

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-SECOND DAY

(Monday, May 18, 2015)

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

The roll was called and the following Senators were present: 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, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Absent-excused: Hall.

The Presiding Officer announced that a quorum of the Senate was present.

Pastor Andy Davis, First Baptist Church, Belton, was introduced by Senator Fraser and offered the invocation as follows:

Our Father in heaven, as we gather in this historic room, we acknowledge You. We acknowledge Your greatness, Your majesty, Your power, Your justice, Your grace, Your mercy, Your love. You have graced us as a people. Thank You for blessing America. And we give a double thank You for the privilege of being Texans. We love our great state, its beauty and its diversity. We love our people and acknowledge that each one is precious to You and of infinite worth in Your great plan for this world. I humbly and respectfully ask that today You bless the men and women who gather here to deliberate on the business of Texas. Thank You that they have answered a call to public service, often at great sacrifice to personal time, family relationships, and business success. Give them guidance and wisdom today. May their decisions bring glory to Your great name, for we know that if Your name is glorified, Texas will be blessed. Again, we acknowledge Your power and authority. We know that we take our next breath only because of Your sovereign grace. May Your holy presence be felt here today. May Your protective presence surround the men and women who serve our nation. Watch over them, every one, Father. And as a personal follower of Jesus, I ask all of these things in His beautiful 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.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Hall was granted leave of absence for today on account of important business.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, May 18, 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 211

Rose

Relating to resuming a criminal case after a defendant is determined to be competent to stand trial.

HB 234

Farrar

Relating to certain costs associated with certain court proceedings for cruelly treated animals; authorizing fees and costs.

HB 548

Johnson

Relating to the consideration of criminal history record information regarding applicants for state employment.

HB 603

Davis, Sarah

Relating to the creation of the offense of unlawful dissemination of certain visual material; providing penalties.

HB 681

Sheets

Relating to the eligibility for service retirement annuities of certain persons, including elected officials convicted of certain crimes.

HB 777

Riddle

Relating to the punishment for the offense of indecent exposure.

HB 799

Capriglione

Relating to a study conducted by the Legislative Budget Board on the impact to state agencies of federal regulations and mandates enacted by federal law.

HB 964

Howard

Relating to the calculation of the rollback tax rate of a school district.

HB 1237

Tinderholt

Relating to the designation of a portion of U.S. Highway 290 in Hays and Travis Counties as the Lieutenant Clay Crabb Memorial Highway.

- HB 1265** Wu
Relating to a deceptive act or practice involving a solicitation in connection with a good or service.
- HB 1438** Thompson, Senfronia
Relating to probate matters, including guardianships and other matters related to incapacitated persons.
- HB 1490** Huberty
Relating to public school interventions for truancy and eliminating a criminal penalty and authorizing a civil penalty for truancy.
- HB 1624** Smithee
Relating to transparency of certain information related to certain health benefit plan coverage.
- HB 1754** Pickett
Relating to the conveyance of property by a municipality for the public purpose of economic development.
- HB 1845** King, Susan
Relating to increasing the criminal penalty for causing certain assaultive physical contact with a child.
- HB 1891** Rodriguez, Eddie
Relating to Texas community schools.
- HB 2020** Martinez, "Mando"
Relating to the scope of duties of an emergency medical technician-paramedic and a licensed paramedic.
- HB 2048** Naishtat
Relating to the delivery of mental health services and supports under a system of care framework to minors who have or are at risk of developing a serious emotional disturbance or who are at risk of being removed from the minor's home.
- HB 2082** Laubenberg
Relating to developing a program to provide telemedicine medical services to certain children.
- HB 2150** Alvarado
Relating to the organization of a grand jury and qualifications for service as a grand juror.
- HB 2205** Crownover
Relating to educator preparation programs and appointment to the State Board for Educator Certification, including the appointment of a nonvoting member with experience and knowledge of alternative educator preparation programs.
- HB 2286** Parker
Relating to the eligibility of certain victims of trafficking of persons for an order of nondisclosure; authorizing a fee.

- HB 2303** Kuempel
Relating to a landowner's liability for injuries incurred during certain recreational activities.
- HB 2318** Ashby
Relating to a credit or refund for diesel fuel taxes paid on diesel fuel used in this state by auxiliary power units or power take-off equipment.
- HB 2356** Bohac
Relating to the territory that may be included in a single county election precinct.
- HB 2475** Geren
Relating to the establishment of the center for alternative finance and procurement within the Texas Facilities Commission and to public and private partnerships; authorizing a fee.
- HB 2503** Zerwas
Relating to examination requirements for certain applicants for a license to practice medicine.
- HB 2525** Coleman
Relating to the appointment of counsel to represent indigent defendants in criminal cases.
- HB 2558** Isaac
Relating to the length of a billing month for a propane gas customer.
- HB 2641** Zerwas
Relating to the exchange of health information in this state; creating a criminal offense.
- HB 2646** Giddings
Relating to the disclosure of information regarding communicable diseases to first responders and certain entities.
- HB 2684** Giddings
Relating to the creation of a model training curriculum and to the required training for certain school district peace officers and school resource officers.
- HB 2703** Simmons
Relating to the establishment of the Texas Board of Behavior Analyst Examiners and the requirement to obtain a license to practice as a behavior analyst or assistant behavior analyst; imposing fees; providing an administrative penalty.
- HB 2720** Goldman
Relating to abolishing shampoo apprentice permits and shampoo specialty certificates.
- HB 2744** Capriglione
Relating to the use of automatic license plate readers by a law enforcement agency or municipal parking enforcement authority.
- HB 2804** Aycock
Relating to evaluation of public school performance and to student physical fitness assessment.

- HB 3074** Springer
Relating to the provision of artificially administered nutrition and hydration and life-sustaining treatment.
- HB 3159** Fallon
Relating to a contract with a county for election services.
- HB 3163** Cyrier
Relating to civil suits filed against board members of a groundwater conservation district and the liability of a member for certain actions taken by the board.
- HB 3316** Miller, Doug
Relating to the time for recording a durable power of attorney for certain real property transactions.
- HB 3374** Morrison
Relating to information regarding Down syndrome.
- HB 3481** Goldman
Relating to a fishing license fee waiver for certain residents.
- HB 3579** Alonzo
Relating to certain criminal record information; authorizing a fee.
- HB 3739** Vo
Relating to preferred qualifications for serving on an appraisal review board or panel of the board that hears ad valorem tax protests concerning commercial real property in certain appraisal districts.
- HB 3750** Simmons
Relating to interim studies on real property owned by the state.
- HB 3781** Crownover
Relating to the creation of the Texas Health Improvement Network.
- HB 3940** Meyer
Relating to extending claim-handling deadlines after certain emergency declarations.
- HB 3977** Dukes
Relating to increasing the penalty for causing injury to a child; changing the eligibility for community supervision.
- HB 4032** Gonzales, Larry
Relating to erecting certain signs on private property before an election.
- HB 4148** Morrison
Relating to compensation and reimbursement of expenses for the board of directors of the Refugio County Drainage District No. 1.
- HB 4180** Zerwas
Relating to the conversion of the Harris-Fort Bend Counties Municipal Utility District No. 4 to the Katy Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
- HB 4184** Isaac
Relating to the Hays County Development District No. 1.

- HB 4185** Isaac
Relating to the powers and duties of the Headwaters Municipal Utility District; providing authority to issue bonds and impose taxes.
- HCR 108** Hunter
Requesting the lieutenant governor and the speaker to create a joint interim committee to study the development and potential economic impact of a cruise industry on the Texas coast between Calhoun and Cameron Counties.
- HCR 111** Guerra
Urging Hidalgo County to reduce its tax rate upon establishment of the Hidalgo County Healthcare District.
- HCR 121** Wu
Congratulating Hennessey Performance in Sealy on setting a world speed record with its Venom GT.
- SB 31** Zaffirini Sponsor: Guillen
Relating to the authority of certain volunteer firefighter and emergency services organizations to hold tax-free sales or auctions.
- SB 140** Perry Sponsor: Craddick
Relating to a sales and use tax exemption for telecommunications services used for the navigation of certain farm and ranch machinery and equipment.
- SB 314** West Sponsor: Burkett
Relating to appointment of a nonparent as managing conservator of a child.
- SB 381** Uresti Sponsor: Guillen
Relating to tort liability arising from a volunteer's operation of a Parks and Wildlife Department motor-driven vehicle or motor-driven equipment.
- SB 570** Estes Sponsor: Sheffield
Relating to the use of fireworks at certain Texas Department of Transportation rest areas; creating a criminal offense.
- SB 584** Uresti Sponsor: Simmons
Relating to the indexing of correction instruments in a county index to real property records.
- SB 627** Huffman Sponsor: Hunter
Relating to certain defenses to libel actions.
- SB 671** Birdwell Sponsor: Keffer
Relating to the designation of Loop 567 in Granbury as the Deputy Sergeant Lance McLean Memorial Highway.
- SB 695** Taylor, Larry Sponsor: Faircloth
Relating to a study of the feasibility and desirability of creating and maintaining a coastal barrier system.
- SB 810** Seliger Sponsor: Smithee
Relating to the authority of an independent school district to contract with a municipality for the design, improvement, or construction of an instructional facility, stadium, or other athletic facility.

- SB 812** Rodríguez Sponsor: Lucio III
Relating to the appointment of an associate judge in a family law proceeding involving a name change.
- SB 814** Rodríguez Sponsor: Lucio III
Relating to waivers of citation in certain family law suits.
- SB 832** Campbell Sponsor: King, Susan
Relating to the coordinating workgroups of the Texas Coordinating Council for Veterans Services.
- SB 839** Garcia Sponsor: Dutton
Relating to the Generation Park Management District.
- SB 850** Taylor, Van Sponsor: Flynn
Relating to a public duty justification for conduct of a service member of the Texas military forces.
- SB 909** Zaffirini Sponsor: Rodriguez, Justin
Relating to the county courts at law in Bexar County.
- SB 1059** Hinojosa Sponsor: Herrero
Relating to the issuance of certain permits for the movement of oversize or overweight vehicles.
- SB 1081** Creighton Sponsor: Huberty
Relating to the disclosure of certain information under a consolidated insurance program.
(Committee Substitute)
- SB 1107** Eltife Sponsor: Smithee
Relating to contingent deferred annuity contracts.
(Committee Substitute)
- SB 1116** West Sponsor: Smithee
Relating to a notice or document sent by mail or electronic mail by a court, justice, judge, magistrate, or clerk of a judicial court.
- SB 1407** Schwertner Sponsor: Dukes
Relating to encouraging age-appropriate normalcy activities for children in the managing conservatorship of the state.
- SB 1879** Zaffirini Sponsor: Farias
Relating to the allocation of certain grants from the fund for veterans' assistance.
- SB 1929** Garcia Sponsor: Thompson, Senfronia
Relating to the transfer of jurisdiction and the appointment of an attorney ad litem or guardian ad litem in certain suits affecting the parent-child relationship.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, May 18, 2015 - 2

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 249

Leach

Relating to the reporting of proceeds and property forfeited under criminal asset forfeiture proceedings.

HB 302

Wu

Relating to the creation of a certificate program to promote travel to and throughout this state; authorizing fees.

HB 731

Lucio III

Relating to a pilot program under the foundation school program for funding prekindergarten programs provided by certain school districts with early high school graduation programs.

HB 790

Burkett

Relating to a study on the implementation and effectiveness of sound mitigation measures on certain highways.

HB 873

Sanford

Relating to the publication of certain information regarding the vocational rehabilitation program on the Internet.

HB 913

Israel

Relating to the requirements pertaining to a ballot to be voted by mail and materials accompanying the official carrier envelope.

HB 1090

Herrero

Relating to exemption of certain firefighters and police officers from jury service.

HB 1144

Dukes

Relating to establishing a task force to examine the adjudication, disposition, and registration of juvenile sex offenders.

HB 1313

Fletcher

Relating to ensuring the removal of the names of deceased persons from the jury wheel.

HB 1332

Schofield

Relating to the notice to vacate required to be given by a landlord to a tenant before filing an eviction suit.

- HB 1491** McClendon
Relating to the publication of confidential criminal and juvenile justice records of certain juveniles; providing civil penalties.
- HB 1585** Paul
Relating to the use of hotel occupancy tax revenue in certain municipalities.
- HB 1612** Guillen
Relating to a requirement that public institutions of higher education provide certain information to students and school districts regarding student performance on Texas Success Initiative assessment instruments.
- HB 1695** Capriglione
Relating to Internet access to certain district court family dockets.
- HB 1782** Bonnen, Greg
Relating to protective orders against certain persons who are convicted of or placed on deferred adjudication community supervision for an offense involving family violence.
- HB 1849** King, Susan
Relating to occupational licenses for military service members, military veterans, and military spouses.
- HB 1908** Naishtat
Relating to the continuity of care for offenders with mental impairments.
- HB 2159** Moody
Relating to requiring the payment of restitution as a condition of community supervision for offenses involving family violence committed in the presence of certain children.
- HB 2160** Paul
Relating to the release of election judges' and clerks' contact information.
- HB 2206** Crownover
Relating to transfer of the oversight of the Texas State Cemetery to the State Preservation Board.
- HB 2235** Anderson, Rodney
Relating to the eligibility requirements of a notary public.
- HB 2251** Anchia
Relating to an established schedule of payments from the foundation school fund of the yearly entitlement of certain open-enrollment charter schools.
- HB 2259** Isaac
Relating to the Driftwood Economic Development Municipal Management District; removing conditions to imposing a tax on residential property; providing authority to issue bonds.
- HB 2353** Davis, Sarah
Relating to the creation of Saint George Place Management District; providing authority to issue bonds; providing authority to impose assessments.

- HB 2381** Reynolds
Relating to the appointment and duties of election officers.
- HB 2404** Anderson, Rodney
Relating to certain security devices for residential tenancies.
- HB 2593** Price
Relating to the sparsity adjustment for certain school districts under the Foundation School Program.
- HB 2596** Leach
Relating to the date by which certain protective order information must be entered by a local law enforcement agency into the statewide law enforcement information system.
- HB 2721** Blanco
Relating to public notice of the time for voting during an early voting period.
- HB 2775** Rodriguez, Eddie
Relating to a petition filed in connection with an application for a place on the ballot.
- HB 2818** Nevárez
Relating to the designation of portions of State Highway 17 and United States Highway 67 as the Alfred Q. Valenzuela Memorial Highway.
- HB 2840** Cyrier
Relating to the eligibility of certain citizens residing outside the United States to vote a full ballot.
- HB 3002** Martinez, "Mando"
Relating to the fee imposed on certain property owners by a county for the establishment of street lights along a county road.
- HB 3012** Parker
Relating to appraisal review boards; amending provisions subject to a criminal penalty.
- HB 3095** Thompson, Senfronia
Relating to durable powers of attorney and advance directives.
- HB 3128** Dale
Relating to service of a temporary ex parte order issued in response to an application for a protective order in circumstances involving family violence.
- HB 3139** Naishtat
Relating to prompt action by certain holders of preferred debt and lien claims against secured property of a decedent's estate.
- HB 3144** Lozano
Relating to expanding the memorial sign program for motorcyclists to include bicyclists.
- HB 3157** Faircloth
Relating to notice of cancellation of elections.
- HB 3297** Parker
Relating to pretrial settlement discussions during ad valorem tax appeals.

- HB 3369** Paul
Relating to supervision of the conduct of a primary election; creating an offense.
- HB 3395** Phillips
Relating to the requirement that a candidate appoint a campaign treasurer before making certain expenditures.
- HB 3456** Paul
Relating to the composition of a district executive committee of a political party.
- HB 3484** Bonnen, Dennis
Relating to the application of sales and use taxes to certain food items; adding a provision subject to a criminal penalty.
- HB 3532** Herrero
Relating to access to certain confidential information provided in an application for an exemption from ad valorem taxation.
- HB 3573** Alonzo
Relating to the composition of the board of trustees of the Employees Retirement System of Texas.
- HB 3575** Turner, Sylvester
Relating to eligibility for supplemental financial assistance provided to certain grandparents.
- HB 3657** Blanco
Relating to a study of the use of regional rating for health coverage provided under the uniform group coverage program for certain active school employees and their dependents.
- HB 3662** Hughes
Relating to recovery of damages, attorney's fees, and costs related to frivolous regulatory actions by state agencies.
- HB 3666** Workman
Relating to the withdrawal of the territory of an emergency services district from the territory of a metropolitan rapid transit authority.
- HB 3670** Naishtat
Relating to an environmental service fee charged by an institution of higher education.
- HB 3672** Naishtat
Relating to expedited credentialing for certain licensed clinical social workers under the Medicaid managed care program.
- HB 3756** Otto
Relating to the methods and procedures used by the comptroller to determine the total taxable value of property in each school district.
- HB 3778** Koop
Relating to procedures of a county tax assessor-collector for collection of dishonored checks and invoices; authorizing a fee.
- HB 3884** Dutton
Relating to the carrying of knives; creating a criminal offense.

- HB 3920** Guerra
Relating to financing arrangements between political subdivisions and private entities for the implementation of pay for success initiatives.
- HB 3951** Huberty
Relating to the eligibility of persons to participate in an ad valorem tax sale of real property; creating a criminal offense.
- HB 3971** King, Susan
Relating to the development of neighborhood and community engagement plans for residents of certain group homes.
- HB 3996** Blanco
Relating to the donation of juror reimbursements.
- HB 4037** Guillen
Relating to the rate of the hotel occupancy tax in certain counties and the use of revenue from the hotel occupancy tax by certain counties; authorizing an increase in the rate of a tax.
- HB 4049** Isaac
Relating to authorizing a production fee on certain non-exempt wells in the Hays Trinity Groundwater Conservation District.
- HB 4099** Fletcher
Relating to the issuance of K9s4COPs specialty license plates.
- HB 4136** Vo
Relating to the board of directors, authority to impose assessments, and territory of the International Management District.
- HB 4174** Reynolds
Relating to the creation of a defined area in the Fort Bend County Water Control and Improvement District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- HB 4176** Crownover
Relating to the territory, board, and operation of the Lake Cities Municipal Utility Authority.
- HB 4186** Smith
Relating to the creation of the East Lake Houston Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
- HB 4187** Farney
Relating to renaming the Corn Hill Regional Water Authority as the Lone Star Regional Water Authority; altering the governing body's membership.
- HB 4192** Zerwas
Relating to the creation of Simonton Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

HB 4199 Paddie
Relating to the Harrison County Court at Law.

HB 4207 Morrison
Relating to the creation of the Aransas County Groundwater Conservation District; providing authority to issue bonds and impose a tax; providing general law authority to impose fees and surcharges.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Schwertner was recognized and presented Dr. Dan Steffy of Cedar Park as the Physician of the Day.

The Senate welcomed Dr. Steffy and thanked him for his 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:

May 18, 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 Lower Colorado River Authority for terms to expire February 1, 2021:

Lori A. Berger

Flatonia, Texas

(Mayor Berger is being reappointed)

Joseph M. "Joe" Crane

Bay City, Texas

(replacing John C. Dickerson, III of Bay City whose term expired)

Charles B. "Bart" Johnson

Brownwood, Texas

(replacing Jett Jay Johnson of Goldthwaite whose term expired)

George W. Russell

Marble Falls, Texas

(replacing Vernon E. "Buddy" Schrader of Horseshoe Bay whose term expired)

Martha Leigh Whitten
San Saba, Texas

(replacing Michael G. "Mike" McHenry of San Saba whose term expired)

Respectfully submitted,

/s/Greg Abbott
Governor

May 18, 2015
Austin, Texas

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

On January 15, 2015, former Governor Rick Perry submitted the name of David G. Cabrales for appointment to the Texas Economic Development Corporation for a term to expire at the pleasure of the Governor.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Greg Abbott
Governor

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The Presiding Officer, Senator Eltife in Chair, 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.

SENATE RESOLUTION 689

Senator Rodríguez offered the following resolution:

SR 689, Recognizing May 18, 2015, as Texas Promotores and Community Health Workers Day.

The resolution was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of the resolution except as follows:

Absent-excused: Hall.

GUESTS PRESENTED

Senator Rodríguez was recognized and introduced to the Senate a Texas Promotores and Community Health Workers Day delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Dallas 2015 Profiles in Leadership Awards recipients.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:38 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1925 ON SECOND READING**

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **CSHB 1925** at this time on its second reading:

CSHB 1925, Relating to the transfer of the Texas Farm and Ranch Lands Conservation Program to the Parks and Wildlife Department.

The motion prevailed.

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

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

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

Nays: Nelson.

Absent-excused: Hall.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1925 ON THIRD READING**

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1925** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Nelson.

Absent-excused: Hall.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

HOUSE BILL 495 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 495** at this time on its second reading:

HB 495, Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.

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

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

Absent-excused: Hall.

HOUSE BILL 495 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 495** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Hall.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE HOUSE BILL 2145 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSHB 2145** at this time on its second reading:

CSHB 2145, Relating to provisional authority for certain individual insurance license applicants to act as insurance agents; authorizing a fee; requiring an occupational provisional permit; adding provisions that may be subject to a criminal penalty.

The motion prevailed.

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

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

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

Nays: Watson.

Absent-excused: Hall.

COMMITTEE SUBSTITUTE HOUSE BILL 2145 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 **CSHB 2145** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Watson.

Absent-excused: Hall.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

HOUSE BILL 158 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **HB 158** at this time on its second reading:

HB 158, Relating to the allocation and use of the proceeds from taxes imposed on the sale, storage, or use of sporting goods.

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 third reading by a viva voce vote.

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

Nays: Burton.

Absent-excused: Hall.

HOUSE BILL 158 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 158** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Burton.

Absent-excused: Hall.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

HOUSE BILL 200 ON SECOND READING

Senator Perry moved to suspend the regular order of business to take up for consideration **HB 200** at this time on its second reading:

HB 200, Relating to the regulation of groundwater.

The motion prevailed.

Senator Seliger 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 **HB 200** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in amended Section 36.0015(b), Water Code (page 1, line 37), strike "development" and substitute "conservation".

(2) In SECTION 1 of the bill, in amended Section 36.0015(b), Water Code (page 1, line 38), strike "conservation" and substitute "development".

(3) In SECTION 1 of the bill, in amended Section 36.0015(b), Water Code (page 1, line 39), strike "development and conservation" and substitute "conservation and development".

(4) In SECTION 2 of the bill, in added Section 36.066(h), Water Code (page 1, line 53), strike "may" and substitute "shall".

(5) In SECTION 4 of the bill, in added Section 36.1083(e)(2)(A), Water Code (page 2, line 41), strike "and".

(6) In SECTION 4 of the bill, in added Section 36.1083(e)(2), Water Code (page 2, between lines 41 and 42), insert the following appropriately numbered paragraphs and renumber subsequent paragraphs of Subdivision (2) accordingly:

() the explanatory report provided to the development board under 36.108(d-3);

() the factors described under Section 36.108(d); and

(7) In SECTION 4 of the bill, in added Section 36.1083(g), Water Code (page 2, line 58), between "(e)(2)" and "to be", insert "and the desired future conditions explanatory report submitted to the development board under Section 36.108(d-3)".

(8) In SECTION 4 of the bill, in added Section 36.1083(k)(2)(B), Water Code (page 3, line 19), strike "other party to the hearing" and substitute "person who has requested notice".

(9) In SECTION 4 of the bill, in amended Section 36.1083, Water Code (page 3, line 65, through page 4, line 1), strike added Subsection (p) and substitute the following:

(p) If the district in its final order finds that a desired future condition is unreasonable, not later than the 60th day after the date of the final order, the districts in the same management area as the district that received the petition shall reconvene in a joint planning meeting for the purpose of revising the desired future condition. The districts in the management area shall follow the procedures in Section 36.108 to adopt new desired future conditions applicable to the district that received the petition.

(10) In SECTION 5 of the bill, in added Section 36.10835, Water Code (page 4, lines 13-27), strike added Subsection (a) and substitute the following:

(a) A final district order issued under Section 36.1083 may be appealed to a district court with jurisdiction over any part of the territory of the district that issued the order. An appeal under this subsection must be filed with the district court not later than the 45th day after the date the district issues the final order. The case shall be decided under the substantial evidence standard of review as provided by Section 2001.174, Government Code. If the court finds that a desired future condition is unreasonable, the court shall strike the desired future condition and order the districts in the same management area as the district that received the petition to reconvene not later than the 60th day after the date of the court order in a joint planning meeting for the purpose of revising the desired future condition. The districts in the management area shall follow the procedures in Section 36.108 to adopt new desired future conditions applicable to the district that received the petition.

The amendment to **HB 200** was read and was adopted by a viva voce vote.

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

Nays: Seliger.

Absent-excused: Hall.

Senator West offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 200** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 36.0151(f), Water Code, is amended to read as follows:

(f) Before September 1, 2021~~[2015]~~, the commission may not create a groundwater conservation district under this section in a county:

- (1) in which the annual amount of surface water used is more than 50 times the annual amount of groundwater produced;
- (2) that is located in a priority groundwater management area; and
- (3) that has a population greater than 2.3 million.

The amendment to **HB 200** was read and was adopted by a viva voce vote.

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

Nays: Seliger.

Absent-excused: Hall.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 3

Amend **HB 200** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 65, Water Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. DISSOLUTION OF CERTAIN DISTRICTS

Sec. 65.751. DEFINITIONS. In this subchapter, "district facilities" means tangible real and personal property, including plant and equipment, used for the delivery of potable water to customers. The term does not include money, securities, or financial instruments.

Sec. 65.752. APPLICABILITY. This subchapter applies to a district:

- (1) with more than 5,000 customers and fewer than 10,000 customers;
- (2) whose boundaries extend into three or more counties, one of which is adjacent to a county with a population of more than one million;
- (3) that does not have any outstanding debt;
- (4) that has conveyed all of its district facilities and operations to a municipality:

- (A) with a population of less than 75,000; and
- (B) located wholly in one county.

Sec. 65.753. CONDITIONS FOR DISSOLUTION. (a) The board may dissolve the district according to the procedure described by this subchapter if:

(1) the district no longer holds a certificate of convenience and necessity to provide water to customers in the district; and

(2) the board considers dissolution advisable.

(b) If at any time the board finds that the conditions of Subsection (a) are met, the board may issue a notice of hearing as provided by Section 65.754.

Sec. 65.754. NOTICE OF HEARING. (a) The board shall post notice of the hearing on the matter of dissolution of the district:

(1) on the door of the county courthouse in each county in which the district is located;

(2) at least two times in a newspaper of general circulation in the district; and

(3) in at least three other public places in the district.

(b) At least one publication and posting of notice must occur not later than the 14th day before the date the board has set for a hearing on the matter of dissolution of the district.

Sec. 65.755. HEARING. At the hearing, held at the time and place stated in the notice under Section 65.754, the board shall:

(1) hear all interested persons;

(2) consider whether the best interests of the persons and property in the district will be served by dissolving the district; and

(3) vote on whether to dissolve the district.

Sec. 65.756. ORDER. (a) If two-thirds of the members of the board vote to dissolve the district, the board shall enter a finding in its records that the district will be dissolved after completion of the process to transfer to a municipality the district's certificate of convenience and necessity and other assets and liabilities. After the district's certificate of convenience and necessity and other assets and liabilities are transferred to a municipality, the board shall enter an order in its records dissolving the district.

(b) If two-thirds of the members of the board do not vote to dissolve the district, the board shall enter an order in its records providing that the district is not to be dissolved.

Sec. 65.757. ASSUMPTION OF ASSETS AND LIABILITIES. (a) On the date the board enters a finding under Section 65.756(a) that the district will be dissolved, the municipality to which the district transferred the district facilities shall assume:

(1) all rights, duties, and obligations of the district, including existing contracts, duties, assets, property, easements, financial obligations, and liabilities of the district, to the extent that those rights, duties, and obligations were not previously assumed by the municipality by contractual agreement;

(2) all files, records, and accounts of the district, including those that pertain to the control, finances, management, and operation of the district; and

(3) all permits, approvals, and licenses of the district.

(b) To the extent that the assumption of an item listed in Subsection (a) requires the approval of a state agency, the state agency shall grant approval without additional notice or hearing.

Sec. 65.758. JUDICIAL REVIEW. The board's order dissolving the district is final and is not subject to judicial review except on the grounds of fraud, palpable error, or gross abuse of discretion.

Sec. 65.759. EFFECT ON CONTRACT. Nothing in this subchapter shall be construed to affect the position of a contracting party or the administrative procedures to transfer or revoke a certificate of convenience and necessity.

The amendment to **HB 200** was read and was adopted by a viva voce vote.

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

Nays: Fraser, Seliger.

Absent-excused: Hall.

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

HB 200 as amended was passed to third reading by a viva voce vote.

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

Nays: Seliger.

Absent-excused: Hall.

HOUSE BILL 2208 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **HB 2208** at this time on its second reading:

HB 2208, Relating to access to criminal history record information by a county tax assessor-collector.

The motion prevailed.

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

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

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

Nays: Huffines.

Absent-excused: Hall.

HOUSE BILL 2208 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2208** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Huffines.

Absent-excused: Hall.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

SENATE BILL 1507 WITH HOUSE AMENDMENTS

Senator Garcia called **SB 1507** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 1507** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the appointment of a forensic director responsible for statewide coordination and oversight of forensic mental health services overseen by the Department of State Health Services.

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

SECTION 1. Chapter 532, Health and Safety Code, is amended by adding Sections 532.013 and 532.0131 to read as follows:

Sec. 532.013. FORENSIC DIRECTOR. (a) In this section:

(1) "Forensic patient" means a person with mental illness who is:

(A) examined on the issue of competency to stand trial by an expert appointed under Subchapter B, Chapter 46B, Code of Criminal Procedure;

(B) found incompetent to stand trial under Subchapter C, Chapter 46B, Code of Criminal Procedure;

(C) committed to court-ordered mental health services under Subchapter E, Chapter 46B, Code of Criminal Procedure; or

(D) found not guilty by reason of insanity under Chapter 46C, Code of Criminal Procedure.

(2) "Forensic services" means a competency examination, competency restoration services, or mental health services provided to a current or former forensic patient in the community or at a department facility.

(b) The commissioner shall appoint a forensic director.

(c) To be qualified for appointment as forensic director, a person must have proven expertise in the social, health, and legal systems for forensic patients, and in the intersection of those systems.

(d) The forensic director reports to the commissioner and is responsible for:

(1) statewide coordination and oversight of forensic services;

(2) coordination of programs operated by the department relating to evaluation of forensic patients, transition of forensic patients from inpatient to outpatient or community-based services, community forensic monitoring, or forensic research and training; and

(3) addressing issues with the delivery of forensic services in the state, including:

(A) significant increases in populations with serious mental illness and criminal justice system involvement;

(B) adequate availability of department facilities for civilly committed forensic patients;

(C) wait times for forensic patients who require competency restoration services;

(D) interruption of mental health services of recently released forensic patients; and

(E) coordination of services provided to forensic patients by state agencies.

Sec. 532.0131. FORENSIC WORK GROUP. (a) In this section, "forensic patient" and "forensic services" have the meanings assigned by Section 532.013.

(b) The commissioner shall establish a work group of experts and stakeholders to make recommendations concerning the creation of a comprehensive plan for the effective coordination of forensic services.

(c) The work group must have not fewer than nine members, with the commissioner selecting the total number of members at the time the commissioner establishes the work group.

(d) The executive commissioner of the Health and Human Services Commission shall appoint as members of the work group:

(1) a representative of the department;

(2) a representative of the Texas Department of Criminal Justice;

(3) a representative of the Texas Juvenile Justice Department;

(4) a representative of the Texas Correctional Office on Offenders with

Medical or Mental Impairments;

(5) a representative of the Sheriff's Association of Texas;

(6) a superintendent of a state hospital with a maximum security forensic

unit;

(7) a representative of a local mental health authority;

(8) a representative of the protection and advocacy system of this state established in accordance with 42 U.S.C. Section 15043, appointed by the administrative head of that system; and

(9) additional members as needed to comply with the number of members selected by the commissioner, who must be recognized experts in forensic patients or persons who represent the interests of forensic patients, and who may be advocates, family members, psychiatrists, psychologists, social workers, psychiatric nurses, or representatives of hospitals licensed under Chapter 241 or 577.

(e) In developing recommendations, the work group may use information compiled by other work groups in the state, especially work groups for which the focus is mental health issues.

(f) Not later than July 1, 2016, the work group established under this section shall send a report describing the work group's recommendations to the lieutenant governor, the speaker of the house of representatives, and the standing committees of the senate and the house of representatives with primary jurisdiction over forensic services.

(g) The executive commissioner of the Health and Human Services Commission may adopt rules as necessary to implement this section.

(h) The work group established under this section is dissolved and this section expires November 1, 2019.

SECTION 2. (a) Not later than November 1, 2015, the commissioner of state health services shall establish a forensic work group, and the executive commissioner of the Health and Human Services Commission shall appoint members of that work group, as required by Section 532.0131, Health and Safety Code, as added by this Act.

(b) Not later than November 1, 2015, the executive commissioner of the Health and Human Services Commission shall adopt any rules necessary for the implementation of Section 532.013 or 532.0131, Health and Safety Code, as added by this Act.

SECTION 3. The commissioner of state health services shall appoint a forensic director as required by Section 532.013, Health and Safety Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Floor Amendment No. 1

Amend **CSSB 1507** (house committee report) as follows:

(1) On page 2, line 24, strike "and".

(2) On page 2, line 26, between "agencies" and the underlined period, insert the following:

;

(F) provision of input regarding the regional allocation of mental health beds for certain forensic patients and other patients with mental illness under Section 533.0515; and

(G) provision of input regarding the development and maintenance of a training curriculum for judges and attorneys for treatment alternatives to inpatient commitment to a state hospital for certain forensic patients under Section 1001.086

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

SECTION _____. Subchapter B, Chapter 533, Health and Safety Code, is amended by adding Section 533.0515 to read as follows:

Sec. 533.0515. REGIONAL ALLOCATION OF MENTAL HEALTH BEDS.

(a) In this section, "inpatient mental health facility" has the meaning assigned by Section 571.003.

(b) The commission, with input from local mental health authorities, local behavioral health authorities, stakeholders, and the forensic director appointed under Section 532.013, and after considering any plan developed under Section 533.051, shall divide the state into regions for the purpose of allocating to each region state-funded beds in the state hospitals and other inpatient mental health facilities for patients who are:

(1) voluntarily admitted to a state hospital or other inpatient mental health facility under Subchapter B, Chapter 462, or Chapter 572;

(2) admitted to a state hospital or other inpatient mental health facility for emergency detention under Subchapter C, Chapter 462, or Chapter 573;

(3) ordered by a court to receive at a state hospital or other inpatient mental health facility inpatient chemical dependency treatment under Subchapter D, Chapter 462, or inpatient mental health services under Chapter 574;

(4) committed to a state hospital or other inpatient mental health facility to attain competency to stand trial under Chapter 46B, Code of Criminal Procedure; or

(5) committed to a state hospital or other inpatient mental health facility to receive inpatient mental health services following an acquittal by reason of insanity under Chapter 46C, Code of Criminal Procedure.

(c) The department, in conjunction with the commission, shall convene the advisory panel described by Section 533.051(c) at least quarterly in order for the advisory panel to:

(1) develop, make recommendations to the executive commissioner or department, as appropriate, and monitor the implementation of updates to:

(A) a bed day allocation methodology for allocating to each region designated under Subsection (b) a certain number of state-funded beds in state hospitals and other inpatient mental health facilities for the patients described by Subsection (b) based on the identification and evaluation of factors that impact the use of state-funded beds by patients in a region, including clinical acuity, the prevalence of serious mental illness, and the availability of resources in the region; and

(B) a bed day utilization review protocol that includes a peer review process to:

(i) evaluate:

(a) the use of state-funded beds in state hospitals and other inpatient mental health facilities by patients described by Subsection (b);

(b) alternatives to hospitalization for those patients;

(c) the readmission rate for those patients; and

(d) the average length of admission for those patients; and

(ii) conduct a review of the diagnostic and acuity profiles of patients described by Subsection (b) for the purpose of assisting the department, commission, and advisory panel in making informed decisions and using available resources efficiently and effectively; and

(2) receive and review status updates from the department regarding the implementation of the bed day allocation methodology and the bed day utilization review protocol.

(d) Not later than December 1 of each even-numbered year, the advisory panel shall submit to the executive commissioner for consideration a proposal for an updated bed day allocation methodology and bed day utilization review protocol, and the executive commissioner shall adopt an updated bed day allocation methodology and bed day utilization review protocol.

(e) Not later than December 1 of each even-numbered year, the department, in conjunction with the commission and the advisory panel, shall prepare and submit to the governor, the lieutenant governor, the speaker of the house of representatives, the

senate finance committee, the house appropriations committee, and the standing committees of the legislature having jurisdiction over mental health and human services a report that includes:

(1) a summary of the activities of the commission, department, and advisory panel to develop or update the bed day allocation methodology and bed day utilization review protocol;

(2) the outcomes of the implementation of the bed day allocation methodology by region, including an explanation of how the actual outcomes aligned with or differed from the expected outcomes;

(3) for planning purposes, for each region, the actual value of a bed day for the two years preceding the date of the report and the projected value of a bed day for the five years following the date of the report, as calculated by the department;

(4) for each region, an evaluation of the factors in Subsection (c)(1)(A), including the availability of resources in the region, that impact the use of state-funded beds in state hospitals and other inpatient mental health facilities by the patients described by Subsection (b);

(5) the outcomes of the implementation of the bed day utilization review protocol and the impact of the use of the protocol on the use of state-funded beds in state hospitals and other inpatient mental health facilities by the patients described by Subsection (b); and

(6) any recommendations of the department, commission, or advisory panel to enhance the effective and efficient allocation of state-funded beds in state hospitals and other inpatient mental health facilities for the patients described by Subsection (b).

(f) Notwithstanding Subsection (d), not later than March 1, 2016, the advisory panel, with assistance from the department, shall submit to the executive commissioner an initial proposal for a bed day allocation methodology and bed day utilization review protocol for review. The executive commissioner shall adopt an initial bed day allocation methodology and bed day utilization review protocol not later than June 1, 2016. Before the commission adopts the initial bed day allocation methodology, the department shall continue to allocate state-funded beds in the state hospitals and other inpatient mental health facilities according to the department's policy as it existed immediately before September 1, 2015, and the policy is continued in effect for that purpose. This subsection expires September 1, 2017.

SECTION ____ . Subchapter D, Chapter 1001, Health and Safety Code, is amended by adding Sections 1001.086, 1001.087, and 1001.088 to read as follows:

Sec. 1001.086. TREATMENT ALTERNATIVES TRAINING CURRICULUM FOR JUDGES AND ATTORNEYS. (a) The department, with input from the court of criminal appeals and the forensic director appointed under Section 532.013, shall develop and maintain a training curriculum for judges and attorneys that provides information on inpatient and outpatient treatment alternatives to inpatient commitment to a state hospital for a patient whom a court is ordering to receive mental health services:

(1) to attain competency to stand trial under Chapter 46B, Code of Criminal Procedure; or

(2) following an acquittal by reason of insanity under Chapter 46C, Code of Criminal Procedure.

(b) The training curriculum developed and maintained under Subsection (a) must include a guide to treatment alternatives, other than inpatient treatment at a state hospital, from which a patient described by Subsection (a) may receive mental health services.

Sec. 1001.087. CONTRACTING FOR AND ADMINISTRATION OF CERTAIN FUNCTIONS RELATING TO SUBSTANCE ABUSE. (a) The department may contract only with local mental health authorities and local behavioral health authorities to administer outreach, screening, assessment, and referral functions relating to the provision of substance abuse services. A local mental health authority or local behavioral health authority may subcontract with a substance abuse or behavioral health service provider to provide those services.

(b) A local mental health authority or local behavioral health authority who contracts with the department to administer outreach, screening, assessment, and referral functions relating to the provision of substance abuse services shall develop an integrated service delivery model that, to the extent feasible, uses providers who have historically administered outreach, screening, assessment, and referral functions.

Sec. 1001.088. MENTAL HEALTH AND SUBSTANCE ABUSE HOTLINES. The department shall ensure that each local mental health authority and local behavioral health authority operates a toll-free telephone hotline that enables a person to call a single hotline number to obtain information from the authority about mental health services, substance abuse services, or both.

SECTION _____. Not later than March 1, 2016, the Department of State Health Services shall develop the training curriculum required by Section 1001.086, Health and Safety Code, as added by this Act.

SECTION _____. Section 1001.087, Health and Safety Code, as added by this Act, applies only to a contract that is entered into or renewed on or after September 1, 2015. A contract that is entered into or renewed before that date is governed by the law as it existed immediately before September 1, 2015, and that law is continued in effect for that purpose.

The amendments were read.

Senator Garcia moved to concur in the House amendments to **SB 1507**.

The motion prevailed by the following vote: Yeas 28, Nays 2.

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

Nays: Burton, Huffines.

Absent-excused: Hall.

SENATE BILL 97 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 97** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 97** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to regulation of the sale, distribution, possession, use, and advertising of e-cigarettes, cigarettes, and tobacco products.

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

SECTION 1. The heading to Subchapter H, Chapter 161, Health and Safety Code, is amended to read as follows:

SUBCHAPTER H. DISTRIBUTION OF CIGARETTES, E-CIGARETTES, OR
TOBACCO PRODUCTS

SECTION 2. Section 161.081, Health and Safety Code, is amended by adding Subdivision (1-a) and amending Subdivisions (3) and (4) to read as follows:

(1-a) "E-cigarette" means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term does not include a prescription medical device unrelated to the cessation of smoking. The term includes:

(A) a device described by this subdivision regardless of whether the device is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description; and

(B) a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

(3) "Retail sale" means a transfer of possession from a retailer to a consumer in connection with a purchase, sale, or exchange for value of cigarettes, e-cigarettes, or tobacco products.

(4) "Retailer" means a person who engages in the practice of selling cigarettes, e-cigarettes, or tobacco products to consumers and includes the owner of a coin-operated cigarette, e-cigarette, or tobacco product vending machine. The term includes a retailer as that term is defined ~~[has the meaning assigned]~~ by Section 154.001 or 155.001, Tax Code, as applicable.

SECTION 3. The heading to Section 161.082, Health and Safety Code, is amended to read as follows:

Sec. 161.082. SALE OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS TO PERSONS YOUNGER THAN 18 YEARS OF AGE PROHIBITED; PROOF OF AGE REQUIRED.

SECTION 4. Sections 161.082(a), (b), and (d), Health and Safety Code, are amended to read as follows:

(a) A person commits an offense if the person, with criminal negligence:

(1) sells, gives, or causes to be sold or given a cigarette, e-cigarette, or tobacco product to someone who is younger than 18 years of age; or

(2) sells, gives, or causes to be sold or given a cigarette, e-cigarette, or tobacco product to another person who intends to deliver it to someone who is younger than 18 years of age.

(b) If an offense under this section occurs in connection with a sale by an employee of the owner of a store in which cigarettes, e-cigarettes, or tobacco products are sold at retail, the employee is criminally responsible for the offense and is subject to prosecution.

(d) It is a defense to prosecution under Subsection (a)(1) that the person to whom the cigarette, e-cigarette, or tobacco product was sold or given presented to the defendant apparently valid proof of identification.

SECTION 5. Section 161.0825(e), Health and Safety Code, is amended to read as follows:

(e) It is an affirmative defense to prosecution under Section 161.082 that:

(1) a transaction scan device identified a license or certificate as valid and the defendant accessed the information and relied on the results in good faith; or

(2) if the defendant is the owner of a store in which cigarettes, e-cigarettes, or tobacco products are sold at retail, the offense under Section 161.082 occurs in connection with a sale by an employee of the owner, and the owner had provided the employee with:

(A) a transaction scan device in working condition; and

(B) adequate training in the use of the transaction scan device.

SECTION 6. The heading to Section 161.083, Health and Safety Code, is amended to read as follows:

Sec. 161.083. SALE OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS TO PERSONS YOUNGER THAN 27 YEARS OF AGE.

SECTION 7. Section 161.083, Health and Safety Code, is amended by adding Subsection (a-1) and amending Subsections (b) and (c) to read as follows:

(a-1) A person may not sell, give, or cause to be sold or given an e-cigarette to someone who is younger than 27 years of age unless the person to whom the e-cigarette was sold or given presents an apparently valid proof of identification.

(b) A retailer shall adequately supervise and train the retailer's agents and employees to prevent a violation of Subsections [Subsection] (a) and (a-1).

(c) A proof of identification described by Section 161.082(e) satisfies the requirements of Subsections [Subsection] (a) and (a-1).

SECTION 8. Sections 161.084(a), (b), and (d), Health and Safety Code, are amended to read as follows:

(a) Each person who sells cigarettes, e-cigarettes, or tobacco products at retail or by vending machine shall post a sign in a location that is conspicuous to all employees and customers and that is close to the place at which the cigarettes, e-cigarettes, or tobacco products may be purchased.

(b) The sign must include the statement:

PURCHASING OR ATTEMPTING TO PURCHASE E-CIGARETTES OR TOBACCO PRODUCTS BY A MINOR UNDER 18 YEARS OF AGE IS PROHIBITED BY LAW. SALE OR PROVISION OF E-CIGARETTES OR TOBACCO PRODUCTS TO A MINOR UNDER 18 YEARS OF AGE IS PROHIBITED BY LAW. UPON CONVICTION, A CLASS C MISDEMEANOR, INCLUDING A FINE OF UP TO \$500, MAY BE IMPOSED. VIOLATIONS MAY BE REPORTED TO THE TEXAS COMPTROLLER'S OFFICE BY CALLING

(insert toll-free telephone number). PREGNANT WOMEN SHOULD NOT SMOKE. SMOKERS ARE MORE LIKELY TO HAVE BABIES WHO ARE BORN PREMATURE OR WITH LOW BIRTH WEIGHT.

(d) The comptroller on request shall provide the sign without charge to any person who sells cigarettes, e-cigarettes, or tobacco products. The comptroller may provide the sign without charge to distributors of cigarettes, e-cigarettes, or tobacco products or wholesale dealers of cigarettes, e-cigarettes, or tobacco products in this state for distribution to persons who sell cigarettes, e-cigarettes, or tobacco products. A distributor or wholesale dealer may not charge for distributing a sign under this subsection.

SECTION 9. Sections 161.085(a) and (b), Health and Safety Code, are amended to read as follows:

(a) Each retailer shall notify each individual employed by that retailer who is to be engaged in retail sales of cigarettes, e-cigarettes, or tobacco products that state law:

(1) prohibits the sale or distribution of cigarettes, e-cigarettes, or tobacco products to any person who is younger than 18 years of age as provided by Section 161.082 and that a violation of that section is a Class C misdemeanor; and

(2) requires each person who sells cigarettes, e-cigarettes, or tobacco products at retail or by vending machine to post a warning notice as provided by Section 161.084, requires each employee to ensure that the appropriate sign is always properly displayed while that employee is exercising the employee's duties, and provides that a violation of Section 161.084 is a Class C misdemeanor.

(b) The notice required by Subsection (a) must be provided within 72 hours of the date an individual begins to engage in retail sales of e-cigarettes or tobacco products. The individual shall signify that the individual has received the notice required by Subsection (a) by signing a form stating that the law has been fully explained, that the individual understands the law, and that the individual, as a condition of employment, agrees to comply with the law.

SECTION 10. Section 161.086(a), Health and Safety Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a retailer or other person may not:

(1) offer cigarettes, e-cigarettes, or tobacco products for sale in a manner that permits a customer direct access to the cigarettes, e-cigarettes, or tobacco products; or

(2) install or maintain a vending machine containing cigarettes, e-cigarettes, or tobacco products.

SECTION 11. The heading to Section 161.087, Health and Safety Code, is amended to read as follows:

Sec. 161.087. DISTRIBUTION OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS.

SECTION 12. Sections 161.087(a) and (b), Health and Safety Code, are amended to read as follows:

(a) A person may not distribute to persons younger than 18 years of age:

(1) a free sample of a cigarette, e-cigarette, or tobacco product; or

(2) a coupon or other item that the recipient may use to receive a free or discounted cigarette, e-cigarette, or tobacco product or a sample cigarette, e-cigarette, or tobacco product.

(b) Except as provided by Subsection (c), a person, including a permit holder, may not accept or redeem, offer to accept or redeem, or hire a person to accept or redeem a coupon or other item that the recipient may use to receive a free or discounted cigarette, e-cigarette, or tobacco product or a sample cigarette, e-cigarette, or tobacco product if the recipient is younger than 18 years of age. A coupon or other item that such a recipient may use to receive a free or discounted cigarette, e-cigarette, or tobacco product or a sample cigarette, e-cigarette, or tobacco product may not be redeemable through mail or courier delivery.

SECTION 13. Subchapter H, Chapter 161, Health and Safety Code, is amended by adding Section 161.0875 to read as follows:

Sec. 161.0875. SALE OF E-CIGARETTE NICOTINE CONTAINERS. (a) A person may not sell or cause to be sold a container that contains liquid with nicotine and that is an accessory for an e-cigarette unless:

(1) the container satisfies the child-resistant effectiveness standards under 16 C.F.R. Section 1700.15(b)(1) when tested in accordance with the method described by 16 C.F.R. Section 1700.20; or

(2) the container is a cartridge that is prefilled and sealed by the manufacturer and is not intended to be opened by a consumer.

(b) If the federal government adopts standards for the packaging of a container described by Subsection (a), a person who complies with those standards is considered to be in compliance with this section.

SECTION 14. Sections 161.088(b) and (d), Health and Safety Code, are amended to read as follows:

(b) The comptroller may make block grants to counties and municipalities to be used by local law enforcement agencies to enforce this subchapter and Subchapter R in a manner that can reasonably be expected to reduce the extent to which cigarettes, e-cigarettes, and tobacco products are sold or distributed, including by delivery sale, to persons who are younger than 18 years of age. At least annually, random unannounced inspections shall be conducted at various locations where cigarettes, e-cigarettes, and tobacco products are sold or distributed, including by delivery sale, to ensure compliance with this subchapter and Subchapter R. The comptroller shall rely, to the fullest extent possible, on local law enforcement agencies to enforce this subchapter and Subchapter R.

(d) The use of a person younger than 18 years of age to act as a minor decoy to test compliance with this subchapter and Subchapter R shall be conducted in a fashion that promotes fairness. A person may be enlisted by the comptroller or a local law enforcement agency to act as a minor decoy only if the following requirements are met:

(1) written parental consent is obtained for the use of a person younger than 18 years of age to act as a minor decoy to test compliance with this subchapter and Subchapter R;

(2) at the time of the inspection, order, or delivery, the minor decoy is younger than 17 years of age;

(3) the minor decoy has an appearance that would cause a reasonably prudent seller of cigarettes, e-cigarettes, or tobacco products to request identification and proof of age;

(4) the minor decoy carries either the minor's own identification showing the minor's correct date of birth or carries no identification, and a minor decoy who carries identification presents it on request to any seller of or any person who delivers cigarettes, e-cigarettes, or tobacco products; and

(5) the minor decoy answers truthfully any questions about the minor's age at the time of the inspection, order, or delivery.

SECTION 15. Subchapter H, Chapter 161, Health and Safety Code, is amended by adding Section 161.0902 to read as follows:

Sec. 161.0902. E-CIGARETTE REPORT. (a) Not later than January 5th of each odd-numbered year, the department shall report to the governor, lieutenant governor, and speaker of the house of representatives on the status of the use of e-cigarettes in this state.

(b) The report must include, at a minimum:

(1) a baseline of statistics and analysis regarding retail compliance with this subchapter and Subchapter R;

(2) a baseline of statistics and analysis regarding illegal e-cigarette sales, including:

(A) sales to minors;

(B) enforcement actions concerning minors; and

(C) sources of citations;

(3) e-cigarette controls and initiatives by the department, or any other state agency, including an evaluation of the effectiveness of the controls and initiatives;

(4) the future goals and plans of the department to decrease the use of e-cigarettes;

(5) the educational programs of the department and the effectiveness of those programs; and

(6) the incidence of use of e-cigarettes by regions in this state, including use of e-cigarettes by ethnicity.

(c) The department may include the report required by this section with a similar report for cigarettes or tobacco products required by law.

SECTION 16. The heading to Subchapter N, Chapter 161, Health and Safety Code, is amended to read as follows:

SUBCHAPTER N. E-CIGARETTE AND TOBACCO USE BY MINORS

SECTION 17. Section 161.251, Health and Safety Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "E-cigarette" has the meaning assigned by Section 161.081.

SECTION 18. The heading to Section 161.252, Health and Safety Code, is amended to read as follows:

Sec. 161.252. POSSESSION, PURCHASE, CONSUMPTION, OR RECEIPT OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS BY MINORS PROHIBITED.

SECTION 19. Sections 161.252(a) and (b), Health and Safety Code, are amended to read as follows:

(a) An individual who is younger than 18 years of age commits an offense if the individual:

(1) possesses, purchases, consumes, or accepts a cigarette, e-cigarette, or tobacco product; or

(2) falsely represents himself or herself to be 18 years of age or older by displaying proof of age that is false, fraudulent, or not actually proof of the individual's own age in order to obtain possession of, purchase, or receive a cigarette, e-cigarette, or tobacco product.

(b) It is an exception to the application of this section that the individual younger than 18 years of age possessed the cigarette, e-cigarette, or tobacco product in the presence of:

(1) an adult parent, a guardian, or a spouse of the individual; or

(2) an employer of the individual, if possession or receipt of the e-cigarette or tobacco product is required in the performance of the employee's duties as an employee.

SECTION 20. The heading to Section 161.253, Health and Safety Code, is amended to read as follows:

Sec. 161.253. E-CIGARETTE AND TOBACCO AWARENESS PROGRAM; COMMUNITY SERVICE.

SECTION 21. Sections 161.253(a), (b), (c), (d), and (e), Health and Safety Code, are amended to read as follows:

(a) On conviction of an individual for an offense under Section 161.252, the court shall suspend execution of sentence and shall require the defendant to attend an e-cigarette and [a] tobacco awareness program approved by the commissioner. The court may require the parent or guardian of the defendant to attend the e-cigarette and tobacco awareness program with the defendant.

(b) On request, an e-cigarette and [a] tobacco awareness program may be taught in languages other than English.

(c) If the defendant resides in a rural area of this state or another area of this state in which access to an e-cigarette and [a] tobacco awareness program is not readily available, the court shall require the defendant to perform eight to 12 hours of e-cigarette- and tobacco-related community service instead of attending the e-cigarette and tobacco awareness program.

(d) The e-cigarette and tobacco awareness program and the e-cigarette- and tobacco-related community service are remedial and are not punishment.

(e) Not later than the 90th day after the date of a conviction under Section 161.252, the defendant shall present to the court, in the manner required by the court, evidence of satisfactory completion of the e-cigarette and tobacco awareness program or the e-cigarette- and tobacco-related community service.

SECTION 22. Section 161.255(a), Health and Safety Code, is amended to read as follows:

(a) An individual convicted of an offense under Section 161.252 may apply to the court to have the conviction expunged. If the court finds that the individual satisfactorily completed the e-cigarette and tobacco awareness program or e-cigarette- and tobacco-related community service ordered by the court, the court shall order the

conviction and any complaint, verdict, sentence, or other document relating to the offense to be expunged from the individual's record and the conviction may not be shown or made known for any purpose.

SECTION 23. Section 161.256, Health and Safety Code, is amended to read as follows:

Sec. 161.256. JURISDICTION OF COURTS. A justice court or municipal court may exercise jurisdiction over any matter in which a court under this subchapter may:

(1) impose a requirement that a defendant attend an e-cigarette and [a] tobacco awareness program or perform e-cigarette- and tobacco-related community service; or

(2) order the suspension or denial of a driver's license or permit.

SECTION 24. The heading to Subchapter O, Chapter 161, Health and Safety Code, is amended to read as follows:

SUBCHAPTER O. PREVENTION OF TOBACCO AND E-CIGARETTE USE BY
MINORS

SECTION 25. The heading to Section 161.301, Health and Safety Code, is amended to read as follows:

Sec. 161.301. TOBACCO AND E-CIGARETTE USE PUBLIC AWARENESS
CAMPAIGN.

SECTION 26. Section 161.301(a), Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) The department shall develop and implement a public awareness campaign designed to reduce the [tobacco] use by minors in this state of tobacco and e-cigarettes as defined by Section 161.081. The campaign may use advertisements or similar media to provide educational information about tobacco and e-cigarette use.

SECTION 27. Section 161.302(a), Health and Safety Code, is amended to read as follows:

(a) The entity administering Section 161.301 shall also develop and implement a grant program to support youth groups that include as a part of the group's program components related to reduction of [tobacco] use by the group's members of tobacco and e-cigarettes as defined by Section 161.081.

SECTION 28. Subchapter P, Chapter 161, Health and Safety Code, is amended by adding Section 161.356 to read as follows:

Sec. 161.356. COMPLIANCE WITH FEDERAL LAW. A person is considered to have complied with this subchapter if the person complies with Subchapter IX of 21 U.S.C. Chapter 9 and rules adopted under that subchapter.

SECTION 29. The heading to Subchapter R, Chapter 161, Health and Safety Code, is amended to read as follows:

SUBCHAPTER R. DELIVERY SALES OF CIGARETTES AND E-CIGARETTES

SECTION 30. Section 161.451, Health and Safety Code, is amended by amending Subdivisions (1) and (3) and adding Subdivision (2-a) to read as follows:

(1) "Delivery sale" means a sale of cigarettes or e-cigarettes to a consumer in this state in which the purchaser submits the order for the sale by means of a telephonic or other method of voice transmission, by using the mails or any other delivery service, or through the Internet or another on-line service, or the cigarettes or

e-cigarettes are delivered by use of the mails or another delivery service. A sale of cigarettes or e-cigarettes is a delivery sale regardless of whether the seller is located within or without this state. A sale of cigarettes or e-cigarettes not for personal consumption to a person who is a wholesale dealer or a retail dealer is not a delivery sale.

(2-a) "E-cigarette" has the meaning assigned by Section 161.081.

(3) "Shipping container" means a container in which cigarettes or e-cigarettes are shipped in connection with a delivery sale.

SECTION 31. Section 161.452, Health and Safety Code, is amended to read as follows:

Sec. 161.452. REQUIREMENTS FOR DELIVERY SALES. (a) A person may not make a delivery sale of cigarettes or e-cigarettes to an individual who is under the age prescribed by Section 161.082.

(b) A person taking a delivery sale order of cigarettes shall comply with:

(1) the age verification requirements prescribed by Section 161.453;

(2) the disclosure requirements prescribed by Section 161.454;

(3) the shipping requirements prescribed by Section 161.455;

(4) the registration and reporting requirements prescribed by Section 161.456;

(5) the tax collection requirements prescribed by Section 161.457; and

(6) each law of this state that generally applies to sales of cigarettes that occur entirely within this state, including a law:

(A) imposing a tax; or

(B) prescribing a permitting or tax-stamping requirement.

(c) A person taking a delivery sale order of e-cigarettes shall comply with:

(1) the age verification requirements prescribed by Section 161.453;

(2) the disclosure requirements prescribed by Section 161.454;

(3) the shipping requirements prescribed by Section 161.455;

(4) the registration and reporting requirements prescribed by Section 161.456; and

(5) each law of this state that generally applies to sales of e-cigarettes that occur entirely within this state.

SECTION 32. Section 161.453, Health and Safety Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) A person may not mail or ship e-cigarettes in connection with a delivery sale order unless before accepting a delivery sale order the person verifies that the prospective purchaser is at least 18 years of age through a commercially available database or aggregate of databases that is regularly used for the purpose of age and identity verification. After the order is accepted, the person must use a method of mailing or shipping that requires an adult signature.

(d) A retailer in this state that otherwise complies with applicable laws relating to retail sales and primarily sells e-cigarettes may comply with Subsection (c) by:

(1) verifying the age of the prospective purchaser with a commercially available database or a photocopy or other image of a government-issued identification bearing a photograph of the prospective purchaser and stating the date of birth or age of the prospective purchaser;

(2) obtaining a written statement signed by the prospective purchaser, under penalty of law, certifying the prospective purchaser's address and date of birth; and

(3) receiving payment for the delivery sale from the prospective purchaser by a credit card or debit card that has been issued in the prospective purchaser's name or by a check that is associated with a bank account in the prospective purchaser's name.

SECTION 33. Section 161.454, Health and Safety Code, is amended to read as follows:

Sec. 161.454. DISCLOSURE REQUIREMENTS. (a) The notice required by Section 161.453(a)(3) for a delivery sale of cigarettes must include a prominent and clearly legible statement that:

(1) cigarette sales to individuals who are below the age prescribed by Section 161.082 are illegal under state law;

(2) sales of cigarettes are restricted to those individuals who provide verifiable proof of age in accordance with Section 161.453; and

(3) cigarette sales are taxable under Chapter 154, Tax Code, and an explanation of how that tax has been or is to be paid with respect to the delivery sale.

(b) A delivery sale of an e-cigarette must include a prominent and clearly legible statement that:

(1) e-cigarette sales to individuals younger than the age prescribed by Section 161.082 are illegal under state law; and

(2) e-cigarette sales are restricted to individuals who provide verifiable proof of age in accordance with Section 161.453.

SECTION 34. Section 161.455, Health and Safety Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) A person who mails or ships e-cigarettes in connection with a delivery sale order shall include as part of the shipping documents a clear and conspicuous statement: "E-CIGARETTES: TEXAS LAW PROHIBITS SHIPPING TO INDIVIDUALS YOUNGER THAN 18 YEARS OF AGE AND REQUIRES PAYMENT OF ALL APPLICABLE TAXES."

(b) A person taking a delivery sale order who delivers the cigarettes or e-cigarettes without using a third-party delivery service shall comply with the delivery requirements prescribed by this subchapter that apply to a delivery service.

SECTION 35. Section 161.456, Health and Safety Code, is amended to read as follows:

Sec. 161.456. REGISTRATION AND REPORTING REQUIREMENTS. (a) A person may not make a delivery sale or ship cigarettes or e-cigarettes in connection with a delivery sale unless the person first files with the comptroller a statement that includes:

(1) the person's name and trade name; and

(2) the address of the person's principal place of business and any other place of business, and the person's telephone number and e-mail address.

(b) Except as provided by Subsection (d), not ~~Not~~ later than the 10th day of each month, each person who has made a delivery sale or shipped or delivered cigarettes or e-cigarettes in connection with a delivery sale during the previous month shall file with the comptroller a memorandum or a copy of the invoice that provides for each delivery sale:

(1) the name, address, telephone number, and e-mail address of the individual to whom the delivery sale was made;

(2) the brand or brands of the cigarettes or e-cigarettes that were sold; and

(3) the quantity of cigarettes or e-cigarettes that were sold.

(c) With respect to cigarettes, a ~~A~~ person who complies with 15 U.S.C. Section 376, as amended, is considered to have complied with this section.

(d) A person is exempt from the requirement of filing with the comptroller a memorandum or a copy of an invoice under Subsection (b) if, in the two years preceding the date the report is due, the person has not violated this subchapter and has not been reported under Section 161.090 to the comptroller as having violated Subchapter H.

(e) A person required to submit a memorandum or a copy of an invoice under Subsection (b) shall submit a memorandum or a copy of an invoice to the comptroller for each delivery sale of a cigarette or e-cigarette in the previous two years unless the person has previously submitted the memorandum or copy to the comptroller.

(f) A person shall maintain records of compliance with this section until at least the fourth anniversary of the date the record was prepared.

SECTION 36. Section 161.461(a), Health and Safety Code, is amended to read as follows:

(a) Cigarettes or e-cigarettes sold or that a person attempted to sell in a delivery sale that does not comply with this subchapter are forfeited to the state and shall be destroyed.

SECTION 37. Section 28.004(k), Education Code, is amended to read as follows:

(k) A school district shall publish in the student handbook and post on the district's Internet website, if the district has an Internet website:

(1) a statement of the policies adopted to ensure that elementary school, middle school, and junior high school students engage in at least the amount and level of physical activity required by Section 28.002(l);

(2) a statement of:

(A) the number of times during the preceding year the district's school health advisory council has met;

(B) whether the district has adopted and enforces policies to ensure that district campuses comply with agency vending machine and food service guidelines for restricting student access to vending machines; and

(C) whether the district has adopted and enforces policies and procedures that prescribe penalties for the use of e-cigarettes, as defined by Section 38.006, and tobacco products by students and others on school campuses or at school-sponsored or school-related activities; and

(3) a statement providing notice to parents that they can request in writing their child's physical fitness assessment results at the end of the school year.

SECTION 38. Section 38.006, Education Code, is amended to read as follows:

Sec. 38.006. E-CIGARETTES AND TOBACCO PRODUCTS ON SCHOOL PROPERTY. (a) In this section, "e-cigarette" has the meaning assigned by Section 161.081, Health and Safety Code.

(b) The board of trustees of a school district shall:

(1) prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property;

(2) prohibit students from possessing e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property; and

(3) ensure that school personnel enforce the policies on school property.

SECTION 39. Section 48.01, Penal Code, is amended by amending Subsections (a), (c), (d), and (e) and adding Subsection (a-1) to read as follows:

(a) In this section, "e-cigarette" has the meaning assigned by Section 161.081, Health and Safety Code.

(a-1) A person commits an offense if the person [~~he~~] is in possession of a burning tobacco product, [~~or~~] smokes tobacco, or operates an e-cigarette in a facility of a public primary or secondary school or an elevator, enclosed theater or movie house, library, museum, hospital, transit system bus, [~~or~~] intrastate bus, [~~as defined by Section 541.201, Transportation Code,~~] plane, or train which is a public place.

(c) All conveyances and public places set out in Subsection (a-1) [~~(a) of Section 48.01~~] shall be equipped with facilities for extinguishment of smoking materials and it shall be a defense to prosecution under this section if the conveyance or public place within which the offense takes place is not so equipped.

(d) It is an exception to the application of Subsection (a-1) [~~(a)~~] if the person is in possession of the burning tobacco product, [~~or~~] smokes tobacco, or operates the e-cigarette exclusively within an area designated for smoking tobacco or operating an e-cigarette or as a participant in an authorized theatrical performance.

(e) An area designated for smoking tobacco or operating an e-cigarette on a transit system bus or intrastate plane or train must also include the area occupied by the operator of the transit system bus, plane, or train.

SECTION 40. Sections 161.082(a) and 161.252(a), Health and Safety Code, as amended by this Act, and Section 48.01, Penal Code, as amended by this Act, apply only to an offense committed on or after October 1, 2015. An offense committed before that date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before October 1, 2015, if any element of the offense occurred before that date.

SECTION 41. (a) The comptroller shall develop the sign described by Section 161.084, Health and Safety Code, as amended by this Act, and make the sign available to the public not later than September 15, 2015.

(b) This section takes effect September 1, 2015.

SECTION 42. Except as otherwise provided by this Act, this Act takes effect October 1, 2015.

(Senator Perry in Chair)

(Senator Eltife in Chair)

The amendment was read.

Senator Hinojosa moved to concur in the House amendment to **SB 97**.

The motion prevailed by the following vote: Yeas 27, Nays 3.

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

Nays: Burton, Creighton, Huffines.

Absent-excused: Hall.

SENATE BILL 797 WITH HOUSE AMENDMENT

Senator Lucio called **SB 797** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 797** (house committee report) in SECTION 1 of the bill as follows:

(1) In proposed Section 12.050(h), Agriculture Code, between the first and second sentences of the proposed subsection (page 2, line 21), insert "The department may not award a grant to a nonprofit organization until the department certifies that the nonprofit organization has the matching funds.".

(2) Add the following appropriately designated subsections to proposed Section 12.050, Agriculture Code, and redesignate the other subsections of that proposed section as appropriate:

() The total amount of grants awarded under this section may not exceed \$725,000 for the duration of the program.

() Not later than January 15, 2017, the department shall evaluate the performance of the program under this section and submit a report to the legislature. The report must include an evaluation of agricultural inspections affected by the program, including the extent to which the program is reducing wait times for agricultural inspections of vehicles at ports of entry along the border with the United Mexican States.

() Unless continued in existence by the legislature, this section expires September 1, 2017.

The amendment was read.

Senator Lucio moved to concur in the House amendment to **SB 797**.

The motion prevailed by the following vote: Yeas 27, Nays 3.

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

Nays: Burton, Schwertner, Seliger.

Absent-excused: Hall.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a Dorothy Thompson Middle School delegation.

The Senate welcomed its guests.

SENATE BILL 1128 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 1128** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1128** (house committee report) as follows:

(1) Strike page 1, lines 4-5 and substitute the following:

SECTION 1. Section 81.090, Health and Safety Code, is amended by amending Subsections (a-1), (c), (c-1), and (c-2) and adding Subsection (p) to read as follows:

(2) On page 1, line 10, between "pregnancy" and the semicolon, insert ", but not earlier than the 28th week of the pregnancy".

(3) On page 2, line 12, between "the" and "test", insert "HIV".

(4) On page 2, lines 14 and 15, strike "in attendance at the delivery" and substitute "responsible for the newborn child [~~in attendance at the delivery~~]."

(5) On page 2, line 19, strike "in attendance at delivery" and substitute "responsible for the newborn child [~~in attendance at delivery~~]."

(6) On page 2, line 27, between "the" and "test", insert "HIV".

(7) On page 3, between lines 1 and 2, insert the following:

(p) Not later than January 1 of each odd-numbered year, the department shall report to the legislature the number of cases of early congenital syphilis and of late congenital syphilis that were diagnosed in this state in the preceding biennium.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 1128**.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Huffines.

Absent-excused: Hall.

VOTES RECONSIDERED ON HOUSE BILL 200

On motion of Senator Perry and by unanimous consent, the vote by which **HB 200** was passed to third reading was reconsidered:

HB 200, Relating to the regulation of groundwater.

Question: Shall **HB 200** as amended be passed to third reading?

On motion of Senator Perry and by unanimous consent, the vote by which Floor Amendment No. 3 was adopted was reconsidered.

Question: Shall Floor Amendment No. 3 to **HB 200** be adopted?

Senator Schwertner withdrew Floor Amendment No. 3.

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

HB 200 as amended was again passed to third reading by a viva voce vote.

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

Nays: Seliger.

Absent-excused: Hall.

HOUSE BILL 200 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 **HB 200** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Seliger.

Absent-excused: Hall.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

(President in Chair)

HOUSE BILL 2167 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2167** at this time on its second reading:

HB 2167, Relating to certain images captured by an unmanned aircraft.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2167** (senate committee printing) in SECTION 1 of the bill, in amended Section 423.002(a)(1), Government Code (page 1, lines 25-26), by striking "for purposes of professional or scholarly research and development" and substituting "for the purpose [purposes] of professional or scholarly research and development or for another academic purpose".

The amendment to **HB 2167** was read and was adopted without objection.

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

Absent-excused: Hall.

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

HB 2167 as amended was passed to third reading without objection.

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

Absent-excused: Hall.

HOUSE BILL 2167 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2167** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Hall.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Del Valle High School student delegation.

The Senate welcomed its guests.

(Senator Bettencourt in Chair)

HOUSE BILL 655 ON SECOND READING

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

HB 655, Relating to the storage and recovery of water in aquifers; authorizing fees and surcharges; adding provisions subject to a criminal penalty.

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.

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

Floor Amendment No. 1

Amend **HB 655** (senate committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Section 11.155, Water Code, is amended to read as follows:

Sec. 11.155. AQUIFER STORAGE AND RECOVERY [~~PILOT PROJECT~~]

REPORTS. [~~(a) On completion of each pilot project, the board and the commission jointly shall:~~

~~(1) prepare a report evaluating the success of the project; and~~

~~[(2) provide copies of the report to the governor, lieutenant governor, and speaker of the house of representatives.~~

[(~~6~~)] The board shall make [~~other~~] studies, investigations, and surveys of the aquifers in the state as it considers necessary to determine the occurrence, quantity, quality, and availability of [~~other~~] aquifers in which water may be stored and subsequently retrieved for beneficial use. The board shall undertake the studies, investigations, and surveys in the following order of priority:

(1) [~~the aquifers described in Section 11.153(a);~~

[(~~2~~)] areas designated by the commission as "priority groundwater management areas" under Section 35.008; and

(2) [(~~3~~)] other areas of the state in a priority to be determined by the board's ranking of where the greatest need exists.

(2) Strike SECTION 4 of the bill (page 4, lines 65 through 69) and substitute the following appropriately numbered SECTION:

SECTION _____. The following sections of the Water Code are repealed:

(1) Sections 11.153(d) and (e); and

(2) Section 11.154.

(3) Renumber the SECTIONS of the bill accordingly.

The amendment to **HB 655** was read and was adopted without objection.

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

Absent-excused: Hall.

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

HB 655 as amended was passed to third reading by a viva voce vote.

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

Nays: Kolkhorst.

Absent-excused: Hall.

HOUSE BILL 655 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 **HB 655** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Kolkhorst.

Absent-excused: Hall.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

SENATE BILL 425 WITH HOUSE AMENDMENT

Senator Schwertner called **SB 425** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 425** (house committee report) as follows:

(1) On page 2, line 8, strike "and".

(2) On page 2, line 10, between "services" and the underlined period, insert the following:

; and

(4) on the facility's Internet website

(3) On page 2, line 11, strike "this section" and substitute "Subsections (c)(1), (2), and (3)".

(4) On page 3, line 7, strike "and".

(5) On page 3, line 9, between "services" and the underlined period, insert the following:

; and

(4) on the facility's Internet website

(6) On page 3, line 10, strike "this section" and substitute "Subsections (b)(1), (2), and (3)".

The amendment was read.

Senator Schwertner moved to concur in the House amendment to **SB 425**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Hall.

HOUSE BILL 3150 REREFERRED (Motion In Writing)

Senator Creighton submitted a Motion In Writing requesting that **HB 3150** be withdrawn from the Committee on Natural Resources and Economic Development and rereferred to the Committee on Business and Commerce.

The Motion In Writing was read and prevailed without objection.

BILLS SIGNED

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

SB 596, SB 1280 (Signed subject to Sec. 49-a, Art. III, Texas Constitution), **SB 2004.**

HB 75, HB 821, HB 1232, HB 1584, HB 2119.

(President in Chair)

REPORT OF COMMITTEE ON NOMINATIONS

Senator Birdwell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

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

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

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

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

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

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

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

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

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

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

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Birdwell gave notice that he would tomorrow submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator L. Taylor and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider the following bills tomorrow: **HB 1170, HB 3106.**

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

Senator Hancock submitted the following Motion In Writing:

I move suspension of Senate Rule 11.13 to permit committees to meet during the reading and referral of bills.

HANCOCK

The Motion In Writing was read and prevailed without objection.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:13 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

(Senator Huffman 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 48** To Committee on State Affairs.
- HB 249** To Committee on Criminal Justice.
- HB 302** To Committee on Natural Resources and Economic Development.
- HB 681** To Committee on State Affairs.
- HB 710** To Committee on Criminal Justice.
- HB 731** To Committee on Education.
- HB 777** To Committee on Criminal Justice.
- HB 790** To Committee on Transportation.
- HB 799** To Committee on Business and Commerce.
- HB 873** To Committee on Health and Human Services.
- HB 1090** To Committee on State Affairs.
- HB 1144** To Committee on Criminal Justice.
- HB 1171** To Committee on Education.
- HB 1237** To Committee on Transportation.
- HB 1313** To Committee on State Affairs.
- HB 1332** To Committee on Business and Commerce.
- HB 1438** To Committee on State Affairs.
- HB 1491** To Committee on Criminal Justice.
- HB 1585** To Committee on Business and Commerce.
- HB 1612** To Committee on Higher Education.
- HB 1624** To Committee on Business and Commerce.
- HB 1639** To Committee on Business and Commerce.
- HB 1695** To Committee on State Affairs.
- HB 1754** To Committee on Business and Commerce.
- HB 1782** To Committee on Criminal Justice.
- HB 1908** To Committee on Criminal Justice.
- HB 2048** To Committee on Health and Human Services.
- HB 2082** To Committee on Health and Human Services.
- HB 2131** To Committee on Health and Human Services.
- HB 2150** To Committee on Criminal Justice.
- HB 2159** To Committee on Criminal Justice.

- HB 2160** To Committee on State Affairs.
HB 2205 To Committee on Higher Education.
HB 2206 To Committee on Administration.
HB 2235 To Committee on State Affairs.
HB 2251 To Committee on Education.
HB 2259 To Committee on Intergovernmental Relations.
HB 2286 To Committee on Criminal Justice.
HB 2318 To Committee on Finance.
HB 2353 To Committee on Intergovernmental Relations.
HB 2356 To Committee on State Affairs.
HB 2381 To Committee on State Affairs.
HB 2404 To Committee on Business and Commerce.
HB 2475 To Committee on Business and Commerce.
HB 2503 To Committee on Health and Human Services.
HB 2558 To Committee on Natural Resources and Economic Development.
HB 2593 To Committee on Education.
HB 2596 To Committee on Criminal Justice.
HB 2641 To Committee on Health and Human Services.
HB 2646 To Committee on Health and Human Services.
HB 2703 To Committee on Health and Human Services.
HB 2720 To Committee on Business and Commerce.
HB 2721 To Committee on State Affairs.
HB 2744 To Committee on Criminal Justice.
HB 2775 To Committee on State Affairs.
HB 2804 To Committee on Education.
HB 2818 To Committee on Transportation.
HB 2840 To Committee on State Affairs.
HB 3012 To Committee on Finance.
HB 3074 To Committee on Health and Human Services.
HB 3095 To Committee on State Affairs.
HB 3128 To Committee on Criminal Justice.
HB 3139 To Committee on State Affairs.
HB 3144 To Committee on Transportation.
HB 3157 To Committee on State Affairs.
HB 3159 To Committee on State Affairs.
HB 3163 To Committee on State Affairs.
HB 3283 To Committee on Transportation.
HB 3297 To Committee on Finance.
HB 3316 To Committee on State Affairs.
HB 3369 To Committee on State Affairs.
HB 3374 To Committee on Health and Human Services.
HB 3395 To Committee on State Affairs.
HB 3456 To Committee on State Affairs.
HB 3481 To Committee on Agriculture, Water, and Rural Affairs.
HB 3484 To Committee on Finance.
HB 3532 To Committee on Finance.

HB 3573 To Committee on State Affairs.
HB 3575 To Committee on Health and Human Services.
HB 3657 To Committee on State Affairs.
HB 3662 To Committee on State Affairs.
HB 3666 To Committee on Transportation.
HB 3670 To Committee on Higher Education.
HB 3672 To Committee on Health and Human Services.
HB 3739 To Committee on Finance.
HB 3756 To Committee on Finance.
HB 3778 To Committee on Finance.
HB 3781 To Committee on Health and Human Services.
HB 3884 To Committee on Criminal Justice.
HB 3920 To Committee on Business and Commerce.
HB 3940 To Committee on Business and Commerce.
HB 3951 To Committee on Intergovernmental Relations.
HB 3977 To Committee on Criminal Justice.
HB 3996 To Committee on Veteran Affairs and Military Installations.
HB 4032 To Committee on State Affairs.
HB 4037 To Committee on Natural Resources and Economic Development.
HB 4049 To Committee on Agriculture, Water, and Rural Affairs.
HB 4099 To Committee on Transportation.
HB 4136 To Committee on Intergovernmental Relations.
HB 4148 To Committee on Intergovernmental Relations.
HB 4174 To Committee on Agriculture, Water, and Rural Affairs.
HB 4176 To Committee on Intergovernmental Relations.
HB 4184 To Committee on Intergovernmental Relations.
HB 4185 To Committee on Intergovernmental Relations.
HB 4186 To Committee on Intergovernmental Relations.
HB 4187 To Committee on Agriculture, Water, and Rural Affairs.
HB 4199 To Committee on Administration.
HB 4207 To Committee on Administration.
HCR 108 To Committee on Natural Resources and Economic Development.
HCR 111 To Committee on Intergovernmental Relations.

CO-AUTHORS OF SENATE BILL 1483

On motion of Senator Garcia, Senators Rodríguez, Uresti, Watson, West, and Zaffirini will be shown as Co-authors of **SB 1483**.

CO-SPONSOR OF HOUSE BILL 188

On motion of Senator Menéndez, Senator Zaffirini will be shown as Co-sponsor of **HB 188**.

CO-SPONSOR OF HOUSE BILL 200

On motion of Senator Perry, Senator Creighton will be shown as Co-sponsor of **HB 200**.

CO-SPONSOR OF HOUSE BILL 655

On motion of Senator Perry, Senator Creighton will be shown as Co-sponsor of **HB 655**.

CO-SPONSOR OF HOUSE BILL 2053

On motion of Senator Schwertner, Senator V. Taylor will be shown as Co-sponsor of **HB 2053**.

CO-SPONSORS OF HOUSE BILL 2521

On motion of Senator Uresti, Senators Kolkhorst and Seliger will be shown as Co-sponsors of **HB 2521**.

CO-SPONSOR OF HOUSE BILL 2536

On motion of Senator Whitmire, Senator Huffman will be shown as Co-sponsor of **HB 2536**.

CO-SPONSOR OF HOUSE BILL 3067

On motion of Senator L. Taylor, Senator Bettencourt will be shown as Co-sponsor of **HB 3067**.

CO-SPONSOR OF HOUSE BILL 3823

On motion of Senator Rodríguez, Senator Perry will be shown as Co-sponsor of **HB 3823**.

CO-SPONSORS OF HOUSE BILL 3994

On motion of Senator Perry, Senators Bettencourt, Campbell, Creighton, and V. Taylor will be shown as Co-sponsors of **HB 3994**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 828 by Watson, In memory of Kristin Elizabeth McLain.

Congratulatory Resolutions

SR 827 by West, Recognizing the Barton and Elder families on the occasion of their family reunion.

SR 829 by Garcia, Recognizing Gayle Fallon on the occasion of her retirement.

SR 830 by Menéndez, Recognizing Bennie L. Cole on the occasion of his retirement.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 1:30 p.m. adjourned 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 18, 2015

INTERGOVERNMENTAL RELATIONS — CSSB 2022, HB 648, HB 973, HB 1062, HB 1186, HB 1436, HB 1643, HB 1790, HB 3220, HB 3333, SB 2016, SB 2070, SB 2071, SB 2073, SB 2074

FINANCE — CSHB 7

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — CSHB 3291

ADMINISTRATION — HB 4149, HCR 35, HCR 95, HB 4134, HB 4133

TRANSPORTATION — CSSB 93, CSHB 20, CSHB 13

BUSINESS AND COMMERCE — CSHB 3014, CSHB 2066, CSHB 2481, CSHB 3342, CSHB 3872, CSHB 1912, CSHB 1454, CSHB 2049, CSHB 685, CSHB 311

EDUCATION — HB 2025, HB 1878

HEALTH AND HUMAN SERVICES — CSHB 1212, CSHB 2463

STATE AFFAIRS — CSSB 1010, CSSB 531, HB 184, HB 331, HB 388, CSHB 484, CSHB 984, HB 1050, HB 1558, CSHB 1779, HB 2027, CSHB 4003, HB 2366, CSHB 2428, HB 2068

BILLS ENGROSSED

May 15, 2015

SB 1362, SB 1363, SB 1463, SB 1940, SB 2008, SB 2015, SB 2020, SB 2035, SB 2037, SB 2040, SB 2047, SB 2060, SB 2064, SB 2068

BILLS AND RESOLUTIONS ENROLLED

May 15, 2015

SB 1280, SB 2004, SR 817, SR 818, SR 819, SR 821, SR 822, SR 823, SR 825, SR 826

SENT TO COMPTROLLER

May 18, 2015

SB 1280

SENT TO GOVERNOR

May 18, 2015

SB 596, SB 2004

SIGNED BY GOVERNOR

May 18, 2015

SB 860

