

# SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FIFTY-FOURTH DAY**

(Wednesday, May 20, 2015)

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

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

Absent-excused: Ellis.

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

Bishop David M. Copeland, New Creation Christian Fellowship, Windcrest, was introduced by Senator Menéndez and offered the invocation as follows:

O God our creator, Lord of lords, most high and mighty ruler of all those in power, we appeal to Your throne to bless this august body. We come seeking Your grace and wisdom as we desire to represent the citizens of our great state. Lord, You reign with ultimate and uncontrolled power over kingdoms, empires, and governments. We ask for Your mercy on this Lone Star State. We assembled here are entrusted by You and the voters to this powerful arm of state government to promote the programs and direct those activities which support the policies that affect Your people. In the words of the late Dr. George Washington Carver, How far we go in life depends on our being tender with the young, compassionate with the aged, sympathetic with the striving, and tolerant of the weak and strong, because someday we and those we love may be all of these. We know that it is in the multitude of council we gain wisdom. Therefore, we seek Your guidance as we ultimately need Your nurturing care and wisdom as we endeavor to meet our charge. Lord, we are grateful for Your gracious guidance and powerful protective presence. We need Your direction and support as we pursue Your righteous cause. Come, Lord, and direct the councils, committees, and decisions of this honorable assembly. Enable them to settle things on the best and surest foundation which will benefit Your people they are here to serve. May harmony, peace, truth, justice, faith, and piety prevail. Let goodwill flourish among these Members for the

good and prosperity of Your people. Please preserve the health of this body. Grant vigor to their minds, shower them and the millions they represent with such blessings You alone can give. When we have served to the best of our ability, will You please crown us with everlasting glory in the world to come. All this we ask in the name and through the merits of our lord and our savior. 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 Ellis was granted leave of absence for today on account of important business.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 20, 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 1459**

Bohac

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

**HB 4158**

Bell

Relating to the creation of the East Waller County Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

**HB 4178**

Farney

Relating to the creation of the Williamson County Municipal Utility District No. 31; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

**HB 4179**

Farney

Relating to the creation of the Williamson County Municipal Utility District No. 32; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

**HB 4196**

Stephenson

Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 65 of Fort Bend County, Texas; providing authority to issue bonds payable from taxes.

**HB 4204**

Farney

Relating to the creation of the Williamson County Municipal Utility District No. 33; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

**HB 4206**

Riddle

Relating to the powers and duties of the Dowdell Public Utility District; providing authority to issue bonds; providing authority to impose fees and taxes.

**HCR 129**

King, Susan

Paying tribute to the U.S. military personnel from Texas who lost their lives in the line of duty.

**SB 20**

Nelson

Sponsor: Price

Relating to state agency contracting; authorizing fees; creating an offense.  
(Committee Substitute/Amended)

**SB 55**

Nelson

Sponsor: King, Susan

Relating to the creation of a grant program to support community mental health programs for veterans with mental illness.  
(Amended)

**SB 60**

Nelson

Sponsor: Price

Relating to video recordings made by children's advocacy centers.

**SB 292**

Nelson

Sponsor: Crownover

Relating to a request for a waiver of the waiting period before human remains may be cremated.

**SB 308**

Whitmire

Sponsor: Coleman

Relating to the powers and duties of campus police departments at private institutions of higher education.

**SB 363**

Fraser

Sponsor: Murr

Relating to the election dates for directors of the Bandera County River Authority and Groundwater District.

**SB 383**

Uresti

Sponsor: Bernal

Relating to the time of delivery to the early voting ballot board for ballots voted by mail in certain counties.

**SB 408**

Rodríguez

Sponsor: Blanco

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

**SB 431**

Seliger

Sponsor: Phelan

Relating to the deadline for filing a candidate's personal financial statement.

**SB 450**

Schwertner

Sponsor: Sheets

Relating to the liability of a political subdivision of this state for certain claims relating to land acquired by the political subdivision under certain circumstances.

- SB 462** Huffman Sponsor: Farrar  
Relating to authorizing a revocable deed that transfers real property at the transferor's death.  
(Committee Substitute)
- SB 463** Huffman Sponsor: Kuempel  
Relating to the restructuring of certain fund accounts of the Texas County and District Retirement System.
- SB 540** Eltife Sponsor: Thompson, Senfronia  
Relating to the hours during which a holder of a retail dealer's on-premise late hours license may sell beer.
- SB 607** Hancock Sponsor: Alvarado  
Relating to the Texas Interagency Council for the Homeless.
- SB 680** Nelson Sponsor: Capriglione  
Relating to the sale of alcoholic beverages in areas annexed or owned by certain municipalities.
- SB 685** Seliger Sponsor: Raney  
Relating to the applicability of open meetings and public information laws to the education research center advisory board.
- SB 737** Rodríguez Sponsor: Moody  
Relating to certain protective orders and magistrate's orders for emergency protection.
- SB 783** Eltife Sponsor: Frullo  
Relating to the development of antifraud educational programs by the Texas Department of Insurance and acceptance of gifts, grants, and donations for the department's fraud unit.
- SB 853** Kolkhorst Sponsor: Button  
Relating to the signature requirement for a sales tax permit application filed electronically.
- SB 854** Zaffirini Sponsor: Lucio III  
Relating to the renewal or amendment of certain permits issued by groundwater conservation districts.
- SB 862** Birdwell Sponsor: Keffer  
Relating to voting methods in a property owners' association election or vote.
- SB 864** Birdwell Sponsor: Keffer  
Relating to secret ballots in a property owners' association election or vote.
- SB 866** Taylor, Larry Sponsor: Bonnen, Greg  
Relating to the regulation of amusement redemption machine game rooms in certain counties.  
(Committee Substitute/Amended)
- SB 871** Zaffirini Sponsor: Cyrier  
Relating to the compensation of county auditors for certain counties.
- SB 875** Eltife Sponsor: Flynn  
Relating to the regulation of state trust companies.

- SB 914** Kolkhorst Sponsor: Schubert  
Relating to a council on long-term care facility surveys and informal dispute resolution.
- SB 949** Uresti Sponsor: Naishtat  
Relating to the release of certain child fatality and near-fatality information for abused or neglected children.
- SB 956** Eltife Sponsor: Muñoz, Jr.  
Relating to the delivery of personal automobile and residential property insurance policies; adding provisions that may be subject to a criminal penalty.
- SB 978** Creighton Sponsor: Sheets  
Relating to public information regarding workers' compensation insurance rate filings.
- SB 1008** Eltife Sponsor: Frullo  
Relating to the authority of certain domestic life, health, and accident insurance companies to make investments in mezzanine real estate loans.
- SB 1020** Creighton Sponsor: Murr  
Relating to the designation of the trustee of an express trust as a beneficiary of a trust account or a P.O.D. payee of a P.O.D. account.
- SB 1075** Eltife Sponsor: Flynn  
Relating to criminal history record information obtained by the consumer credit commissioner.
- SB 1148** Watson Sponsor: Geren  
Relating to the functions of the Public Utility Commission of Texas in relation to the economic regulation of water and sewer service.  
(Committee Substitute)
- SB 1203** Rodríguez Sponsor: Pickett  
Relating to exemptions from the applicability of the Texas Secure and Fair Enforcement for Mortgage Licensing Act of 2009 and other laws applicable to residential mortgage loan originators.
- SB 1204** Rodríguez Sponsor: Márquez  
Relating to a waiver of fees by the Department of Agriculture and the Parks and Wildlife Department for certain educational programs involving aquaculture and hydroponics.
- SB 1235** Whitmire Sponsor: Fletcher  
Relating to defining the duties and to the penalties concerning pain management clinics.
- SB 1279** Campbell Sponsor: Morrison  
Relating to designated emergency infant care providers for certain abandoned children.
- SB 1281** Zaffirini Sponsor: Coleman  
Relating to the authority of a local government to participate in a cooperative purchasing program with local governments of this state or another state.

- SB 1427** Lucio Sponsor: Smithee  
Relating to authorizing an insurer's deposit of certain money and other assets with the Texas Department of Insurance.
- SB 1448** Ellis Sponsor: Miller, Rick  
Relating to holding a primary election for a political party in a county without party leadership.
- SB 1485** Garcia Sponsor: Guillen  
Relating to the availability of death records of unidentified persons.
- SB 1554** Eltife Sponsor: Meyer  
Relating to the regulation of rates for certain personal automobile insurance.
- SB 1587** Eltife Sponsor: VanDeaver  
Relating to the creation and operations of health care provider participation programs in certain counties.
- SB 1654** Hancock Sponsor: Sheets  
Relating to the standard valuation for life insurance, accident and health insurance, and annuities and the nonforfeiture requirements of certain life insurance policies; amending provisions that may be subject to a criminal penalty.
- SB 1766** Creighton Sponsor: Metcalf  
Relating to exemptions from certain regulation for small honey production operations.
- SB 1779** Menéndez Sponsor: Minjarez  
Relating to the order of candidate names on a runoff expedited election ballot.
- SB 2054** Birdwell Sponsor: Cook  
Relating to the transfer of certain state property from the Texas Juvenile Justice Department to the State Orphans Home Alumni Association.
- SCR 33** Rodríguez Sponsor: Blanco  
Designating September 8 as Major Jefferson Van Horne Day for a 10-year period beginning in 2015.
- SCR 48** Campbell  
Convening a joint memorial session to honor Texans killed while serving in the United States military and commemorating Memorial Day 2015.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### SENATE RESOLUTION 939

Senator Menéndez offered the following resolution:

**SR 939**, Recognizing David Michael and Claudette Anderson Copeland on the 30th anniversary of New Creation Christian Fellowship Church.

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: Ellis.

**GUESTS PRESENTED**

Senator Menéndez was recognized and introduced to the Senate a New Creation Christian Fellowship mentoring program delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Huffines was recognized and introduced to the Senate a Holy Trinity Greek Orthodox Church delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Perry was recognized and introduced to the Senate a group of All Saints Episcopal School seventh-grade students.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Kolkhorst was recognized and introduced to the Senate a Hennessey Performance Engineering delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Huffman, joined by Senator Bettencourt, was recognized and introduced to the Senate a Harris County Mosquito Control Division delegation.

The Senate welcomed its guests.

**PHYSICIAN OF THE DAY**

Senator Hinojosa was recognized and presented Dr. Carlos Ramirez of Mission as the Physician of the Day.

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

**GUESTS PRESENTED**

Senator Whitmire was recognized and introduced to the Senate a World Affairs Council of Houston youth empowerment program delegation.

The Senate welcomed its guests.

**BILLS AND RESOLUTIONS SIGNED**

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

**SB 66, SB 339, SB 359, SB 373, SB 455, SB 461, SB 498, SB 653, SB 686, SB 805, SB 912, SB 1697, SB 2034, SCR 13, SCR 32.**

**HB 39, HB 225, HB 789, HB 941, HB 1180, HB 1246, HB 1546, HB 1945, HB 1964, HB 1993, HB 2152, HB 2154.**

**(Senator Eltife in Chair)****GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate Lancaster High School 2014-2015 5A boys' varsity basketball team members and coach.

The Senate welcomed its guests.

**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 22** To Committee on State Affairs.

**HB 66** To Committee on Education.

**HB 91** To Committee on Health and Human Services.

**HB 94** To Committee on Natural Resources and Economic Development.

**HB 548** To Committee on Natural Resources and Economic Development.

**HB 599** To Committee on Business and Commerce.

**HB 766** To Committee on State Affairs.

**HB 838** To Committee on Business and Commerce.

**HB 1238** To Committee on Transportation.

**HB 1248** To Committee on Agriculture, Water, and Rural Affairs.

**HB 1267** To Committee on Health and Human Services.

**HB 1490** To Committee on Criminal Justice.

**HB 1626** To Committee on Business and Commerce.

**HB 1666** To Committee on State Affairs.

**HB 1996** To Committee on State Affairs.

**HB 2051** To Committee on Agriculture, Water, and Rural Affairs.

**HB 2219** To Committee on Business and Commerce.

**HB 2632** To Committee on Criminal Justice.

**HB 3052** To Committee on Business and Commerce.

**HB 3175** To Committee on Intergovernmental Relations.

**HB 3237** To Committee on Business and Commerce.

**HB 3277** To Committee on Criminal Justice.

**HB 3308** To Committee on Business and Commerce.

**HB 3579** To Committee on Criminal Justice.

**HB 3623** To Committee on Finance.

**HCR 90** To Committee on Administration.

**HCR 96** To Committee on Administration.

**HCR 107** To Committee on Administration.

**CONCLUSION OF MORNING CALL**

The Presiding Officer at 11:51 a.m. announced the conclusion of morning call.

**HOUSE BILL 1771 ON SECOND READING**

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **HB 1771** at this time on its second reading:

**HB 1771**, Relating to the donation of sick leave by state employees.



The motion prevailed.

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

The bill was read second time and was passed to 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: Creighton, Hall, Huffines.

Absent-excused: Ellis.

### **HOUSE BILL 1771 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 **HB 1771** be placed on its third reading and final passage.

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

Yeas: Bettencourt, Birdwell, Burton, Campbell, 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: Creighton, Hall, Huffines.

Absent-excused: Ellis.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3. (Same as previous roll call)

### **HOUSE BILL 1598 ON SECOND READING**

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1598** at this time on its second reading:

**HB 1598**, Relating to the Texas military forces oath of affirmation.

The bill was read second time.

Senator Menéndez offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **HB 1598** (senate committee printing) in amended Section 437.205(b), Government Code (page 1, lines 22 and 23) by striking "the Texas military forces or who volunteers for the Texas military forces" and substituting "or who volunteers for the Texas military forces, other than the Texas National Guard,".

The amendment to **HB 1598** 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: Ellis.

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

**HB 1598** 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: Ellis.

#### **HOUSE BILL 1598 ON THIRD READING**

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1598** be placed on its third reading and final passage.

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

Absent-excused: Ellis.

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 Menéndez was recognized and introduced to the Senate a Retired Texas Game Warden Day delegation.

The Senate welcomed its guests.

#### **HOUSE BILL 2507 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **HB 2507** at this time on its second reading:

**HB 2507**, Relating to a sales and use tax exemption for certain equipment used for digital audio broadcasting.

The motion prevailed.

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

Senator Bettencourt asked to be recorded as "Present-not voting" 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, Hall, V. Taylor.

Present-not voting: Bettencourt.

Absent-excused: Ellis.

**HOUSE BILL 2507 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2507** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3, Present-not voting 1.

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

Nays: Burton, Hall, V. Taylor.

Present-not voting: Bettencourt.

Absent-excused: Ellis.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 3, Present-not voting 1. (Same as previous roll call)

**HOUSE BILL 1890 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1890** at this time on its second reading:

**HB 1890**, Relating to the development and implementation of a statewide strategy for legacy system modernization.

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: Ellis.

**HOUSE BILL 1890 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1890** be placed on its third reading and final passage.

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

Absent-excused: Ellis.

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

**HOUSE BILL 1919 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1919** at this time on its second reading:

**HB 1919**, Relating to the applicability of certain provisions concerning invasive species.

The bill was read second time.

Senator Estes offered the following amendment to the bill:

### **Floor Amendment No. 1**

Amend **HB 1919** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 66.007(n)(3)(E), Parks and Wildlife Code (page 1, line 48), between "purposes" and the underlined period, insert "provided that a person making a transfer of water described by this paragraph from a body of water in which there is a known exotic harmful or potentially harmful fish or shellfish population notifies the department annually in writing before the proposed transfer occurs".

(2) In SECTION 2 of the bill, in added Section 66.0072(g)(3)(E), Parks and Wildlife Code (page 2, line 15), between "purposes" and the underlined period, insert "provided that a person making a transfer of water described by this paragraph from a body of water in which there is a known exotic harmful or potentially harmful fish or shellfish population notifies the department annually in writing before the proposed transfer occurs".

The amendment to **HB 1919** 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: Ellis.

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

**HB 1919** 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: Ellis.

### **HOUSE BILL 1919 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 1919** be placed on its third reading and final passage.

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

Absent-excused: Ellis.

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

### **HOUSE BILL 2732 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 2732** at this time on its second reading:

**HB 2732**, Relating to recovery of covered unemployment compensation debt through participation in the federal Treasury Offset Program.

The motion prevailed.

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

The bill was read second time and was passed to 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, Hall, Huffines, V. Taylor.

Absent-excused: Ellis.

### **HOUSE BILL 2732 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 2732** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Burton, Hall, Huffines, V. Taylor.

Absent-excused: Ellis.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

**(President in Chair)**

### **HOUSE BILL 157 ON SECOND READING**

Senator Eltife moved to suspend the regular order of business to take up for consideration **HB 157** at this time on its second reading:

**HB 157**, Relating to the rates of sales and use taxes imposed by municipalities; authorizing an increase or decrease in the rate of those taxes.

The motion prevailed.

Senators Bettencourt, Campbell, Creighton, and Kolkhorst asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to 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: Bettencourt, Campbell, Creighton, Kolkhorst.

Absent-excused: Ellis.

**HOUSE BILL 157 ON THIRD READING**

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 157** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Bettencourt, Campbell, Creighton, Kolkhorst.

Absent-excused: Ellis.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

**HOUSE BILL 2466 ON SECOND READING**

Senator Eltife moved to suspend the regular order of business to take up for consideration **HB 2466** at this time on its second reading:

**HB 2466**, Relating to the creation of a safety reimbursement program for employers participating in the workers' compensation system.

The motion prevailed by the following vote: Yeas 22, Nays 8.

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

Nays: Birdwell, Burton, Hall, Hancock, Kolkhorst, Nelson, Perry, V. Taylor.

Absent-excused: Ellis.

The bill was read second time and was passed to third reading by the following vote: Yeas 22, Nays 8. (Same as previous roll call)

**HOUSE BILL 2466 ON THIRD READING**

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2466** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

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

Nays: Birdwell, Burton, Hall, Kolkhorst, Nelson.

Absent-excused: Ellis.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 8.

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

Nays: Birdwell, Burton, Hall, Hancock, Kolkhorst, Nelson, Perry, V. Taylor.

Absent-excused: Ellis.

### HOUSE BILL 1736 ON SECOND READING

Senator Fraser moved to suspend the regular order of business to take up for consideration **HB 1736** at this time on its second reading:

**HB 1736**, Relating to building energy efficiency performance standards.

The motion prevailed.

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

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **HB 1736** as follows:

(1) In Subsection (d) of SECTION 1 of the bill (Committee Printing page 2, lines 27-28) strike lines 27-28 and insert "adopt local amendments to the Energy Rating Index Compliance Alternative or subsequent alternative compliance path as described by Subsection (j).".

(2) In Subsection (i) of SECTION 1 of the bill (Committee Printing page 2, lines 36-37) strike lines 36-37 and insert "compliance. The Energy Rating Index Compliance Alternative or subsequent alternative compliance path as described by Subsection (j) shall be considered in".

(3) In Subsection (j) of SECTION 1 of the bill (Committee Printing page 2, line 40) between "Index" and "used" insert "Compliance Alternative or subsequent alternative compliance path".

(4) In Subsection (j) of SECTION 1 of the bill (Committee Printing page 2, line 41) strike "an edition of".

The amendment to **HB 1736** 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: Ellis.

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

**HB 1736** 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: Hall.

Absent-excused: Ellis.

### **HOUSE BILL 1736 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1736** be placed on its third reading and final passage.

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

Nays: Hall.

Absent-excused: Ellis.

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

### **SENATE BILL 1568 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **SB 1568** at this time on its second reading:

**SB 1568**, Relating to the issuance of interest-bearing time warrants by school districts.

The motion prevailed by the following vote: Yeas 20, Nays 9, Present-not voting 1.

Yeas: Campbell, Creighton, Eltife, Estes, Fraser, Garcia, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Rodríguez, Seliger, L. Taylor, Uresti, Watson, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Burton, Hall, Hancock, Nichols, Perry, Schwertner, V. Taylor.

Present-not voting: West.

Absent-excused: Ellis.

The bill was read second time and was passed to engrossment by the following vote: Yeas 20, Nays 9, Present-not voting 1. (Same as previous roll call)

### **HOUSE BILL 574 ON SECOND READING**

Senator Campbell moved to suspend the regular order of business to take up for consideration **HB 574** at this time on its second reading:

**HB 574**, Relating to the operation of certain managed care plans with respect to certain physicians and health care providers; amending provisions subject to a criminal penalty.

The motion prevailed.

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

The bill was read second time and was passed to 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: Hall.

Absent-excused: Ellis.

#### **HOUSE BILL 574 ON THIRD READING**

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 574** be placed on its third reading and final passage.

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

Nays: Hall.

Absent-excused: Ellis.

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

#### **HOUSE BILL 2230 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2230** at this time on its second reading:

**HB 2230**, Relating to the authority of the Texas Commission on Environmental Quality to authorize an injection well used for oil and gas waste disposal to be used for the disposal of nonhazardous brine produced by a desalination operation or nonhazardous drinking water treatment residuals.

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: Ellis.

#### **HOUSE BILL 2230 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 2230** be placed on its third reading and final passage.

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

Absent-excused: Ellis.

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

#### **HOUSE BILL 706 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **HB 706** at this time on its second reading:

**HB 706**, Relating to the procedure for claiming an exemption from ad valorem taxation of property on which a solar or wind-powered energy device is installed or constructed.

The motion prevailed.

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

The bill was read second time and was passed to 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, Hall.

Absent-excused: Ellis.

### **HOUSE BILL 706 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 706** be placed on its third reading and final passage.

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

Yeas: Bettencourt, Birdwell, Campbell, Creighton, 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.

Nays: Burton, Hall.

Absent-excused: Ellis.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

**(Senator Hancock in Chair)**

### **COMMITTEE SUBSTITUTE**

### **HOUSE BILL 1140 ON SECOND READING**

Senator Whitmire moved to suspend the regular order of business to take up for consideration **CSHB 1140** at this time on its second reading:

**CSHB 1140**, Relating to the confinement of pregnant prisoners in county jails.

The motion prevailed.

Senators Birdwell, Creighton, and Nichols asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to 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: Birdwell, Creighton, Nichols.

Absent-excused: Ellis.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1140 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1140** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Creighton, Nichols.

Absent-excused: Ellis.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1009 ON SECOND READING**

Senator Eltife moved to suspend the regular order of business to take up for consideration **CSSB 1009** at this time on its second reading:

**CSSB 1009**, Relating to the amount of a sales and use tax refund for tangible personal property used to provide cable television service, Internet access service, or telecommunications services.

The motion prevailed.

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

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

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

Nays: Burton, Schwertner, V. Taylor.

Absent-excused: Ellis.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1009 ON THIRD READING**

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1009** be placed on its third reading and final passage.

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

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

Nays: Burton, Schwertner, V. Taylor.

Absent-excused: Ellis.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3. (Same as previous roll call)

#### **HOUSE BILL 2717 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2717** at this time on its second reading:

**HB 2717**, Relating to the deregulation of hair braiding.

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: Ellis.

#### **HOUSE BILL 2717 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2717** be placed on its third reading and final passage.

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

Absent-excused: Ellis.

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

#### **HOUSE BILL 1062 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **HB 1062** at this time on its second reading:

**HB 1062**, Relating to authorizing a fee for county records technology and infrastructure costs in certain counties.

The motion prevailed by the following vote: Yeas 23, Nays 7.

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

Nays: Birdwell, Burton, Campbell, Hall, Hancock, Nichols, V. Taylor.

Absent-excused: Ellis.

The bill was read second time and was passed to third reading by the following vote: Yeas 23, Nays 7. (Same as previous roll call)

**HOUSE BILL 1062 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1062** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

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

Nays: Birdwell, Burton, Campbell, Hall, Nichols, V. Taylor.

Absent-excused: Ellis.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 7.

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

Nays: Birdwell, Burton, Campbell, Hall, Hancock, Nichols, V. Taylor.

Absent-excused: Ellis.

**HOUSE BILL 121 ON SECOND READING**

Senator Whitmire moved to suspend the regular order of business to take up for consideration **HB 121** at this time on its second reading:

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

The motion prevailed by the following vote: Yeas 25, Nays 5.

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

Nays: Hancock, Huffman, Kolkhorst, Nichols, L. Taylor.

Absent-excused: Ellis.

The bill was read second time and was passed to third reading by the following vote: Yeas 25, Nays 5. (Same as previous roll call)

**HOUSE BILL 121 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 121** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

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

Nays: Hancock, Huffman, Kolkhorst, Nichols, L. Taylor.

Absent-excused: Ellis.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6.

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

Nays: Bettencourt, Hancock, Huffman, Kolkhorst, Nichols, L. Taylor.

Absent-excused: Ellis.

### **HOUSE BILL 1790 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **HB 1790** at this time on its second reading:

**HB 1790**, Relating to job performance on behalf of a fire fighter or police officer who is recovering from an off-duty injury.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Bettencourt, Birdwell, Schwertner, V. Taylor.

Absent-excused: Ellis.

The bill was read second time and was passed to third reading by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

### **HOUSE BILL 1790 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1790** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Bettencourt, Birdwell, Schwertner, V. Taylor.

Absent-excused: Ellis.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

### **SENATE CONCURRENT RESOLUTION 46 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **SCR 46** at this time on its second reading:

**SCR 46**, Directing the governor of the State of Texas to posthumously award the Texas Legislative Medal of Honor to Marcelino Serna.

The motion prevailed.

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

The resolution was read second time and was adopted by the following vote: Yeas 29, Nays 1.

Nays: V. Taylor.

Absent-excused: Ellis.

### **CONFERENCE COMMITTEE ON HOUSE BILL 3123**

Senator Nelson called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3123** and moved that the request be granted.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 3123** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Nelson, Chair; Hinojosa, Schwertner, Campbell, and Birdwell.

### **SENATE BILL 1889 WITH HOUSE AMENDMENT**

Senator Zaffirini called **SB 1889** 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 1889** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED AN ACT**

relating to the definition of neglect of a child, the exclusion of certain information from the Department of Family and Protective Services central registry of child abuse or neglect cases, and the report of certain information regarding those cases to the legislature.

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

**SECTION 1.** Section 261.001(4), Family Code, is amended to read as follows:

(4) "Neglect";

(A) includes:

(i) [~~A~~] the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;

(ii) ~~[(B)]~~ the following acts or omissions by a person:

(a) ~~[(+)]~~ placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;

(b) ~~[(+)]~~ failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;

(c) ~~[(+)]~~ the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;

(d) ~~[(+)]~~ placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or

(e) ~~[(+)]~~ placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another child; or

(iii) ~~[(C)]~~ the failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away; and

(B) does not include the refusal by a person responsible for a child's care, custody, or welfare to permit the child to remain in or return to the child's home resulting in the placement of the child in the conservatorship of the department if:

(i) the child has a severe emotional disturbance;

(ii) the person's refusal is based solely on the person's inability to obtain mental health services necessary to protect the safety and well-being of the child; and

(iii) the person has exhausted all reasonable means available to the person to obtain the mental health services described by Subparagraph (ii).

SECTION 2. Section 261.002(b), Family Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(b) The executive commissioner shall ~~[may]~~ adopt rules necessary to carry out this section. The rules shall:

(1) prohibit the department from making a finding of abuse or neglect against a person in a case in which the department is named managing conservator of a child who has a severe emotional disturbance only because the child's family is unable to obtain mental health services for the child; and

(2) establish guidelines for reviewing the records in the registry and removing those records in which the department was named managing conservator of a child who has a severe emotional disturbance only because the child's family was unable to obtain mental health services for the child ~~[provide for cooperation with local child service agencies, including hospitals, clinics, and schools, and cooperation with other states in exchanging reports to effect a national registration system].~~



SECTION 3. Section 262.352, Family Code, is amended to read as follows:

Sec. 262.352. JOINT MANAGING CONSERVATORSHIP OF CHILD.

(a) Before the department files a suit affecting the parent-child relationship requesting managing conservatorship [a person relinquishes custody] of a child who suffers from a severe emotional disturbance in order to obtain mental health services for the child, the department must, unless [if] it is not in the best interest of the child, discuss with the child's parent or legal guardian [person relinquishing custody of the child] the option of seeking a court order for joint managing conservatorship of the child with the department.

(b) Not later than November 1 of each even-numbered year, the department shall report the following information to the legislature:

(1) with respect to children described by Subsection (a):

(A) the number of children for whom the department has been appointed managing conservator;

(B) the number of children for whom the department has been appointed joint managing conservator; and

(C) the number of children who were diverted to community or residential mental health services through another agency; and

(2) the number of persons whose names were entered into the central registry of cases of child abuse and neglect only because the department was named managing conservator of a child who has a severe emotional disturbance because the child's family was unable to obtain mental health services for the child.

(c) Subsection (b) and this subsection expire September 1, 2019.

SECTION 4. Section 262.353, Family Code, is repealed.

SECTION 5. The Department of Family and Protective Services shall implement the changes in law made by this Act using funds appropriated to the department for the state fiscal biennium ending August 31, 2017.

SECTION 6. This Act takes effect September 1, 2015.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 1889**.

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

Absent-excused: Ellis.

### **HOUSE BILL 473 ON SECOND READING**

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 473** at this time on its second reading:

**HB 473**, Relating to a prohibition on the sale or transfer of certain law enforcement vehicles before removal of certain equipment and insignia.

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: Ellis.

### HOUSE BILL 473 ON THIRD READING

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 473** be placed on its third reading and final passage.

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

Absent-excused: Ellis.

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

### SENATE BILL 20 WITH HOUSE AMENDMENTS

Senator Nelson called **SB 20** 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 20** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to state agency contracting; authorizing fees; creating an offense.

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

SECTION 1. Section 321.013, Government Code, is amended by adding Subsections (k) and (l) to read as follows:

(k) In devising the audit plan under Subsection (c), the State Auditor shall consider the performance of audits on contracts entered into by the Health and Human Services Commission that exceed \$100 million in annual value, including a contract between the commission and a managed care organization. The State Auditor shall collaborate with the financial managers in the Medicaid/CHIP Division of the commission in performing an audit described by this subsection. An audit described by this subsection:

(1) may be limited in scope to target an area of the contract that the State Auditor determines poses the highest financial risk to this state; and

(2) must determine whether the entity contracting with the commission has spent state money in accordance with the purposes authorized in the contract.

(l) The State Auditor may contract with a private auditor to audit a contract under Subsection (k).

SECTION 2. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.03057 to read as follows:

Sec. 403.03057. CENTRALIZED STATE PURCHASING STUDY. (a) The comptroller, in cooperation with the governor's budget and policy staff, shall conduct a study examining the feasibility and practicality of consolidating state purchasing functions into fewer state agencies or one state agency. The study must examine the cost savings to this state that may be achieved through:

(1) abolishing offices or departments of state agencies that have a dedicated office or department for purchasing; and

(2) consolidating or reducing the number of vendors authorized to contract with this state to allow this state to better leverage its purchasing power.

(b) The comptroller shall prepare and deliver to the governor, the lieutenant governor, and each member of the legislature a report on the findings of the study conducted under Subsection (a), including:

(1) a detailed projection of expected savings or costs to this state in consolidating state purchasing;

(2) a report on the process for the legislature or the executive branch to implement the consolidation of state purchasing;

(3) a list of state agencies, including dedicated offices or departments in those agencies, with purchasing responsibilities; and

(4) the total cost to this state of the purchasing responsibilities for each state agency, including the dedicated office or department in the agency with purchasing responsibility.

(c) The comptroller shall prepare, deliver, and post on the comptroller's Internet website the report required by this section not later than December 31, 2016.

(d) The comptroller may contract with a public or private entity to conduct the study required by this section.

(e) This section expires January 1, 2018.

SECTION 3. Subchapter L, Chapter 441, Government Code, is amended by adding Section 441.1855 to read as follows:

Sec. 441.1855. RETENTION OF CONTRACT AND RELATED DOCUMENTS BY STATE AGENCIES. Notwithstanding Section 441.185 or 441.187, a state agency:

(1) shall retain in its records each contract entered into by the state agency and all contract solicitation documents related to the contract; and

(2) may destroy the contract and documents only after the seventh anniversary of the date:

(A) the contract is completed or expires; or

(B) all issues that arise from any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the contract or documents are resolved.

SECTION 4. Subchapter C, Chapter 572, Government Code, is amended by adding Section 572.069 to read as follows:

Sec. 572.069. CERTAIN EMPLOYMENT FOR FORMER STATE OFFICER OR EMPLOYEE RESTRICTED; CRIMINAL PENALTY. (a) A former state officer or employee of a state agency who during the period of state service or employment participated on behalf of a state agency as an evaluation team member or other decision maker in determining the person to whom a contract should be awarded during the procurement or contract negotiation may not accept employment from that person before the second anniversary of the date the officer's or employee's service or employment with the state agency ceased.

(b) An individual commits an offense if the individual violates this section. An offense under this subsection is a Class A misdemeanor.

SECTION 5. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.067 to read as follows:

Sec. 2054.067. POSTING OF CERTAIN DOCUMENTS RELATING TO CONTRACT SOLICITATIONS. (a) The department shall post all solicitation documents related to a contract of the department, including contracts under Chapter 2157, to the centralized accounting and payroll system authorized under Sections 2101.035 and 2101.036, or any successor system used to implement the enterprise resource planning component of the uniform statewide accounting project.

(b) The documents posted under Subsection (a) must include documents showing the criteria by which the department evaluated each vendor responding to the contract solicitation and, if applicable, an explanation of why the vendor was selected by the department under Section 2157.068(b).

SECTION 6. Section 2101.001(1), Government Code, is amended to read as follows:

(1) "Enterprise resource planning" includes the administration of a state agency's:

- (A) general ledger;
- (B) accounts payable;
- (C) accounts receivable;
- (D) budgeting;
- (E) inventory;
- (F) asset management;
- (G) billing;
- (H) payroll;
- (I) projects;
- (J) grants;

(K) human resources, including administration of performance measures, time spent on tasks, and other personnel and labor issues; and

- (L) purchasing, including solicitations and contracting.

SECTION 7. Section 2101.035, Government Code, is amended by adding Subsection (i) to read as follows:

(i) State agencies shall report contract and purchasing information in the uniform manner required by the comptroller.

SECTION 8. Section 2101.036, Government Code, is amended by adding Subsection (e) to read as follows:

(e) Notwithstanding Subsection (d), a state agency in the legislative branch may elect to participate in the enterprise resource planning system developed under this section.

SECTION 9. Subchapter C, Chapter 2101, Government Code, is amended by adding Section 2101.041 to read as follows:

Sec. 2101.041. STATE AGENCY REPORTING OF CONTRACTING INFORMATION. (a) The comptroller by rule shall determine the contracting information that state agencies must report or provide using the centralized accounting and payroll system, or any successor system used to implement the enterprise resource planning component of the uniform statewide accounting project, developed under Sections 2101.035 and 2101.036.

(b) In making the determination required by this section, the comptroller shall consider requiring a state agency to report or provide:

(1) a brief summary of each contract that is quickly and easily searchable, including the contract's purpose, timeline, and deliverables;

(2) contract planning and solicitation documents;

(3) the criteria used to determine the vendor awarded the contract;

(4) if the contract was awarded based on best value to the state:

(A) a list of the factors considered in determining best value with the weight given each factor; and

(B) a statement regarding how the vendor awarded the contract provides the best value to the state in relation to other vendors who bid or otherwise responded to the contract solicitation;

(5) any statements of work and work orders prepared for or under the contract;

(6) the proposed budget for the contract;

(7) any conflict of interest documents signed by state agency purchasing personnel participating in the planning, soliciting, or monitoring of the contract; and

(8) criteria used or to be used by the state agency in monitoring the contract and vendor performance under the contract.

SECTION 10. Subchapter B, Chapter 2155, Government Code, is amended by adding Section 2155.0755 to read as follows:

Sec. 2155.0755. VERIFICATION OF USE OF BEST VALUE STANDARD.

(a) The contract manager or procurement director of each state agency shall:

(1) approve each state agency contract for which the agency is required to purchase goods or services using the best value standard;

(2) ensure that, for each contract, the agency documents the best value standard used for the contract; and

(3) acknowledge in writing that the agency complied with the agency's and comptroller's contract management guide in the purchase.

(b) For each purchase of goods or services for which a state agency is required to use the best value standard, the comptroller shall ensure that the agency includes in the vendor performance tracking system established under Section 2262.055 information on whether the vendor satisfied that standard.

SECTION 11. Section 2155.077, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-2) to read as follows:

(a) The commission may bar a vendor from participating in state contracts that are subject to this subtitle, including contracts for which purchasing authority is delegated to a state agency, for:

(1) substandard performance under a contract with the state or a state agency;

(2) material misrepresentations in a bid or proposal to the state or a state agency or during the course of performing a contract with the state or a state agency;

(3) fraud; ~~or~~

(4) breaching a contract with the state or a state agency; or

(5) repeated unfavorable performance reviews under Section 2155.089 or receipt of an unfavorable classification given by the comptroller under Section 2262.055.

(a-2) The comptroller shall bar a vendor from participating in state contracts that are subject to this subtitle, including contracts for which purchasing authority is delegated to a state agency, if more than two contracts between the vendor and the state have been terminated by the state.

(b) Except as provided by Subsection (d), the commission shall bar a vendor from participating in state contracts under Subsection (a) or (a-2) for a period that is commensurate with the seriousness of the vendor's action and the damage to the state's interests.

SECTION 12. Section 2155.078, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) The commission shall establish and administer a system of training, continuing education, and certification for state agency purchasing personnel. The training and continuing education for state agency purchasing personnel must include ethics training. The commission may establish and offer appropriate training to vendors on a cost recovery basis. The commission may adopt rules to administer this section, including rules relating to monitoring a certified purchaser's compliance with the continuing education requirements of this section.

(a-1) The training, continuing education, and certification required under Subsection (a) must include:

(1) training on the selection of an appropriate procurement method by project type; and

(2) training conducted by the Department of Information Resources on purchasing technologies.

(b) Notwithstanding [~~Except as provided by~~] Subsection (n), all state agency purchasing personnel, including agencies exempted from the purchasing authority of the commission, must receive the training and continuing education to the extent required by rule of the commission. The training and continuing education must include ethics training. A state agency employee who is required to receive the training may not participate in purchases by the employing agency unless the employee has received the required training or received equivalent training from a national association recognized by the commission. The equivalent training may count, as provided by Subsection (k), toward the continuing education requirements.

SECTION 13. Subchapter B, Chapter 2155, Government Code, is amended by adding Section 2155.089 to read as follows:

Sec. 2155.089. REPORTING VENDOR PERFORMANCE. (a) After a contract is completed or otherwise terminated, each state agency shall review the vendor's performance under the contract.

(b) The state agency shall report to the comptroller, using the tracking system established by Section 2262.055, on the results of the review regarding a vendor's performance under a contract.

(c) This section does not apply to:

(1) an enrollment contract described by 1 T.A.C. Section 391.183 as that section existed on September 1, 2015; or

(2) a contract of the Employees Retirement System of Texas or the Teacher Retirement System of Texas except for a contract with a nongovernmental entity for claims administration of a group health benefit plan under Subtitle H, Title 8, Insurance Code.

SECTION 14. Subchapter I, Chapter 2155, Government Code, is amended by adding Section 2155.5035 to read as follows:

Sec. 2155.5035. USE OF SCHEDULE BY STATE AGENCY. (a) A state agency purchasing goods or services under a contract listed on the schedule:

(1) for a purchase with a value of \$50,000 or less, may directly award a contract to a vendor included on the schedule without submission of a request for pricing to other vendors on the list;

(2) for a purchase with a value of more than \$50,000 but not more than \$150,000, shall submit a request for pricing to at least three vendors included on the schedule in the category to which the purchase relates or to all vendors in the category for a category with fewer than three vendors;

(3) for a purchase with a value of more than \$150,000 but not more than \$1 million, shall submit a request for pricing to at least six vendors included on the schedule in the category to which the purchase relates or all vendors in the category for a category with fewer than six vendors; and

(4) may not purchase under the contract services in a state fiscal year that have a total value exceeding \$1 million.

(b) The price listed for a good or service under a multiple award contract is a maximum price. A state agency may negotiate a lower price for goods or services under a contract listed on a schedule developed under this chapter.

SECTION 15. Section 2156.181(a), Government Code, is amended to read as follows:

(a) The commission may enter into one or more compacts, interagency agreements, or cooperative purchasing agreements directly with one or more state governments, agencies of other states, or other governmental entities or may participate in, sponsor, or administer a cooperative purchasing agreement through an entity that facilitates those agreements for the purchase of goods or services if the commission determines that the ~~entering into an~~ agreement would be in the best interest of the state.

SECTION 16. Subchapter B, Chapter 2157, Government Code, is amended by adding Section 2157.0685 to read as follows:

Sec. 2157.0685. CONTRACT REQUIREMENTS FOR CERTAIN SERVICES.

(a) In this section, "statement of work" means a document that states the requirements for a contract, including deliverables, performance specifications, and other requirements, specific to the vendor under that contract that are not specified in a contract awarded by the department under Section 2157.068 for contracts more than \$50,000.

(b) For a contract awarded by the department under Section 2157.068 that requires a state agency to develop and execute a statement of work to initiate services under the contract, the state agency must:

(1) consult with the department before submission of the statement of work to a vendor; and

(2) post each statement of work entered into by the agency on the agency's Internet website in the manner required by department rule.

(c) A statement of work executed by a state agency under a contract awarded by the department under Section 2157.068 is not valid and money may not be paid to the vendor under the terms of the statement of work if the department:

(1) has not reviewed the statement of work; or

(2) disapproves the statement of work before the contract solicitation.

SECTION 17. Section 2261.001(a), Government Code, is amended to read as follows:

(a) This chapter, other than Subchapter F, applies only to each procurement of goods or services made by a state agency that is neither made by the comptroller nor made under purchasing authority delegated to the agency by or under Section 51.9335 or 73.115, Education Code, or Section 2155.131 or 2155.132.

SECTION 18. Chapter 2261, Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. ETHICS, REPORTING, AND APPROVAL REQUIREMENTS  
FOR CERTAIN CONTRACTS

Sec. 2261.251. APPLICABILITY OF SUBCHAPTER. (a) Notwithstanding Section 2261.001, this subchapter applies to the Texas Department of Transportation.

(b) This subchapter does not apply to a contract of the Employees Retirement System of Texas or the Teacher Retirement System of Texas except for a contract with a nongovernmental entity for claims administration of a group health benefit plan under Subtitle H, Title 8, Insurance Code.

Sec. 2261.252. REQUIRED POSTING OF CERTAIN CONTRACTS; ENHANCED CONTRACT AND PERFORMANCE MONITORING. (a) For each contract for the purchase of goods or services from a private vendor, each state agency shall post on its Internet website:

(1) each contract the agency enters into, including contracts entered into without inviting, advertising for, or otherwise requiring competitive bidding before selection of the contractor, until the contract expires or is completed;

(2) the statutory or other authority under which a contract that is not competitively bid under Subdivision (1) is entered into without compliance with competitive bidding procedures; and

(3) the request for proposals related to a competitively bid contract included under Subdivision (1) until the contract expires or is completed.

(b) A state agency monthly may post contracts described by Subsection (a) that are valued at less than \$15,000.

(c) Each state agency by rule shall establish a procedure to identify each contract that requires enhanced contract or performance monitoring and submit information on the contract to the agency's governing body or, if the agency is not governed by a multimember governing body, the officer who governs the agency. The agency's contract management office or procurement director shall immediately notify the agency's governing body or governing official, as appropriate, of any serious issue or risk that is identified with respect to a contract monitored under this subsection.

(d) This section does not apply to a memoranda of understanding, interagency contract, interlocal agreement, or contract for which there is not a cost.



Sec. 2261.253. CONTRACTS WITH VALUE EXCEEDING \$1 MILLION.

(a) For each contract for the purchase of goods or services that has a value exceeding \$1 million, a state agency shall develop and implement contract reporting requirements that provide information on:

(1) compliance with financial provisions and delivery schedules under the contract;

(2) corrective action plans required under the contract and the status of any active corrective action plan; and

(3) any liquidated damages assessed or collected under the contract.

(b) Each state agency shall verify:

(1) the accuracy of any information reported under Subsection (a) that is based on information provided by a contractor; and

(2) the delivery time of goods or services scheduled for delivery under the contract.

(c) Except as provided by Subsection (d), a state agency may enter into a contract for the purchase of goods or services that has a value exceeding \$1 million only if:

(1) the governing body of the state agency approves the contract and the approved contract is signed by the presiding officer of the governing body; or

(2) for a state agency that is not governed by a multimember governing body, the officer who governs the agency approves and signs the contract.

(d) The governing body or governing official of a state agency, as appropriate, may delegate to the executive director of the agency the approval and signature authority under Subsection (c).

(e) A highway construction, engineering services, or maintenance contract that is in compliance with all applicable laws related to procuring engineering services or construction bidding and that is awarded by the Texas Department of Transportation under Subchapter A, Chapter 223, Transportation Code, is not required to be signed by a member of the Texas Transportation Commission or the executive director of the department. This exception does not apply to expedited highway improvement contracts under Subchapter C, Chapter 223, Transportation Code, a comprehensive development agreement entered into under Subchapter E, Chapter 223, Transportation Code, a design-build contract entered into under Subchapter F, Chapter 223, Transportation Code, or any other contract entered into by the Texas Department of Transportation.

Sec. 2261.254. CONTRACTS WITH VALUE EXCEEDING \$5 MILLION. For each state agency contract for the purchase of goods or services that has a value exceeding \$5 million, the contract management office or procurement director of the agency must:

(1) verify in writing that the solicitation and purchasing methods and contractor selection process comply with state law and agency policy; and

(2) submit to the governing body of the agency, or governing official of the agency if the agency is not governed by a multimember governing body, information on any potential issue that may arise in the solicitation, purchasing, or contractor selection process.

Sec. 2261.255. ACCOUNTABILITY AND RISK ANALYSIS PROCEDURE; CONTRACT MANAGEMENT HANDBOOK. (a) Each state agency shall develop and comply with a purchasing accountability and risk analysis procedure. The procedure must provide for:

(1) assessing the risk of fraud, abuse, or waste in the contractor selection process, contract provisions, and payment and reimbursement rates and methods for the different types of goods and services for which the agency contracts;

(2) identifying contracts that require enhanced contract monitoring or the immediate attention of contract management staff; and

(3) establishing clear levels of purchasing accountability and staff responsibilities related to purchasing.

(b) Each state agency shall publish a contract management handbook that establishes consistent contracting policies and practices to be followed by the agency and that is consistent with the comptroller's contract management guide. The procedures described by Subsections (a)(2) and (3) must be approved by the comptroller and be included in the agency's handbook. The agency's handbook may include standard contract provisions and formats for the agency to incorporate in contracts.

Sec. 2261.256. CONTRACT DATABASE. (a) Each state agency that becomes a participant in the centralized accounting and payroll systems as authorized by Sections 2101.035 and 2101.036 shall use the system to identify and record each contract entered into by the agency as specified by the rules, policies, or procedures developed by the comptroller.

(b) The comptroller shall provide as necessary information and state agency contract data contained in the centralized accounting and payroll systems to other state agencies with oversight duties, including the Legislative Budget Board, the state auditor's office, and the Department of Information Resources.

SECTION 19. Section 2262.053(d), Government Code, is amended to read as follows:

(d) The comptroller shall administer training under this section and may assess a fee for the training in an amount sufficient to recover the comptroller's costs under this section.

SECTION 20. Section 2262.0535, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The comptroller may assess a fee for the training provided under this section in an amount sufficient to recover the comptroller's costs under this section.

SECTION 21. Section 2262.055, Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (d) and (e) to read as follows:

(a) The comptroller shall evaluate the vendor's performance based on information reported by state agencies under Section 2155.089 and criteria established by the comptroller.

(b) The comptroller by rule shall establish an evaluation process that:

(1) rates vendors on an A through F scale, with A being the highest grade;

and

(2) allows vendors who receive a grade lower than a C [an unfavorable performance review] to protest any classification given by the comptroller.

(d) A state agency shall use the vendor performance tracking system to determine whether to award a contract to a vendor reviewed in the tracking system. A state agency may not award a contract to a vendor who receives a grade lower than a C from the comptroller under Subsection (b).

(e) The comptroller shall make the vendor performance tracking system accessible to the public on the comptroller's Internet website.

SECTION 22. Section 2155.502(d), Government Code, is repealed.

SECTION 23. As soon as is practicable after the effective date of this Act, the comptroller of public accounts, and each affected state agency as necessary, shall adopt the rules, processes, and procedures and take the actions necessary to implement the changes in law made by this Act.

SECTION 24. Section 572.069, Government Code, as added by this Act, applies only to a state officer or employee whose service or employment with a state agency ceases on or after the effective date of this Act.

SECTION 25. Section 2262.055(d), Government Code, as added by this Act, applies only in relation to a contract for which the request for bids or proposals or other applicable expression of interest is made public on or after October 1, 2015.

SECTION 26. The changes in law made by this Act apply only to a contract entered into on or after the effective date of this Act. A contract entered into before that date is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 27. This Act takes effect September 1, 2015.

### **Floor Amendment No. 1**

Amend **CSSB 20** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Notwithstanding any law amended or added by this Act, the changes in law made by this Act do not apply to an institution of higher education or university system as those terms are defined by Section 61.003, Education Code.

### **Floor Amendment No. 2**

Amend **CSSB 20** (house committee report) as follows:

(1) Strike page 10, line 16, through page 11, line 13.

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

SECTION \_\_\_\_\_. Section 2157.068, Government Code, is amended by adding Subsections (e-1) and (e-2) to read as follows:

(e-1) A state agency contracting to purchase a commodity item shall use the list maintained as required by Subsection (e) as follows:

(1) for a contract with a value of \$50,000 or less, the agency may directly award the contract to a vendor included on the list without submission of a request for pricing to other vendors on the list;

(2) for a contract with a value of more than \$50,000 but not more than \$150,000, the agency must submit a request for pricing to at least three vendors included on the list in the category to which the contract relates; and

(3) for a contract with a value of more than \$150,000 but not more than \$1 million, the agency must submit a request for pricing to at least six vendors included on the list in the category to which the contract relates or all vendors on the schedule if the category has fewer than six vendors.

(e-2) A state agency may not enter into a contract to purchase a commodity item if the value of the contract exceeds \$1 million.

### **Floor Amendment No. 3**

Amend **CSSB 20** (house committee report) as follows:

- (1) Strike page 3, line 22, through page 4, line 8.
- (2) Strike page 19, lines 7-10.
- (3) Renumber the SECTIONS of the bill accordingly.

### **Floor Amendment No. 4**

Amend **CSSB 20** (house committee report) as follows:

(1) On page 8, strike lines 11-13 and substitute the following:  
(5) repeated unfavorable performance reviews under Section 2155.089 or repeated unfavorable classifications received by the vendor under Section 2262.055 after considering the following factors:

(A) the severity of the substandard performance by the vendor;  
(B) the impact to the state of the substandard performance;  
(C) any recommendations by a contracting state agency that provides an unfavorable performance review;

(D) whether debarment of the vendor is in the best interest of the state;  
and

(E) any other factor that the comptroller considers relevant, as specified by comptroller rule.

(2) On page 8, line 14, strike "shall" and insert "may".

(3) On page 8, line 18, between "state" and the underlined period, insert "for unsatisfactory vendor performance during the preceding three years".

(4) On page 17, lines 7-9, strike "The procedures described by Subsections (a)(2) and (3) must be approved by the comptroller and be included in the agency's handbook.".

(5) On page 17, between lines 11 and 12, insert the following:

(c) Each state agency shall post on the agency's Internet website the procedures described by Subsections (a)(2) and (3) and submit to the comptroller a link to the web page that includes the procedures. The comptroller shall post on the comptroller's Internet website the web page link submitted by each state agency.

(b) On page 18, strike lines 21-23 and substitute the following: in the tracking system. The comptroller by rule shall establish the manner in which the rating scale established under Subsection (b) affects a vendor's eligibility for state contracts and the grades on the scale that disqualify a vendor from state contracting.

### **Floor Amendment No. 5**

Amend **CSSB 20** (house committee report) as follows:

- (1) On page 7, line 2, strike "and".
- (2) On page 7, strike line 4 and substitute the following:

monitoring the contract and vendor performance under the contract;

(9) a justification for each change order, contract amendment, contract renewal or extension, or other proposed action that would result in an increase in the monetary value of a contract with an initial value exceeding \$10 million; and

(10) additional supporting documentation and justification for a change order, contract amendment, contract renewal or extension, or other proposed action of a contract described by Subdivision (9) that would result in an increase in the contract's monetary value by more than 20 percent.

### **Floor Amendment No. 6**

Amend **CSSB 20** (house committee printing) as follows:

(1) On page 13, line 15, between "MONITORING" and the underlined period, insert "; PROHIBITED CONTACTS".

(2) On page 14, between lines 13 and 14, insert the following appropriately lettered subsections in proposed Section 2261.252, Government Code, and reletter other subsections of that section and cross-references to those subsections accordingly:

( ) In renewing or considering a rebid for a contract for the purchase of goods or services from a private vendor, a state agency shall give priority consideration to the private vendor's performance under previous state contracts.

( ) A state agency may not enter into a contract for the purchase of goods or services from a private vendor that has an unresolved lawsuit with another state agency regarding a contract exceeding \$5 million in value unless the contracting state agency submits a written notification to the governor, lieutenant governor, and speaker of the house of representatives not later than the 30th day before the date the contract is signed.

### **Floor Amendment No. 8**

Amend **CSSB 20** (house committee report) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 2003, Government Code, is amended by adding Section 2003.0495 to read as follows:

Sec. 2003.0495. CERTAIN GAS UTILITY RATEMAKING HEARINGS. (a) In this section, "railroad commission" means the Railroad Commission of Texas.

(b) The railroad commission shall contract with the office to have the utility division perform contested case hearings for contested cases related to ratemaking proceedings involving a municipal gas utility matter.

(c) For the purposes of the contract required by this section, the railroad commission shall develop and execute a statement of work to initiate services under the contract, as defined by Section 2157.0685, and is subject the requirements of that section.

(d) The office shall conduct all contested case hearings governed by railroad commission rules that:

(1) are related to ratemaking procedures;

(2) were proposed by the railroad commission after January 1, 2014; and

(3) become effective on or after September 1, 2015.

(e) This section does not affect the jurisdiction or authority of the railroad commission in relation to a contested case hearing that is not subject to a rule or policy governing ratemaking proceedings, discovery limitations, alignment of parties, reimbursement of a municipality's reasonable cost of participating in ratemaking proceedings, or collection of rate case expenses from ratepayers of gas utilities described by Subsection (d).

(f) The railroad commission by rule shall require the gas utility that is a party to a proceeding under this section to pay for the costs associated with the contested case as provided by Section 103.022, Utilities Code.

(g) The comptroller, in conjunction with the office of the governor, shall evaluate the benefits of consolidating all contested utility matters within the office. The comptroller shall report these findings in the report required under Section 403.03057.

### **Floor Amendment No. 9**

Amend **CSSB 20** (house committee printing) as follows:

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

SECTION \_\_\_\_\_. Section 305.0041(a), Government Code, is amended to read as follows:

(a) A person is not required to register under this chapter in accordance with Section 305.003(a)(2) solely because the person receives or is entitled to receive compensation or reimbursement to:

(1) communicate as an employee of a vendor of a product or service to a member of the executive branch concerning state agency purchasing decisions that do not exceed 10 million dollars involving a product, service, or service provider or negotiations regarding such decisions;

(2) communicate as an employee of a vendor of a product or service to a member of the executive branch concerning state agency purchasing decisions that exceed 10 million dollars involving a product, service, or service provider or negotiations regarding such decisions if the compensation for the communication is not totally or partially contingent on the outcome of any administrative action;

~~(3) [communicate in a capacity other than as an employee of a vendor of a product or service to a member of the executive branch concerning state agency purchasing decisions involving a product, service, or service provider or negotiations regarding such decisions if the compensation for the communication is not totally or partially contingent on the outcome of any administrative action];~~

~~[(4)]~~ communicate as a member of an advisory committee or task force if the person is appointed to serve in that capacity by a member of the legislative or executive branch; or

~~(4) [(5)]~~ communicate as a member of a board, task force, or advisory committee on which a member of the legislative or executive branch also serves.

SECTION \_\_\_\_\_. A person who is required to register under Chapter 305, Government Code, solely as a result of the change in law made by this Act to Section 305.0041(a), Government Code, is not required to register under that chapter before January 1, 2016.

(2) In SECTION 22 of the bill, in the repealer (page 18, line 27), strike "Section 2155.502(d), Government Code, is" and substitute "Sections 305.022(c-1) and (c-3) and 2155.502(d), Government Code, are".

### Floor Amendment No. 10

Amend **CSSB 20** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly.

SECTION \_\_\_\_\_. Section 114.002, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 114.002. APPLICABILITY. This chapter applies only to a claim for breach of a written contract for engineering, architectural, or construction services or for materials related to engineering, architectural, or construction services brought by a party to the written contract [~~in which the amount in controversy is not less than \$250,000, excluding penalties, costs, expenses, prejudgment interest, and attorney's fees~~].

SECTION \_\_\_\_\_. Section 114.003, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 114.003. WAIVER OF IMMUNITY TO SUIT FOR CERTAIN CLAIMS. A state agency that is authorized by statute or the constitution to enter into a contract and that enters into a contract subject to this chapter waives sovereign immunity to suit for the purpose of adjudicating a claim for breach [~~of an express provision~~] of the contract, subject to the terms and conditions of this chapter.

SECTION \_\_\_\_\_. Section 114.004, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 114.004. LIMITATIONS ON ADJUDICATION AWARDS. (a) The total amount of money awarded in an adjudication brought against a state agency for breach [~~of an express provision~~] of a contract subject to this chapter is limited to the following:

(1) the balance due and owed by the state agency under the contract as it may have been amended, including any amount owed as compensation for the increased cost to perform the work as a direct result of owner-caused delays or acceleration [~~if the contract expressly provides for that compensation~~];

(2) the amount owed for [~~written~~] change orders or additional work the contractor is directed to perform by a state agency in connection with the contract;

(3) reasonable and necessary attorney's fees that are equitable and just [~~based on an hourly rate that are equitable and just if the contract expressly provides that recovery of attorney's fees is available to all parties to the contract~~]; and

(4) interest at the rate specified by the contract or, if a rate is not specified, the rate for postjudgment interest under Section 304.003(c), Finance Code, but not to exceed 10 percent.

(b) Damages awarded in an adjudication brought against a state agency arising under a contract subject to this chapter may not include:

(1) consequential damages, except as expressly allowed under Subsection (a)(1);

(2) exemplary damages; or

(3) damages for unabsorbed home office overhead.

SECTION \_\_\_\_\_. Chapter 114, Civil Practice and Remedies Code, as amended by this Act, applies only to a claim arising under a contract executed on or after the effective date of this Act. A claim that arises under a contract executed before the effective date of this Act is governed by the law applicable to the claim immediately before the effective date of this Act, and that law is continued in effect for that purpose.

#### **Floor Amendment No. 11**

Amend **CSSB 20** by adding the following appropriately numbered SECTION to the bill and by renumbering the other SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.954 to read as follows:

Sec. 51.954. DISCLOSURE OF SPONSORS OF CONTRACTED RESEARCH IN PUBLIC COMMUNICATIONS. (a) In any public communication the content of which is based on the results of sponsored research, a faculty member or other employee or appointee of an institution of higher education who conducted or participated in conducting the research shall conspicuously disclose the identity of each sponsor of the research.

(b) In this section:

(1) "Institution of higher education" has the meaning assigned by Section 61.003.

(2) "Public communication" means oral or written communication intended for public consumption or distribution, including:

(A) testimony in a public administrative, legislative, regulatory, or judicial proceeding;

(B) printed matter including a magazine, journal, newsletter, newspaper, pamphlet, or report; or

(C) posting of information on a website or similar Internet host for information.

(3) "Sponsor" means an entity that contracts for or provides money or materials for research.

(4) "Sponsored research" means research:

(A) that is conducted under a contract with, or that is conducted under a grant awarded by and pursuant to a written agreement with, an individual or entity other than the institution conducting the research; and

(B) in which payments received or the value of materials received under that contract or grant, or under a combination of more than one such contract or grant, constitutes at least 50 percent of the cost of conducting the research.

#### **Floor Amendment No. 12**

Amend **CSSB 20** by inserting the following appropriately numbered SECTIONS and renumbering SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Subtitle E, Title 10, Government Code, is amended by adding Chapter 2207 to read as follows:



CHAPTER 2207. REAL PROPERTY CONTRACTS

Sec. 2207.001. APPLICABILITY OF CHAPTER. This chapter applies only to a written contract entered into by the state, including a subdivision of the state, that states the essential terms of an agreement relating to the transfer of real property to or from the state or subdivision of the state.

Sec. 2207.002. WAIVER OF SOVEREIGN OR GOVERNMENTAL IMMUNITY. A contract to which this chapter applies waives sovereign or governmental immunity from suit to the extent of liability created by this chapter for the purpose of adjudicating a claim for breach of the contract.

Sec. 2207.003. DAMAGES AND OTHER RELIEF. (a) In a suit against the state or a subdivision of the state for breach of a contract to which this chapter applies, the claimant may be awarded, in addition to actual damages authorized by this section, specific performance or injunctive relief.

(b) In a suit against the state or a subdivision of the state for breach of a contract to which this chapter applies, a money judgment against the state or subdivision of the state may include only:

(1) the balance due and owed by the state or subdivision of the state under the contract as it may have been amended, including any amount owed to compensate the claimant for the increased cost to perform under the terms of the contract as a direct result of an act, omission, or failure to act by the state or subdivision of the state;

(2) reasonable and necessary attorney's fees the award of which is equitable and just;

(3) all consequential damages resulting from the breach of contract; and

(4) any interest provided by law, including, if applicable, interest under

Chapter 2251.

(c) Damages awarded in an action under this section may not include exemplary damages.

SECTION \_\_\_\_\_. Notwithstanding any other provision of this Act, Chapter 2207, Government Code, as added by this Act, applies to a claim that arises under a contract entered into before the effective date of this Act only if sovereign or governmental immunity from suit has not been waived with respect to the claim before the effective date of this Act. A claim that arises under a contract entered into before the effective date of this Act with respect to which sovereign or governmental immunity from suit has been waived before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

**Floor Amendment No. 1 on Third Reading**

Amend **SB 20** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 2161.001(3), Government Code, is amended to read as follows:

(3) "Economically disadvantaged person" means a person who:

(A) is economically disadvantaged because of the person's identification as a member of a certain group, including:

(i) Black Americans;  
(ii) Hispanic Americans;  
(iii) women;  
(iv) Asian Pacific Americans;  
(v) Native Americans; ~~and~~  
(vi) veterans as defined by 38 U.S.C. Section 101(2) who have suffered at least a 20 percent service-connected disability as defined by 38 U.S.C. Section 101(16); and  
(vii) persons with a disability as defined by 42 U.S.C. Section 12102; and

(B) has suffered the effects of discriminatory practices or other similar insidious circumstances over which the person has no control.

SECTION \_\_\_\_\_. Section 2161.002, Government Code, is amended by adding Subsection (e) to read as follows:

(e) The comptroller shall adopt rules to provide goals for increasing the contract awards for the purchase of goods or services by the commission and other state agencies to businesses that qualify as historically underutilized businesses because the businesses are owned or owned, operated, and controlled, as applicable, wholly or partly by one or more persons with a disability as defined by 42 U.S.C. Section 12102. The goals established under this subsection are in addition to the goals established under Subsections (c) and (d), and the goals established under Subsections (c) and (d) may not be reduced as a result of the establishment of goals under this subsection.

SECTION \_\_\_\_\_. Section 2161.061, Government Code, is amended by adding Subsection (f) to read as follows:

(f) To be certified by the commission as a historically underutilized business, a business owned by one or more persons who qualify as economically disadvantaged solely based on being a person with a disability must submit to the commission an affidavit from the physician of each owner claiming a disability verifying that owner's disability.

SECTION \_\_\_\_\_. Section 2161.125, Government Code, is amended to read as follows:

Sec. 2161.125. CATEGORIZATION OF HISTORICALLY UNDERUTILIZED BUSINESSES. The comptroller, in cooperation with each state agency reporting under this subchapter, shall categorize each historically underutilized business included in a report under this subchapter by sex, race, and ethnicity and by whether the business qualifies as a historically underutilized business because it is owned or owned, operated, and controlled, as applicable, wholly or partly by one or more persons with a disability as defined by 42 U.S.C. Section 12102 or one or more veterans as defined by 38 U.S.C. Section 101(2) who have suffered at least a 20 percent service-connected disability as defined by 38 U.S.C. Section 101(16).

### **Floor Amendment No. 3 on Third Reading**

Amend **SB 20** on third reading by striking the SECTION of the bill adding proposed Section 2003.0495, Government Code, as added by Amendment No. 8 by Keffer on second reading.

**Floor Amendment No. 4 on Third Reading**

Amend Amendment No. 1 by Simmons to **SB 20** on third reading on page 1 by striking lines 20 and 21 and substituting the following:

(vii) a disabled individual who is a person:

(a) with one or more of the following:

(A) autism spectrum disorder, as defined by Section 1355.001, Insurance Code;

(B) developmental disability, as defined by Section 112.042, Human Resources Code;

(C) intellectual disability, as defined by Section 591.003, Health and Safety Code;

(D) severe emotional disturbance, as defined by Section 261.001, Family Code; or

(E) traumatic brain injury, as defined by Section 92.001, Health and Safety Code; or

(b) who otherwise by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self; and

The amendments were read.

Senator Nelson moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 20** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Nelson, Chair; Hinojosa, Huffman, Nichols, and Schwertner.

**SENATE BILL 55 WITH HOUSE AMENDMENTS**

Senator Nelson called **SB 55** 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.

**Floor Amendment No. 1**

Amend **SB 55** (house committee printing) at the bottom of page 1 by adding the following new appropriately lettered subsections and relettering subsequent subsections of Section 531.0992, Government Code, accordingly:

( ) The private entity that supports and administers the grant program shall obtain or secure contributions to the grant program in an amount of money or other consideration at least equal in value to the amount of money awarded to grant recipients by the commission under the grant program. The money or other

consideration obtained or secured by the private entity may, as determined by the executive commissioner, include cash or in-kind contributions from private contributors or local governments but may not include state or federal funds.

( ) Money appropriated to, or obtained by, the commission for the grant program must be disbursed directly to grant recipients by the commission, as authorized by the executive commissioner. Money or other consideration obtained or secured by the private entity must be disbursed or provided directly to grant recipients by the private entity, private contributors, or local governments, as authorized by the executive commissioner.

( ) All grants awarded under the grant program must be used for the sole purpose of supporting community programs that provide mental health care services and treatment to veterans and their families and that coordinate mental health care services for veterans and their families with other transition support services.

### **Floor Amendment No. 2**

Amend **SB 55** (house committee printing) as follows:

(1) On page 1, line 8, between "VETERANS" and the underlined period, insert "AND THEIR FAMILIES".

(2) On page 1, lines 11 and 12, strike "with mental illness" and substitute "and their families".

(3) At the bottom of page 1, add the following new appropriately lettered subsections and reletter subsequent subsections of Section 531.0992, Government Code, accordingly:

( ) The executive commissioner by rule shall develop:

(1) eligibility criteria for nonprofit and governmental entities to receive grants under the grant program;

(2) acceptable uses for grants, which must include treatment and service coordination supports that address the mental health needs of veterans and their families; and

(3) reporting requirements for grant recipients.

( ) The commission shall select grant recipients based on the submission of applications or proposals by nonprofit and governmental entities. The executive commissioner shall develop criteria for the evaluation of those applications or proposals and the selection of grant recipients. The selection criteria must:

(1) evaluate and score:

(A) fiscal controls for the project;

(B) project effectiveness;

(C) project cost; and

(D) an applicant's previous experience with grants and contracts;

(2) address the possibility of and method for making multiple awards; and

(3) include other factors that the executive commissioner considers relevant.

( ) The executive commissioner by rule shall establish the qualifications and selection process for the private entity that supports and administers the grant program. The selection process must be open and competitive.

(4) On page 2, line 3, strike "September 1, 2015" and substitute "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. 3

Amend **SB 55** (house committee printing) on page 1 by striking lines 13 through 24 and substituting the following:

(b) The commission shall enter into an agreement with a qualified nonprofit or private entity to serve as the administrator of the grant program. The duties of the administrator must include assisting, supporting, and advising the commission in fulfilling the commission's responsibilities with respect to the grant program. The administrator may advise the commission on:

- (1) designing, developing, implementing, and managing the program;
- (2) determining criteria for local community collaboration and the types of services and deliveries eligible for grants;
- (3) eligibility requirements for grant recipients;
- (4) designing and managing the competitive bidding processes for applications or proposals and the evaluation and selection of grant recipients;
- (5) contractual requirements for grant recipients;
- (6) grant requisites and mechanisms;
- (7) roles and responsibilities of grant recipients;
- (8) reporting requirements for grant recipients;
- (9) support and technical capabilities;
- (10) requisite timelines and deadlines for the program;
- (11) evaluation of the program and grant recipients; and
- (12) requirements for reporting on the program to policymakers.

The amendments were read.

Senator Nelson moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 55** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Nelson, Chair; Campbell, Hinojosa, Huffman, and Lucio.

### SENATE BILL 1593 WITH HOUSE AMENDMENT

Senator Lucio called **SB 1593** 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 1593** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to regulation of the sale of fireworks by certain municipalities.

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

SECTION 1. Section 217.042, Local Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), the [The] municipality may define and prohibit any nuisance within the limits of the municipality and within 5,000 feet outside the limits.

(c) The municipality may not define and prohibit as a nuisance the sale of a firework or similar material outside the limits of the municipality.

SECTION 2. This Act takes effect September 1, 2015.

The amendment was read.

Senator Lucio moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1593** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Lucio, Chair; Nichols, Eltife, Menéndez, and L. Taylor.

**AT EASE**

The Presiding Officer, Senator Hancock in Chair, at 1:27 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

**IN LEGISLATIVE SESSION**

The President at 2:00 p.m. called the Senate to order as In Legislative Session.

**COMMITTEE SUBSTITUTE****HOUSE BILL 1794 ON SECOND READING**

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSHB 1794** at this time on its second reading:

**CSHB 1794**, Relating to suits brought by local governments for violations of certain laws under the jurisdiction of, or rules adopted or orders or permits issued by, the Texas Commission on Environmental Quality; affecting civil penalties.

The motion prevailed by the following vote: Yeas 24, Nays 6.

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

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

Absent-excused: Ellis.

The bill was read second time and was passed to third reading by the following vote: Yeas 24, Nays 6. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1794 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1794** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

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

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

Absent-excused: Ellis.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6. (Same as previous roll call)

**SENATE RULES SUSPENDED  
(Posting Rules)**

Senator Nelson moved to suspend Senate Rule 11.10(a) and Senate Rule 11.18(a) in order that the Committee on Finance might meet in the Senate Chamber today.

The motion prevailed by a viva voce vote.

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

Nays: Watson.

Absent-excused: Ellis.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Hancock and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Administration might meet and consider the following bills and resolution today:

**HB 2407, HB 4199, HCR 94.**

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Schwertner and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider **HB 839** today.

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources and Economic Development might meet and consider the following bills and resolution tomorrow: **HCR 108, HB 2558, HB 2772, HB 4037, HB 3629.**

**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 **HB 2811** today.

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider the following bills tomorrow:  
**HB 283, HB 1639, HB 1626, HB 3190, HB 3750.**

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas  
Wednesday, May 20, 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:

**SB 212** Birdwell Sponsor: Burkett  
Relating to the abolishment of the Texas Council on Purchasing from People with Disabilities and the transfer of its functions to the Texas Workforce Commission.  
(Committee Substitute/Amended)



**SB 318** Hinojosa Sponsor: King, Susan  
Relating to the amount the Texas Military Preparedness Commission may grant to local governmental entities for certain purposes.  
(Amended)

**SB 782** Eltife Sponsor: Smithee  
Relating to the investigation by the commissioner of insurance of acts of insurance fraud.

**SB 836** Watson Sponsor: Rodriguez, Eddie  
Relating to management services for the physical facilities of the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf.

**SB 880** Nelson Sponsor: Geren  
Relating to certain committees and programs to develop the wine industry in this state through the Department of Agriculture.  
(Amended)

**SB 1574** Uresti Sponsor: Martinez, "Mando"  
Relating to emergency response employees or volunteers and others exposed or potentially exposed to certain diseases or parasites.  
(Amended)

**SB 1657** Watson Sponsor: Miller, Rick  
Relating to approval of the issuance of tax and revenue anticipation notes.

**SJR 22** Creighton Sponsor: Ashby  
Proposing a constitutional amendment relating to the right to hunt, fish, and harvest wildlife.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

**HB 1925** (143 Yeas, 0 Nays, 1 Present, not voting)

**HB 2145** (142 Yeas, 0 Nays, 2 Present, not voting)

**HB 2167** (142 Yeas, 0 Nays, 1 Present, not voting)

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**SB 733** (non-record vote)

House Conferees: Workman - Chair/Isaac/Israel/Larson/Meyer

**SB 1828** (non-record vote)

House Conferees: Fletcher - Chair/Flynn/King, Phil/Koop/Rodriguez, Eddie

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**CO-AUTHOR OF SENATE BILL 1185**

On motion of Senator Huffines, Senator Zaffirini will be shown as Co-author of **SB 1185**.

**CO-AUTHOR OF SENATE BILL 1479**

On motion of Senator Garcia, Senator Zaffirini will be shown as Co-author of **SB 1479**.

**CO-AUTHOR OF SENATE BILL 1483**

On motion of Senator Garcia, Senator Menéndez will be shown as Co-author of **SB 1483**.

**CO-AUTHOR OF SENATE BILL 1639**

On motion of Senator Campbell, Senator Huffines will be shown as Co-author of **SB 1639**.

**CO-SPONSORS OF HOUSE BILL 100**

On motion of Senator Seliger, Senators Hinojosa and Zaffirini will be shown as Co-sponsors of **HB 100**.

**CO-SPONSOR OF HOUSE BILL 122**

On motion of Senator Nichols, Senator Campbell will be shown as Co-sponsor of **HB 122**.

**CO-SPONSOR OF HOUSE BILL 177**

On motion of Senator Bettencourt, Senator V. Taylor will be shown as Co-sponsor of **HB 177**.

**CO-SPONSORS OF HOUSE BILL 767**

On motion of Senator Hinojosa, Senators Garcia and Rodríguez will be shown as Co-sponsors of **HB 767**.

**CO-SPONSOR OF HOUSE BILL 939**

On motion of Senator L. Taylor, Senator Hinojosa will be shown as Co-sponsor of **HB 939**.

**CO-SPONSOR OF HOUSE BILL 966**

On motion of Senator Hancock, Senator Campbell will be shown as Co-sponsor of **HB 966**.

**CO-SPONSOR OF HOUSE BILL 994**

On motion of Senator West, Senator Hinojosa will be shown as Co-sponsor of **HB 994**.

**CO-SPONSOR OF HOUSE BILL 1628**

On motion of Senator Rodríguez, Senator Schwertner will be shown as Co-sponsor of **HB 1628**.

**CO-SPONSOR OF HOUSE BILL 1733**

On motion of Senator Watson, Senator Hancock will be shown as Co-sponsor of **HB 1733**.

**CO-SPONSOR OF HOUSE BILL 2053**

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

**CO-SPONSOR OF HOUSE BILL 2084**

On motion of Senator Hinojosa, Senator Rodríguez will be shown as Co-sponsor of **HB 2084**.

**CO-SPONSOR OF HOUSE BILL 2332**

On motion of Senator Fraser, Senator Hinojosa will be shown as Co-sponsor of **HB 2332**.

**CO-SPONSOR OF HOUSE BILL 2390**

On motion of Senator Creighton, Senator Schwertner will be shown as Co-sponsor of **HB 2390**.

**CO-SPONSOR OF HOUSE BILL 3994**

On motion of Senator Perry, Senator Huffines will be shown as Co-sponsor of **HB 3994**.

**CO-SPONSOR OF HOUSE BILL 4112**

On motion of Senator Perry, Senator Creighton will be shown as Co-sponsor of **HB 4112**.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 751**

Senator Kolkhorst submitted the following Conference Committee Report:

Austin, Texas  
May 18, 2015

Honorable Dan Patrick  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 751** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

KOLKHORST  
CAMPBELL  
PERRY  
SCHWERTNER  
URESTI

ZERWAS  
CROWNOVER  
S. DAVIS  
SHEFFIELD  
S. THOMPSON

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 751** was filed with the Secretary of the Senate.

### **RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

#### **Memorial Resolutions**

**SR 913** by Watson, In memory of the life of Job M. Reigoux.

**SR 914** by Watson, In memory of William B. Wilkerson.

**SR 915** by Watson, In memory of Howard Newton Richards.

#### **Congratulatory Resolutions**

**SR 916** by Campbell, Recognizing Howard Hicks on the occasion of his retirement.

**SR 940** by Garcia, Recognizing Cecilia Phalen Abbott for her address at the Excellence in Education Scholarship Luncheon.

**HCR 121** (Kolkhorst), Congratulating Hennessey Performance in Sealy on setting a world speed record with its Venom GT.

#### **Official Designation Resolution**

**SR 938** by Menéndez, Observing World Refugee Day on June 20, 2015.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 2:20 p.m. adjourned until 11:00 a.m. tomorrow.

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## **APPENDIX**

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### **COMMITTEE REPORTS**

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

May 20, 2015

**BUSINESS AND COMMERCE — HB 394, HB 763, HB 804, HB 855, HB 1049, HB 1542, HB 2000, HB 2035, HB 2533, HB 2776, HB 3024, HB 786, HB 1830, HB 1532**

**INTERGOVERNMENTAL RELATIONS — HB 3286, SB 573, SB 2075, HB 1111, HB 1336, HB 2401, HB 3060, HB 4131, HB 4152**

**STATE AFFAIRS — CSHB 2573**

**HEALTH AND HUMAN SERVICES — HB 3994, HB 3433, HB 2340, HB 2084, HB 1874, HB 764, HB 635, HB 606, HB 418, HB 416, CSHB 2578**

AGRICULTURE, WATER, AND RURAL AFFAIRS — **CSHB 928, CSHB 4097, CSHB 988, CSHB 3405**

FINANCE — **HB 3230, HB 2826, HB 1464**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **HB 2332, HB 2598, HB 2647, HB 2187, HB 1915, HB 1633, HB 1717**

BUSINESS AND COMMERCE — **CSHB 3910**

FINANCE — **HB 15**

**BILL ENGROSSED**

May 19, 2015

**SB 1025**

**BILLS AND RESOLUTIONS ENROLLED**

May 19, 2015

**SB 66, SB 339, SB 359, SB 373, SB 455, SB 461, SB 498, SB 653, SB 686, SB 805, SB 912, SB 1697, SB 2034, SCR 13, SCR 32, SR 824, SR 831, SR 832, SR 833, SR 834, SR 835, SR 836, SR 837, SR 838, SR 839, SR 840, SR 841, SR 842, SR 843, SR 844, SR 845, SR 846, SR 847, SR 848, SR 849, SR 850, SR 851, SR 852, SR 853, SR 854, SR 855, SR 856, SR 857, SR 858, SR 859, SR 860, SR 861, SR 862, SR 863, SR 864, SR 865, SR 866, SR 867, SR 868, SR 869, SR 870, SR 871, SR 872, SR 873, SR 874, SR 875, SR 876, SR 877, SR 878, SR 879, SR 880, SR 881, SR 882, SR 883, SR 884, SR 885, SR 886, SR 887, SR 888, SR 889, SR 890, SR 891, SR 892, SR 893, SR 894, SR 895, SR 896, SR 897, SR 898, SR 899, SR 900, SR 901, SR 902, SR 903, SR 904, SR 905, SR 906, SR 907, SR 908, SR 909, SR 910, SR 911, SR 912**

**SENT TO GOVERNOR**

May 20, 2015

**SB 31, SB 66, SB 97, SB 140, SB 314, SB 339, SB 359, SB 373, SB 381, SB 425, SB 455, SB 461, SB 498, SB 570, SB 584, SB 627, SB 653, SB 671, SB 686, SB 695, SB 797, SB 805, SB 810, SB 812, SB 814, SB 832, SB 839, SB 850, SB 909, SB 912, SB 1059, SB 1116, SB 1128, SB 1407, SB 1507, SB 1697, SB 1879, SB 1929, SB 2034, SCR 13, SCR 32**

