

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-SIXTH DAY

(Friday, May 22, 2015)

The Senate met at 10:15 a.m. pursuant to adjournment and was called to order by the President.

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

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

Minister Matthew Mays, Mount Sinai Missionary Baptist Church, Austin, offered the invocation as follows:

Dear God, sovereign ruler and creator, we come to You this morning through the access of Jesus the Christ. We request that You hear this prayer, as You have heard so many of our prayers during our lives. We thank You for this opportunity to call upon You and all the many blessings You have given us throughout our days. We reflect on how much You have blessed the State of Texas, and we take this time to honor You and praise You. Now, dear Lord, please bless this body comprised of men and women from various backgrounds and descriptions who serve in the operation of our government in this State of Texas. We pray that as they serve, they would do so with wisdom and compassion that comes from above. We pray that You would empower them to work to continue to make this state a place of great opportunity. Please bless every Member and their families. Please keep them safe from any danger or any threat. I pray this prayer of covering for them in Jesus' name. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 22, 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:**HC 75**

Thompson, Senfronia

Encouraging the State Preservation Board and the director of the Bullock Texas State History Museum to establish a museum of Texas music history as a permanent and integral program within the Bullock Museum.

SB 667

Eltife

Sponsor: Smithee

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

SCR 28

Lucio

Sponsor: Simmons

Recognizing April 2015 as Autism Awareness Month.

SCR 42

Eltife

Sponsor: Hughes

In memory of Sam Wilson Russell.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:**HB 4** (146 Yeas, 0 Nays, 1 Present, not voting)**HB 163** (142 Yeas, 0 Nays, 2 Present, not voting)**HB 197** (144 Yeas, 1 Nays, 1 Present, not voting)**HB 315** (144 Yeas, 0 Nays, 1 Present, not voting)**HB 655** (142 Yeas, 1 Nays, 2 Present, not voting)**HB 792** (143 Yeas, 0 Nays, 1 Present, not voting)**HB 1221** (144 Yeas, 0 Nays, 1 Present, not voting)**HB 1251** (139 Yeas, 1 Nays, 2 Present, not voting)**HB 1902** (144 Yeas, 0 Nays, 2 Present, not voting)**HB 1992** (133 Yeas, 10 Nays, 1 Present, not voting)**HB 2033** (142 Yeas, 1 Nays, 1 Present, not voting)**HB 2261** (141 Yeas, 1 Nays, 1 Present, not voting)**HB 2455** (143 Yeas, 1 Nays, 2 Present, not voting)**HB 3003** (142 Yeas, 2 Nays, 1 Present, not voting)

HB 3078 (141 Yeas, 2 Nays, 2 Present, not voting)

HB 3545 (136 Yeas, 7 Nays, 1 Present, not voting)

HB 3680 (143 Yeas, 1 Nays, 1 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 5 (non-record vote)

House Conferees: Otto - Chair/Darby/Davis, Sarah/Phelan/Walle

HB 100 (non-record vote)

House Conferees: Zerwas - Chair/Ashby/Clardy/Howard/Otto

HB 200 (non-record vote)

House Conferees: Keffer - Chair/Bonnen, Dennis/Larson/Lucio III/Nevárez

HB 482 (non-record vote)

House Conferees: Geren - Chair/Gutierrez/Kuempel/Schubert/Smith

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

SB 684 (non-record vote)

House Conferees: Bonnen, Greg - Chair/Guerra/Huberty/Muñoz, Jr./Murr

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 751 (144 Yeas, 0 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Campbell was recognized and presented Dr. Gabriel Ortiz of San Antonio as the Physician of the Day.

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

SENATE RESOLUTION 612

Senator Garcia offered the following resolution:

SR 612, Recognizing the Hispanic Women's Network of Texas on the occasion of its 29th anniversary.

GARCIA
ZAFFIRINI

The resolution was again read.

The resolution was previously adopted on Wednesday, April 22, 2015.

GUESTS PRESENTED

Senator Garcia, joined by Senator Zaffirini, was recognized and introduced to the Senate a Hispanic Women's Network of Texas delegation.

The Senate welcomed its guests.

REPORT OF COMMITTEE ON NOMINATIONS

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

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

Members, Board of Directors, Lower Neches Valley Authority: Steven Martin McReynolds, Jefferson County; Virginia Mays Pate, Jefferson County; Charles Caleb Spurlock, Tyler County.

Administrator, Nonresident Violator Compact: Joe M. Peters, Travis County.

Member, Board of Directors, Nueces River Authority: Eric Lee Burnett, San Patricio County.

Member, Product Development and Small Business Incubator Board: Erin Oliver Ford, Houston County.

Member, Texas Board of Nursing: Monica Lynn Hamby, Randall County.

Members, Texas Funeral Service Commission: Larry Michael Allen, Dallas County; Gregory D. Compean, Fort Bend County.

Members, Texas Industrialized Building Code Council: Randall Reddin Childers, McLennan County; Brian Lloyd Eisenrich, Collin County; Steven James Fitzpatrick, Smith County; Cecil Mark Remmert, Williamson County; Jesse E. Rider, Smith County; William Fletcher Smith, Hays County.

Adjutant General, Texas Military Department: John Frederick Nichols, Comal County.

Members, Texas Private Security Board: Patricia James, Harris County; Claude Douglas Siems, Harris County.

Members, Board of Regents, Texas Southern University: Derrick Maurice Mitchell, Harris County; Marilyn Agatha Rose, Harris County; Wesley Terrell, Dallas County.

Members, Texas State Board of Social Worker Examiners: Maria Guadalupe Castro, Hildago County; Macy Leigh Hill, Tarrant County.

Members, Board of Directors, Texas Underground Facility Notification Corporation: Thomas Abraham, Fort Bend County; Barry Calhoun, Dallas County; Joseph Wayne Costa, Collin County; William Ogden Geise, Travis County; Robert

Brian LaBorde, Hays County; John William Linton, Hidalgo County; Cynthia R. Salas, Fort Bend County; Rodney Jay Unruh, Comal County; James Brent Wynn, Midland County.

Members, Texas Veterans Commission: Eliseo Cantu, Nueces County; John Kevin Ellzey, Ellis County; Daniel Patrick Moran, Harris County.

NOTICE OF CONSIDERATION OF NOMINATIONS

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

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

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

There was no objection.

(Senator Watson in Chair)

CONCLUSION OF MORNING CALL

The Presiding Officer at 10:32 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE HOUSE BILL 2049 ON SECOND READING

Senator Eltife moved to suspend the regular order of business to take up for consideration **CSHB 2049** at this time on its second reading:

CSHB 2049, Relating to indemnification and duties of engineers and architects under certain governmental contracts.

The motion prevailed.

Senators Ellis, Garcia, Lucio, Rodríguez, and Uresti 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: Ellis, Garcia, Lucio, Rodríguez, Uresti.

COMMITTEE SUBSTITUTE HOUSE BILL 2049 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 **CSHB 2049** be placed on its third reading and final passage.

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

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

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

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

(President in Chair)

HOUSE BILL 2025 ON SECOND READING

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2025** at this time on its second reading:

HB 2025, Relating to participation of certain school districts in the three-year high school diploma plan pilot program.

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.

HOUSE BILL 2025 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2025** be placed on its third reading and final passage.

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

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

COMMITTEE SUBSTITUTE

HOUSE BILL 2481 ON SECOND READING

Senator Eltife moved to suspend the regular order of business to take up for consideration **CSHB 2481** at this time on its second reading:

CSHB 2481, Relating to the licensing and regulation of auctioneers, associate auctioneers, and auctions; requiring an occupational license; requiring a fee.

The motion prevailed.

Senator Hancock 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: Hancock.

COMMITTEE SUBSTITUTE

HOUSE BILL 2481 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 **CSHB 2481** be placed on its third reading and final passage.

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

Nays: Hancock.

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

HOUSE BILL 4001 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **HB 4001** at this time on its second reading:

HB 4001, Relating to the provision of habilitation and certain health care services by a home and community support services agency; authorizing a fee, providing penalties, and requiring an occupational license.

The motion prevailed.

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

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 4001** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 161, Human Resources Code, is amended by adding Section 161.088 to read as follows:

Sec. 161.088. ADMINISTRATIVE PENALTIES. (a) This section applies to the following waiver programs established under Section 1915(c), Social Security Act (42 U.S.C. Section 1396n(c)), and administered by the department to serve persons with an intellectual or developmental disability:

- (1) the home and community-based services (HCS) waiver program; and
- (2) the Texas home living (TxHmL) waiver program.

(b) The department may assess and collect an administrative penalty against a provider who participates in a program to which this section applies for a violation of a law or rule relating to the program. If the department assesses an administrative penalty against a provider for a violation of a law or rule, the department may not impose a payment hold against or otherwise withhold contract payments from the provider for the same violation of a law or rule.

(c) After consulting with appropriate stakeholders, the executive commissioner shall develop and adopt rules regarding the imposition of administrative penalties under this section. The rules must:

- (1) specify the types of violations that warrant imposition of an administrative penalty;
- (2) establish a schedule of progressive administrative penalties in accordance with the relative type, frequency, and seriousness of a violation;
- (3) prescribe reasonable amounts to be imposed for each violation giving rise to an administrative penalty, subject to Subdivision (4);

(4) authorize the imposition of an administrative penalty in an amount not to exceed \$5,000 for each violation;

(5) provide that a provider commits a separate violation each day the provider continues to violate the law or rule;

(6) ensure standard and consistent application of administrative penalties throughout the state; and

(7) provide for an administrative appeals process to adjudicate claims and appeals relating to the imposition of an administrative penalty under this section that is in accordance with Chapter 2001, Government Code.

(d) In specifying the types of violations that warrant imposition of an administrative penalty under Subsection (c), the executive commissioner shall specify the types of minor violations that allow a provider an opportunity to take corrective action before a penalty is imposed.

(e) In establishing the schedule of progressive administrative penalties and penalty amounts under Subsection (c), the executive commissioner must consider:

(1) the seriousness of a violation, including:

(A) the nature, circumstances, extent, and gravity of the violation; and

(B) the hazard to the health or safety of recipients resulting from the

violation;

(2) the provider's history of previous violations;

(3) whether the provider:

(A) had prior knowledge of the violation, including whether the provider identified the violation through the provider's internal quality assurance process; and

(B) made any efforts to mitigate or correct the identified violation;

(4) the penalty amount necessary to deter future violations; and

(5) any other matter justice may require.

(f) In lieu of imposing an administrative penalty under this section, the department shall allow a provider found to have committed a minor violation specified by rule in accordance with Subsection (d) to have a reasonable period of time that is not less than 45 days after the date the department sends notice to the provider of the violation to take corrective action regarding the violation. The department may not allow time for corrective action for any violation that is not a minor violation.

SECTION _____. The Department of Aging and Disability Services may impose an administrative penalty in accordance with Section 161.088, Human Resources Code, as added by this Act, only for conduct that occurs on or after the effective date of this Act.

SECTION _____. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

The amendment to **HB 4001** was read and was adopted without objection.

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

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

HB 4001 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: Burton, Hall, Huffines.

HOUSE BILL 4001 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4001** be placed on its third reading and final passage.

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

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

Nays: Burton, Hall, Huffines.

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

HOUSE BILL 1054 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 1054** at this time on its second reading:

HB 1054, Relating to developmental education programs under the Texas Success Initiative for public institutions of higher education.

The motion prevailed.

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

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

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

Nays: Huffines.

HOUSE BILL 1054 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 1054** be placed on its third reading and final passage.

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

Nays: Huffines.

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

HOUSE BILL 2000 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2000** at this time on its second reading:

HB 2000, Relating to the purchase of certain commodity items by an entity other than a state agency.

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.

HOUSE BILL 2000 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2000** be placed on its third reading and final passage.

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

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

COMMITTEE SUBSTITUTE

HOUSE BILL 3014 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **CSHB 3014** at this time on its second reading:

CSHB 3014, Relating to the administration of "pay for success" contracts for state agencies.

The motion prevailed.

Senators Burton 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: Burton, Kolkhorst.

COMMITTEE SUBSTITUTE

HOUSE BILL 3014 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 **CSHB 3014** be placed on its third reading and final passage.

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

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Ellis, 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: Burton, Kolkhorst.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 21 ON SECOND READING**

On motion of Senator Bettencourt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 21** at this time on its second reading:

CSHB 21, Relating to authorizing patients with certain terminal illnesses to access certain investigational drugs, biological products, and devices that are in clinical trials.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 21 ON THIRD READING**

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 21** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 2135 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2135** at this time on its second reading:

CSHB 2135, Relating to the purchasing of a firearm of an honorably retired or deceased peace officer.

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.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2135 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2135** be placed on its third reading and final passage.

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

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

HOUSE BILL 10 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 10** at this time on its second reading:

HB 10, Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses; to the prevention, prosecution, and punishment of those offenses, and to compensation paid to victims of those offenses.

The bill was read second time.

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

Floor Amendment No. 1

Amend **HB 10** (senate committee printing) as follows:

(1) In SECTION 10 of the bill, in amended Section 402.035(d)(10), Government Code (page 8, line 2), between "victims," and "and", insert "curb markets and other economic avenues that facilitate human trafficking".

(2) In SECTION 10 of the bill, in amended Section 402.035(d)(10), Government Code (page 8, line 3), strike "and".

(3) In SECTION 10 of the bill, in Section 402.035(d)(11), Government Code (page 8, line 9), between "business" and the period, insert the following:

; and

(12) Identify and report to the governor and legislature on laws, licensure requirements, or other regulations that can be passed at the state and local level to curb trafficking using the Internet and in sexually oriented businesses

The amendment to **HB 10** was read and was adopted without objection.

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

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

HB 10 as amended was passed to third reading without objection.

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

HOUSE BILL 10 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 10** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 1510 ON SECOND READING**

On motion of Senator Garcia and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1510** at this time on its second reading:

CSHB 1510, Relating to liability of persons who lease dwellings to persons with criminal records.

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.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1510 ON THIRD READING**

Senator Garcia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1510** be placed on its third reading and final passage.

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

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

HOUSE BILL 1300 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1300** at this time on its second reading:

HB 1300, Relating to eligibility requirements for admission of certain persons to educator preparation programs.

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

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

HOUSE BILL 1300 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 1300** be placed on its third reading and final passage.

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

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

HOUSE BILL 510 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 510** at this time on its second reading:

HB 510, Relating to disclosure of certain information about expert witnesses in a criminal case.

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.

HOUSE BILL 510 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 510** be placed on its third reading and final passage.

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

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

HOUSE BILL 2084 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **HB 2084** at this time on its second reading:

HB 2084, Relating to transparency in the rate-setting processes for the Medicaid managed care and child health plan programs.

The motion prevailed.

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

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2084** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 533.01314, Government Code (page 1, line 26), between the underlined period and "The", insert "(a)".

(2) In SECTION 1 of the bill, immediately following added Section 533.01314, Government Code (page 1, between lines 43 and 44), insert the following:

(b) Notwithstanding Subsection (a), the commission is not required to publish particular information in an actuarial report if the commission determines the information is proprietary.

(3) In SECTION 2 of the bill, in added Section 62.061, Health and Safety Code (page 1, line 47), between the underlined period and "The", insert "(a)".

(4) In SECTION 2 of the bill, immediately following added Section 62.061, Health and Safety Code (page 2, between lines 2 and 3), insert the following:

(b) Notwithstanding Subsection (a), the commission is not required to publish particular information in an actuarial report if the commission determines the information is proprietary.

The amendment to **HB 2084** was read and was adopted without objection.

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

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

HB 2084 as amended was passed to third reading by a viva voce vote.

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

Nays: Kolkhorst.

HOUSE BILL 2084 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2084** be placed on its third reading and final passage.

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

Nays: Kolkhorst.

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

HOUSE BILL 1386 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1386** at this time on its second reading:

HB 1386, Relating to the prohibition of more than one counsel appearing in a misdemeanor case.

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.

HOUSE BILL 1386 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1386** be placed on its third reading and final passage.

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

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

COMMITTEE SUBSTITUTE SENATE BILL 1398 ON SECOND READING

Senator Hall moved to suspend the regular order of business to take up for consideration **CSSB 1398** at this time on its second reading:

CSSB 1398, Relating to a study by the Electric Reliability Council of Texas on securing critical infrastructure from electromagnetic, geomagnetic, terrorist, and cyber-attack threats.

The motion prevailed.

Senators Garcia, Hinojosa, Lucio, Rodríguez, and Watson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by the following vote: Yeas 26, Nays 5.

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

Nays: Garcia, Hinojosa, Lucio, Rodríguez, Watson.

**COMMITTEE SUBSTITUTE
SENATE BILL 1398 ON THIRD READING**

Senator Hall moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1398** be placed on its third reading and final passage.

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

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

Nays: Garcia, Hinojosa, Lucio, Rodríguez, Watson.

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

HOUSE BILL 3823 ON SECOND READING

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3823** at this time on its second reading:

HB 3823, Relating to rate-setting and data collection processes under the program of all-inclusive care for the elderly.

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.

HOUSE BILL 3823 ON THIRD READING

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3823** be placed on its third reading and final passage.

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

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

HOUSE BILL 3996 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3996** at this time on its second reading:

HB 3996, Relating to the donation of juror reimbursements.

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.

HOUSE BILL 3996 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3996** be placed on its third reading and final passage.

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

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

HOUSE BILL 700 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **HB 700** at this time on its second reading:

HB 700, Relating to the repeal of the Texas B-On-time student loan program.

The motion prevailed.

Senators Garcia, Lucio, Nelson, Rodríguez, Schwertner, and Zaffirini 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: Garcia, Lucio, Nelson, Rodríguez, Schwertner, Zaffirini.

HOUSE BILL 700 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 700** be placed on its third reading and final passage.

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

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

Nays: Garcia, Lucio, Nelson, Rodríguez, Schwertner, Zaffirini.

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

HOUSE BILL 2396 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **HB 2396** at this time on its second reading:

HB 2396, Relating to eliminating requirements that certain public institutions of higher education set aside portions of tuition for student loan repayment programs for certain physicians and state attorneys.

The motion prevailed.

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

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

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

Nays: Nelson.

HOUSE BILL 2396 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 2396** be placed on its third reading and final passage.

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

Nays: Nelson.

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

HOUSE BILL 2035 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 2035** at this time on its second reading:

HB 2035, Relating to regulation by certain alcohol-related businesses based on the amount of alcohol sold.

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

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

Nays: Bettencourt, Birdwell, Burton, Hall, Huffines, Perry, V. Taylor.

(Senator V. Taylor in Chair)

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

HOUSE BILL 2035 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 2035** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Birdwell, Burton, Hall, Huffines, Perry.

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

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

Nays: Bettencourt, Birdwell, Burton, Hall, Huffines, Perry, V. Taylor.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 531 ON THIRD READING**

Senator Campbell moved to suspend the regular order of business to take up for consideration **CSSB 531** at this time on its third reading and final passage:

CSSB 531, Relating to the application of foreign laws and foreign forum selection in a proceeding involving marriage, a suit for dissolution of a marriage, or a suit affecting the parent-child relationship in this state.

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

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

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

The bill was read third time and was passed by the following vote: Yeas 19, Nays 12.

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

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

HOUSE BILL 2068 ON SECOND READING

Senator Garcia moved to suspend the regular order of business to take up for consideration **HB 2068** at this time on its second reading:

HB 2068, Relating to automatic employee participation in and administration of a deferred compensation plan provided by certain hospital districts.

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

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

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

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

HOUSE BILL 3024 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **HB 3024** at this time on its second reading:

HB 3024, Relating to coordination of dental benefits under certain insurance policies.

The motion prevailed.

Senators Birdwell, Burton, Hancock, 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: Birdwell, Burton, Hancock, Huffines, V. Taylor.

HOUSE BILL 3024 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3024** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Burton, Hancock, Huffines, V. Taylor.

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

COMMITTEE SUBSTITUTE

HOUSE BILL 2463 ON SECOND READING

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2463** at this time on its second reading:

CSHB 2463, Relating to the continuation of the functions of the Department of Assistive and Rehabilitative Services and certain other functions.

The bill was read second time.

Senator Campbell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2463** (senate committee report) as follows:

(1) In SECTION 4(b) of the bill, adding Subchapter A-1, Chapter 117, Human Resources Code, strike added Section 117.015, Human Resources Code (page 6, lines 1 through 5), and renumber subsequent sections in added Subchapter A-1, Chapter 117, Human Resources Code, and cross-references to those sections accordingly.

(2) In SECTION 4(c) of the bill, amending Section 117.003, Human Resources Code (page 6, line 14), strike "2015" and substitute "2016 [~~2015~~]".

(3) In SECTION 4 of the bill, strike Subsection (g) (page 6, lines 57 through 59) and substitute the following appropriately lettered subsection:

() This section takes effect only if S.B. 200 or H.B. 2578, 84th Legislature, Regular Session, 2015, does not become law.

(4) In SECTION 5 of the bill, strike Subsection (q) (page 8, lines 33 through 35) and substitute the following appropriately lettered subsection:

() This section takes effect only if S.B. 200 or H.B. 2578, 84th Legislature, Regular Session, 2015, does not become law.

The amendment to **CSHB 2463** was read and was adopted without objection.

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

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

CSHB 2463 as amended was passed to third reading without objection.

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

COMMITTEE SUBSTITUTE HOUSE BILL 2463 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 **CSHB 2463** be placed on its third reading and final passage.

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

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

HOUSE BILL 382 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **HB 382** at this time on its second reading:

HB 382, Relating to public junior college district branch campuses, including a requirement that the South Texas Community College District establish an extension facility in a certain location.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Ellis, Eltife, Estes, Fraser, Garcia, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Burton, Campbell, Creighton, Hall, Hancock, Perry, Watson.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 382** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 130.254, Education Code (page 1, line 25), strike "EXTENSION FACILITY" and substitute "INSTRUCTIONAL PROGRAMS IN EDCOUCH OR ELSA".

(2) In SECTION 1 of the bill, in added Section 130.254, Education Code (page 1, line 26), strike "shall" and substitute "may".

(3) In SECTION 1 of the bill, in added Section 130.254, Education Code (page 1, lines 26 and 27), strike "an extension facility" and substitute "instructional programs".

(4) In SECTION 1 of the bill, in added Section 130.254, Education Code (page 1, line 28), strike "extension facility" and substitute "instructional program".

(5) In SECTION 5 of the bill (page 4, line 10), strike "2016-2017" and substitute "2020-2021".

The amendment to **HB 382** was read and was adopted without objection.

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

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

HB 382 as amended was passed to third reading by the following vote: Yeas 22, Nays 9.

Yeas: Ellis, Eltife, Estes, Fraser, Garcia, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Burton, Campbell, Creighton, Hall, Hancock, Perry, Watson.

HOUSE BILL 382 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 382** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Birdwell, Burton, Creighton, Hall, Perry.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.

Yeas: Ellis, Eltife, Estes, Fraser, Garcia, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Burton, Campbell, Creighton, Hall, Hancock, Perry, Watson.

HOUSE BILL 2068 ON THIRD READING

Senator Garcia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2068** be placed on its third reading and final passage:

HB 2068, Relating to automatic employee participation in and administration of a deferred compensation plan provided by certain hospital districts.

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

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

Nays: Bettencourt, Burton, Hall, Hancock, Schwertner, V. Taylor.

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

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

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

COMMITTEE SUBSTITUTE HOUSE BILL 2789 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSHB 2789** at this time on its second reading:

CSHB 2789, Relating to trauma-informed care training for certain employees of state supported living centers and intermediate care facilities.

The motion prevailed.

Senators 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: Hall, Huffines.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2789 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 **CSHB 2789** be placed on its third reading and final passage.

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

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

Nays: Hall, Huffines.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 372 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 372** at this time on its second reading:

CSHB 372, Relating to the monitoring of the Internet access of certain sex offenders placed on community supervision or released on parole or to mandatory supervision.

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.

**COMMITTEE SUBSTITUTE
HOUSE BILL 372 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 372** be placed on its third reading and final passage.

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

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

HOUSE BILL 872 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 872** at this time on its second reading:

HB 872, Relating to the reactivation of a peace officer license; authorizing fees.

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.

HOUSE BILL 872 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 872** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 1036 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1036** at this time on its second reading:

CSHB 1036, Relating to reporting requirements for certain injuries or deaths caused by peace officers and for certain injuries or deaths of peace officers.

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.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1036 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 1036** be placed on its third reading and final passage.

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

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

HOUSE BILL 1061 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1061** at this time on its second reading:

HB 1061, Relating to the prosecution of the offense of interference with public duties.

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.

HOUSE BILL 1061 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 1061** be placed on its third reading and final passage.

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

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

HOUSE BILL 3724 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3724** at this time on its second reading:

HB 3724, Relating to the consideration of certain scientific evidence constituting the basis for an application for a writ of habeas corpus.

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.

HOUSE BILL 3724 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 3724** be placed on its third reading and final passage.

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

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

HOUSE BILL 1492 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **HB 1492** at this time on its second reading:

HB 1492, Relating to consideration of asbestos or silica trust claims in certain actions asserting asbestos- or silica-related injuries.

The motion prevailed.

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

Senator Watson 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: Menéndez.

Present-not voting: Watson.

HOUSE BILL 1492 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1492** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

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

Nays: Menéndez.

Present-not voting: Watson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1, Present-not voting 1. (Same as previous roll call)

REASON FOR VOTE

Senator Watson submitted the following reason for vote on **HB 1492**:

I serve as an appointed Trustee on trusts subject to this legislation. To avoid even the appearance of a conflict of interest, I chose to register as "Present, not voting" on HB 1492.

WATSON

COMMITTEE SUBSTITUTE HOUSE BILL 2182 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSHB 2182** at this time on its second reading:

CSHB 2182, Relating to the collection and refunding of certain fees and deposits by a county clerk or district clerk; increasing certain fees.

The motion prevailed.

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

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

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

Nays: Huffines.

COMMITTEE SUBSTITUTE HOUSE BILL 2182 ON THIRD READING

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2182** be placed on its third reading and final passage.

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

Nays: Huffines.

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

AT EASE

The President at 12:40 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 12:58 p.m. called the Senate to order as In Legislative Session.

**COMMITTEE SUBSTITUTE
HOUSE BILL 910 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **CSHB 910** at this time on its second reading:

CSHB 910, Relating to the authority of a person who is licensed to carry a handgun to openly carry a holstered handgun; creating criminal offenses.

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

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

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

The bill was read second time.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 910** (senate committee printing) as follows:

(1) Strike the recital to SECTION 18 of the bill amending Section 411.173, Government Code (page 5, lines 50-51), and substitute the following:

SECTION 18. Section 411.173, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(2) In SECTION 18 of the bill, immediately following amended Section 411.173(b), Government Code (page 5, between lines 64 and 65), insert the following:

(b-1) Notwithstanding Subsection (b) and any agreements negotiated or proclamations made under that subsection, this state does not recognize a license issued by another state to a person:

(1) whose license to carry a handgun under this subchapter was revoked by the department and not subsequently reinstated; or

(2) whose application for a license to carry a handgun under this subchapter was denied by the department and not subsequently granted.

The amendment to **CSHB 910** was read.

On motion of Senator Estes, Floor Amendment No. 1 was tabled by the following vote: Yeas 20, Nays 11.

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

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

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 910** (senate committee report) as follows:

(1) In SECTION 22 of the bill, strike amended Section 411.188(b)(2), Government Code (page 6, lines 58 through 60), and substitute the following:

(2) handgun use and safety, including:

(A) the use of restraint holsters and non-restraint holsters;

(B) methods to ensure the secure carrying of openly carried handguns;

(C) proper grip of a handgun;

(D) loading and unloading a handgun;

(E) using sights of a handgun;

(F) acquiring a target;

(G) drawing a handgun from a restraint holster and from a non-restraint holster; and

(H) drawing a handgun from a concealed location, including a concealed holster;

(2) In SECTION 23 of the bill, strike amended Section 411.190(b)(2), Government Code (page 7, lines 5 through 7), and substitute the following:

(2) handgun use, proficiency, and safety, including:

(A) the use of restraint holsters and non-restraint holsters;

(B) methods to ensure the secure carrying of openly carried handguns;

(C) proper grip of a handgun;

(D) loading and unloading a handgun;

(E) using sights of a handgun;

(F) acquiring a target;

(G) drawing a handgun from a restraint holster and from a non-restraint holster; and

(H) drawing a handgun from a concealed location, including a concealed holster;

The amendment to **CSHB 910** was read.

Senator Lucio withdrew Floor Amendment No. 2.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 910** (senate committee printing) as follows:

(1) In SECTION 40 of the bill, in amended Section 30.05(f), Penal Code (page 12, lines 3-9), strike Subdivision (2) and substitute the following:

(2) the person, at the time of the offense, was a holder of ~~carrying a concealed handgun and~~ a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code, and:

(A) the person was carrying the handgun in ~~to carry~~ a concealed manner; or

(B) the person was carrying the handgun in a shoulder or belt holster and was conspicuously displaying the person's license to carry the handgun.

(2) In SECTION 44 of the bill, in added Section 30.07(f), Penal Code (page 13, line 22), between "holster" and the underlined period, insert "or that the license holder was conspicuously displaying a license to carry the handgun".

(3) In SECTION 45 of the bill, in amended Section 46.02(a-1), Penal Code (page 13, lines 29-32), strike Subdivision (1) and substitute the following:

(1) the handgun is in plain view, unless:

(A) the person is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(B) the handgun is carried in a shoulder or belt holster; and

(C) the person is conspicuously displaying the person's license to carry the handgun; or

(4) In SECTION 47 of the bill, in amended Section 46.035(a), Penal Code (page 13, lines 54-56), strike the underlined language and substitute the following:

It is an exception to the application of this subsection that the license holder:

(1) carried a partially or wholly visible handgun in a shoulder or belt holster; and

(2) conspicuously displayed the person's license to carry the handgun.

(5) In SECTION 49 of the bill, in amended Section 46.15(b), Penal Code (page 15, line 69, through page 16, line 4), strike Subdivision (6) and substitute the following:

(6) holds [~~is carrying a concealed handgun and~~ a [~~valid~~] license to carry a handgun issued under Subchapter H, Chapter 411, Government Code, and:

(A) carries the handgun in [~~to carry~~] a concealed manner; or

(B) carries the handgun in a shoulder or belt holster and conspicuously displays the person's license to carry the handgun;

The amendment to **CSHB 910** was read.

Senator Menéndez withdrew Floor Amendment No. 3.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 910** (committee printing version) as follows:

(1) In SECTION 45 of the bill, in amended Section 46.02(a-1), Penal Code (page 13, line 32), between ";" and "and", insert "the person is located in a municipality that has adopted an ordinance under Section 411.211(a), Government Code, or is located outside of a municipality and in a county that has adopted an order or resolution under Section 411.211(b), Government Code".

(2) In SECTION 47 of the bill, in amended Section 46.035(a), Penal Code (page 13, line 56), between "holder" and ".", insert "and the license holder is located in a municipality that has adopted an ordinance under Section 411.211(a), Government Code, or is located outside of a municipality and in a county that has adopted an order or resolution under Section 411.211(b), Government Code".

(3) In SECTION 48 of the bill, in amended Section 46.15(b), Penal Code (page 15, line 49), between "holster" and ":", insert "if the person is located in a municipality that has adopted an ordinance under Section 411.211(a), Government Code, or is located outside of a municipality and in a county that has adopted an order or resolution under Section 411.211(b), Government Code".

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

SECTION _____. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.211 as follows:

Sec. 411.211. OPEN CARRY LOCAL OPTION. Notwithstanding any other law, a license holder under this subchapter may carry a handgun in public in plain view only in

(a) a municipality that has adopted an ordinance allowing for the open carrying of a handgun within the municipality; or

(b) a county that has adopted an order or resolution allowing for the open carrying of a handgun within the county.

The amendment to **CSHB 910** was read.

On motion of Senator Estes, Floor Amendment No. 4 was tabled by the following vote: Yeas 20, Nays 11.

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

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

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 910** (committee printing version) as follows:

(1) In SECTION 45 of the bill, in amended Section 46.02(a-1), Penal Code (page 13, line 32), between ":" and "and", insert "the person is located in a municipality that has not adopted an ordinance under Section 411.211(a), Government Code, or is located outside of a municipality and in a county that has not adopted an order or resolution under Section 411.211(b), Government Code".

(2) In SECTION 47 of the bill, in amended Section 46.035(a), Penal Code (page 13, line 56), between "holder" and ":", insert "and the license holder is located in a municipality that has not adopted an ordinance under Section 411.211(a), Government Code, or is located outside of a municipality and in a county that has not adopted an order or resolution under Section 411.211(b), Government Code".

(3) In SECTION 48 of the bill, in amended Section 46.15(b), Penal Code (page 15, line 49), between "holster" and ":", insert "if the person is located in a municipality that has not adopted an ordinance under Section 411.211(a), Government Code, or is located outside of a municipality and in a county that has not adopted an order or resolution under Section 411.211(b), Government Code".

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

SECTION _____. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.211 as follows:

Sec. 411.211. OPEN CARRY LOCAL OPTION. Notwithstanding any other law, a license holder under this subchapter may carry a handgun in public in plain view only in:

(a) a municipality that has not adopted an ordinance prohibiting the open carrying of a handgun within the municipality; or

(b) a county that has not adopted an order or resolution prohibiting the open carrying of a handgun within the county.

The amendment to **CSHB 910** was read.

On motion of Senator Estes, Floor Amendment No. 5 was tabled by the following vote: Yeas 20, Nays 11.

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

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

Senator Rodriguez offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSHB 910** (senate committee printing) as follows:

(1) In SECTION 28 of the bill, in amended Section 411.2032(b), Government Code (page 8, lines 54-55), strike "or 30.07".

(2) Strike SECTIONS 41, 42, and 43 of the bill, amending Section 30.06, Penal Code (page 12, lines 10 through 47), and substitute the following appropriately numbered SECTIONS:

SECTION _____. The heading to Section 30.06, Penal Code, is amended to read as follows:

Sec. 30.06. TRESPASS BY HOLDER OF LICENSE TO CARRY A A ~~CONCEALED~~ HANDGUN.

SECTION _____. Section 30.06, Penal Code, is amended by amending Subsections (a), (c), and (d) and adding Subsections (c-1) and (c-2) to read as follows:

(a) A license holder commits an offense if the license holder:

(1) carries a concealed or visible holstered handgun under the authority of Subchapter H, Chapter 411, Government Code, on property of another without effective consent; and

(2) received notice that[~~+~~

~~[(A)] entry on the property by a license holder with a concealed handgun, a visible holstered handgun, or any handgun regardless of the manner in which the handgun is carried, as applicable, was forbidden[~~+~~ or~~

~~[(B) remaining on the property with a concealed handgun was forbidden and failed to depart].~~

(c) In this section:

(1) "Entry" has the meaning assigned by Section 30.05(b).

(2) "License holder" has the meaning assigned by Section 46.035(f).

(3) "Written communication" means a sign posted in accordance with rules adopted by the public safety director of the Department of Public Safety under Subsection (c-1) [~~;~~

~~[(A) a card or other document on which is written language identical to the following: "Pursuant to Section 30.06, Penal Code (trespass by holder of license to carry a concealed handgun), a person licensed under Subchapter II, Chapter 411, Government Code (concealed handgun law), may not enter this property with a concealed handgun"; or~~

~~[(B) a sign posted on the property that:~~

~~[(i) includes the language described by Paragraph (A) in both English and Spanish;~~

~~[(ii) appears in contrasting colors with block letters at least one inch in height; and~~

~~[(iii) is displayed in a conspicuous manner clearly visible to the public].~~

(c-1) The public safety director of the Department of Public Safety shall adopt rules regarding the content, size, and other characteristics of signs to be posted on a building or other property where the property owner seeks to prohibit a license holder from carrying a handgun. The rules must require the sign to:

(1) contain a pictogram that shows, on a white background, a handgun drawn in black ink within a red circle and a diagonal red line across the handgun;

(2) contain language that must include the following: "Section 30.06, Penal Code";

(3) contain language clearly stating, as applicable, that:

(A) concealed handguns are prohibited on the property;

(B) visible holstered handguns are prohibited on the property; or

(C) all handguns are prohibited on the property, regardless of the manner in which the handgun is carried;

(4) be a readable and conspicuous size but not larger than 8.5 inches by 11 inches;

(5) be posted at each exterior entrance that is open to the public;

(6) be posted in a conspicuous manner clearly visible to the public;

(7) not be obstructed or altered in any way; and

(8) be immediately replaced by the property owner if the sign becomes illegible.

(c-2) The Department of Public Safety shall make available on the department's Internet website a printable electronic copy of a sign that complies with the rules adopted under Subsection (c-1).

(d) An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given the notice by oral communication described by Subsection (b) and subsequently failed to depart.

(3) Strike SECTION 44 of the bill, adding Section 30.07, Penal Code (page 12, line 48, through page 13, line 22).

(4) Strike the recital to SECTION 47 of the bill, amending Section 46.035, Penal Code (page 13, lines 47-49), and substitute the following:

SECTION 47. Section 46.035, Penal Code, is amended by amending Subsections (a), (b), (c), (d), (g), (h), and (j) and adding Subsection (a-1) to read as follows:

(5) In SECTION 47 of the bill, strike amended Section 46.035(i), Penal Code (page 14, lines 42-44).

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

SECTION _____. (a) The public safety director of the Department of Public Safety shall adopt the rules prescribing the content, size, and other characteristics of the sign described by Section 30.06(c-1), Penal Code, as added by this Act, and, not later than December 1, 2015, make a printable electronic copy of the sign available on the department's Internet website as required by Section 30.06(c-2), Penal Code, as added by this Act.

(b) A person is not authorized, before January 1, 2016, to carry a visible holstered handgun in a location that has posted the sign prescribed by Section 30.06, Penal Code, as that section existed immediately before the effective date of this Act.

(7) Renumber remaining SECTIONS of the bill.

The amendment to **CSHB 910** was read.

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

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

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

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSHB 910** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.184 to read as follows:

Sec. 411.184. ANNUAL BACKGROUND CHECKS. (a) The department shall annually, for each license holder:

(1) conduct a criminal history record check of the license holder through its computerized criminal history record system; and

(2) perform a search of the National Instant Criminal Background Check System maintained by the Federal Bureau of Investigation.

(b) If the department finds that the license holder is no longer eligible to hold a license under this subchapter, the department shall revoke the license as authorized by Section 411.186(a)(3).

SECTION _____. (a) Section 411.184, Government Code, applies to a person who holds a license to carry a concealed handgun on or after the effective date of this Act, regardless of whether the license was issued or renewed before, on, or after that date.

(b) Before January 1, 2017, the Department of Public Safety shall complete the initial annual background check under Section 411.184, Government Code, as added by this Act, on each person who holds a license on the effective date of this Act.

(c) The Department of Public Safety is not required to complete the background check described by Subsection (b) of this section with respect to a license holder if the department conducts a background check on that license holder on or after the effective date of this Act but before January 1, 2017, in the course of renewing the person's license. However, on or after January 1, 2017, the department shall begin conducting annual background checks on the license holder as required by Section 411.184, Government Code, as added by this Act.

The amendment to **CSHB 910** was read.

On motion of Senator Estes, Floor Amendment No. 7 was tabled by the following vote: Yeas 20, Nays 11.

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

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

Senator Huffines offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSHB 910** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 46, Penal Code, is amended by adding Section 46.16 to read as follows:

Sec. 46.16. APPLICABILITY OF HANDGUN LAWS. (a) Notwithstanding any other law, a person who is 21 years of age or older and who is not prohibited from possessing a firearm under 18 U.S.C. Section 922 is entitled to carry a handgun in any location in which a person who holds a license to carry a handgun under Subchapter H, Chapter 411, Government Code, is authorized to carry a handgun, provided that the person carries the handgun in a concealed manner or openly in a shoulder or belt holster.

(b) A person who carries a handgun under the authority of Subsection (a) commits an offense if the person carries the handgun in a place or in a manner that is prohibited under Section 46.035 for a license holder.

(c) The punishment for an offense under Subsection (b) is the same as provided for an offense committed by a license holder under Section 46.035(g).

(d) Any defense to prosecution for or exception to the application of an offense under Section 46.035 is available to a person who commits an offense under Subsection (b).

The amendment to **CSHB 910** was read.

Senator Huffines withdrew Floor Amendment No. 8.

Senator Huffines offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSHB 910** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.2049 to read as follows:

Sec. 411.2049. CERTAIN INVESTIGATORY STOPS AND INQUIRIES PROHIBITED. A peace officer may not make an investigatory stop or other temporary detention to inquire as to a person's possession of a handgun license solely because the person is carrying in a shoulder or belt holster a partially or wholly visible handgun.

The amendment to **CSHB 910** was read.

Senator Estes moved to postpone further consideration of the bill to a time certain of 6:00 p.m. today.

The motion prevailed.

Question: Shall Floor Amendment No. 9 to **CSHB 910** be adopted?

REMARKS ORDERED PRINTED

On motion of Senator V. Taylor and by unanimous consent, the remarks by Senators Estes and V. Taylor regarding Floor Amendment No. 9 to **CSHB 910** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator V. Taylor: Thank you, Mr. President. Senator Estes, I just want to be clear about the law. Whether or not this amendment goes on, it is my understanding that someone who is doing something that requires a license, that police may not stop them to verify that they have a license. Is that your understanding?

Senator Estes: Yes, Senator. I am advised that that is settled constitutional law.

Senator V. Taylor: Okay. So, the law of the land, the law of America, if someone is doing something that requires a license, a police officer cannot stop that person and say, I want to see your license, whether it's driving a motorcycle or a commercial vehicle or a car or whatever that activity may be.

Senator Estes: Unless they have reasonable suspicion.

Senator V. Taylor: Okay, so reasonable suspicion that a crime is being committed. Correct?

Senator Estes: That's correct.

Senator V. Taylor: And so, carrying, openly carrying a handgun, if they see someone, that does not constitute probable cause?

Senator Estes: If this law is enacted.

Senator V. Taylor: Right, if this law is enacted.

Senator Estes: Yes. That's correct.

Senator V. Taylor: Okay, so, I just think there was some confusion, as I've heard different people discuss this, but whether or not, if this amendment goes on, if it doesn't go on, settled case law, federal law for all the country is what you and I have just discussed.

Senator Estes: That's correct. And let me explain, when I said that I did not want this amendment to go on and I would resist it, I talked about confusion. Let me explain the confusion I'm talking about. If we put this in statute, then it gives the chance for judges to interpret what these words say. We all know judges can interpret things where we think they've got the right interpretation. We've seen cases where we think they've got the wrong interpretation. So, it's unnecessary and it adds to confusion, but I think during my layout, I had, I'll just read this. I had scratched it out, just in the, the reason for time, I wanted to be conscious of our time here, but since we're taking a long time working on this, let me read it. This is what was in my talking points. While I have no problem with adding the Dutton amendment back into the bill, I fear that it would erode support for the bill in this body. That may turn out to not be true, but I would prefer that we not do it. But with Representative Dutton's amendment on or off of this bill, this is still a good bill. It just adds an element of confusion or could add an element of confusion in the judges' interpretation of this statute. So, I think everybody, if I may just say, kind of chill a little bit here. Okay, I will be, and I will be telling you, as everybody gets a chance to talk as long as they want, I will be on this amendment, when we get to it, after everyone's had their say, be saying that I'm going to leave this amendment to the will of the body, and I will be voting no. If it goes on, I will continue to advocate for this bill. So, any more questions?

Senator V. Taylor: Thank you, Senator Estes.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Huffman and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider **HB 1690** today.

**SENATE RULES SUSPENDED
(Posting Rules)**

Senator Schwertner moved to suspend Senate Rule 11.10(a) and Senate Rule 11.18(a) in order that the Committee on Health and Human Services 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.

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 **HB 1486** today.

SENATE RULES SUSPENDED
(Posting Rules)

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

HB 452, HB 580, HB 583, HB 603, HB 1782, HB 1783, HB 2291, HB 2372, HB 2684, HB 3184, HB 3212, HB 3579, HB 3884.

SENATE RULES SUSPENDED
(Posting Rules)

Senator Seliger moved to suspend Senate Rule 11.10(a) and Senate Rule 11.18(a) in order that the Committee on Higher Education 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.

SENATE RULES SUSPENDED
(Posting Rules)

Senator Nichols moved to suspend Senate Rule 11.10(a) and Senate Rule 11.18(a) in order that the Committee on Transportation might meet in the Senate Chamber and consider the following bills today: **HB 1969, HB 2861.**

The motion prevailed by a viva voce vote.

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

Nays: Watson.

SENATE RULES SUSPENDED
(Posting Rules)

Senator L. Taylor moved to suspend Senate Rule 11.10(a) and Senate Rule 11.18(a) in order that the Committee on Education 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.

RECESS

On motion of Senator Whitmire, the Senate at 3:23 p.m. recessed until 6:00 p.m. today.

AFTER RECESS

The Senate met at 6:00 p.m. and was called to order by the President.

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 130, SB 367, SB 734, SB 746, SB 755, SB 795, SB 904, SB 918, SB 1081, SB 1107, SB 1389, SB 1734.

HB 104, HB 120, HB 121, HB 122, HB 157, HB 184, HB 219, HB 239, HB 369, HB 426, HB 441, HB 473, HB 497, HB 574, HB 598, HB 671, HB 706, HB 716, HB 721, HB 745, HB 797, HB 826, HB 875, HB 904, HB 968, HB 973, HB 978, HB 995, HB 1022, HB 1040, HB 1052, HB 1062, HB 1146, HB 1187, HB 1235, HB 1261, HB 1264, HB 1293, HB 1331, HB 1372, HB 1415, HB 1417, HB 1422, HB 1428, HB 1466, HB 1500, HB 1560, HB 1596, HB 1707, HB 1725, HB 1771, HB 1790, HB 1814, HB 1819, HB 1833, HB 1890, HB 1925, HB 1953, HB 1963, HB 2038, HB 2050, HB 2052, HB 2115, HB 2145, HB 2167, HB 2179, HB 2181, HB 2189, HB 2207, HB 2230, HB 2244, HB 2293, HB 2339, HB 2466, HB 2507, HB 2515, HB 2519, HB 2536, HB 2552, HB 2557, HB 2628, HB 2667, HB 2717, HB 2732, HB 2735, HB 2767, HB 2788, HB 2853, HB 2900, HB 3062, HB 3067, HB 3211, HB 3236, HB 3245, HB 3337, HB 3513, HB 3536, HB 3538, HB 3555, HB 3741, HB 3868, HB 4127, HCR 56, HCR 65, HCR 69, HCR 70, HCR 121, HCR 129.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 22, 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 46 Zaffirini Sponsor: Raymond
Relating to the confidentiality of certain property tax appraisal photographs.
(Amended)

SB 239 Schwertner Sponsor: Zerwas
Relating to student loan repayment assistance for certain mental health professionals.
(Committee Substitute)

- SB 582** Kolkhorst Sponsor: Harless
Relating to training courses for certain food handlers.
(Committee Substitute)
- SB 654** Eltife Sponsor: Workman
Relating to regulation of rates and policy forms for certain commercial lines of insurance.
(Amended)
- SB 664** Taylor, Van Sponsor: Sheets
Relating to employment termination for falsification of military record in obtaining employment or employment benefits.
- SB 735** Fraser Sponsor: King, Ken
Relating to discovery of evidence of the net worth of a defendant in connection with a claim for exemplary damages.
(Amended)
- SB 752** Bettencourt Sponsor: Murphy
Relating to the repeal of the inheritance tax.
(Committee Substitute)
- SB 757** Perry Sponsor: Springer
Relating to the repeal of the production taxes on crude petroleum and sulphur.
- SB 760** Schwertner Sponsor: Price
Relating to provider access and assignment requirements for a Medicaid managed care organization.
(Amended)
- SB 761** Creighton Sponsor: Murphy
Relating to the taxation of fireworks.
- SB 790** Kolkhorst Sponsor: Fletcher
Relating to the procedures applicable to the revocation of a person's release on parole or to mandatory supervision.
- SB 849** Bettencourt Sponsor: Elkins
Relating to access to and fees associated with binding arbitration of appraisal review board orders.
- SB 917** Seliger Sponsor: King, Ken
Relating to the applicability of the Texas Mass Gatherings Act to certain horse and greyhound races.
- SB 1105** Eltife Sponsor: Cook
Relating to fire inspections by the state fire marshal for state-owned and state-leased buildings.
- SB 1115** Campbell Sponsor: White, James
Relating to a program allowing certain military voters on active duty overseas to cast a ballot electronically.
- SB 1139** Huffman Sponsor: Smithee
Relating to the operation and administration of and practice in courts in the judicial branch of state government, the composition of certain juvenile boards, and the increase of certain filing fees.
(Committee Substitute/Amended)

- SB 1189** Seliger Sponsor: Zerwas
Relating to the establishment of a multidisciplinary studies associate degree program at each public junior college.
(Committee Substitute)
- SB 1308** Menéndez Sponsor: King, Susan
Relating to veterans services information provided to veterans who receive driver's licenses and personal identification certificates.
- SB 1356** Hinojosa Sponsor: Darby
Relating to exemption from the sales tax for certain water-efficient products for a limited period.
(Amended)
- SB 1512** Hancock Sponsor: Pickett
Relating to the Texas Department of Motor Vehicles fund.
(Committee Substitute)
- SB 1589** Zaffirini Sponsor: Guillen
Relating to requirements for reporting unclaimed mineral proceeds to the comptroller of public accounts.
- SB 1750** West Sponsor: Murphy
Relating to the requirements for employment positions provided through the Texas college work-study program.
(Amended)
- SB 2065** Estes Sponsor: Sanford
Relating to the rights of certain religious organizations and individuals relating to a marriage that violates a sincerely held religious belief.
- SCR 37** Taylor, Larry Sponsor: Paul
Urging Congress to encourage the Department of Defense to relocate the United States Africa Command to Ellington Field Joint Reserve Base in Houston.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
HOUSE BILL 910 ON SECOND READING**

The President laid before the Senate **CSHB 910** by Senator Estes on its second reading. The bill had been read second time, an amendment offered, and further consideration postponed to a time certain of 6:00 p.m. today:

CSHB 910, Relating to the authority of a person who is licensed to carry a handgun to openly carry a holstered handgun; creating criminal offenses.

Question: Shall Floor Amendment No. 9 to **CSHB 910** be adopted?

AT EASE

The President at 7:41 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 8:20 p.m. called the Senate to order as In Legislative Session.

Question: Shall Floor Amendment No. 9 to **CSHB 910** be adopted?

Senator Huffman offered the following amendment to Floor Amendment No. 9:

Floor Amendment No. 10

Amend Floor Amendment 9 to **CSHB 910** (Senate Committee Report version) by adding the following appropriately numbered SECTION to the amendment and renumbering subsequent SECTIONS of the amendment accordingly:

Section _____. Section 46.02, Texas Penal Code is amended as follows:

(b) Except as provided by ~~Subsection~~ Subsections (c) and (d), an offense under this section is a Class A misdemeanor.

(d) An offense under Sections (a) and (a-1) is a felony of the second degree if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun.

The amendment to Floor Amendment No. 9 to **CSHB 910** was read.

Senator Huffman withdrew Floor Amendment No. 10.

MOTION TO ORDER REMARKS PRINTED

Senator V. Taylor moved to reduce to writing an additional exchange with Senator Estes regarding Floor Amendment No. 9 to **CSHB 910**.

Senator V. Taylor withdrew the motion.

Question recurring on the adoption of Floor Amendment No. 9 to **CSHB 910**, the amendment was adopted by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Burton, Creighton, Ellis, Eltife, Garcia, Hall, Hancock, Hinojosa, Huffines, Kolkhorst, Lucio, Menéndez, Perry, Rodríguez, Schwertner, V. Taylor, Uresti, West.

Nays: Campbell, Estes, Fraser, Huffman, Nelson, Nichols, Seliger, L. Taylor, Watson, Whitmire, Zaffirini.

REASON FOR VOTE

Senator Menéndez submitted the following reason for vote on Floor Amendment No. 9 to **CSHB 910**:

I'm a strong supporter of law enforcement, and I continue to support their ability to investigate criminal activity.

I voted for this amendment simply to emphasize that profiling is not legal under any circumstance because all Texans should be able to maintain their rights without fear of selective enforcement.

MENÉNDEZ

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSHB 910** in SECTION 47 of the bill (senate committee printing) in amended Section 46.035(b)(4), Penal Code (page 14, line 16) between "Code," and "or" by inserting "on the premises of a mental hospital as defined by Section 571.003, Health and Safety Code,".

The amendment to **CSHB 910** was read.

On motion of Senator Estes, Floor Amendment No. 11 was tabled by the following vote: Yeas 25, Nays 6.

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

Nays: Huffman, Lucio, Menéndez, Watson, Whitmire, Zaffirini.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 12

Amend **CSHB 910**, (Senate Committee Report version) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

Section ____ . Section 46.02, Texas Penal Code is amended as follows:

(b) Except as provided by ~~Subsection~~ Subsections (c) and (d), an offense under this section is a Class A misdemeanor.

(d) An offense under Sections (a) and (a-1) is a State Jail Felony if the person intentionally or knowingly openly carries a handgun.

The amendment to **CSHB 910** was read.

On motion of Senator Estes, Floor Amendment No. 12 was tabled by the following vote: Yeas 21, Nays 10.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Garcia, Hall, Hancock, Hinojosa, Huffines, Kolkhorst, Nelson, Perry, Rodríguez, Schwertner, V. Taylor, Uresti, West.

Nays: Fraser, Huffman, Lucio, Menéndez, Nichols, Seliger, L. Taylor, Watson, Whitmire, Zaffirini.

REMARKS ORDERED PRINTED

On motion of Senator V. Taylor and by unanimous consent, the exchange between Senators Estes and V. Taylor regarding **CSHB 910** was ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator V. Taylor: There are three kinds of stops, the consensual stop, the investigative stop, and the arrest. And this bill, as amended, will continue to allow police officers across this state to make consensual stops. Is that your understanding?

Senator Estes: That is my understanding.

Senator V. Taylor: Okay so, consensual stops, after it's amended with Senator Huffines' amendment, which is now on this bill, continue to be legal in this state. Right?

Senator Estes: Yes.

Senator V. Taylor: Okay.

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

CSHB 910 as amended was passed to third reading by the following vote: Yeas 26, Nays 5.

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

Nays: Huffman, Menéndez, Watson, Whitmire, Zaffirini.

COMMITTEE SUBSTITUTE HOUSE BILL 910 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 **CSHB 910** be placed on its third reading and final passage.

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

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

Nays: Huffman, Menéndez, Watson, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 12.

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

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

(Senator Hancock in Chair)

HOUSE BILL 9 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 9** at this time on its second reading:

HB 9, Relating to member contributions to the Employees Retirement System of Texas.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 9** (senate committee report) as follows:

(1) Add the following appropriately numbered SECTIONS:

SECTION _____. Sections 812.003(a), (d), and (e), Government Code, are amended to read as follows:

(a) Except as provided by Subsection [~~Subsections~~] (b) [~~and (d)~~], membership in the employee class of the retirement system includes all employees and appointed officers of every department, commission, board, agency, or institution of the state except:

(1) independent contractors and their employees performing work for the state; and

(2) persons disqualified from membership under Section 812.201.

(d) Membership in the employee class begins on the [~~91st day after the~~] first day a person is employed or holds office.

(e) A person who is reemployed or who again holds office after withdrawing contributions under Subchapter B for previous service credited in the employee class begins membership in the employee class on the [~~91st day after the~~] first day the person is reemployed or again holds office.

SECTION _____. Section 813.514, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) This section applies only to a member who became a member before September 1, 2015.

(a-1) A member may establish service credit under this section in the employee class only for service performed during a 90-day waiting period to become a member after beginning employment or holding office.

SECTION _____. Section 812.003(f), Government Code, is repealed.

(2) Renumber the SECTIONS of the bill accordingly.

The amendment to **HB 9** was read and was adopted without objection.

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

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

HB 9 as amended was passed to third reading without objection.

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

HOUSE BILL 9 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 9** be placed on its third reading and final passage.

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

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

HOUSE BILL 2430 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 2430** at this time on its second reading:

HB 2430, Relating to food and beverage consumption in certain public swimming pools.

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.

HOUSE BILL 2430 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 2430** be placed on its third reading and final passage.

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

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

HOUSE BILL 1915 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **HB 1915** at this time on its second reading:

HB 1915, Relating to the allocation of state hotel occupancy tax revenue to certain barrier island coastal municipalities.

The motion prevailed.

Senators Bettencourt, Birdwell, Hancock, Nelson, and V. Taylor asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

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

Floor Amendment No. 1

Amend **HB 1915** by adding the following appropriately numbered SECTIONS to the bill and renumbering the other SECTIONS of the bill accordingly:

SECTION _____. Section 156.2512(a), Tax Code, is amended to read as follows:

(a) Not later than the last day of the month following a calendar quarter and subject to Subsection (d), the comptroller shall:

(1) compute the amount of revenue derived from the collection of taxes imposed under this chapter at a rate of one percent and received from hotels located on barrier islands in an eligible barrier island coastal municipality described by Subsection (c)(1)(C)(i), ~~(ii)~~, or (iv) and issue to the municipality a warrant drawn on the general revenue fund for that amount; and

(2) compute the amount of revenue derived from the collection of taxes imposed under this chapter at a rate of two percent and received from hotels located on barrier islands in an eligible barrier island coastal municipality described by Subsection (c)(1)(C)(iii) and issue to the municipality a warrant drawn on the general revenue fund for that amount.

SECTION _____. Section 156.2512(c)(1), Tax Code, is amended to read as follows:

- (1) "Eligible barrier island coastal municipality" means a municipality:
 - (A) that borders on the Gulf of Mexico;

- (B) that is located wholly or partly on a barrier island; and
 (C) that ~~the boundaries of which~~:
 (i) ~~includes~~ ~~[include]~~ a portion of a national seashore;
 (ii) ~~includes~~ ~~[include]~~ a national estuarine research reserve; ~~[or]~~
 (iii) ~~is located~~ ~~[are]~~ within 30 miles of the United Mexican States;

or

(iv) has a population of less than 10,000 and is located in a county with a population of at least 300,000 that is adjacent to a county with a population of at least 3,000,000.

The amendment to **HB 1915** was read and was adopted without objection.

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

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

HB 1915 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: Bettencourt, Birdwell, Hancock, Nelson, V. Taylor.

HOUSE BILL 1915 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1915** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Birdwell, Hancock, Nelson, V. Taylor.

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

COMMITTEE SUBSTITUTE SENATE BILL 1010 ON SECOND READING

On motion of Senator V. Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1010** at this time on its second reading:

CSSB 1010, Relating to the use of money paid as restitution to or on behalf of certain individuals depicted in child pornography.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1010 ON THIRD READING**

Senator V. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1010** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 1338 ON SECOND READING**

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1338** at this time on its second reading:

CSHB 1338, Relating to training for peace officers and first responders on certain persons affected by trauma.

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.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1338 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 **CSHB 1338** be placed on its third reading and final passage.

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

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

**SENATE RULE 5.14(a) SUSPENDED
(Intent Calendar)**

On motion of Senator Watson and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to adjournment today for the Sunday, May 24, 2015, Intent Calendar.

The Senate further agreed to suspend Senate Rule 5.14(a) and extend the time to 8:00 p.m. Sunday, May 24, 2015, for the Monday, May 25, 2015, Intent Calendar.

HOUSE BILL 499 ON SECOND READING

On motion of Senator Garcia and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 499** at this time on its second reading:

HB 499, Relating to the public transportation advisory committee.

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.

HOUSE BILL 499 ON THIRD READING

Senator Garcia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 499** be placed on its third reading and final passage.

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

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

SENATE CONCURRENT RESOLUTION 44 ON SECOND READING

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **SCR 44** at this time on its second reading:

SCR 44, Directing the governor of the State of Texas to posthumously award the Texas Legislative Medal of Honor to Cleto L. Rodriguez in recognition of his valiant service during World War II.

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

SENATE RESOLUTION 642 ON SECOND READING

Senator Perry moved to suspend the regular order of business to take up for consideration **SR 642** at this time on its second reading:

SR 642, Expressing support for the study and regulation of modern agricultural technologies.

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

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

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

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

MOTION TO PLACE COMMITTEE SUBSTITUTE HOUSE BILL 311 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSHB 311** at this time on its second reading:

CSHB 311, Relating to an executory contract for the conveyance of real property; providing a civil penalty.

Senator Lucio temporarily withdrew further consideration of **CSHB 311**.

HOUSE BILL 1217 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1217** at this time on its second reading:

HB 1217, Relating to reporting information for certain foster children who are missing or are victims of sex trafficking.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1217** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 264, Family Code, is amended by adding Section 264.017 to read as follows:

Sec. 264.017. REQUIRED REPORTING. (a) The department shall prepare and disseminate a report of statistics by county relating to key performance measures and data elements for child protection.

(b) The department shall provide the report required by Subsection (a) to the legislature and shall publish the report and make the report available electronically to the public not later than February 1 of each year. The report must include, with respect to the preceding year:

(1) information on the number and disposition of reports of child abuse and neglect received by the department;

(2) information on the number of clients for whom the department took protective action, including investigations, alternative responses, and court-ordered removals;

(3) information on the number of clients for whom the department provided services in each program administered by the child protective services division, including investigations, alternative responses, family-based safety services, conservatorship, post-adoption services, and transitional living services;

(4) the number of children in this state who died as a result of child abuse or neglect;

(5) the number of children described by Subdivision (4) for whom the department was the children's managing conservator at the time of death;

(6) information on the timeliness of the department's initial contact in an investigation or alternative response;

(7) information on the response time by the department in commencing services to families and children for whom an allegation of child abuse or neglect has been made;

(8) information regarding child protection staffing and caseloads by program area;

(9) information on the permanency goals in place and achieved for children in the managing conservatorship of the department, including information on the timeliness of achieving the goals, the stability of the children's placement in foster care, and the proximity of placements to the children's home counties; and

(10) the number of children who suffer from a severe emotional disturbance and for whom the department is appointed managing conservator, including statistics on appointments as joint managing conservator, due to an individual voluntarily relinquishing custody of a child solely to obtain mental health services for the child.

(c) Not later than September 1 of each year, the department shall seek public input regarding the usefulness of, and any proposed modifications to, existing reporting requirements and proposed additional reporting requirements. The department shall evaluate the public input provided under this subsection and seek to facilitate reporting to the maximum extent feasible within existing resources and in a manner that is most likely to assist public understanding of department functions.

(d) In addition to the information required under Subsections (a) and (b), the department shall annually publish information on the number of children who died during the preceding year whom the department determined had been abused or neglected but whose death was not the result of the abuse or neglect. The department may publish the information described by this subsection in the same report required by Subsection (a) or in another annual report published by the department.

SECTION ____ . Sections 261.004 and 264.111, Family Code, are repealed.

The amendment to **HB 1217** was read and was adopted without objection.

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

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

HB 1217 as amended was passed to third reading without objection.

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

HOUSE BILL 1217 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1217** be placed on its third reading and final passage.

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

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

HOUSE BILL 1311 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 1311** at this time on its second reading:

HB 1311, Relating to the confidentiality of personal information concerning certain employees currently or formerly involved in the Texas juvenile justice system.

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.

HOUSE BILL 1311 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 1311** be placed on its third reading and final passage.

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

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

COMMITTEE SUBSTITUTE HOUSE BILL 1305 ON SECOND READING

Senator L. Taylor moved to suspend the regular order of business to take up for consideration **CSHB 1305** at this time on its second reading:

CSHB 1305, Relating to a program to provide a free or reduced-price breakfast to eligible students attending a public school and the method of determining the number of educationally disadvantaged students.

The motion prevailed.

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

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

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

Nays: Hall, Nelson.

COMMITTEE SUBSTITUTE HOUSE BILL 1305 ON THIRD READING

Senator L. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1305** be placed on its third reading and final passage.

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

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

Nays: Hall, Nelson.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 311 ON SECOND READING**

Senator Lucio again moved to suspend the regular order of business to take up for consideration **CSHB 311** at this time on its second reading:

CSHB 311, Relating to an executory contract for the conveyance of real property; providing a civil penalty.

The motion prevailed.

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

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

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 311** (senate committee printing) in SECTION 6 of the bill, in added Section 5.072(g), Property Code, by striking the last sentence of that subsection (page 2, lines 13-16).

The amendment to **CSHB 311** was read and was adopted without objection.

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

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

CSHB 311 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: Burton, Hall, Huffines.

Present-not voting: Menéndez.

**COMMITTEE SUBSTITUTE
HOUSE BILL 311 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 **CSHB 311** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3, Present-not voting 1.

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

Nays: Burton, Hall, Huffines.

Present-not voting: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3, Present-not voting 1. (Same as previous roll call)

HOUSE BILL 1119 ON SECOND READING

On motion of Senator Garcia and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1119** at this time on its second reading:

HB 1119, Relating to a study assessing the statewide need for the replacement of mile markers on certain highways.

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.

HOUSE BILL 1119 ON THIRD READING

Senator Garcia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1119** be placed on its third reading and final passage.

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

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

HOUSE BILL 3729 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 3729** at this time on its second reading:

HB 3729, Relating to inclusion of family members of veterans court program participants in the treatment and services provided to the participants under the program.

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.

HOUSE BILL 3729 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 3729** be placed on its third reading and final passage.

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

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

HOUSE BILL 1692 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **HB 1692** at this time on its second reading:

HB 1692, Relating to the doctrine of forum non conveniens.

The motion prevailed.

Senators Ellis, Lucio, Rodríguez, and Uresti 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: Ellis, Lucio, Rodríguez, Uresti.

HOUSE BILL 1692 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 1692** be placed on its third reading and final passage.

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

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

Nays: Ellis, Lucio, Rodríguez, Uresti.

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

REMARKS ORDERED PRINTED

On motion of Senator Huffman and by unanimous consent, her remarks regarding **HB 1692** were ordered reduced to writing and printed in the *Senate Journal* as follows:

House Bill 1692 preserves the Texas resident exception in current law. The bill removes the specific definition of legal residence in the current statute with the intent that this term will conform to its already well established common law meaning.

HOUSE BILL 943 ON SECOND READING

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **HB 943** at this time on its second reading:

HB 943, Relating to the applicability of a wage and salary presumption to an incarcerated person for purposes of determining child support obligations.

The motion prevailed.

Senators Hall, Kolkhorst, 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: Hall, Kolkhorst, V. Taylor.

HOUSE BILL 943 ON THIRD READING

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 943** be placed on its third reading and final passage.

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

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

Nays: Hall, Kolkhorst, V. Taylor.

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

HOUSE BILL 2187 ON SECOND READING

Senator L. Taylor moved to suspend the regular order of business to take up for consideration **HB 2187** at this time on its second reading:

HB 2187, Relating to the regulation of metal recycling entities; imposing an administrative penalty; amending provisions subject to a criminal penalty.

The motion prevailed.

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

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2187** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, lines 28 and 29), strike "Subdivision (6-a)" and substitute "Subdivisions (6-a), (6-b), and (6-c)".

(2) In SECTION 1 of the bill, in amended Section 1956.001, Occupations Code (page 1, between lines 51 and 52), insert the following:

(6-a) "Explosive component" means any component of an explosive weapon containing or consisting of regulated material, including exploded or disassembled ammunition, munitions, shell casings, spin or fin stabilized projectiles, and shrapnel. The term does not include pellet ammunition, shotgun ammunition, or ammunition of .50 caliber or less that does not contain explosive powder.

(6-b) "Explosive weapon" means any explosive or incendiary device that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, including an explosive or incendiary

bomb, grenade, rocket, or mine, or a device designed, made, or adapted for delivering or shooting an explosive or incendiary device or starting a fire in a time-delayed manner. The term includes exploded or unexploded ammunition, munition, blasting caps, anti-tank rounds, ordnances, or projectiles. The term does not include pellet ammunition, shotgun ammunition, or ammunition of .50 caliber or less that does not contain explosive powder.

(3) In SECTION 1 of the bill, in amended Section 1956.001, Occupations Code (page 1, line 52), strike "(6-a)" and substitute "(6-c)".

(4) In the recital to SECTION 6 of the bill (page 3, line 57), strike "Subsection (d-1)" and substitute "Subsections (d-1) and (f)".

(5) In SECTION 6 of the bill, in amended Section 1956.036, Occupations Code (page 4, between lines 2 and 3), insert the following:

(f) A metal recycling entity shall report to the department by telephone, by e-mail, or through the department's Internet website each sale or attempted sale to the entity of an explosive weapon or explosive component as soon as possible after the sale or attempted sale, but not later than the close of business on the entity's first working day after the date of the sale or attempted sale.

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

SECTION _____. Section 1956.015(a), Occupations Code, is amended to read as follows:

(a) The department shall establish a statewide electronic reporting system to track the sales of regulated metal reported to the department under Section 1956.036. The department shall use the system to track the sale or attempted sale of an explosive weapon or an explosive component reported to the department under Section 1956.036(f).

SECTION _____. Section 1956.040, Occupations Code, is amended by adding Subsections (c-1), (c-2), (c-3), (c-4), (c-5), and (d-1) to read as follows:

(c-1) A person commits an offense if the person knowingly sells to a metal recycling entity:

(1) an explosive component; or

(2) an explosive weapon.

(c-2) A metal recycling entity commits an offense if the entity knowingly buys:

(1) an explosive component; or

(2) an explosive weapon.

(c-3) Except as provided by Subsection (c-5), an offense under Subsection (c-1)(1) or (c-2)(1) is a Class A misdemeanor. Except as provided by Subsection (c-5), an offense under Subsection (c-1)(2) or (c-2)(2) is a felony of the third degree.

(c-4) A metal recycling entity commits an offense if the entity knowingly stores or allows to be stored on the entity's premises an explosive component or explosive weapon. Except as provided by Subsection (c-5), an offense under this subsection is a Class A misdemeanor.

(c-5) An offense under Subsection (c-1), (c-2), or (c-4) is a felony of the second degree if it is shown at the trial of the offense that a person suffered death or serious bodily injury, as defined by Section 1.07, Penal Code, as a result of the detonation of an explosive component or explosive weapon.

(d-1) On conviction of an offense under Subsection (c-1), (c-2), or (c-4), the court may order the defendant to make restitution to:

(1) the state or a political subdivision of the state for the costs incurred by the state or subdivision for responding to an offense and any removal, cleaning, sanitizing, demolition, reconstruction, or other treatment required as a result of the offense; and

(2) the owner of any property damaged as a result of the offense.

The amendment to **HB 2187** was read and was adopted without objection.

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

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

HB 2187 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: Burton, Campbell, Hall, Nichols, Seliger.

HOUSE BILL 2187 ON THIRD READING

Senator L. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2187** be placed on its third reading and final passage.

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

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

Nays: Burton, Campbell, Hall, Nichols, Seliger.

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

HOUSE BILL 3225 ON SECOND READING

On motion of Senator Garcia and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3225** at this time on its second reading:

HB 3225, Relating to lane restrictions for certain motor vehicles in highway construction or maintenance work zones.

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.

HOUSE BILL 3225 ON THIRD READING

Senator Garcia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3225** be placed on its third reading and final passage.

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

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

HOUSE BILL 2812 ON SECOND READING

On motion of Senator V. Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2812** at this time on its second reading:

HB 2812, Relating to the limit on junior college courses that a high school student may enroll in for dual credit.

The bill was read second time.

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

Floor Amendment No. 1

Amend **HB 2812** (senate committee printing) as follows:

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

SECTION _____. Section 42.005, Education Code, is amended by adding Subsection (h) to read as follows:

(h) Subject to rules adopted by the commissioner under Section 42.0052(b), time that a student participates in an off-campus instructional program approved under Section 42.0052(a) shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-time student in average daily attendance for purposes of this section.

SECTION _____. Subchapter A, Chapter 42, Education Code, is amended by adding Section 42.0052 to read as follows:

Sec. 42.0052. OFF-CAMPUS PROGRAMS APPROVED FOR PURPOSES OF AVERAGE DAILY ATTENDANCE. (a) The commissioner may, based on criteria developed by the commissioner, approve instructional programs provided off campus by an entity other than a school district or open-enrollment charter school as a program in which participation by a student of a district or charter school may be counted for purposes of determining average daily attendance in accordance with Section 42.005(h).

(b) The commissioner shall adopt by rule verification and reporting procedures concerning time spent by students participating in instructional programs approved under Subsection (a).

The amendment to **HB 2812** was read and was adopted without objection.

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

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

HB 2812 as amended was passed to third reading without objection.

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

HOUSE BILL 2812 ON THIRD READING

Senator V. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2812** be placed on its third reading and final passage.

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

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

(Senator Eltife in Chair)

COMMITTEE SUBSTITUTE

HOUSE BILL 685 ON SECOND READING

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 685** at this time on its second reading:

CSHB 685, Relating to the production of public information under the public information law.

The bill was read second time.

Senator Hancock offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 685** (senate committee report) in SECTION 1 of the bill as follows:

(1) In added Section 552.221(b-1), Government Code, on page 1, strike lines 33 through 43 and substitute the following:

If the person requesting the information prefers a manner other than access through the URL, the political subdivision must supply the information in the manner required by Subsection (b).

(2) In added Section 552.221(b-2), Government Code (page 1, line 50), strike "Subsection (b-1)" and substitute "Subsection (b)".

The amendment to **CSHB 685** was read and was adopted without objection.

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

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

CSHB 685 as amended was passed to third reading without objection.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 685 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 685** be placed on its third reading and final passage.

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

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

(President in Chair)

HOUSE BILL 1080 ON SECOND READING

On motion of Senator V. Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1080** at this time on its second reading:

HB 1080, Relating to the definition of a state judge for purposes of state driver's license and personal identification laws.

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.

HOUSE BILL 1080 ON THIRD READING

Senator V. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1080** be placed on its third reading and final passage.

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

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

HOUSE BILL 1309 ON SECOND READING

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1309** at this time on its second reading:

HB 1309, Relating to the notification of certain legislators of the death of a child in foster care.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1309** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 264, Family Code, is amended by adding Section 264.018 to read as follows:

Sec. 264.018. REQUIRED NOTIFICATIONS. (a) In this section:

(1) "Child-placing agency" has the meaning assigned by Section 42.002, Human Resources Code.

(2) "Psychotropic medication" has the meaning assigned by Section 266.001.

(3) "Residential child-care facility" has the meaning assigned by Section 42.002, Human Resources Code.

(4) "Significant change in medical condition" means the occurrence of an injury or the onset of an illness that is life-threatening or may have serious long-term health consequences. The term includes the occurrence or onset of an injury or illness that requires hospitalization for surgery or another procedure that is not minor emergency care.

(5) "Significant event" means:

(A) a placement change, including failure by the department to locate an appropriate placement for at least one night;

(B) a significant change in medical condition;

(C) an initial prescription of a psychotropic medication or a change in dosage of a psychotropic medication;

(D) a major change in school performance or a serious disciplinary event at school; or

(E) any event determined to be significant under department rule.

(b) The notification requirements of this section are in addition to other notice requirements provided by law, including Sections 264.107(g) and 264.123.

(c) The department must provide notice under this section in a manner that would provide actual notice to a person entitled to the notice, including the use of electronic notice whenever possible.

(d) Not later than 24 hours after an event described by this subsection, the department shall make a reasonable effort to notify a parent of a child in the managing conservatorship of the department of:

(1) a significant change in medical condition of the child;

(2) the enrollment or participation of the child in a drug research program under Section 266.0041; and

(3) an initial prescription of a psychotropic medication.

(e) Not later than 48 hours before the department changes the residential child-care facility of a child in the managing conservatorship of the department, the department shall provide notice of the change to:

(1) the child's parent;

(2) an attorney ad litem appointed for the child under Chapter 107;

(3) a guardian ad litem appointed for the child under Chapter 107;

(4) a volunteer advocate appointed for the child under Chapter 107; and

(5) the licensed administrator of the child-placing agency responsible for placing the child or the licensed administrator's designee.

(f) As soon as possible but not later than the 10th day after the date the department becomes aware of a significant event affecting a child in the conservatorship of the department, the department shall provide notice of the significant event to:

(1) the child's parent;

(2) an attorney ad litem appointed for the child under Chapter 107;
(3) a guardian ad litem appointed for the child under Chapter 107;
(4) a volunteer advocate appointed for the child under Chapter 107;
(5) the licensed administrator of the child-placing agency responsible for placing the child or the licensed administrator's designee;

(6) a foster parent, prospective adoptive parent, relative of the child providing care to the child, or director of the group home or general residential operation where the child is residing; and

(7) any other person determined by a court to have an interest in the child's welfare.

(g) For purposes of Subsection (f), if a hearing for the child is conducted during the 10-day notice period described by that subsection, the department shall provide notice of the significant event at the hearing.

(h) The department is not required to provide notice under this section to a parent of a child in the managing conservatorship of the department if:

(1) the department cannot locate the parent;

(2) a court has restricted the parent's access to the information;

(3) the child is in the permanent managing conservatorship of the department and the parent has not participated in the child's case for at least six months despite the department's efforts to involve the parent;

(4) the parent's rights have been terminated; or

(5) the department has documented in the child's case file that it is not in the best interest of the child to involve the parent in case planning.

(i) The department is not required to provide notice of a significant event under this section to the child-placing agency responsible for the placement of a child in the managing conservatorship of the department, a foster parent, a prospective adoptive parent, a relative of the child providing care to the child, or the director of the group home or general residential operation where the child resides if that agency or individual is required under a contract or other agreement to provide notice of the significant event to the department.

(j) A person entitled to notice from the department under this section shall provide the department with current contact information, including the person's e-mail address and the telephone number at which the person may most easily be reached. The person shall update the person's contact information as soon as possible after a change to the information. The department is not required to provide notice under this section to a person who fails to provide contact information to the department. The department may rely on the most recently provided contact information in providing notice under this section.

(k) To facilitate timely notification under this section, a residential child-care facility contracting with the department for 24-hour care shall notify the department, in the time provided by the facility's contract, of a significant event for a child who is in the conservatorship of the department and residing in the facility.

(l) The executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement this section using a negotiated rulemaking process under Chapter 2008, Government Code.

SECTION _____. Section 266.0041(d), Family Code, is amended to read as follows:

(d) An independent medical advocate shall, within a reasonable time after the appointment, interview:

(1) the foster child in a developmentally appropriate manner, if the child is four years of age or older;

(2) the foster child's parent, if the parent is entitled to notification under Section 264.018 [~~266.005~~];

(3) an advocate appointed by an institutional review board in accordance with the Code of Federal Regulations, 45 C.F.R. Section 46.409(b), if an advocate has been appointed;

(4) the medical team treating the foster child as well as the medical team conducting the drug research program; and

(5) each individual who has significant knowledge of the foster child's medical history and condition, including any foster parent of the child.

SECTION _____. Section 244.0106(c), Human Resources Code, is amended to read as follows:

(c) The rules adopted under this section must require:

(1) the Department of Family and Protective Services to:

(A) provide the department with access to relevant health and education information regarding a child; and

(B) require a child's caseworker to visit the child in person at least once each month while the child is committed to the department;

(2) the department to:

(A) provide the Department of Family and Protective Services with relevant health and education information regarding a child;

(B) permit communication, including in person, by telephone, and by mail, between a child committed to the department and:

(i) the Department of Family and Protective Services; and

(ii) the attorney ad litem, the guardian ad litem, and the volunteer advocate for the child; and

(C) provide the Department of Family and Protective Services and any attorney ad litem or guardian ad litem for the child with timely notice of the following events relating to the child:

(i) a meeting designed to develop or revise the individual case plan for the child;

(ii) in accordance with any participation protocols to which the Department of Family and Protective Services and the department agree, a medical appointment at which a person authorized to consent to medical care must participate as required by Section 266.004(i), Family Code;

(iii) an education meeting, including admission, review, or dismissal meetings for a child receiving special education;

(iv) a grievance or disciplinary hearing for the child;

(v) a report of abuse or neglect of the child; and

(vi) a significant change in medical condition of the child, as defined by Section 264.018 [~~266.005~~], Family Code; and

(3) the Department of Family and Protective Services and the department to participate in transition planning for the child through release from detention, release under supervision, and discharge.

SECTION _____. Sections 264.117, 264.119, and 266.005, Family Code, are repealed.

The amendment to **HB 1309** was read and was adopted without objection.

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

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

HB 1309 as amended was passed to third reading without objection.

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

HOUSE BILL 1309 ON THIRD READING

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

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

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

COMMITTEE SUBSTITUTE HOUSE BILL 3405 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **CSHB 3405** at this time on its second reading:

CSHB 3405, Relating to the territory, jurisdiction, board composition, elections, and powers of the Barton Springs-Edwards Aquifer Conservation District, including its authority to regulate certain wells for the production of groundwater; imposing a cap on certain fees.

The motion prevailed.

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

The bill was read second time.

Senator Campbell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 3405** (senate committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter A, Chapter 8802, Special District Local Laws Code, is amended by adding Section 8802.0035 to read as follows:

Sec. 8802.0035. SHARED TERRITORY; JURISDICTION. (a) The territory of the district includes any territory that is:

(1) inside the boundaries of:

(A) the Edwards Aquifer Authority; and

(B) Hays County; and

(2) not within the boundaries of the Plum Creek Conservation District as those boundaries existed on February 1, 2015.

(b) The Edwards Aquifer Authority has jurisdiction over any well that is drilled to produce water from the Edwards Aquifer in the shared territory described by Subsection (a).

(c) The district has jurisdiction over groundwater and any well that is drilled to produce water from any aquifer other than the Edwards Aquifer in the shared territory described by Subsection (a).

(d) Except for the district and the Edwards Aquifer Authority, no district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, has authority in the shared territory described by Subsection (a) to regulate the spacing of water wells or the production from water wells.

(e) The district has jurisdiction over any well that is drilled to produce water from the Edwards Aquifer or any other aquifer in the territory described by Section 8802.003.

(f) The district's jurisdiction over any well that is drilled to produce water in the territory described in Section 8802.003, including a well that is used to recover water that has been injected as part of an aquifer storage and recovery project, applies to all wells for which the district has jurisdiction in the shared territory described by this section.

SECTION 2. As soon as practicable after the effective date of this Act, and in conformance with Chapter 36, Water Code, the board of directors of the Barton Springs-Edwards Aquifer Conservation District may increase the number of board members and shall revise the single-member districts as the board considers appropriate to reflect the changes in territory made by Section 8802.0035, Special District Local Laws Code, as added by this Act. It is the intent of the legislature that the composition of the board reflect the territory added to the district by this Act.

SECTION 3. (a) In this section:

(1) "District" means the Barton Springs-Edwards Aquifer Conservation District.

(2) "Maximum production capacity" means the maximum production capacity of a well, which may be based on a 36-hour pump test conducted at the time the well was initially constructed or placed into service.

(b) This section applies only to the shared territory added to the district by Section 8802.0035, Special District Local Laws Code, as added by this Act.

(c) A person operating a well before the effective date of this Act or who has entered into a contract before the effective date of this Act to drill or operate a well that is or will be located in the territory described by Subsection (b) of this section and subject to the jurisdiction of the district under Section 8802.0035, Special District Local Laws Code, as added by this Act, shall file an administratively complete permit application with the district not later than three months after the effective date of this Act for the drilling, equipping, completion, or operation of any well if the well

requires a permit under the rules or orders of the district. The person may file the permit application for an amount of groundwater production not to exceed the maximum production capacity of the well.

(d) The district shall issue a temporary permit to a person who files an application under Subsection (c) of this section without a hearing on the application not later than the 30th day after the date of receipt of the application. The district shall issue the temporary permit for the groundwater production amount set forth in the application. The temporary permit issued under this subsection shall provide the person with retroactive and prospective authorization to drill, operate, or perform another activity related to a well for which a permit is required by the district for the period of time between the effective date of this Act and the date that the district takes a final, appealable action on issuance of a regular permit pursuant to the permit application if:

(1) the person's drilling, operating, or other activities associated with the well are consistent with the authorization sought in the permit application;

(2) the person timely pays to the district all administrative fees and fees related to the amount of groundwater authorized to be produced pursuant to the temporary permit in the same manner as other permit holders in the district; and

(3) the person complies with other rules and orders of the district applicable to permit holders.

(e) The temporary permit issued under Subsection (d) does not confer any rights or privileges to the permit holder other than those set forth in this section. After issuing the temporary permit, the district shall process the permit application for notice, hearing, and consideration for issuance of a regular permit consistent with this section. The district, after notice and hearing, shall issue an order granting the regular permit authorizing groundwater production in the amount set forth in the temporary permit unless the district finds that authorizing groundwater production in the amount set forth in the temporary permit will cause:

(1) a failure to achieve the applicable adopted desired future conditions for the aquifer; or

(2) an unreasonable impact on existing wells.

(f) In the hearing on issuance of the regular permit under Subsection (e), the permit applicant bears the burden of proof.

(g) The holder of a temporary or regular permit subject to a district order under this section to reduce the amount of groundwater production from the permitted well may contest the reduction by requesting a contested case hearing to be conducted by the State Office of Administrative Hearings in the manner provided by Sections 36.416, 36.4165, and 36.418, Water Code. The district shall contract with the State Office of Administrative Hearings to conduct the hearing as provided by those sections of the Water Code. To the extent possible, the State Office of Administrative Hearings shall expedite a hearing under this subsection. The permit applicant bears the burden of proof in the hearing.

(h) For the State Office of Administrative Hearings to recommend overturning a district order reducing the amount of groundwater authorized to be produced under a temporary permit, the permit holder must demonstrate by a preponderance of the evidence that the production of the amount of groundwater authorized based on the maximum production capacity will not cause:

(1) a failure to achieve applicable adopted desired future conditions for the aquifer; or

(2) an unreasonable impact on existing wells as found in the district's order.

(i) A person who relies on the temporary permit granted by this section to drill, operate, or engage in other activities associated with a water well assumes the risk that the district may grant or deny, wholly or partly, the permit application when the district takes final action after notice and hearing to issue a regular permit pursuant to the application.

SECTION 4. If the addition of territory under Section 8802.0035, Special District Local Laws Code, as added by this Act, causes the annual water use fee in Section 8802.105 to exceed \$1 million, the district shall not require an assessment of greater than \$1 million annually as adjusted to reflect the percentage change during the preceding year in the Consumer Price Index.

SECTION 5. (a) The legislature validates and confirms all acts and proceedings of the board of directors of the Barton Springs-Edwards Aquifer Conservation District that were taken before the effective date of this Act.

(b) Subsection (a) of this section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court; or

(2) has been held invalid by a final judgment of a court.

SECTION 6. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

The amendment to **CSHB 3405** was read and was adopted by a viva voce vote.

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

Nays: Fraser.

Senator Campbell offered the following amendment to the bill:

Floor Amendment No. 2

Amend the proposed floor substitute to **CSHB 3405** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 8802.1045, Special District Local Laws Code, is amended by adding Subsection (g) to read as follows:

(g) This subsection applies only to a well located in the shared territory described by Section 8802.0035. Notwithstanding Subsection (b), the district may not charge an annual production fee of more than 17 cents per thousand gallons of water produced under a permit from a well under this subsection, if the water is permitted for any use other than agricultural use.

The amendment to **CSHB 3405** was read and was adopted without objection.

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

Senator Campbell offered the following amendment to the bill:

Floor Amendment No. 3

Amend the proposed floor substitute to **CSHB 3405** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. It is the intent of the legislature that this Act apply only to the territory described by Section 8802.0035, Special District Local Laws Code, as added by this Act, and not have statewide implications.

The amendment to **CSHB 3405** was read and was adopted without objection.

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

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 3405** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 8471.102, Special District Local Laws Code, is amended to read as follows:

Sec. 8471.102. [~~MUNICIPAL UTILITY~~] DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 36, 49 and 54, Water Code, applicable to [~~municipal utility~~] districts created under Section 59, Article XVI, Texas Constitution.

SECTION _____. Section 8471.104, Special District Local Laws Code, is amended to read as follows:

Sec. 8471.104. [~~LIMITATION ON USE OF~~] EMINENT DOMAIN PROHIBITION. [~~(a)~~] The district may not exercise the power of eminent domain [~~except for the purpose of importing surface water or nonlocal groundwater into the district~~]. [~~(b) For purposes of this section, nonlocal groundwater includes only groundwater that is withdrawn from a source outside the Edwards Aquifer and Trinity Aquifer.~~]

SECTION _____. Sec. 8471.105, Special District Local Laws Code, is amended to read as follows:

Sec. 8471.105. LIMITATION ON ANNEXATION. The district may not add land by petition of less than all the landowners under Section 49.302, Water Code[; ~~unless the petition required under that section is signed by the owners of a two-thirds majority of the assessed value of the land in the defined area described by the petition~~].

SECTION _____. Section 8471.103(c), Special District Local Laws, is repealed.

LUCIO
HINOJOSA
WATSON

The amendment to **CSHB 3405** was read.

On motion of Senator Campbell, Floor Amendment No. 4 was tabled by the following vote: Yeas 20, Nays 11.

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

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

Senator Campbell offered the following amendment to the bill:

Floor Amendment No. 5

Amend the proposed floor substitute to **CSHB 3405** by amending the caption to conform to the substance of the bill.

The amendment to **CSHB 3405** was read and was adopted without objection.

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

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

CSHB 3405 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: Burton, Fraser, Menéndez, V. Taylor.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3405 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 **CSHB 3405** be placed on its third reading and final passage.

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

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

Nays: Burton, V. Taylor.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

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

Nays: Burton, Fraser, V. Taylor.

HOUSE BILL 855 ON SECOND READING

On motion of Senator V. Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 855** at this time on its second reading:

HB 855, Relating to the compatibility of state agency websites with certain devices and Internet browsers.

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.

HOUSE BILL 855 ON THIRD READING

Senator V. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 855** be placed on its third reading and final passage.

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

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

HOUSE BILL 3185 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **HB 3185** at this time on its second reading:

HB 3185, Relating to the creation and operations of health care provider participation programs in certain counties.

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.

HOUSE BILL 3185 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 3185** be placed on its third reading and final passage.

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

Nays: Hall.

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

SENATE BILL 652 WITH HOUSE AMENDMENT

Senator Schwertner called **SB 652** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 652** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to excluding a franchisor as an employer of a franchisee or a franchisee's employees.

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

SECTION 1. Subchapter A, Chapter 21, Labor Code, is amended by adding Section 21.0022 to read as follows:

Sec. 21.0022. FRANCHISORS EXCLUDED. (a) In this section, "franchisee" and "franchisor" have the meanings assigned by 16 C.F.R. Section 436.1.

(b) For purposes of this chapter, a franchisor is not considered to be an employer of:

- (1) a franchisee; or
- (2) a franchisee's employees.

(c) With respect to a specific claim for relief under this chapter made by a franchisee or a franchisee's employee, this section does not apply to a franchisor who has been found by a court of competent jurisdiction to have exercised a type or degree of control over the franchisee or the franchisee's employees not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

SECTION 2. Subchapter A, Chapter 61, Labor Code, is amended by adding Section 61.0031 to read as follows:

Sec. 61.0031. FRANCHISORS EXCLUDED. (a) In this section, "franchisee" and "franchisor" have the meanings assigned by 16 C.F.R. Section 436.1.

(b) For purposes of this chapter, a franchisor is not considered to be an employer of:

- (1) a franchisee; or
- (2) a franchisee's employees.

(c) With respect to a specific claim for relief under this chapter made by a franchisee or a franchisee's employee, this section does not apply to a franchisor who has been found by a court of competent jurisdiction to have exercised a type or degree of control over the franchisee or the franchisee's employees not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

SECTION 3. Subchapter A, Chapter 62, Labor Code, is amended by adding Section 62.006 to read as follows:

Sec. 62.006. FRANCHISORS EXCLUDED. (a) In this section, "franchisee" and "franchisor" have the meanings assigned by 16 C.F.R. Section 436.1.

(b) For purposes of this chapter, a franchisor is not considered to be an employer of:

- (1) a franchisee; or
- (2) a franchisee's employees.

(c) With respect to a specific claim for relief under this chapter made by a franchisee or a franchisee's employee, this section does not apply to a franchisor who has been found by a court of competent jurisdiction to have exercised a type or degree of control over the franchisee or the franchisee's employees not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

SECTION 4. Chapter 91, Labor Code, is amended by adding Section 91.0013 to read as follows:

Sec. 91.0013. FRANCHISORS EXCLUDED. (a) In this section, "franchisee" and "franchisor" have the meanings assigned by 16 C.F.R. Section 436.1.

(b) For purposes of this chapter, a franchisor is not considered to be in a coemployment relationship with:

- (1) a franchisee; or
- (2) a franchisee's employees.

(c) With respect to a specific claim for relief under this chapter made by a franchisee or a franchisee's employee, this section does not apply to a franchisor who has been found by a court of competent jurisdiction to have exercised a type or degree of control over the franchisee or the franchisee's employees not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

SECTION 5. Section 201.021, Labor Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) In this subsection, "franchisee" and "franchisor" have the meanings assigned by 16 C.F.R. Section 436.1. The definition of employer provided by this section does not apply to a franchisor with respect to:

- (1) a franchisee; or
- (2) a franchisee's employees.

(e) With respect to a specific claim for relief under this subtitle made by a franchisee or a franchisee's employee, Subsection (d) does not apply to a franchisor who has been found by a court of competent jurisdiction to have exercised a type or degree of control over the franchisee or the franchisee's employees not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

SECTION 6. Subchapter B, Chapter 401, Labor Code, is amended by adding Section 401.014 to read as follows:

Sec. 401.014. FRANCHISORS EXCLUDED. (a) In this section, "franchisee" and "franchisor" have the meanings assigned by 16 C.F.R. Section 436.1.

(b) For purposes of this subtitle, a franchisor is not considered to be an employer of:

- (1) a franchisee; or
- (2) a franchisee's employees.

(c) With respect to a specific claim for relief under this subtitle made by a franchisee or a franchisee's employee, this section does not apply to a franchisor who has been found by a court of competent jurisdiction to have exercised a type or degree of control over the franchisee or the franchisee's employees not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

SECTION 7. Subchapter A, Chapter 411, Labor Code, is amended by adding Section 411.005 to read as follows:

Sec. 411.005. FRANCHISORS EXCLUDED. (a) In this section, "franchisee" and "franchisor" have the meanings assigned by 16 C.F.R. Section 436.1.

(b) For purposes of this chapter, a franchisor is not considered to be an employer of:

- (1) a franchisee; or
- (2) a franchisee's employees.

(c) With respect to a specific claim for relief under this chapter made by a franchisee or a franchisee's employee, this section does not apply to a franchisor who has been found by a court of competent jurisdiction to have exercised a type or degree of control over the franchisee or the franchisee's employees not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

SECTION 8. The change in law made by this Act applies only to the liability of a franchisor based on conduct occurring on or after the effective date of this Act. Conduct by a franchisor occurring before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 9. This Act takes effect September 1, 2015.

The amendment was read.

Senator Schwertner 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 President asked if there were any motions to instruct the conference committee on **SB 652** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Schwertner, Chair; Nelson, Fraser, Eltife, and Uresti.

SENATE BILL 459 WITH HOUSE AMENDMENT

Senator Lucio called **SB 459** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1 on Third Reading

Amend **SB 459** on third reading in SECTION 1 of the bill, as follows:

(1) Strike proposed Section 470.002, Government Code (page 1, lines 13-17), and substitute the following:

Sec. 470.002. ESTABLISHMENT. The Advisory Council on Cultural Affairs is established in the office of the governor to advise the office on the benefits to this state from the economic, social, legal, and political contributions of this state's culturally diverse population.

(2) In proposed Section 470.003(c), Government Code (page 2, lines 6-7), strike "achieve geographic representation of the Hispanic population from all areas of the" and substitute "select individuals who reflect the cultural diversity of this".

(3) Strike proposed Section 470.006, Government Code (page 2, line 16, through page 5, line 12), and substitute the following:

Sec. 470.006. DUTIES. The council shall study:

(1) the manner in which this state's culturally diverse population positively affects this state's import and export of goods, strengthens international trade, and promotes economic opportunity for residents of this state; and

(2) any other related matter of importance to the council or the governor.

(4) Strike proposed Section 470.007(b), Government Code (page 5, lines 17-23), and substitute the following:

(b) The council shall include in the report recommendations concerning policy and statutory changes to promote and further cultural diversity and its benefits in this state.

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 President asked if there were any motions to instruct the conference committee on **SB 459** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Lucio, Chair; Zaffirini, Creighton, Estes, and Eltife.

CONFERENCE COMMITTEE ON HOUSE BILL 1378

Senator Bettencourt 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 1378** and moved that the request be granted.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **HB 1378** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Bettencourt, Chair; Creighton, Lucio, Hancock, and Huffines.

CONFERENCE COMMITTEE ON HOUSE BILL 923

Senator V. Taylor 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 923** and moved that the request be granted.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **HB 923** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators V. Taylor, Chair; Burton, Hall, Garcia, and Huffman.

SENATE BILL 169 WITH HOUSE AMENDMENT

Senator Uresti called **SB 169** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 169** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to ensuring that certain military members and their spouses and dependents maintain their positions on interest lists or other waiting lists for certain health and human services assistance programs.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0931 to read as follows:

Sec. 531.0931. INTEREST LIST OR OTHER WAITING LIST RULES FOR CERTAIN MILITARY MEMBERS AND THEIR DEPENDENTS. (a) In this section, "military member" means a member of the United States military serving in the army, navy, air force, marine corps, or coast guard on active duty.

(b) This section applies only to:

(1) a military member who has declared and maintains this state as the member's state of legal residence in the manner provided by the applicable military branch, or a spouse or dependent child of the member; or

(2) the spouse or dependent child of a former military member who had declared and maintained this state as the member's state of legal residence in the manner provided by the applicable military branch and who:

(A) was killed in action; or

(B) died while in service.

(c) The executive commissioner by rule shall require the commission or another health and human services agency to:

(1) maintain the position of a person subject to this section in the queue of an interest list or other waiting list for any assistance program, including a Section 1915(c) waiver program, provided by the commission or other health and human services agency, if the person cannot receive benefits under the assistance program because the person temporarily resides out of state as the result of military service; and

(2) subject to Subsection (e), offer benefits to the person according to the person's position on the interest list or other waiting list that was attained while the person resided out of state if the person returns to reside in this state.

(d) If a person subject to this section reaches a position on an interest list or other waiting list that would allow the person to receive benefits under an assistance program but the person cannot receive the benefits because the person temporarily resides out of state as the result of military service, the commission or agency providing the benefits shall maintain the person's position on the list relative to other persons on the list but continue to offer benefits to other persons on the interest list or other waiting list in accordance with those persons' respective positions on the list.

(e) In adopting rules under Subsection (c), the executive commissioner must limit the amount of time a person may maintain the person's position on an interest list or other waiting list under Subsection (c) to not more than one year after the date on which, as applicable:

(1) the member's active duty ends;

(2) the member was killed if the member was killed in action; or

(3) the member died if the member died while in service.

SECTION 2. The executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Section 531.0931, Government Code, as added by this Act, not later than December 1, 2015.

SECTION 3. If before implementing any provision of this Act a state agency determines that a waiver, an amendment to an existing waiver, or another authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver, amendment to the existing waiver, or other authorization and may delay implementing that provision until the waiver, amendment, or authorization is granted.

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

The amendment was read.

Senator Uresti moved to concur in the House amendment to **SB 169**.

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

SENATE BILL 481 WITH HOUSE AMENDMENT

Senator Hancock called **SB 481** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 481** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to consumer information concerning facility-based physicians and notice and availability of mediation for balance billing by a facility-based physician.

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

SECTION 1. Section 324.001(8), Health and Safety Code, is amended to read as follows:

(8) "Facility-based physician" means a radiologist, an anesthesiologist, a pathologist, an emergency department physician, ~~[or]~~ a neonatologist, or an assistant surgeon.

SECTION 2. Section 1456.001(3), Insurance Code, is amended to read as follows:

(3) "Facility-based physician" means a radiologist, an anesthesiologist, a pathologist, an emergency department physician, ~~[or]~~ a neonatologist, or an assistant surgeon:

(A) to whom the facility has granted clinical privileges; and

(B) who provides services to patients of the facility under those clinical privileges.

SECTION 3. Section 1456.004(c), Insurance Code, is amended to read as follows:

(c) A facility-based physician who bills a patient covered by a preferred provider benefit plan or a health benefit plan under Chapter 1551 that does not have a contract with the facility-based physician shall send a billing statement to the patient that contains a conspicuous, plain-language explanation ~~[with information sufficient to notify the patient]~~ of the mandatory mediation process available under Chapter 1467 if the amount for which the enrollee is responsible to the physician, after copayments, deductibles, and coinsurance, including the amount unpaid by the administrator or insurer, is greater than \$500 ~~[\$1,000].~~

SECTION 4. Section 1467.001(4), Insurance Code, is amended to read as follows:

(4) "Facility-based physician" means a radiologist, an anesthesiologist, a pathologist, an emergency department physician, [✱] a neonatologist, or an assistant surgeon:

(A) to whom the facility has granted clinical privileges; and

(B) who provides services to patients of the facility under those clinical privileges.

SECTION 5. Section 1467.051(a), Insurance Code, is amended to read as follows:

(a) An enrollee may request mediation of a settlement of an out-of-network health benefit claim if:

(1) the amount for which the enrollee is responsible to a facility-based physician, after copayments, deductibles, and coinsurance, including the amount unpaid by the administrator or insurer, is greater than \$500 [~~\$1,000~~]; and

(2) the health benefit claim is for a medical service or supply provided by a facility-based physician in a hospital that is a preferred provider or that has a contract with the administrator.

SECTION 6. Sections 1456.004(c) and 1467.051(a), Insurance Code, as amended by this Act, apply only to charges for a medical service or supply provided on or after the effective date of this Act. Charges for a medical service or supply provided before the effective date of this Act are 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.

SECTION 7. This Act takes effect September 1, 2015.

The amendment was read.

Senator Hancock moved to concur in the House amendment to **SB 481**.

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

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

Nays: Campbell, Hall.

SENATE BILL 837 WITH HOUSE AMENDMENT

Senator Watson called **SB 837** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 837** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to a common characteristic or use project in a public improvement district in certain municipalities.

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

SECTION 1. Section 372.0035(a), Local Government Code, is amended to read as follows:

(a) This section applies only to:

(1) a municipality that:

(A) has a population of more than 650,000 and less than 1,000,000 [one million and a council-manager form of government and that is located wholly or partly in a county with a population of more than two million]; or

(B) has a population of more than 325,000 and less than 625,000; and

(2) a public improvement district established under this subchapter and solely composed of territory in which the only businesses are:

(A) hotels with 100 or more rooms ordinarily used for sleeping, if the district is established by a municipality described by Subdivision (1)(A); or

(B) hotels with 75 or more rooms ordinarily used for sleeping, if the district is established by a municipality described by Subdivision (1)(B).

SECTION 2. Section 372.005, Local Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Notwithstanding Subsection (b), a petition for the establishment of a public improvement district described by Section 372.0035(a)(2) is sufficient only if signed by record owners of taxable real property liable for assessment under the proposal who constitute:

(1) more than 60 percent of the appraised value of taxable real property liable for assessment under the proposal, as determined by the current roll of the appraisal district in which the property is located; and

(2) more than 60 percent of:

(A) all record owners of taxable real property that are liable for assessment under the proposal; or

(B) the area of all taxable real property that is liable for assessment under the proposal.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 837**.

The motion prevailed by the following vote: Yeas 17, Nays 14.

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

Nays: Birdwell, Burton, Creighton, Fraser, Hall, Hancock, Huffines, Huffman, Kolkhorst, Nichols, Perry, Schwertner, L. Taylor, V. Taylor.

SENATE BILL 934 WITH HOUSE AMENDMENT

Senator Kolkhorst called **SB 934** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 934** (house committee printing) on page 1 by striking lines 15 through 17 and substituting the following:
instructional practices in mathematics, including problem solving, the place value system, whole number operations, and fractions.

The amendment was read.

Senator Kolkhorst moved to concur in the House amendment to **SB 934**.

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

Nays: Hall.

SENATE BILL 1057 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 1057** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1057** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to the provision of funding for indigent defense services.

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

SECTION 1. Sections 79.016(a) and (c), Government Code, are amended to read as follows:

(a) A board member who is a chief public defender for or ~~[who is]~~ an attorney employed by an entity ~~[a public defender's office in a county]~~ that applies for funds under Section 79.037 shall disclose that fact before a vote by the board regarding an award of funds to that entity [county] and may not participate in that ~~[such a]~~ vote.

(c) The commission may not award funds under Section 79.037 to an entity [a county] served by a chief public defender or other attorney who fails to make a disclosure to the board as required by Subsection (a).

SECTION 2. Section 79.037, Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (e), (f), (g), and (h) to read as follows:

(a) The commission shall:

(1) provide technical support to:

(A) assist counties in improving their indigent defense systems; and

(B) promote compliance by counties with the requirements of state law relating to indigent defense;

(2) to assist a county [counties] in providing indigent defense services in the county, distribute in the form of grants any funds appropriated for the purposes of this section to one or more of the following entities:

(A) the county;

(B) a law school's legal clinic or program that provides indigent defense services in the county; and

(C) a regional public defender that meets the requirements of Subsection (e) and provides indigent defense services in the county; and

(3) monitor each entity [county] that receives a grant under Subdivision (2) and enforce compliance [by the county] with the conditions of the grant, including enforcement by:

(A) withdrawing grant funds; or

(B) requiring reimbursement of grant funds by the entity [county].

(b) The commission shall determine for each county the entity or entities within the county that are eligible to receive [distribute] funds for the provision of indigent defense services under [as required by] Subsection (a)(2). The determination must be made based on the entity's:

(1) [a county's] compliance with standards adopted by the board; and

(2) [the county's] demonstrated commitment to compliance with the requirements of state law relating to indigent defense.

(c) The board shall adopt policies to ensure that funds under Subsection (a)(2) are allocated and distributed [to counties] in a fair manner.

(e) The commission may distribute funds under Subsection (a)(2) to a regional public defender's office formed under Article 26.044, Code of Criminal Procedure, if:

(1) the regional public defender's office serves two or more counties;

(2) each county that enters an agreement to create or designate and to jointly fund the regional public defender's office satisfies the commission that the county will timely provide funds to the office for the duration of the grant for at least half of the office's operational costs;

(3) each participating county by local rule adopts and submits to the commission guidelines under Article 26.04(f), Code of Criminal Procedure, detailing the types of cases to be assigned to the office; and

(4) each participating county and the regional public defender's office agree in writing to a method that the commission determines to be appropriate under Subsection (f) to pay all costs associated with the defense of cases assigned to the office that remain pending in the county after the termination of the agreement or the county's participation in the agreement.

(f) The commission shall select, by rule or under a contract with a regional public defender's office, a method for the payment of costs under Subsection (e)(4), which may include any combination of the following:

(1) allowing an office to establish and maintain a reserve of funds sufficient to cover anticipated costs, in an amount determined appropriate by the commission;

(2) guaranteeing all or part of the costs to be paid; or

(3) establishing a schedule of fees for the payment of costs in the manner provided by Article 26.05, Code of Criminal Procedure.

(g) Any change to a schedule of fees established under Subsection (f)(3) must first be approved by the commission.

(h) A regional public defender's office shall collect each participating county's portion of the operational costs as that portion is provided by the county to the office.

SECTION 3. This Act takes effect September 1, 2015.

The amendment was read.

Senator Hinojosa moved to concur in the House amendment to **SB 1057**.

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

HOUSE BILL 3532 REREFERRED
(Motion In Writing)

Senator Hinojosa submitted a Motion In Writing requesting that **HB 3532** be withdrawn from the Committee on Finance and rereferred to the Committee on Intergovernmental Relations.

The Motion In Writing was read and prevailed without objection.

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 today:

HB 1066, HB 1447, HB 1947, HB 2020, HB 2194, HB 2525, HB 3002, HB 3668, HB 3888, HB 4158, HB 4168, HB 4178, HB 4179, HB 4204, HB 4206.

BIRTHDAY GREETINGS EXTENDED

The President extended birthday greetings to his wife, Jan.

MOTION TO RECESS AND ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 11:20 p.m. agreed to recess, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow for a Joint Session commemorating Memorial Day.

The Senate further agreed to adjourn, in memory of Rio Cantu, upon conclusion of the Joint Session, until 6:00 p.m. Sunday, May 24, 2015.

CO-AUTHOR OF SENATE BILL 1398

On motion of Senator Hall, Senator Creighton will be shown as Co-author of **SB 1398**.

CO-SPONSORS OF HOUSE BILL 10

On motion of Senator Huffman, Senators Bettencourt and Hinojosa will be shown as Co-sponsors of **HB 10**.

CO-SPONSOR OF HOUSE BILL 12

On motion of Senator Hinojosa, Senator Garcia will be shown as Co-sponsor of **HB 12**.

CO-SPONSOR OF HOUSE BILL 26

On motion of Senator Fraser, Senator Zaffirini will be shown as Co-sponsor of **HB 26**.

CO-SPONSOR OF HOUSE BILL 48

On motion of Senator Ellis, Senator West will be shown as Co-sponsor of **HB 48**.

CO-SPONSOR OF HOUSE BILL 177

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

CO-SPONSOR OF HOUSE BILL 315

On motion of Senator Huffines, Senator Bettencourt will be shown as Co-sponsor of **HB 315**.

CO-SPONSOR OF HOUSE BILL 904

On motion of Senator Huffman, Senator Bettencourt will be shown as Co-sponsor of **HB 904**.

CO-SPONSORS OF HOUSE BILL 910

On motion of Senator Estes, Senators Bettencourt and Hall will be shown as Co-sponsors of **HB 910**.

CO-SPONSOR OF HOUSE BILL 1187

On motion of Senator Birdwell, Senator Bettencourt will be shown as Co-sponsor of **HB 1187**.

CO-SPONSOR OF HOUSE BILL 1217

On motion of Senator Uresti, Senator Lucio will be shown as Co-sponsor of **HB 1217**.

CO-SPONSOR OF HOUSE BILL 1417

On motion of Senator Creighton, Senator Bettencourt will be shown as Co-sponsor of **HB 1417**.

CO-SPONSOR OF HOUSE BILL 1846

On motion of Senator Rodríguez, Senator Kolkhorst will be shown as Co-sponsor of **HB 1846**.

CO-SPONSOR OF HOUSE BILL 1915

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-sponsor of **HB 1915**.

CO-SPONSOR OF HOUSE BILL 2053

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

CO-SPONSOR OF HOUSE BILL 2255

On motion of Senator Creighton, Senator Huffines will be shown as Co-sponsor of **HB 2255**.

CO-SPONSOR OF HOUSE BILL 2332

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

CO-SPONSOR OF HOUSE BILL 2634

On motion of Senator Zaffirini, Senator Hinojosa will be shown as Co-sponsor of **HB 2634**.

CO-SPONSOR OF HOUSE BILL 3185

On motion of Senator Lucio, Senator Schwertner will be shown as Co-sponsor of **HB 3185**.

CO-SPONSOR OF HOUSE BILL 3994

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

CO-SPONSOR OF HOUSE BILL 4001

On motion of Senator Schwertner, Senator Lucio will be shown as Co-sponsor of **HB 4001**.

CO-SPONSOR OF HOUSE JOINT RESOLUTION 77

On motion of Senator Bettencourt, Senator Campbell will be shown as Co-sponsor of **HJR 77**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

- SR 953** by Kolkhorst, In memory of Johnny Gimble.
- SR 957** by Menéndez, In memory of Timothy Julio Dovel.
- SR 964** by Watson, In memory of William Gillette Gill Jr.
- SR 966** by Watson, In memory of William White.

Congratulatory Resolutions

- SR 943** by Menéndez, Recognizing John Reddinger on the occasion of his graduation from The University of Texas at Austin and on the completion of his legislative internship.
- SR 954** by Estes, Recognizing Ben Thompson for his achievements at the 2015 UIL track and field competition.
- SR 955** by Garcia, Recognizing the GO Neighborhoods program of the Avenue Community Development Corporation.
- SR 956** by Lucio, Recognizing Anthony Ryan Whittemore on the occasion of his graduation from the Cockrell School of Engineering.
- SR 958** by Huffman, Recognizing the staff of the Harris County Public Health and Environmental Services Mosquito Control Division.
- SR 959** by Hinojosa, Recognizing Foster Edwards on the occasion of his retirement.
- SR 960** by Hinojosa, Recognizing Raul Vasquez on the occasion of his retirement.

SR 961 by Hinojosa, Commending Adrian Nicolas Moreno for achieving the rank of Eagle Scout.

SR 962 by Schwertner, Recognizing the Limestone County 19th of June Organization for their efforts to honor Juneteenth.

SR 963 by Schwertner, Recognizing Margaret and Lee Fulkes on the occasion of their 60th wedding anniversary.

SR 965 by Menéndez, Recognizing Mount Sacred Heart Catholic School on the occasion of its 85th anniversary.

SR 972 by Perry, Recognizing Glenna Burns for her service to her community.

RECESS

On motion of Senator Whitmire, the Senate at 11:20 p.m. recessed until 10:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

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

May 22, 2015

CRIMINAL JUSTICE — **HB 2300**

HIGHER EDUCATION — **CSHB 1887, CSHB 1613**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSHB 11**

TRANSPORTATION — **CSHB 1364, CSHB 1888, CSHB 4099, CSHB 1929, CSHB 1982, CSHB 1738**

FINANCE — **HB 1905, HB 1841**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **HB 3629, HB 2558, HB 2763, HB 1151, HB 3373, HB 3595, HB 2528, HB 2772, HB 3685, HCR 108, HB 3772, HB 3402, HB 3842, HB 1155**

STATE AFFAIRS — **CSHB 263**

FINANCE — **HB 3623, HJR 8**

BUSINESS AND COMMERCE — **HB 3982**

CRIMINAL JUSTICE — **CSHB 2398**

STATE AFFAIRS — **HB 2794, HB 2160, HB 621, HB 3364, HB 1403, HB 2123, HB 2633**

ADMINISTRATION — **CSHB 3777**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSHB 26**

EDUCATION — **HB 3987, CSHB 2349, HB 2251, HB 2593, HB 1171, HB 1431, HB 731**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSHB 1112, CSHB 787, CSHB 1481**

FINANCE — **CSHB 3484**

INTERGOVERNMENTAL RELATIONS — **HB 1277, HB 1150, CSHB 3193, HB 737**

HEALTH AND HUMAN SERVICES — **HB 177, HB 504, HB 679, HB 1038, HB 1337, HB 1661, HB 1670, HB 1804, HB 1846, HB 1924, HB 2055, HB 2131, HB 2171, HB 2498, HB 2646, HB 2697, HB 2835, HB 2849, HB 2903, HB 3074, HB 3092, HB 3374**

TRANSPORTATION — **CSHB 3666, CSHB 3302**

BUSINESS AND COMMERCE — **HB 939, HB 1039, HB 1072, HB 1295, HB 1317, HB 1626, HB 1585, HB 1628, HB 1629, HB 1733**

INTERGOVERNMENTAL RELATIONS — **HB 4185, HB 4160, HB 4159, HB 3311, HB 3244, HB 2883, HB 2830, HB 2353, HB 2091, HB 1879, HB 1289**

FINANCE — **CSHB 2521**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSHB 2968**

HIGHER EDUCATION — **HB 699**

TRANSPORTATION — **CSHB 463, CSHB 991**

EDUCATION — **CSHB 2186**

HEALTH AND HUMAN SERVICES — **CSHB 2630, CSHB 2641, CSHB 2574, CSHB 2950, CSHB 3781, CSHB 3519, CSHB 3523, CSHB 77**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSHB 3615, CSHB 4037**

ADMINISTRATION — **CSHB 2280**

BUSINESS AND COMMERCE — **HB 3190, HB 2706, HB 2511, HB 3357, HB 2464, HB 3750, HB 2134, HB 2067, HB 2063, HB 1754**

HIGHER EDUCATION — **CSHB 2205**

CRIMINAL JUSTICE — **CSHB 530, HB 1363, HB 1144, HB 1810, HB 1774, HB 1930, HB 2185, HB 2286, HB 2159, HB 1908, CSHB 3387, HB 549, HB 1396, HB 1446, CSHB 324, CSHB 2645, HB 1490**

INTERGOVERNMENTAL RELATIONS — **CSHB 4147, CSHB 3603, CSHB 3605, CSHB 4155, CSHB 1681, HB 4184, HB 4130, HB 4176**

STATE AFFAIRS — **CSHB 3121, CSHB 2974**

EDUCATION — **CSHB 870, CSHB 1164, CSHB 2811, CSHB 743**

HEALTH AND HUMAN SERVICES — **CSHB 2696, CSHB 839, CSHB 3474**

FINANCE — **CSHB 8, CSHB 2896**

HEALTH AND HUMAN SERVICES — **CSHB 2070, CSHB 175**

CRIMINAL JUSTICE — **CSHB 211**

BUSINESS AND COMMERCE — **CSHB 2475, CSHB 2404, CSHB 1094, CSHB 2489, CSHB 2439**

FINANCE — **CSHB 2**

BUSINESS AND COMMERCE — **HB 2634, HB 3089, HB 283, HB 2391, HB 2392, HB 2493, HB 3439, HB 3438, HB 3043, CSHB 3938**

CRIMINAL JUSTICE — **HB 580, HB 1782, HB 1783, HB 2372, HB 2684, HB 3884**

EDUCATION — **CSHB 2804**

BUSINESS AND COMMERCE — **CSHB 1624, HB 1639**

EDUCATION — **CSHB 1842**

BUSINESS AND COMMERCE — **HB 3707, CSHB 1621, HB 2891**

STATE AFFAIRS — **CSHB 3511, CSHB 1334, CSHB 2590, CSHB 48**

CRIMINAL JUSTICE — **HB 2291**

STATE AFFAIRS — **HB 3736, HB 866, HB 1923, HB 2721, HB 2168, HB 2278, HB 2710, HB 1306, HB 1278, HB 2246, HB 3316, HB 1666, HB 2303, HB 3070, HB 23, HB 966, HB 1630, HB 2235, HB 2739, HB 2775, HB 4103, HB 3683, HB 3424, HB 3456, HB 3157, HB 3136**

EDUCATION — **CSHB 1786**

BILLS AND RESOLUTIONS ENGROSSED

May 21, 2015

SB 93, SB 1568, SB 2016

BILLS AND RESOLUTIONS ENROLLED

May 21, 2015

SB 130, SB 367, SB 734, SB 746, SB 755, SB 795, SB 904, SB 918, SB 1081, SB 1107, SB 1389, SB 1734, SR 917, SR 918, SR 919, SR 920, SR 921, SR 922, SR 923, SR 924, SR 925, SR 926, SR 927, SR 928, SR 929, SR 930, SR 931, SR 932, SR 933, SR 934, SR 935, SR 936, SR 937, SR 941, SR 942, SR 944, SR 945, SR 946, SR 947, SR 948, SR 949, SR 950, SR 951, SR 952

SENT TO GOVERNOR

May 22, 2015

SB 130, SB 367, SB 734, SB 746, SB 755, SB 795, SB 904, SB 918, SB 1081, SB 1107, SB 1389, SB 1734

SIGNED BY GOVERNOR

May 22, 2015

SB 172, SB 173, SB 344, SB 435, SB 449, SB 458, SB 473, SB 487, SB 503, SB 574, SB 660, SB 888, SB 899, SB 947, SB 970, SB 971, SB 1093, SB 1108, SB 1117, SB 1366, SB 1666, SB 1703, SB 1791, SCR 48

FILED WITHOUT SIGNATURE OF GOVERNOR

May 22, 2015

SB 1753

