid acute care services and long-term care services and supports.
- SB 860** Eltife Sponsor: Oliveira
Relating to corporations and fundamental business transactions.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Perry was recognized and presented Dr. Hugh Wilson of Lubbock as the Physician of the Day.

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

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Live Oak County Day delegation.

Senator Zaffirini also introduced a Webb County Appraisal District delegation.

The Senate welcomed its guests.

(Senator V. Taylor in Chair)

MESSAGE FROM THE GOVERNOR

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

May 5, 2015
Austin, Texas

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

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

To be Judge of the 165th Judicial District Court, Harris County, for a term until the next General Election and until her successor shall be duly elected and qualified:

Debra Ibarra Mayfield
Houston, Texas

Judge Mayfield is replacing Judge Elizabeth Ray who resigned.

Respectfully submitted,
/s/Greg Abbott
Governor

(President in Chair)

SENATE RESOLUTION 712

Senator Hinojosa offered the following resolution:

WHEREAS, Each year, an average of 1,200 Texas children and adolescents learn that they have some form of cancer; and

WHEREAS, A diagnosis of childhood cancer is news that no family can prepare for or envision receiving, and it is too often the first step on a frightening, uncertain, and costly road; and

WHEREAS, Texas is fortunate to be home to numerous hospitals that are a part of the Children's Oncology Group, a network of medical centers working to develop the next wave of lifesaving treatments; together, these institutions are considered to be the world's pediatric cancer experts; and

WHEREAS, These hospitals are: in San Antonio, Methodist Children's Hospital, The University of Texas Health Science Center, Children's Hospital of San Antonio, and Brooke Army Medical Center; in Houston, MD Anderson Cancer Center and Texas Children's Hospital; in Dallas, Children's Medical Center of Dallas, Medical City Dallas Hospital, and The University of Texas Southwestern Medical Center; and

Dell Children's Medical Center of Central Texas in Austin, Cook Children's Medical Center in Fort Worth, El Paso Children's Hospital, Driscoll Children's Hospital in Corpus Christi, Scott & White Memorial Hospital in Temple, and Covenant Children's Hospital in Lubbock; and

WHEREAS, A calendar month has been dedicated to each type of cancer to help promote awareness and support for those affected, and September is the month set aside to highlight childhood cancer; and

WHEREAS, The advancement of medical knowledge and the collaboration of many individuals and organizations are pivotal to the search for a cure, and the observance of Childhood Cancer Awareness Month encourages Texans to affirm their commitment to that important effort; now, therefore, be it

RESOLVED, That the Senate of the 84th Texas Legislature hereby recognize September 2015 as Childhood Cancer Awareness Month and commend all those who are involved in the fight to end this devastating disease.

SR 712 was read and was adopted without objection.

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

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a Childhood Cancer Awareness Month delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 713

Senator Hinojosa offered the following resolution:

SR 713, Recognizing Kaitlyn Jankovsky for her bravery in fighting cancer.

The resolution was read.

On motion of Senator Hinojosa and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Hinojosa, the resolution was adopted without objection.

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

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate Kaitlyn Jankovsky, Richard Jankovsky, and Joann Jankovsky.

The Senate welcomed its guests.

BILLS AND RESOLUTIONS SIGNED

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

SB 45, SB 94, SB 125, SB 203, SB 227, SB 378, SB 415, SB 489, SB 534, SB 562, SB 656, SB 774, SB 788, SB 804, SB 859, SB 928, SB 979, SB 1066, SB 1137, SB 1452, SB 1466, SB 1749.

HCR 43, HCR 88.

HB 40, HB 593, HCR 84.

SENATE RESOLUTION 462

Senator Lucio offered the following resolution:

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

The resolution was again read.

The resolution was previously adopted on Tuesday, April 7, 2015.

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate Eddie Lucio Scholarship Fund Texas Legend Esteban Toledo.

The Senate welcomed its guest.

SENATE RESOLUTION 688

Senator Rodríguez offered the following resolution:

SR 688, Recognizing May 2015 as National Mental Health Awareness Month.

The resolution was read and was adopted without objection.

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

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

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

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

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

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

Members, Oversight Committee, Cancer Prevention and Research Institute of Texas: Angelos G. Angelou, Travis County; Arthur Gerald Geistweidt, Mason County; William H. Rice, Travis County.

Members, Family and Protective Services Council: Lisa Annette Hembry, Dallas County; Krizia Bernadette Ramirez, Bexar County; Juan Antonio Sorto, Harris County; Linda Davis Timmerman, Freestone County.

Member, Governing Board, Texas School for the Blind and Visually Impaired: Michael Patrick Hanley, Williamson County.

Member, Governing Board, Texas School for the Deaf: Shawn Patrick Saladin, Hidalgo County.

Member, Manufactured Housing Board: Brenda Joyce Swinney, Bastrop County.

Public Counsel, Office of Injured Employee Counsel: Jessica Anna Corna, Travis County.

Member, Texas Board of Chiropractic Examiners: Amy Nicole Vavra, Johnson County.

Member, Texas Board of Criminal Justice: Larry Don Miles, Randall County.

Members, Texas Board of Physical Therapy Examiners: Harvey Dean Aikman, Hidalgo County; Barbara Sanders, Travis County.

Members, Governing Board, Texas Department of Housing and Community Affairs: Thomas Tolbert Chisum, Jefferson County; James B. Goodwin, Travis County.

Members, Texas State Board of Acupuncture Examiners: Donna Sue Guthery, Harris County; Claudia E. Harsh, Dallas County.

Members, Board of Regents, Texas State Technical College System: Ivan Arturo Andarza, Travis County; Keith Robert Honey, Gregg County; Ellis Matthew Skinner, Dallas County.

Members, Board of Regents, University of Houston System: Durga D. Agrawal, Harris County; Lorinda Beth Madison, Harris County; Paula Martina Mendoza, Harris County; Peter Kelley Taaffe, Travis County.

Members, Board of Regents, University of North Texas System: James Russell Reid, Tarrant County; Gwyn Shea, Dallas County; Benny Glen Whitley, Tarrant County.

Member, Veterans' Land Board: Andrew James Cobos, Harris County.

CONCLUSION OF MORNING CALL

The President at 11:47 a.m. announced the conclusion of morning call.

SENATE BILL 1485 ON SECOND READING

On motion of Senator Garcia and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1485** at this time on its second reading:

SB 1485, Relating to the availability of death records of unidentified persons.

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 1485 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 **SB 1485**

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 881 ON SECOND READING**

Senator Nelson moved to suspend the regular order of business to take up for consideration **CSSB 881** at this time on its second reading:

CSSB 881, Relating to the dedication of certain wine-related revenue.

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 881 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 881** 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)

REASON FOR VOTE

Senator Burton submitted the following reason for vote on **SB 881**:

I voted against SB 881 because it is a government subsidy of a selected market sector. The government should not use sales and excise tax revenue to subsidize the development of selected market sectors. Economic planning by the state government is an inefficient use of our state's finite capital and provides preferential treatment to the Texas wine industry at the expense of other industries and Texas taxpayers. This excess tax revenue should be returned to the taxpayers where they will make more efficient use of it in the free market. Research and development of viniculture and enology would be more efficiently achieved if funded by private interests.

BURTON

**COMMITTEE SUBSTITUTE
SENATE BILL 1743 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 1743** at this time on its second reading:

CSSB 1743, Relating to expanding the powers and duties of the office of capital writs and renaming the office of capital writs the office of capital and forensic writs.

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 1743 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 1743** 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 575 ON SECOND READING**

Senator L. Taylor moved to suspend the regular order of business to take up for consideration **CSSB 575** at this time on its second reading:

CSSB 575, Relating to health plan and health benefit plan coverage for abortions.

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)

**COMMITTEE SUBSTITUTE
SENATE BILL 1367 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1367** at this time on its second reading:

CSSB 1367, Relating to certain obligations of and limitations on landlords.

The motion prevailed.

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

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

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

Nays: Hall, V. Taylor.

**COMMITTEE SUBSTITUTE
SENATE BILL 1367 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 1367** be placed on its third reading and final passage.

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

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

Nays: Hall, V. Taylor.

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 313 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 313** at this time on its second reading:

CSSB 313, Relating to the essential knowledge and skills of the required public school curriculum and the administration and reports relating to assessment instruments administered to public school students.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 313** (senate committee report) as follows:

(1) In SECTION 1 of the bill, after added Section 28.0025(d), Education Code (page 2, between lines 12 and 13), insert the following appropriately lettered subsection and reletter subsequent subsections of Section 28.0025, Education Code, and cross-references to those subsections, accordingly:

() The State Board of Education may not modify the essential knowledge and skills of the foundation curriculum subjects in a manner that requires:

(1) the revision of professional development training for teachers on essential knowledge and skills;

(2) the purchase of additional instructional materials; or

(3) the revision of assessment instruments adopted or developed under Section 39.023.

(2) In SECTION 3 of the bill, in added Section 28.0081(a), Education Code (page 2, line 29), between "district" and "shall", insert ", using funds appropriated to the agency and distributed by the commissioner to the district for that purpose,".

(3) In SECTION 4 of the bill, in added Section 39.0239(d), Education Code (page 2, lines 64 and 65), strike the text and substitute the following:

(d) If the commissioner contracts with a third party for the development or adoption of an assessment instrument under Section 39.023(a), the contract must require the third party to fulfill the requirements of this section.

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

SECTION _____. The change in law made by Section 39.0239(d), Education Code, as added by this Act, applies only to a contract entered into, amended, or renewed on or after the effective date of this Act. A contract entered into, amended, or renewed before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

The amendment to **CSSB 313** 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 Seliger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 313 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 313 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 313** 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 1902 ON SECOND READING

Senator Perry moved to suspend the regular order of business to take up for consideration **CSSB 1902** at this time on its second reading:

CSSB 1902, Relating to the eligibility of criminal defendants for an order of nondisclosure of criminal history record information; authorizing a fee.

The motion prevailed.

Senators Bettencourt, Huffman, Nelson, Nichols, and L. Taylor asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1902** (senate committee printing) as follows:

(1) In SECTION 5 of the bill, in added Section 411.073(a), Government Code (page 3, line 22), strike "or 49.065" and substitute "49.065, or 71.021".

(2) In SECTION 5 of the bill, in added Section 411.0735(a)(1), Government Code (page 3, line 65), strike "or 49.065" and substitute "49.065, or 71.021".

(3) In SECTION 11 of the bill, in added Section 411.0765, Government Code (page 6, line 64, through page 7, line 1), strike added Subsection (a) and substitute the following:

(a) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure of criminal history record information under this subchapter only to other criminal justice agencies, for criminal justice or regulatory licensing purposes, an agency or entity listed in Subsection (b), or the person who is the subject of the order.

(4) In SECTION 13 of the bill, in added Section 411.0775(1), Government Code (page 8, line 27), strike "and" and substitute "or".

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

SECTION _____. The heading to Section 552.142, Government Code, is amended to read as follows:

Sec. 552.142. EXCEPTION: CONFIDENTIALITY OF RECORDS SUBJECT TO ORDER OF NONDISCLOSURE [~~OF CERTAIN DEFERRED ADJUDICATIONS~~].

The amendment to **CSSB 1902** was read and was adopted without objection.

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

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1902** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, in added Section 411.072, Government Code (page 1, lines 54 through 58), strike added Subsection (a) and substitute the following:

(a) This section applies only to a person who:

(1) was placed on deferred adjudication community supervision under Section 5, Article 42.12, Code of Criminal Procedure, for a misdemeanor other than a misdemeanor:

(A) under Chapter 20, 21, 22, 25, 42, 43, 46, or 71, Penal Code; or

(B) with respect to which an affirmative finding under Section 5(k), Article 42.12, Code of Criminal Procedure, was filed in the papers of the case; and

(2) has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than an offense under the Transportation Code that is punishable by fine only.

(2) In SECTION 3 of the bill, in added Section 411.072, Government Code (page 2, lines 21 through 25), strike added Subsection (c), reletter the subsequent subsections of that section, and correct the cross-references to those subsections accordingly.

(3) In SECTION 4 of the bill, in added Section 411.0725(a), Government Code (page 2, lines 39 through 41), strike "for a felony or a misdemeanor other than a misdemeanor under Chapter 20, 21, 22, 25, 42, 43, or 46, Penal Code" and substitute the following:

who is not eligible to receive an order of nondisclosure of criminal history record information under Section 411.072

(4) In SECTION 4 of the bill, in added Section 411.0725(e), Government Code (page 3, lines 3 through 12), strike Subdivisions (1) and (2) and substitute the following:

(1) the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor other than a misdemeanor described by Subdivision (2);

(2) the second anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor under Chapter 20, 21, 22, 25, 42, 43, or 46, Penal Code; or

(3) the fifth anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a felony.

(5) Strike the recital to SECTION 16 of the bill (page 8, lines 54 and 55) and substitute the following:

SECTION 16. Section 5, Article 42.12, Code of Criminal Procedure, is amended by amending Subsections (a-1) and (c-1) and adding Subsection (k) to read as follows:

(6) In SECTION 16 of the bill, immediately following amended Section 5(c-1), Article 42.12, Code of Criminal Procedure (page 9, between lines 16 and 17), insert the following:

(k) If a judge places on deferred adjudication community supervision a defendant charged with a misdemeanor other than a misdemeanor under Chapter 20, 21, 22, 25, 42, 43, 46, or 71, Penal Code, the judge shall make an affirmative finding of fact and file a statement of that affirmative finding with the papers in the case if the judge determines that it is not in the best interest of justice that the defendant receive an automatic order of nondisclosure under Section 411.072, Government Code.

The amendment to **CSSB 1902** was read and was adopted without objection.

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

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1902** (senate committee printing) in SECTION 11 of the bill as follows:

(1) In added Section 411.0765(b)(28), Government Code (page 7, line 56), strike "and" and substitute "[~~and~~]".

(2) In added Section 411.0765(b)(29), Government Code (page 7, line 57), between "Pharmacy" and the period, insert the following:

; and

(30) a bank, savings bank, savings and loan association, credit union, or mortgage banker, a subsidiary or affiliate of those entities, or another financial institution regulated by a state regulatory entity listed in Subdivision (18) or by a corresponding federal regulatory entity, but only regarding an employee, contractor, subcontractor, intern, or volunteer of or an applicant for employment by that bank, savings bank, savings and loan association, credit union, mortgage banker, subsidiary or affiliate, or financial institution

The amendment to **CSSB 1902** was read and was adopted without objection.

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

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

CSSB 1902 as amended was passed to engrossment by the following vote: Yeas 26, Nays 5.

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

Nays: Bettencourt, Huffman, Nelson, Nichols, L. Taylor.

**COMMITTEE SUBSTITUTE
SENATE BILL 1902 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 1902** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Huffman, Nelson, Nichols, L. Taylor.

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

SENATE BILL 1593 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **SB 1593** at this time on its second reading:

SB 1593, Relating to regulation of fireworks by certain municipalities.

The motion prevailed.

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

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

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

Nays: Watson.

SENATE BILL 1593 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 1593** be placed on its third reading and final passage.

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

Nays: Watson.

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

SENATE BILL 1934 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **SB 1934** at this time on its second reading:

SB 1934, Relating to requirements for the issuance of a driver's license or personal identification certificate.

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

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

Nays: Burton, Ellis, Garcia, Menéndez, Rodríguez, Watson, West.

The bill was read second time and was passed to engrossment by the following vote: Yeas 24, Nays 7. (Same as previous roll call)

COMMITTEE SUBSTITUTE**SENATE BILL 459 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 459** at this time on its second reading:

CSSB 459, Relating to the creation of the Advisory Council on Cultural Affairs in the office of the governor.

The motion prevailed by the following vote: Yeas 23, Nays 8.

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

Nays: Birdwell, Burton, Campbell, Hall, Huffines, Kolkhorst, Perry, V. Taylor.

The bill was read second time and was passed to engrossment by the following vote: Yeas 23, Nays 8. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 459 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 459** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Campbell, Hall, Huffines, Perry, V. Taylor.

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

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

Nays: Birdwell, Burton, Campbell, Hall, Huffines, Kolkhorst, Perry, V. Taylor.

SENATE BILL 1934 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1934** be placed on its third reading and final passage:

SB 1934, Relating to requirements for the issuance of a driver's license or personal identification certificate.

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, Whitmire, Zaffirini.

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

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

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

Nays: Burton, Ellis, Garcia, Menéndez, Rodríguez, Watson, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 723 ON SECOND READING**

Senator Perry moved to suspend the regular order of business to take up for consideration **CSSB 723** at this time on its second reading:

CSSB 723, Relating to mandatory participation in certain TANF employment and other programs by certain persons.

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

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

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

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

SENATE BILL 585 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 585** at this time on its second reading:

SB 585, Relating to the content of detailed reports filed by registered lobbyists.

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 585 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 585** 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 586 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 586** at this time on its second reading:

CSSB 586, Relating to the content of detailed reports filed by lobbyists.

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 586 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 586** 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 1735 ON SECOND READING**

Senator Birdwell moved to suspend the regular order of business to take up for consideration **CSSB 1735** at this time on its second reading:

CSSB 1735, Relating to tuition and fee exemptions at public institutions of higher education for certain military personnel and their dependents.

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, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor, Watson, West, Whitmire.

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

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1735** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in the recital (page 1, lines 24 and 25), strike the text and substitute the following:

amending Subsections (a), (e), (k), and (l) and adding Subsections (a-0), (a-5), (c-1), (k-2), (l-1), and (p) to read as follows:

(2) In SECTION 1 of the bill, in amended Section 54.341(a), Education Code (page 1, lines 26 through 39), strike the text and substitute the following:

(a) The governing board of each institution of higher education shall exempt the ~~following~~ persons described by Subsection (a-0) from the payment of tuition, dues, fees, and other required charges, including fees for correspondence courses but excluding general deposit fees, student services fees, and any fees or charges for lodging, board, or clothing, provided the person seeking the exemption currently resides in this state and the person:

(1) entered the service at a location in this state;

(2) ~~is~~ declared this state as the person's home of record in the manner provided by the applicable military or other service;

(3) ~~is or~~ would have been determined to be a resident of this state for purposes of Subchapter B at the time the person entered the service; or

(4) has resided in this state continuously for the eight years immediately preceding the first class date of the semester or academic term to which the exemption would apply.

(a-0) The following persons are exempted from the payment of tuition, dues, fees, and other required charges under Subsection (a):

(3) In SECTION 1 of the bill, strike added Section 54.341(a-0), Education Code (page 2, lines 13 through 18).

(4) In SECTION 1 of the bill, strike amended Section 54.341(b-1) and added Section 54.341(c-1), Education Code (page 2, lines 23 through 40), and substitute the following:

(c-1) This subsection does not apply to a person who is eligible to receive an exemption under Subsection (a-2) or (b) or to continue to receive an exemption under Subsection (a-1), (a-3), (a-4), or (a-5). In addition to the limitation prescribed by Subsection (c), a person who qualifies for an exemption under Subsection (a) based on the person's military service may not receive the exemption for a semester or other academic term the first class date of which is later than the 15th anniversary of:

(1) the date of the person's honorable discharge from active military duty; or

(2) if the person subsequently serves in the Texas National Guard or in the reserve component of the armed forces of the United States, the date of the person's latest discharge from the Texas National Guard or the reserve component, as applicable.

(5) In SECTION 1 of the bill, in added Section 54.341(k-2), Education Code (page 3, line 10), strike "for at least" and substitute "or on active service or active status in the Texas National Guard or the reserve component of the armed forces of the United States for a cumulative total of at least".

(6) In SECTION 1 of the bill, in amended Section 54.341(l)(1), Education Code (page 3, lines 15 through 19), strike the text and substitute the following:

(1) be a student who is classified as a resident under Subchapter B when the child enrolls in an institution of higher education;

(7) In SECTION 1 of the bill, in amended Section 54.341(l)(3), Education Code (page 3, line 31), between the underlined semicolon and "and", insert the following subdivision and renumber subsequent subdivisions of that section and any cross-references to those subdivisions in Section 54.341, Education Code, accordingly:

(4) claim the exemption for a semester or other academic term the first class date of which is no later than the 15th anniversary of the honorable discharge date from active duty of the parent from whom the exemption is being assigned;

(8) In SECTION 1 of the bill, following amended Section 54.341(l), Education Code (page 3, between lines 34 and 35), insert the following:

(l-1) If a person fails to meet any of the requirements of Subsection (l)(3) after the completion of any semester or other academic term, the person is not eligible to receive an exemption under Subsection (k) during the next semester or other term in which the person enrolls. A person may become eligible to receive an exemption in a subsequent semester or other academic term if the person:

(1) completes a semester or other academic term during which the person is not eligible for the exemption; and

(2) satisfies the requirements of Subsection (1)(3).

(9) In SECTION 2(b) of the bill (page 3, line 48), between "in" and "adding", insert "amending Section 54.341(a) and".

The amendment to **CSSB 1735** was read.

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

Floor Amendment No. 2

Amend Floor Amendment No. 1 by Birdwell amending **CSSB 1735** in SECTION 1 of the bill, in added Section 54.341(c-1), Education Code (page 2, line 14 of the amendment), by striking "15th" and substituting "25th".

The amendment to Floor Amendment No. 1 to **CSSB 1735** was read.

On motion of Senator Birdwell, Floor Amendment No. 2 was tabled by the following vote: Yeas 19, Nays 11, Present-not voting 1.

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, Uresti, Watson, West, Whitmire, Zaffirini.

Present-not voting: V. Taylor.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 1735**, the amendment was adopted by the following vote: Yeas 31, Nays 0.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1735** (senate committee report) in SECTION 1 of the bill as follows:

(1) In amended Section 54.341(k)(1), Education Code (page 2, lines 67 and 68), strike "up to 60 credit hours of".

(2) In amended Section 54.341(k)(2), Education Code (page 3, line 3), strike "up to 60 credit hours of".

The amendment to **CSSB 1735** was read and was adopted without objection.

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

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1735** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 54.341(a-5), Education Code (page 2, line 20), strike "2016" and substitute "2017".

(2) In SECTION 2(a) of the bill (page 3, line 44), strike "2016" and substitute "2017".

(3) In SECTION 2(a) of the bill (page 3, line 45), strike "2016" and substitute "2017".

The amendment to **CSSB 1735** was read and was adopted without objection.

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

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 1735** (senate committee report) by adding the following numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 434, Government Code, is amended by adding Section 434.00792 to read as follows:

Sec. 434.00792. STUDY AND REPORT REGARDING CERTAIN TUITION AND FEE EXEMPTIONS FOR VETERANS AND FAMILY MEMBERS. (a) The commission, in coordination with the Texas Higher Education Coordinating Board and the Legislative Budget Board, shall conduct a study observing and comparing the implementation and effects, including the costs to institutions of higher education, of the exemption from the payment of tuition and fees at institutions of higher education under Section 54.341, Education Code:

(1) before the enactment of Chapter 1340 (S.B. 93), Acts of the 81st Legislature, Regular Session, 2009, allowing a person eligible for an exemption under Section 54.341, Education Code, to assign the exemption to a child of the person;

(2) after the enactment of the Act described by Subdivision (1); and

(3) after the enactment and becoming law of S.B. 1735, 84th Legislature, Regular Session, 2015, amending Section 54.341, Education Code.

(b) Not later than December 1, 2018, the commission shall report its findings from the study conducted under this section to the legislature.

(c) This section expires January 1, 2019.

The amendment to **CSSB 1735** was read and was adopted without objection.

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

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 1735** (senate committee report) in SECTION 1 of the bill, in added Section 54.341(k-2), Education Code (page 3, line 10), by striking "six" and substituting "four".

The amendment to **CSSB 1735** was read.

On motion of Senator Birdwell, Floor Amendment No. 6 was tabled by the following vote: Yeas 20, Nays 11.

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

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

Senator Hinojosa, on behalf of Senator Uresti, offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSSB 1735** (senate committee printing) in SECTION 1 of the bill, in amended Section 54.341(1), Education Code (page 3, line 31), between the underlined semicolon and "and", by inserting the following appropriately numbered subdivision and renumbering subsequent subdivisions of Section 54.341(1), Education Code, and any cross-references to those subdivisions, accordingly:

() no later than the last class date of each semester or other academic term to which the exemption would apply, perform at least 20 hours of community service approved by the Texas Veterans Commission for purposes of this subdivision;

The amendment to **CSSB 1735** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 7.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSSB 1735** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

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

Sec. 54.0514. TUITION REDUCTION BASED ON SAVINGS FROM CHANGES TO TUITION EXEMPTIONS FOR VETERANS AND THEIR FAMILIES.

(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) This section does not apply to tuition charged by an institution of higher education before the 2016 spring semester.

(c) Notwithstanding Section 54.0513, a general academic teaching institution other than a public state college shall ensure that the tuition rates that would otherwise be charged by the institution for a semester are reduced to reflect any savings to the institution resulting from the passage of S.B. 1735, Acts of the 84th Legislature, Regular Session, 2015, amending the tuition and fee exemptions required under Section 54.341.

(d) The Texas Higher Education Coordinating Board, in consultation with the Legislative Budget Board, by rule shall determine the amount of any savings to an institution of higher education for purposes of Subsection (c).

The amendment to **CSSB 1735** was read.

On motion of Senator Birdwell, Floor Amendment No. 8 was tabled by the following vote: Yeas 21, Nays 10.

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

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

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

CSSB 1735 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, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor, Watson, West, Whitmire.

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

COMMITTEE SUBSTITUTE SENATE BILL 1735 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 1735** 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, Watson, West, Whitmire.

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

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, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor, Watson, West, Whitmire.

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

REASON FOR VOTE

Senator Rodríguez submitted the following reason for vote on **SB 1735**:

The Hazlewood Act was created by the Texas Legislature as a way for this state to show its gratitude to the courageous men and women who served this nation in the armed services by repaying that service with the valuable promise of a public education. In 2009, the Legislature saw fit to allow veterans to pass on that benefit to their dependent children and spouses by creating a Legacy program. In that time, Texas families have certainly intended to rely upon the promise of an education this Legislature made. Because I believe this bill reneges on that promise, and because I

believe rising costs to universities under Hazlewood would be addressed if this same Legislature prioritized appropriate spending for Texas public colleges and universities, I must respectfully vote no on Senate Bill 1735.

I take special exception with two provisions of SB 1735. First, I cannot support limiting Hazlewood eligibility to those who served in active duty for at least six years because I believe it would disqualify too many veterans who served in America's most recent conflicts. According to the American Legion, most individuals who served post-September 11, 2001 served only four years active duty. Further, this time limitation also does not take into account individuals who left the service after less than six years through no fault of their own, for example, because of an injury sustained during service that leaves them less than 100 percent disabled.

Second, I believe requiring that an individual's Hazlewood eligibility expire after only 15 years will foreclose on too many dependent children qualifying for Legacy. Under this bill, only children living during a veteran's service time, and old enough to graduate from high school before 15 years have elapsed, would qualify. I cannot agree with proponents of this provision who argue that limiting Legacy is appropriate because qualifying dependents should have "shared the burden" of service by dealing with the absence of one or more parent. This was a consideration the Legislature could have taken into account in 2009. Again, since that time families have relied upon the promise of passing on Hazlewood eligibility. I represent a community with a large veteran population and can attest to the challenges veterans face when returning from service, including unemployment and homelessness. I seriously worry that for many veterans, earned Hazlewood benefits may be the one thing a large number of struggling veterans could hope to pass on to their children.

Finally, if the concern Senate Bill 1735 seeks to address is rising costs to universities, I strongly believe that the solution should be to increase funding to public universities to offset that cost. This session lawmakers had a budget surplus from which it could have chosen to invest in services that benefit veterans and their families, including Hazlewood. Instead, this Legislature would pass more than \$4 billion in tax cuts which will do little to improve the lives of these families. I find that unconscionable. For the foregoing reasons, I must respectfully vote no on Senate Bill 1735.

RODRÍGUEZ

**COMMITTEE SUBSTITUTE
SENATE BILL 1575 ON THIRD READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 1575** at this time on its third reading and final passage:

CSSB 1575, Relating to county regulation of lots in platted subdivisions that have remained undeveloped for 25 years or more.

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

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

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

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

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 20 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSJR 20** at this time on its second reading:

CSSJR 20, Proposing a constitutional amendment authorizing the governing body of a political subdivision other than a school district to adopt an exemption from ad valorem taxation of a portion, expressed as a dollar amount, of the market value of an individual's residence homestead.

The resolution was read second time.

Senator Bettencourt offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **CSSJR 20** (senate committee printing) in SECTION 1 of the joint resolution, in amended Section 1-b, Article VIII, Texas Constitution, by striking added Subsection (p) of the section (page 1, line 57, through page 2, line 17) and substituting the following:

(p) The legislature by general law may prohibit the governing body of a political subdivision that adopts an exemption under Subsection (e) or (n) from reducing the amount of or repealing the exemption.

(q) If the legislature by general law allows the governing body of a political subdivision to repeal an exemption under Subsection (e) of this section and the governing body of a political subdivision has adopted an exemption under Subsection (n) of this section, an individual who would have been entitled to an exemption from ad valorem taxation by the political subdivision under Subsection (e) of this section had the governing body not ceased granting an exemption under that subsection is entitled to continue to receive an exemption under that subsection in lieu of the exemption under Subsection (n) of this section if the individual otherwise qualifies for the exemption under Subsection (e) of this section and the amount of the exemption under that subsection as calculated under this subsection exceeds the amount of the exemption under Subsection (n) of this section. The exemption applies only to property for which the individual received an exemption under Subsection (e) of this section in the last tax year in which the governing body granted an exemption under that subsection. Notwithstanding Subsection (e) of this section, the amount of the exemption is the dollar amount of the exemption that the individual received under that subsection in the last tax year in which the governing body granted an exemption under that subsection.

The amendment to **CSSJR 20** 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 Watson and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

CSSJR 20 as amended was passed to engrossment without objection.

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

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 20 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 **CSSJR 20** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 279 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 279** at this time on its second reading:

CSSB 279, Relating to the authority of the governing body of a taxing unit other than a school district to adopt an exemption from ad valorem taxation of a portion, expressed as a dollar amount, of the appraised value of an individual's residence homestead.

The bill was read second time.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 279** (senate committee printing) in SECTION 1 of the bill, in amended Section 11.13, Tax Code, by adding Subsection (u-1) and (v):

(u-1) The governing body of a taxing unit that adopted an exemption under Subsection (n) for the 2014 tax year may not reduce the amount of or repeal the exemption. This subsection expires December 31, 2024.

(v) Notwithstanding subsection (u-1), the governing body of a taxing unit that adopted an exemption under subsection (n) for the 2014 tax year may rescind an exemption granted under that subsection in lieu of an exemption granted under subsection (s) if the exemption granted under subsection (s) is an amount greater than \$5,000.

The amendment to **CSSB 279** 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 Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 279 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 279 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 279** 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 RULES SUSPENDED
(Posting Rules)**

On motion of Senator Birdwell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Subcommittee on Border Security might meet today.

SENATE BILL 1697 RECOMMITTED

On motion of Senator Huffman and by unanimous consent, **SB 1697** was recommitted to the Committee on Criminal Justice.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet and consider **SB 1959** today.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 4:06 p.m. agreed to adjourn, in memory of Charles Gabriel Contreras, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

(Senator Kolkhorst in Chair)

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

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

HB 13 To Committee on Transportation.

HB 20 To Committee on Transportation.

HB 26 To Committee on Natural Resources and Economic Development.

HB 189 To Committee on Criminal Justice.

HB 199 To Committee on Transportation.

HB 210 To Committee on Criminal Justice.

HB 298 To Committee on Higher Education.

HB 331 To Committee on State Affairs.

HB 473 To Committee on Criminal Justice.

HB 484 To Committee on State Affairs.

HB 509 To Committee on Transportation.

- HB 512** To Committee on Business and Commerce.
HB 545 To Committee on State Affairs.
HB 655 To Committee on Agriculture, Water, and Rural Affairs.
HB 663 To Committee on Transportation.
HB 671 To Committee on Higher Education.
HB 706 To Committee on Finance.
HB 786 To Committee on Business and Commerce.
HB 821 To Committee on Agriculture, Water, and Rural Affairs.
HB 870 To Committee on Education.
HB 875 To Committee on Criminal Justice.
HB 885 To Committee on Criminal Justice.
HB 942 To Committee on Natural Resources and Economic Development.
HB 950 To Committee on Agriculture, Water, and Rural Affairs.
HB 1052 To Committee on Administration.
HB 1111 To Committee on Intergovernmental Relations.
HB 1212 To Committee on Health and Human Services.
HB 1273 To Committee on Transportation.
HB 1289 To Committee on Intergovernmental Relations.
HB 1293 To Committee on Criminal Justice.
HB 1307 To Committee on Intergovernmental Relations.
HB 1421 To Committee on Agriculture, Water, and Rural Affairs.
HB 1535 To Committee on Natural Resources and Economic Development.
HB 1605 To Committee on Transportation.
HB 1640 To Committee on Veteran Affairs and Military Installations.
HB 1643 To Committee on Intergovernmental Relations.
HB 1706 To Committee on Education.
HB 1738 To Committee on Transportation.
HB 1819 To Committee on Agriculture, Water, and Rural Affairs.
HB 1832 To Committee on Business and Commerce.
HB 1860 To Committee on Natural Resources and Economic Development.
HB 1879 To Committee on Intergovernmental Relations.
HB 1925 To Committee on Agriculture, Water, and Rural Affairs.
HB 1953 To Committee on Finance.
HB 2035 To Committee on Business and Commerce.
HB 2038 To Committee on Intergovernmental Relations.
HB 2049 To Committee on Business and Commerce.
HB 2065 To Committee on State Affairs.
HB 2119 To Committee on Agriculture, Water, and Rural Affairs.
HB 2181 To Committee on Transportation.
HB 2189 To Committee on Criminal Justice.
HB 2193 To Committee on State Affairs.
HB 2207 To Committee on Natural Resources and Economic Development.
HB 2232 To Committee on Veteran Affairs and Military Installations.
HB 2255 To Committee on Business and Commerce.
HB 2316 To Committee on Natural Resources and Economic Development.
HB 2354 To Committee on State Affairs.

HB 2464 To Committee on Business and Commerce.
HB 2468 To Committee on Transportation.
HB 2501 To Committee on Intergovernmental Relations.
HB 2519 To Committee on Intergovernmental Relations.
HB 2547 To Committee on Criminal Justice.
HB 2557 To Committee on Intergovernmental Relations.
HB 2583 To Committee on Criminal Justice.
HB 2584 To Committee on Health and Human Services.
HB 2629 To Committee on Higher Education.
HB 2680 To Committee on Criminal Justice.
HB 2697 To Committee on Health and Human Services.
HB 2736 To Committee on Transportation.
HB 2788 To Committee on Agriculture, Water, and Rural Affairs.
HB 2849 To Committee on Health and Human Services.
HB 2900 To Committee on State Affairs.
HB 2917 To Committee on State Affairs.
HB 2935 To Committee on State Affairs.
HB 2975 To Committee on Transportation.
HB 3060 To Committee on Intergovernmental Relations.
HB 3078 To Committee on Higher Education.
HB 3187 To Committee on Intergovernmental Relations.
HB 3211 To Committee on Criminal Justice.
HB 3244 To Committee on Intergovernmental Relations.
HB 3332 To Committee on Health and Human Services.
HB 3485 To Committee on Transportation.
HB 3562 To Committee on Education.
HB 3629 To Committee on Natural Resources and Economic Development.
HB 3680 To Committee on State Affairs.
HB 3729 To Committee on Criminal Justice.
HB 3738 To Committee on Agriculture, Water, and Rural Affairs.
HB 3842 To Committee on Natural Resources and Economic Development.
HB 3868 To Committee on Transportation.
HB 3872 To Committee on Business and Commerce.
HB 4030 To Committee on Criminal Justice.
HCR 62 To Committee on Administration.
HCR 76 To Committee on Administration.
HCR 80 To Committee on Natural Resources and Economic Development.
HCR 93 To Committee on Administration.
HCR 94 To Committee on Administration.

CO-AUTHORS OF SENATE BILL 575

On motion of Senator L. Taylor, Senators Bettencourt, Burton, Hancock, Huffines, and V. Taylor will be shown as Co-authors of **SB 575**.

CO-AUTHOR OF SENATE BILL 723

On motion of Senator Perry, Senator Nelson will be shown as Co-author of **SB 723**.

CO-AUTHORS OF SENATE BILL 831

On motion of Senator Kolkhorst, Senators Burton, Hancock, Huffines, and Perry will be shown as Co-authors of **SB 831**.

CO-AUTHOR OF SENATE BILL 1049

On motion of Senator Campbell, Senator Zaffirini will be shown as Co-author of **SB 1049**.

CO-AUTHORS OF SENATE BILL 1163

On motion of Senator Hancock, Senators Burton, Huffines, and Perry will be shown as Co-authors of **SB 1163**.

CO-AUTHOR OF SENATE BILL 1422

On motion of Senator Lucio, Senator Hinojosa will be shown as Co-author of **SB 1422**.

CO-AUTHORS OF SENATE BILL 1564

On motion of Senator Burton, Senators Bettencourt, Hancock, Huffines, and Perry will be shown as Co-authors of **SB 1564**.

CO-AUTHOR OF SENATE BILL 1593

On motion of Senator Lucio, Senator Burton will be shown as Co-author of **SB 1593**.

CO-AUTHOR OF SENATE BILL 1735

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

CO-AUTHORS OF SENATE BILL 1902

On motion of Senator Perry, Senators Hall, Huffines, and West will be shown as Co-authors of **SB 1902**.

CO-AUTHOR OF SENATE BILL 1987

On motion of Senator Menéndez, Senator Zaffirini will be shown as Co-author of **SB 1987**.

CO-AUTHOR OF SENATE BILL 2048

On motion of Senator Huffman, Senator Kolkhorst will be shown as Co-author of **SB 2048**.

CO-AUTHOR OF SENATE RESOLUTION 681

On motion of Senator Burton, Senator Bettencourt will be shown as Co-author of **SR 681**.

CO-SPONSOR OF HOUSE BILL 10

On motion of Senator Huffman, Senator Menéndez will be shown as Co-sponsor of **HB 10**.

CO-SPONSOR OF HOUSE BILL 80

On motion of Senator Zaffirini, Senator Eltife will be shown as Co-sponsor of **HB 80**.

CO-SPONSOR OF HOUSE BILL 115

On motion of Senator Fraser, Senator Campbell will be shown as Co-sponsor of **HB 115**.

CO-SPONSOR OF HOUSE BILL 181

On motion of Senator Kolkhorst, Senator V. Taylor will be shown as Co-sponsor of **HB 181**.

CO-SPONSOR OF HOUSE BILL 505

On motion of Senator Estes, Senator V. Taylor will be shown as Co-sponsor of **HB 505**.

CO-SPONSOR OF HOUSE BILL 931

On motion of Senator Bettencourt, Senator Zaffirini will be shown as Co-sponsor of **HB 931**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 715 by Watson, In memory of Andrew R. Ramirez Sr.

Congratulatory Resolutions

SR 709 by West, Recognizing the Cutting Edge Youth Summit for promoting academic excellence.

SR 710 by West, Recognizing Stefanie M. Watkins-Nance for her service in the office of Senator Royce West.

SR 714 by Nichols, Recognizing the Lufkin High School boys' soccer team for winning a state championship.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 4:21 p.m. adjourned, in memory of Charles Gabriel Contreras, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

May 5, 2015

EDUCATION — **HB 4, SB 968, SB 996, SB 1479, SB 1568, SB 1825, SB 2046, CSSB 674, CSSB 811, CSSB 1178, CSSB 1259, CSSB 1497, CSSB 1897**

AGRICULTURE, WATER, AND RURAL AFFAIRS — **SB 2030, HB 280, HB 949, HB 1016, HB 1042, HB 1224, HB 1934**

HEALTH AND HUMAN SERVICES — **CSSB 1899, CSSB 1873, CSSB 339, SB 1813**

BUSINESS AND COMMERCE — **HB 2022, HB 824, SB 374**

EDUCATION — **CSSB 1216, CSSB 161**

HEALTH AND HUMAN SERVICES — **CSSB 1882**

INTERGOVERNMENTAL RELATIONS — **CSSB 2063, CSSB 1362, CSSB 896, HB 389, HB 2679, HB 2809, HB 3081, HB 2200**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **HB 908, HB 1606, HB 931**

BILLS ENGROSSED

May 4, 2015

SB 213, SB 409, SB 455, SB 550, SB 593, SB 733, SB 755, SB 797, SB 904, SB 1049, SB 1181, SB 1184, SB 1222, SB 1341, SB 1356, SB 1389, SB 1436, SB 1716, SB 1771, SB 1779, SB 1812, SB 1867, SB 1876, SB 1925, SB 1978, SB 2062

BILLS AND RESOLUTIONS ENROLLED

May 4, 2015

SB 45, SB 94, SB 125, SB 203, SB 227, SB 378, SB 415, SB 489, SB 534, SB 562, SB 656, SB 774, SB 788, SB 804, SB 859, SB 928, SB 979, SB 1066, SB 1137, SB 1452, SB 1466, SB 1749, SR 673, SR 674, SR 675, SR 676, SR 677, SR 678, SR 679, SR 680, SR 681, SR 682, SR 683, SR 684, SR 685, SR 686, SR 687, SR 690, SR 691, SR 692, SR 693, SR 694, SR 695, SR 696, SR 697, SR 698, SR 699, SR 700, SR 701, SR 702, SR 703, SR 704, SR 705, SR 706, SR 707, SR 708

SENT TO GOVERNOR

May 5, 2015

SB 45, SB 94, SB 125, SB 203, SB 227, SB 378, SB 415, SB 489, SB 534, SB 562, SB 656, SB 774, SB 788, SB 804, SB 859, SB 928, SB 979, SB 1066, SB 1137, SB 1452, SB 1466, SB 1749

SIGNED BY GOVERNOR

May 5, 2015

SB 903, SB 1985