

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-EIGHTH DAY
(Monday, May 25, 2015)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

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

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

Dr. David Lorenz, First Baptist Church, Conroe, was introduced by Senator Creighton and offered the invocation as follows:

Heavenly Father, today we are gathered here to make decisions on the future of our great state, but our hearts and minds are also focused on the past as we remember those who have given their lives in service to our country. We thank You for those men and women who gave sacrificially so that we may live in freedom. Let their testimonies of servanthood and sacrifice propel us to serve the people with grace and humility. As this day unfolds, may we operate with the same mindset as those who have come before us, seeking the greatest good for our state and our country. Help us to live in a spirit of unity and grant us wisdom as we serve the people of Texas. We pray these things in Your great 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.

PHYSICIAN OF THE DAY

Senator Schwertner was recognized and presented Dr. Lamia Kadir of Austin as the Physician of the Day.

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

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate Chapel Hill High School students.

The Senate welcomed its guests.

BILLS AND RESOLUTIONS SIGNED

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

HB 163, HB 197, HB 315, HB 655, HB 792, HB 833, HB 942, HB 1221, HB 1251, HB 1878, HB 1902, HB 1992, HB 2033, HB 2261, HB 2455, HB 3003, HB 3545, HB 3680, HCR 110, HCR 127.

HB 194, HB 218, HB 331, HB 388, HB 445, HB 479, HB 481, HB 510, HB 577, HB 648, HB 663, HB 796, HB 819, HB 831, HB 872, HB 909, HB 1050, HB 1054, HB 1061, HB 1140, HB 1186, HB 1300, HB 1348, HB 1386, HB 1421, HB 1436, HB 1550, HB 1558, HB 1598, HB 1605, HB 1643, HB 1657, HB 1709, HB 1716, HB 1736, HB 1762, HB 1794, HB 2000, HB 2025, HB 2027, HB 2079, HB 2100, HB 2216, HB 2296, HB 2358, HB 2366, HB 2424, HB 2540, HB 2599, HB 2612, HB 2708, HB 2771, HB 3028, HB 3091, HB 3132, HB 3187, HB 3220, HB 3315, HB 3333, HB 3724, HB 3738, HB 3742, HB 3823, HB 3996, HB 4149, HCR 80, HCR 95.

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.

SENATE RESOLUTION 979

Senator Hall offered the following resolution:

SR 979, In memory of Tanner Stone Higgins.

The resolution was read.

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

On motion of Senator Hall, **SR 979** was adopted by a rising vote of the Senate.

In honor of the memory of Tanner Stone Higgins, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Hall was recognized and introduced to the Senate family members of Tanner Stone Higgins, Patti Sells and Ryan Horn.

The Senate welcomed its guests and extended its sympathy.

SENATE RESOLUTION 803

Senator Uresti offered the following resolution:

SR 803, In memory of Guadalupe Saucedo Sanchez.

The resolution was again read.

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

SR 803 was previously adopted on Wednesday, May 13, 2015.

In honor of the memory of Guadalupe Saucedo Sanchez, the text of **SR 803** is printed at the end of today's *Senate Journal*.

Senator Uresti was recognized and introduced to the Senate family members of Guadalupe Saucedo Sanchez, Rita and Albert Uresti.

The Senate welcomed its guests and extended its sympathy.

CONCLUSION OF MORNING CALL

The President at 10:33 a.m. announced the conclusion of morning call.

CONFERENCE COMMITTEE ON HOUSE BILL 5

Senator Nelson called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 5** 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 5** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Nelson, Chair; Huffman, Nichols, Hinojosa, and Bettencourt.

CONFERENCE COMMITTEE ON HOUSE BILL 200

Senator Perry 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 200** 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 200** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Perry, Chair; Hall, Creighton, Hinojosa, and Kolkhorst.

CONFERENCE COMMITTEE ON HOUSE BILL 100

Senator Seliger 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 100** 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 100** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Seliger, Chair; Kolkhorst, Watson, Eltife, and West.

CONFERENCE COMMITTEE ON HOUSE BILL 482

Senator Eltife 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 482** 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 482** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Eltife, Chair; Whitmire, Huffines, Hancock, and Creighton.

SENATE BILL 1191 WITH HOUSE AMENDMENT

Senator Seliger called **SB 1191** 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 1191** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the amount and allocation of the annual constitutional appropriation to certain agencies and institutions of higher education.

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

SECTION 1. Section 62.021, Education Code, is amended by amending Subsections (a) and (e) and adding Subsections (a-1), (a-2), and (e-2) to read as follows:

(a) In each state fiscal year beginning with the state fiscal year ending August 31, 2016 [~~2011~~], an eligible institution is entitled to receive an amount allocated in accordance with this section from the funds appropriated for that year by Section 17(a), Article VII, Texas Constitution. The comptroller shall distribute funds allocated under this subsection only on presentation of a claim and issuance of a warrant in accordance with Section 403.071, Government Code. An eligible institution may not present a claim to be paid from any funds allocated under this subsection before the delivery of goods or services described in Section 17, Article VII, Texas Constitution, except for the payment of principal or interest on bonds or notes or for a payment for a book or other published library material as authorized by Section 2155.386, Government Code. The allocation of funds under this subsection is

made in accordance with an equitable formula consisting of the following elements: space deficit, facilities condition, institutional complexity, and a separate allocation for the Texas State Technical College System. The annual amounts allocated by the formula are as follows:

- (1) \$3,374,275 [~~\$3,559,433~~] to Midwestern State University;
- (2) to the following component institutions of the University of North Texas

System:

- (A) \$25,041,370 [~~\$27,846,476~~] to the University of North Texas;
- (B) \$11,394,570 [~~(\$8,771,265)~~] to the University of North Texas

Health Science Center at Fort Worth; and

(C) \$1,408,669 to the University of North Texas at Dallas, \$135,593 of which must be used for the University of North Texas at Dallas College of Law;

(3) \$7,757,442 [~~(4) \$12,311,123 to The University of Texas Pan American;~~

~~(5) \$5,057,420 to The University of Texas at Brownsville;~~

~~(6) \$8,425,937] to Stephen F. Austin State University;~~

(4) [~~(7)~~] to the following component institutions of the Texas State University System:

- (A) \$9,401,255 [~~\$8,330,933~~] to Lamar University;
- (B) \$1,720,347 [~~\$2,332,463~~] to the Lamar Institute of Technology;
- (C) \$1,129,562 [~~\$1,235,752~~] to Lamar State College–Orange;
- (D) \$1,438,523 [~~\$1,244,694~~] to Lamar State College–Port Arthur;
- (E) \$11,553,239 [~~\$11,893,110~~] to Sam Houston State University;
- (F) \$24,775,170 [~~\$21,863,258~~] to Texas State University;
- (G) \$1,423,682 [~~\$1,625,064~~] to Sul Ross State University; and
- (H) \$273,825 [~~\$445,380~~] to Sul Ross State University–Rio Grande

College;

(5) \$7,773,229 [~~(8) \$8,894,700~~] to Texas Southern University;

(6) [~~(9)~~] to the following component institutions of the Texas Tech University System:

(A) \$32,817,206 [~~\$23,936,088~~] to Texas Tech University;

(B) \$15,581,597 [~~\$16,973,569~~] to Texas Tech University Health

Sciences Center; [and]

(C) \$3,546,735 [~~\$3,743,027~~] to Angelo State University; and

(D) \$4,156,050 to Texas Tech University Health Sciences Center–El

Paso;

(7) \$9,897,706 [~~(10) \$10,169,695~~] to Texas Woman's University;

(8) [~~(11)~~] to the following component institutions of the University of Houston System:

(A) \$35,180,036 [~~\$35,885,768~~] to the University of Houston;

(B) \$2,850,574 [~~\$2,393,924~~] to the University of Houston–Victoria;

(C) \$5,336,744 [~~\$5,214,167~~] to the University of Houston–Clear Lake;

and

(D) \$7,835,252 [~~\$7,435,238~~] to the University of Houston–Downtown;

(9) [~~(12)~~] to the following component institutions of The Texas A&M University System:

(A) \$7,424,229 [~~\$7,139,067~~] to Texas A&M University–Corpus Christi;

(B) \$4,473,273 [~~\$3,796,436~~] to Texas A&M International University;

(C) \$5,977,371 [~~\$5,046,885~~] to Texas A&M University–Kingsville;

(D) \$4,776,272 [~~\$4,652,995~~] to West Texas A&M University;

(E) \$7,190,875 [~~\$5,193,232~~] to Texas A&M University–Commerce;

and

(F) \$1,215,922 [~~\$1,307,907~~] to Texas A&M University–Texarkana; and

(10) [~~(13)~~] \$5,775,000 to the Texas State Technical College System Administration and the following component campuses, but not its extension centers or programs:

(A) Texas State Technical College–Harlingen;

(B) Texas State Technical College–Marshall;

(C) Texas State Technical College–West Texas; and

(D) Texas State Technical College–Waco.

(a-1) In each state fiscal year beginning with the state fiscal year ending August 31, 2016, an eligible institution is entitled to receive an amount allocated in accordance with this subsection from the funds appropriated for that year by Section 17(a), Article VII, Texas Constitution. The comptroller shall distribute funds allocated under this subsection only on presentation of a claim and issuance of a warrant in accordance with Section 403.071, Government Code. An eligible institution may not present a claim to be paid from any funds allocated under this subsection before the delivery of goods or services described in Section 17, Article VII, Texas Constitution, except for the payment of principal or interest on bonds or notes or for a payment for a book or other published library material as authorized by Section 2155.386, Government Code. The allocation of funds under this subsection is made in accordance with an equitable formula consisting of the following elements: space deficit, facilities condition, institutional complexity, and a separate allocation for the Texas State Technical College System. The annual amounts allocated by the formula are as follows:

(1) \$5,061,412 to Midwestern State University;

(2) to the following component institutions of the University of North Texas

System:

(A) \$37,562,056 to the University of North Texas;

(B) \$17,091,856 to the University of North Texas Health Science

Center at Fort Worth; and

(C) \$2,113,004 to the University of North Texas at Dallas, \$203,390 of which must be used for the University of North Texas at Dallas College of Law;

(3) \$11,636,163 to Stephen F. Austin State University;

(4) to the following component institutions of the Texas State University

System:

(A) \$14,101,882 to Lamar University;

(B) \$2,580,521 to the Lamar Institute of Technology;

(C) \$1,694,343 to Lamar State College–Orange;

(D) \$2,157,784 to Lamar State College–Port Arthur;

(E) \$17,329,858 to Sam Houston State University;

- (F) \$37,162,755 to Texas State University;
- (G) \$2,135,523 to Sul Ross State University; and
- (H) \$410,738 to Sul Ross State University-Rio Grande College;
- (5) \$11,659,843 to Texas Southern University;
- (6) to the following component institutions of the Texas Tech University

System:

- (A) \$49,225,809 to Texas Tech University;
- (B) \$23,372,396 to Texas Tech University Health Sciences Center;
- (C) \$5,320,102 to Angelo State University; and
- (D) \$6,234,075 to Texas Tech University Health Sciences Center-El

Paso;

- (7) \$14,846,558 to Texas Woman's University;
- (8) to the following component institutions of the University of Houston

System:

- (A) \$52,770,054 to the University of Houston;
- (B) \$4,275,861 to the University of Houston-Victoria;
- (C) \$8,005,116 to the University of Houston-Clear Lake; and
- (D) \$11,752,877 to the University of Houston-Downtown;
- (9) to the following component institutions of The Texas A&M University

System:

- (A) \$11,136,344 to Texas A&M University-Corpus Christi;
- (B) \$6,709,910 to Texas A&M International University;
- (C) \$8,966,056 to Texas A&M University-Kingsville;
- (D) \$7,164,408 to West Texas A&M University;
- (E) \$10,786,313 to Texas A&M University-Commerce; and
- (F) \$1,823,883 to Texas A&M University-Texarkana; and
- (10) \$8,662,500 to the Texas State Technical College System

Administration and the following component campuses, but not its extension centers or programs:

- (A) Texas State Technical College-Harlingen;
- (B) Texas State Technical College-Marshall;
- (C) Texas State Technical College-West Texas; and
- (D) Texas State Technical College-Waco.

(a-2) Except as otherwise provided by this subsection, Subsection (a) and this subsection expire September 1, 2015. Notwithstanding Subsection (a-1), the annual allocation of funds made under Subsection (a-1) applies only if the 84th Legislature in Regular Session, 2015, increases the amount of the annual constitutional appropriation to an amount sufficient to fund that allocation and includes an appropriation for that amount in a general appropriations act for the state fiscal biennium that begins September 1, 2015. If the 84th Legislature in Regular Session, 2015, does not increase the amount of the annual constitutional appropriation to that amount and include an appropriation for that amount in a general appropriations act for that biennium, then Subsection (a-1) has no effect and Subsection (a) and this subsection do not expire.

(e) Whereas the University of North Texas at Dallas was created as an institution of higher education by Chapter 25 (S.B. 576), Acts of the 77th Legislature, Regular Session, 2001, which was approved by a vote of more than two-thirds of the membership of each house of the legislature, and was certified by the coordinating board to operate as a general academic teaching institution in April 2009, the University of North Texas at Dallas is entitled to participate in the funding provided by Section 17, Article VII, Texas Constitution [~~as soon as the University of North Texas at Dallas operates as a general academic teaching institution~~]. Whereas the University of North Texas at Dallas College of Law, which was previously designated by Chapter 1213 (S.B. 956), Acts of the 81st Legislature, Regular Session, 2009, as an institution of higher education until such time the University of North Texas at Dallas had been in operation as a general academic teaching institution for a period of five years, now operates as a professional school within the University of North Texas at Dallas as a result of the expiration of that period, the allocation to the University of North Texas at Dallas under this section includes an amount attributable to the University of North Texas at Dallas College of Law as part of the university.

(e-2) Whereas The University of Texas–Pan American and The University of Texas at Brownsville were consolidated into a general academic teaching institution that is excluded from participation in the funding provided by Section 17, Article VII, Texas Constitution, by Chapter 726 (S.B. 24), Acts of the 83rd Legislature, Regular Session, 2013, which was approved by a vote of more than two-thirds of the membership of each house of the legislature, The University of Texas–Pan American and The University of Texas at Brownsville are omitted from the allocation of funds under this section.

SECTION 2. Section 62.024, Education Code, is amended to read as follows:

Sec. 62.024. AMOUNT OF ALLOCATION INCREASED. In accordance with Section 17(a), Article VII, Texas Constitution, for each state fiscal year beginning with the state fiscal year ending August 31, 2016 [~~2008~~], the amount of the annual constitutional appropriation under that subsection is increased to \$393.75 [~~\$262.5~~] million.

SECTION 3. Section 62.027(c), Education Code, is amended to read as follows:

(c) The increase provided by the amendment to Section 62.024 enacted by the 84th [~~79th~~] Legislature, Regular Session, 2015 [~~2005~~], in the amount of the appropriation made under Section 17(a), Article VII, Texas Constitution, for each state fiscal year beginning with the state fiscal year ending August 31, 2016 [~~2008~~], constitutes the increase in accordance with Section 17(a) that the legislature considers appropriate for the five-year period beginning September 1, 2015 [~~2005~~].

SECTION 4. The amounts allocated under Section 62.021, Education Code, as amended by this Act, apply to each state fiscal year beginning with the state fiscal year beginning September 1, 2015.

SECTION 5. (a) Except as provided by Subsection (b) of this section, this Act takes effect August 31, 2015.

(b) Sections 2 and 3 of this Act take effect as provided by Subsection (a) of this section only if this Act is approved by a vote of two-thirds of the membership of each house of the legislature as required by Section 17(a), Article VII, Texas Constitution.

The amendment was read.

Senator Seliger 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 1191** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Seliger, Chair; Perry, Eltife, Estes, and Zaffirini.

SENATE BILL 1574 WITH HOUSE AMENDMENTS

Senator Uresti called **SB 1574** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 1574** (senate engrossed version) as follows:

(1) Strike page 2, line 27, through page 3, line 2, and substitute the following:

(8) "Reportable disease" means a ~~includes only a~~ disease or condition included in the list of reportable diseases and includes a disease that is designated as reportable under Section 81.048.

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

SECTION _____. Section 12.0127, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) To the extent allowed by federal law, the department shall provide an equal opportunity to request a waiver of the foreign country residence requirement for an individual described by Subsection (a) who agrees to practice medicine in:

(1) an area that the department determines is affected by an ongoing exposure to a disease that is designated as reportable under Section 81.048;

(2) a medically underserved area; or

(3) a health professional shortage area.

Floor Amendment No. 2

Amend **SB 1574** (house committee printing) as follows:

(1) On page 3, line 4, strike "81.012 and 81.013" and substitute "81.012, 81.013, and 81.014".

(2) On page 4, between lines 20 and 21, insert the following:

Sec. 81.014. INFECTIOUS DISEASE EMERGENCY. (a) In this section, "infectious disease emergency" means a state of emergency declared by the governor by proclamation or order in response to a public health threat that:

(1) is caused by an infectious disease that has resulted in or is likely to result in severe or life-threatening illness or death for those infected with the disease; and

(2) is not contained by current public health or medical interventions and results in a high rate of morbidity or mortality.

(b) If an infectious disease emergency is declared in this state, a facility designated by the state as a treatment center for the infectious disease is considered a governmental unit of the state for purposes of Chapters 101, 104, and 108, Civil Practice and Remedies Code, while performing services directly related to the infectious disease emergency. Any employee or contractor of the facility is considered to be an employee of a governmental unit of the state for purposes of Chapters 101, 104, and 108, Civil Practice and Remedies Code, while the employee or contractor is performing services on behalf of the designated facility directly related to the infectious disease emergency.

The amendments were read.

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

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 1574** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Uresti, Chair; Estes, Huffman, V. Taylor, and Hinojosa.

SENATE BILL 1139 WITH HOUSE AMENDMENTS

Senator Huffman called **SB 1139** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 1139** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

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.

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

ARTICLE 1. ASSOCIATE JUDGES FOR CHILD SUPPORT AND CHILD PROTECTION CASES

SECTION 1.01. Section 201.101, Family Code, is amended by amending Subsections (b) and (d) and adding Subsection (b-1) to read as follows:

(b) If the presiding judge of an administrative judicial region determines under Subsection (a) that the courts in the region require the appointment of an associate judge, the presiding judge shall appoint an associate judge from a list of the qualified applicants who have submitted an application to the office of court administration. Before making the appointment, the presiding judge must provide the list to the judges of the courts from which cases will be referred to the associate judge. Each judge may recommend to the presiding judge the names of one or more applicants for

appointment. An associate judge appointed under this subsection serves for a term of four years from the date the associate judge is appointed and qualifies for office. The appointment of an associate judge for a term does not affect the at-will employment status of the associate judge. The presiding judge ~~[may limit the appointment to a specified time period and]~~ may terminate an appointment at any time.

(b-1) Before reappointing an associate judge appointed under Subsection (b), the presiding judge must notify each judge of the courts from which cases will be referred to the associate judge of the presiding judge's intent to reappoint the associate judge to another term. Each judge may submit to the presiding judge a recommendation on whether the associate judge should be reappointed.

(d) ~~[If the presiding judge determines that a court requires an associate judge for Title IV-D cases, the presiding judge shall appoint an associate judge for that purpose.]~~ Except as provided under Subsection (e), if an associate judge is appointed for a court under this subchapter, all Title IV-D cases shall be referred to the associate judge by a general order for each county issued by the judge of the court for which the associate judge is appointed, or, in the absence of that order, by a general order issued by the presiding judge who appointed the associate judge. Referral of Title IV-D cases may not be made for individual cases or case by case.

SECTION 1.02. Section 201.1066, Family Code, is amended to read as follows:

Sec. 201.1066. SUPERVISION OF ASSOCIATE JUDGES. (a) The office of court administration shall assist the presiding judges in:

(1) monitoring the associate judges' compliance with job performance standards and federal and state laws and policies;

(2) addressing the training needs and resource requirements of the associate judges;

(3) conducting annual performance evaluations for the associate judges and other personnel appointed under this subchapter based on written personnel performance standards adopted by the presiding judges and performance information solicited from the referring courts and other relevant persons; and

(4) receiving, investigating, and resolving complaints about particular associate judges or the associate judge program under this subchapter based on a uniform process adopted by the presiding judges.

(b) The office of court administration shall develop procedures and a written evaluation form to be used by the presiding judges in conducting the annual performance evaluations under Subsection (a)(3).

(c) Each judge of a court that refers cases to an associate judge under this subchapter may submit to the presiding judge or the office of court administration information on the associate judge's performance during the preceding year based on a uniform process adopted by the presiding judges.

SECTION 1.03. Section 201.201, Family Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (b-1) to read as follows:

(a) The presiding judge of each administrative judicial region, after conferring with the judges of courts in the region having family law jurisdiction and a child protection caseload, shall determine which courts require the appointment of a full-time or part-time associate judge to complete cases under Subtitle E within the times specified under that subtitle.

(b) If the presiding judge of an administrative judicial region determines under Subsection (a) that the courts in the region require the appointment of an associate judge, the presiding judge shall appoint an associate judge from a list of the qualified applicants who have submitted an application to the office of court administration. Before making the appointment, the presiding judge must provide the list to the judges of the courts from which cases will be referred to the associate judge. Each judge may recommend to the presiding judge the names of one or more applicants for appointment. An associate judge appointed under this subsection serves for a term of four years from the date the associate judge is appointed and qualifies for office. The appointment of an associate judge for a term does not affect the at-will employment status of the associate judge. The presiding judge ~~[may limit the appointment to a specified period and]~~ may terminate an appointment at any time.

(b-1) Before reappointing an associate judge appointed under Subsection (b), the presiding judge must notify each judge of the courts from which cases will be referred to the associate judge of the presiding judge's intent to reappoint the associate judge to another term. Each judge may submit to the presiding judge a recommendation on whether the associate judge should be reappointed.

(d) ~~[If the presiding judge determines that a court requires an associate judge, the presiding judge shall appoint an associate judge.]~~ If an associate judge is appointed for a court, all child protection cases shall be referred to the associate judge by a general order for each county issued by the judge of the court for which the associate judge is appointed or, in the absence of that order, by a general order issued by the presiding judge who appointed the associate judge.

SECTION 1.04. Section 201.2061, Family Code, is amended to read as follows:

Sec. 201.2061. SUPERVISION OF ASSOCIATE JUDGES. (a) The office of court administration shall assist the presiding judges in:

(1) monitoring the associate judges' compliance with any applicable job performance standards, uniform practices adopted by the presiding judges, and federal and state laws and policies;

(2) addressing the training needs and resource requirements of the associate judges;

(3) conducting annual performance evaluations for the associate judges and other personnel appointed under this subchapter based on written personnel performance standards adopted by the presiding judges and performance information solicited from the referring courts and other relevant persons; and

(4) receiving, investigating, and resolving complaints about particular associate judges or the associate judge program under this subchapter based on a uniform process adopted by the presiding judges.

(b) The office of court administration shall develop procedures and a written evaluation form to be used by the presiding judges in conducting the annual performance evaluations under Subsection (a)(3).

(c) Each judge of a court that refers cases to an associate judge under this subchapter may submit to the presiding judge or the office of court administration information on the associate judge's performance during the preceding year based on a uniform process adopted by the presiding judges.

SECTION 1.05. (a) The changes in law made by this article apply to the appointment of an associate judge under Subchapters B and C, Chapter 201, Family Code, on or after the effective date of this Act.

(b) An associate judge serving under Subchapter B or C, Chapter 201, Family Code, on the effective date of this Act is subject to the changes in law made by this article on and after that date. A presiding judge of an administrative judicial region who appoints or reappoints associate judges under those subchapters is subject to the changes in law made by this article on and after that date.

(c) Not later than October 1, 2015, the presiding judge shall either reappoint an associate judge serving under Subchapter B or C, Chapter 201, Family Code, or appoint a new associate judge to serve under those subchapters consistent with the changes in law made by this article.

ARTICLE 2. DISTRICT COURTS AND DISTRICT ATTORNEYS

SECTION 2.01. Section 24.154(b), Government Code, is amended to read as follows:

(b) The terms of the 52nd District Court begin on the first Mondays in January and July ~~June~~.

SECTION 2.02. (a) Effective January 1, 2017, Section 24.275, Government Code, is amended to read as follows:

Sec. 24.275. 216TH JUDICIAL DISTRICT (GILLESPIE~~[-KENDALL,]~~ AND KERR COUNTIES). The 216th Judicial District is composed of Gillespie~~[-Kendall,]~~ and Kerr counties.

(b) Effective January 1, 2017, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.591 to read as follows:

Sec. 24.591. 451ST JUDICIAL DISTRICT (KENDALL COUNTY). (a) The 451st Judicial District is composed of Kendall County.

(b) In addition to the other jurisdiction provided by law, the 451st District Court has concurrent jurisdiction with the County Court of Kendall County in all civil and criminal matters over which the county court would have original or appellate jurisdiction, including probate matters and proceedings under Subtitle C, Title 7, Health and Safety Code.

(c) All civil and criminal matters within the concurrent jurisdiction of the county and district courts must be filed with the county clerk in the county court. The county clerk serves as the clerk of the district court for those matters.

(c) Effective January 1, 2017, Section 44.001, Government Code, is amended to read as follows:

Sec. 44.001. ELECTION. The voters of each of the following counties elect a criminal district attorney: Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jackson, Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum.

(d) Effective January 1, 2017, Subchapter B, Chapter 44, Government Code, is amended by adding Section 44.230 to read as follows:

Sec. 44.230. KENDALL COUNTY. (a) The criminal district attorney of Kendall County must meet the following qualifications:

(1) be at least 30 years old;

(2) have been a practicing attorney in this state for at least five years; and

(3) have been a resident of Kendall County for at least one year before election or appointment.

(b) The criminal district attorney has all the powers, duties, and privileges in Kendall County that are conferred by law on county and district attorneys in the various counties and districts.

(c) The criminal district attorney shall attend each term and session of the district and inferior courts of Kendall County, except municipal courts, held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts.

(d) The criminal district attorney shall represent Kendall County in any court in which the county has pending business. This subsection does not require the criminal district attorney to represent the county in a delinquent tax suit or condemnation proceeding and does not prevent the county from retaining other legal counsel in a civil matter at any time it considers appropriate to do so.

(e) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney.

(f) The criminal district attorney is entitled to receive in equal monthly installments compensation from the state equal to the amount paid by the state to district attorneys. The state compensation shall be paid by the comptroller as appropriated by the legislature. The Commissioners Court of Kendall County shall pay the criminal district attorney an additional amount so that the total compensation of the criminal district attorney equals at least 90 percent of the total salary paid to the judge of the 451st District Court in Kendall County. The compensation paid by the county shall be paid in semiweekly or bimonthly installments, as determined by the commissioners court.

(g) The criminal district attorney or the Commissioners Court of Kendall County may accept gifts and grants from any individual, partnership, corporation, trust, foundation, association, or governmental entity for the purpose of financing or assisting effective prosecution, crime prevention or suppression, rehabilitation of offenders, substance abuse education, treatment and prevention, or crime victim assistance programs in Kendall County. The criminal district attorney shall account for and report to the commissioners court all gifts or grants accepted under this subsection.

(h) The criminal district attorney, for the purpose of conducting affairs of the office, may appoint a staff composed of assistant criminal district attorneys, investigators, stenographers, clerks, and other personnel that the commissioners court may authorize. The salary of a staff member is an amount recommended by the criminal district attorney and approved by the commissioners court. The commissioners court shall pay the salaries of the staff in equal semiweekly or bimonthly installments from county funds.

(i) The criminal district attorney shall, with the advice and consent of the commissioners court, designate one or more individuals to act as an assistant criminal district attorney with exclusive responsibility for assisting the commissioners court. An individual designated as an assistant criminal district attorney under this subsection must have extensive experience in representing public entities and knowledge of the laws affecting counties, including the open meetings and open records laws under Chapters 551 and 552.

(j) Kendall County is entitled to receive from the state an amount equal to the amount provided in the General Appropriations Act to district attorneys for the payment of staff salaries and office expenses.

(k) The legislature may provide for additional staff members to be paid from state funds if it considers supplementation of the criminal district attorney's staff to be necessary.

(l) The criminal district attorney and assistant criminal district attorney may not engage in the private practice of law or receive a fee for the referral of a case.

(e) Effective January 1, 2017, Section 46.002, Government Code, is amended to read as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:

(1) the district attorneys for Kenedy and Kleberg Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, ~~25th,~~ 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th, 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th, 452nd, and 506th judicial districts;

(2) the criminal district attorneys for the counties of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and

(3) the county attorneys performing the duties of district attorneys in the counties of Andrews, Aransas, Callahan, Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone, Gonzales, Guadalupe, Lamar, Lamb, Lampasas, Lavaca, Lee, Limestone, Marion, Milam, Morris, Ochiltree, Oldham, Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and Willacy.

(f) Effective January 1, 2017, the office of county attorney of Kendall County is abolished.

(g) Sections 25.1321 and 25.1322, Government Code, are repealed, and the County Court at Law of Kendall County is abolished on the date the 451st District Court is created.

(h) On the date the 451st District Court is created, all cases from Kendall County pending in the 216th District Court are transferred to the 451st District Court. On the date the County Court at Law of Kendall County is abolished, all cases pending in the court are transferred to the 451st District Court. When a case is transferred from one court to another as provided by this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. The obligees in all bonds and recognizances taken in and for a court from which a case is transferred and all witnesses summoned to appear in a court from which a case is transferred are required to appear before the court to which a case is transferred as if originally required to appear before the court to which the transfer is made.

(i) The 451st Judicial District is created January 1, 2017.

SECTION 2.03. (a) Effective January 1, 2017, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.584 to read as follows:

Sec. 24.584. 440TH JUDICIAL DISTRICT (CORYELL COUNTY). The 440th Judicial District is composed of Coryell County.

(b) The 440th Judicial District is created January 1, 2017.

(c) Subchapter D, Chapter 74, Government Code, is amended by adding Section 74.0971 to read as follows:

Sec. 74.0971. LOCAL ADMINISTRATIVE DISTRICT JUDGE FOR CORYELL COUNTY. Notwithstanding Section 74.091(b), the local administrative district judge for Coryell County is selected on the basis of seniority from the district judges of the 52nd Judicial District and the 440th Judicial District.

SECTION 2.04. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.590 to read as follows:

Sec. 24.590. 446TH JUDICIAL DISTRICT (ECTOR COUNTY). The 446th Judicial District is composed of Ector County.

(b) The 446th Judicial District is created September 1, 2015.

SECTION 2.05. (a) Effective January 1, 2016, Subchapter D, Chapter 24, Government Code, is amended by adding Section 24.641 to read as follows:

Sec. 24.641. 507TH JUDICIAL DISTRICT (HARRIS COUNTY). The 507th Judicial District is composed of Harris County.

(b) The 507th Judicial District is created January 1, 2016.

SECTION 2.06. (a) Subchapter D, Chapter 24, Government Code, is amended by adding Sections 24.642 and 24.643 to read as follows:

Sec. 24.642. 469TH JUDICIAL DISTRICT (COLLIN COUNTY). The 469th Judicial District is composed of Collin County. The 469th District Court shall hear family law matters.

Sec. 24.643. 470TH JUDICIAL DISTRICT (COLLIN COUNTY). The 470th Judicial District is composed of Collin County. The 470th District Court shall hear family law matters.

(b) The 469th and 470th Judicial Districts are created September 1, 2015.

SECTION 2.07. (a) Subchapter D, Chapter 24, Government Code, is amended by adding Section 24.644 to read as follows:

Sec. 24.644. 505TH JUDICIAL DISTRICT (FORT BEND COUNTY). The 505th Judicial District is composed of Fort Bend County.

(b) The 505th Judicial District is created September 1, 2015.

SECTION 2.08. (a) Effective September 1, 2015, Section 46.002, Government Code, is amended to read as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:

(1) the district attorneys for Kenedy and Kleberg Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th, 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th, 452nd, and 506th judicial districts;

(2) the criminal district attorneys for the counties of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and

(3) the county attorneys performing the duties of district attorneys in the counties of Andrews, Aransas, Callahan, Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone, Gonzales, Lamar, Lamb, Lampasas, Lavaca, Lee, Limestone, Marion, Milam, Morris, Ochiltree, Oldham, Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and Willacy.

(b) Section 43.156(b), Government Code, is repealed.

ARTICLE 3. STATUTORY COUNTY COURTS, COUNTY ATTORNEYS, AND CERTAIN COUNTY JUDGES

SECTION 3.01. (a) Section 25.0331(a), Government Code, is amended to read as follows:

(a) Cameron County has the following statutory county courts:

(1) County Court at Law No. 1 of Cameron County;

(2) County Court at Law No. 2 of Cameron County; ~~and~~

(3) County Court at Law No. 3 of Cameron County;

(4) County Court at Law No. 4 of Cameron County; and

(5) County Court at Law No. 5 of Cameron County.

(b) Section 25.0332, Government Code, is amended by adding Subsection (b) to read as follows:

(b) The County Court at Law No. 4 of Cameron County shall give preference to probate, guardianship, and mental health matters.

(c) The County Court at Law No. 4 of Cameron County is created January 1, 2016.

(d) The County Court at Law No. 5 of Cameron County is created January 1, 2018.

SECTION 3.02. (a) Section 25.0451(a), Government Code, is amended to read as follows:

(a) Collin County has the following statutory county courts:

- (1) County Court at Law No. 1 of Collin County;
- (2) County Court at Law No. 2 of Collin County;
- (3) County Court at Law No. 3 of Collin County;
- (4) County Court at Law No. 4 of Collin County;
- (5) County Court at Law No. 5 of Collin County; ~~and~~
- (6) County Court at Law No. 6 of Collin County; and
- (7) County Court at Law No. 7 of Collin County.

(b) The County Court at Law No. 7 of Collin County is created on the effective date of this Act.

SECTION 3.03. (a) Section 25.0811, Government Code, is amended to read as follows:

Sec. 25.0811. FORT BEND COUNTY. Fort Bend County has the following statutory county courts:

- (1) County Court at Law No. 1 of Fort Bend County;
- (2) County Court at Law No. 2 of Fort Bend County;
- (3) County Court at Law No. 3 of Fort Bend County; ~~and~~
- (4) County Court at Law No. 4 of Fort Bend County; and
- (5) County Court at Law No. 5 of Fort Bend County.

(b) The County Court at Law No. 5 of Fort Bend County is created January 1, 2016.

SECTION 3.04. (a) Effective January 1, 2016, Section 25.1031(b), Government Code, is amended to read as follows:

(b) Harris County has the following county criminal courts:

- (1) County Criminal Court at Law No. 1 of Harris County, Texas;
- (2) County Criminal Court at Law No. 2 of Harris County, Texas;
- (3) County Criminal Court at Law No. 3 of Harris County, Texas;
- (4) County Criminal Court at Law No. 4 of Harris County, Texas;
- (5) County Criminal Court at Law No. 5 of Harris County, Texas;
- (6) County Criminal Court at Law No. 6 of Harris County, Texas;
- (7) County Criminal Court at Law No. 7 of Harris County, Texas;
- (8) County Criminal Court at Law No. 8 of Harris County, Texas;
- (9) County Criminal Court at Law No. 9 of Harris County, Texas;
- (10) County Criminal Court at Law No. 10 of Harris County, Texas;
- (11) County Criminal Court at Law No. 11 of Harris County, Texas;
- (12) County Criminal Court at Law No. 12 of Harris County, Texas;
- (13) County Criminal Court at Law No. 13 of Harris County, Texas;
- (14) County Criminal Court at Law No. 14 of Harris County, Texas; ~~and~~
- (15) County Criminal Court at Law No. 15 of Harris County, Texas; and
- (16) County Criminal Court at Law No. 16 of Harris County, Texas.

(b) The County Criminal Court at Law No. 16 of Harris County is created January 1, 2016.

SECTION 3.05. Section 25.1112(e), Government Code, is amended to read as follows:

(e) The district clerk serves as the clerk of a county court at law for all criminal and civil matters except that the county clerk serves as the clerk of the county court at law in ~~[uncontested]~~ probate and guardianship matters. ~~[The county clerk shall transfer to the district clerk any contested probate and guardianship matters filed with the county clerk.]~~

SECTION 3.06. Section 25.2222(a), Government Code, is amended to read as follows:

(a) A county court at law in Tarrant County has jurisdiction over all civil matters and causes, original and appellate, prescribed by law for county courts. The County Court at Law No. 1 of Tarrant County also has jurisdiction over all criminal matters and causes, original and appellate, prescribed by law for county courts. The County Courts at Law Nos. 2 and 3 of Tarrant County do not have criminal jurisdiction. Notwithstanding any other provision, a county court at law in Tarrant County has jurisdiction on any appeal from a municipal court of record in Tarrant County that is not an appeal of a criminal law case or proceeding.

SECTION 3.07. (a) Subchapter D, Chapter 25, Government Code, is amended by adding Section 25.2607 to read as follows:

Sec. 25.2607. DESIGNATION OF ADMINISTRATIVE COUNTY FOR MULTICOUNTY STATUTORY COUNTY COURTS. (a) If a statute that establishes a multicounty statutory county court does not designate one of the counties that compose the multicounty statutory county court as the administrative county for that court, the county with the greatest population of the counties composing the court at the time the court is established is the administrative county for that court.

(b) The commissioners courts of the counties that compose a multicounty statutory county court may enter into an agreement to provide support for the court. The administrative county for the court may receive contributions from the other counties composing the court to pay the operating expenses of the court.

(c) Except for money provided by state appropriations or under an agreement under Subsection (b), the administrative county shall pay out of the county's general fund the salaries, compensation, and expenses incurred in operating the multicounty statutory county court.

(d) Notwithstanding Section 25.0015, the state shall annually compensate the administrative county of a multicounty statutory county court in an amount equal to 100 percent of the state salary of a district court judge in the county for the salary of the judge of the multicounty statutory county court.

(e) The court fees and costs collected by the clerk of a multicounty statutory county court shall be deposited in the appropriate county fund as provided by law.

(b) Effective January 1, 2019, Section 25.2701, Government Code, is amended to read as follows:

Sec. 25.2701. 1ST MULTICOUNTY COURT AT LAW (FISHER[~~;~~ MITCHELL~~;~~] AND NOLAN COUNTIES). Fisher[~~;~~ Mitchell~~;~~] and Nolan Counties have a multicounty statutory county court composed of those counties, the 1st Multicounty Court at Law.

(c) Section 25.2702, Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Nolan County is the administrative county for the 1st Multicounty Court at Law.

(d) Section 25.2702(g), Government Code, is repealed.

SECTION 3.08. (a) Section 43.122, Government Code, is amended to read as follows:

Sec. 43.122. 36TH JUDICIAL DISTRICT. The voters of [~~Aransas and~~ San Patricio County ~~counties~~] elect a district attorney for the 36th Judicial District who represents the state in that district court only in that county [~~those counties~~]. In addition to exercising the duties and authority conferred on district attorneys by general law, the district attorney represents the state in all criminal cases in the district courts in that county [~~those counties~~].

(b) Subchapter B, Chapter 45, Government Code, is amended by adding Section 45.104 to read as follows:

Sec. 45.104. ARANSAS COUNTY. (a) In Aransas County, the county attorney of Aransas County shall perform the duties imposed on and have the powers conferred on district attorneys by general law.

(b) The county attorney of Aransas County or the Commissioners Court of Aransas County may accept gifts or grants from any individual, partnership, corporation, trust, foundation, association, or governmental entity for the purpose of financing or assisting the operation of the office of county attorney in Aransas County. The county attorney shall account for and report to the commissioners court all gifts or grants accepted under this subsection.

SECTION 3.09. (a) Effective January 1, 2017, Subchapter B, Chapter 45, Government Code, is amended by adding Section 45.194 to read as follows:

Sec. 45.194. GUADALUPE COUNTY. (a) In Guadalupe County the county attorney of Guadalupe County shall perform the duties imposed on and have the powers conferred on district attorneys by general law and is entitled to be compensated by the state in the manner and amount set by general law relating to the salary paid to district attorneys by the state.

(b) The county attorney of Guadalupe County or the Commissioners Court of Guadalupe County may accept gifts or grants from any individual, partnership, corporation, trust, foundation, association, or governmental entity for the purpose of financing or assisting the operation of the office of county attorney in Guadalupe County. The county attorney shall account for and report to the commissioners court all gifts or grants accepted under this subsection.

(b) Effective January 1, 2017, Section 43.112, Government Code, as amended by Chapters 644 (H.B. 717) and 872 (H.B. 696), Acts of the 83rd Legislature, Regular Session, 2013, is repealed.

(c) On January 1, 2017, the office of district attorney for the 25th Judicial District is abolished.

ARTICLE 4. ELECTRONIC FILING

SECTION 4.01. Section 51.851(b), Government Code, is amended to read as follows:

(b) In addition to other fees authorized or required by law, the clerk of the supreme court, a court of appeals, a district court, a county court, a statutory county court, or a statutory probate court shall collect a \$30 [~~\$20~~] fee on the filing of any

civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee to be used as provided by Section 51.852.

SECTION 4.02. Section 51.607, Government Code, does not apply to the imposition of a fee assessed under Section 51.851(b), Government Code, as amended by this article.

SECTION 4.03. The change in law made by amending Section 51.851(b), Government Code, applies only to a fee that becomes payable on or after September 1, 2015. A fee that becomes payable before that date is governed by the law in effect when the fee became payable, and the former law is continued in effect for that purpose.

ARTICLE 5. BAILIFFS

SECTION 5.01. Chapter 53, Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. BAILIFFS FOR COUNTY COURTS AT LAW IN TARRANT COUNTY

Sec. 53.101. ASSIGNMENT OF BAILIFF. At least one bailiff shall be assigned regularly to each county court at law of Tarrant County.

Sec. 53.102. OFFICE OF BAILIFF; APPOINTMENT. (a) The judge of each county court at law of Tarrant County may appoint one person to serve as bailiff of that court.

(b) The bailiff is an officer of the court and performs the duties of the office under the direction and supervision of the judge of the court.

Sec. 53.103. TERM OF OFFICE. The bailiff holds office at the will of the judge of the court served by the bailiff.

Sec. 53.104. DUTIES. A bailiff shall perform the duties imposed on bailiffs under the general laws of this state and the other duties required by the judge of the court served.

Sec. 53.105. ASSIGNMENT OF BAILIFF BY SHERIFF. (a) If the judge of a county court at law of Tarrant County does not appoint a person to serve as bailiff under Section 53.102, the sheriff of Tarrant County shall assign a bailiff for the court on written request of the judge.

(b) A bailiff assigned by the sheriff serves at the pleasure of the court to which the bailiff is assigned and shall perform the duties required by the judge of the court.

(c) On request of the judge of a county court at law, the sheriff shall immediately assign a bailiff to the court served by the judge to fill a temporary absence of the appointed or assigned bailiff.

Sec. 53.106. COMPENSATION. A bailiff appointed by the judge of a county court at law of Tarrant County shall be compensated out of the general fund of the county in an amount to be set by the Commissioners Court of Tarrant County.

SECTION 5.02. Chapter 53, Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. BAILIFFS FOR FAMILY DISTRICT COURTS IN TARRANT COUNTY

Sec. 53.121. OFFICE OF BAILIFF. The judges of the 231st, 233rd, 322nd, 323rd, 324th, 325th, and 360th district courts may appoint one person to serve as bailiff of that court and one person to serve as bailiff for the district court served by an associate judge of that district court. A bailiff is an officer of the court and performs the duties of the office under the direction and supervision of the judge of the court.

Sec. 53.122. APPOINTMENT. An order signed by the appointing judge and entered on the minutes of the court is evidence of appointment of a bailiff. The judge shall give written notice to the commissioners court and each constable of Tarrant County of the appointment and date employed.

Sec. 53.123. QUALIFICATIONS. A bailiff must be a citizen of the United States and must be 18 years of age or older.

Sec. 53.124. BAILIFF AS DEPUTY. On written notice of the appointment from the judge, a constable of the county may deputize the bailiff in addition to other deputies authorized by law.

Sec. 53.125. OATH. The following oath must be administered by the appointing judge to the bailiff appointed under this subchapter: "I solemnly swear that I will perform faithfully and impartially all duties required of me and required by law so help me God."

Sec. 53.126. TERM OF OFFICE. The bailiff holds office at the will of the judge of the court served by the bailiff.

Sec. 53.127. DUTIES. A bailiff shall perform the duties imposed on bailiffs under the general laws of this state and the other duties required by the judge of the court served.

Sec. 53.128. COMPENSATION. The bailiff shall be compensated out of the general fund of the county in an amount to be set by the Commissioners Court of Tarrant County.

ARTICLE 6. CERTAIN CRIMINAL LAW MAGISTRATE COURTS, CERTAIN CRIMINAL LAW HEARING OFFICERS, AND A JUVENILE BOARD

SECTION 6.01. (a) Section 54.732, Government Code, is amended to read as follows:

Sec. 54.732. CREATION. The El Paso Criminal Law Magistrate Court is a court having the jurisdiction provided by this subchapter over offenses allegedly committed in El Paso County [~~except for that portion of the county in the corporate limits of Vinton, Texas~~].

(b) Section 54.733, Government Code, is amended by adding Subsection (j) to read as follows:

(j) The criminal law magistrate court has concurrent criminal jurisdiction with the justice courts located in El Paso County.

(c) Section 54.735, Government Code, is amended to read as follows:

Sec. 54.735. POWERS AND DUTIES. (a) The criminal law magistrate court or a judge of the criminal law magistrate court may issue writs of injunction and all other writs necessary for the enforcement of the jurisdiction of the court and may issue misdemeanor writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court or of any other court of inferior jurisdiction in the

county. The court and the judge may punish for contempt as provided by law for district courts. A judge of the criminal law magistrate court has all other powers, duties, immunities, and privileges provided by law for:

(1) justices of the peace when acting in a Class C misdemeanor case;

(2) county court judges when acting in a Class A or Class B misdemeanor case; and

(3) [for] district court judges when acting in a felony case.

(b) A judge of the criminal law magistrate court may hold an indigency hearing and a capias pro fine hearing. When acting as the judge who issued the capias pro fine, a judge of the criminal law magistrate court may make all findings of fact and conclusions of law required of the judge who issued the capias pro fine. In conducting a hearing under this subsection, the judge of the criminal law magistrate court is empowered to make all findings of fact and conclusions of law and to issue all orders necessary to properly dispose of the capias pro fine or indigency hearing in accordance with the provisions of the Code of Criminal Procedure applicable to a misdemeanor or felony case of the same type and level.

(d) Section 54.736(b), Government Code, is amended to read as follows:

(b) The council of judges shall ensure that the criminal law magistrate court gives preference to magistrate duties, as those duties apply to the county jail inmate population first and then to newly detained individuals, until the commissioners court provides funds for more than one judge to sit on the criminal law magistrate court.

(e) Section 54.737(c), Government Code, is amended to read as follows:

(c) The rules must provide that[

~~(1) a criminal law magistrate judge may not, on a regular basis, hold court or perform magistrate duties after 7 p.m. or before 7 a.m.; and~~

~~(2) a criminal law magistrate judge may only release a defendant under Article 17.031, Code of Criminal Procedure, under guidelines established by the council of judges.~~

(f) Sections 54.738(a) and (c), Government Code, are amended to read as follows:

(a) Except as provided by Subsection (b) or local administrative rules, the local administrative judge or a judge of the criminal law magistrate court may transfer between courts a case that is pending in the court of any magistrate in the criminal law magistrate court's jurisdiction if the case is:

(1) an [any] unindicted felony case;

(2) a[+] Class A [misdemeanor case,] or Class B misdemeanor case if an information has not been filed; or

(3) a Class C misdemeanor [and if the] case [is pending in the court of any magistrate in the criminal law magistrate court's jurisdiction].

(c) Except as provided by Subsection (d) or local administrative rules, the local administrative judge may assign a judge on the council of judges, a judge of the criminal law magistrate court, a retired judge, or any other magistrate to act as presiding judge in a case that is pending in the court of any magistrate in the criminal law magistrate court's jurisdiction if the case is:

(1) an [any] unindicted felony case;

(2) a[7] Class A ~~[misdemeanor case,]~~ or Class B misdemeanor case if an information has not been filed; or

(3) a Class C misdemeanor ~~[and if the]~~ case ~~[is pending in the court of any magistrate in the criminal law magistrate court's jurisdiction].~~

(g) Section 54.739(d), Government Code, is amended to read as follows:

(d) A case assigned under this subchapter to the criminal law magistrate court from a district court, ~~or~~ a county court at law, or a justice court remains on the docket of the assigning court and in the assigning court's jurisdiction.

(h) Section 54.741, Government Code, is amended to read as follows:

Sec. 54.741. FORFEITURES. Bail bonds and personal bonds may be forfeited by the criminal law magistrate court in the manner provided by Chapter 22, Code of Criminal Procedure, and those forfeitures shall be filed with:

(1) the district clerk if associated with a felony case;

(2) [~~except in cases in which~~] the county clerk if associated with a Class A or Class B misdemeanor case; or

(3) the same justice court clerk associated with the Class C misdemeanor case in which the bond was originally filed [~~is the clerk under this subchapter~~].

(i) Section 54.742, Government Code, is amended by adding Subsection (c) to read as follows:

(c) When a justice clerk is the clerk under this subchapter, the justice clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the criminal law magistrate court that are charged in the justice courts.

(j) Section 54.744, Government Code, is amended to read as follows:

Sec. 54.744. JUDGES ON EL PASO COUNCIL OF JUDGES. Unless the local rules of administration provide otherwise, the judges on the El Paso Council of Judges and the judges on the criminal law magistrate court may sit and act for any magistrate in El Paso County on any unindicted felony or Class A or B misdemeanor case if an information has not been filed or any Class C misdemeanor case filed in a justice court.

(k) Section 54.745(a), Government Code, is amended to read as follows:

(a) As a condition for a defendant to enter any pretrial diversion program, including a behavioral modification program, a health care program, a specialty court program, or the functional equivalent that may be operated in El Paso County by El Paso County, Emergence Health Network, the City of El Paso, the West Texas Regional Adult Probation Department, a community partner approved by the council of judges, or a county or district attorney of El Paso County, a defendant must file in the court in which the charges are pending a sworn waiver of speedy trial motion requesting the court to approve without a hearing defendant's waiver of his speedy trial rights under the constitution and other law. If the court approves the waiver, the defendant is eligible for consideration for acceptance into a pretrial diversion program or equivalent program.

(l) Sections 54.746(d) and (e), Government Code, are amended to read as follows:

(d) A judge of a county court at law in El Paso County shall exercise jurisdiction granted by Subsection (a) over felony indictments and felony informations and justice court cases [~~information~~] only as a judge presiding for the court in which the felony or

Class C misdemeanor is pending and only if the El Paso Council of Judges has so provided in the local administrative rules by a unanimous vote. The exercise of this jurisdiction outside El Paso County is as provided by Chapter 74 and other law.

(e) A judge of a district court in El Paso County shall exercise jurisdiction granted by Subsection (a) over misdemeanor information and justice court cases only as a judge presiding for the court in which the misdemeanor is pending and only if the council of judges has so provided in the local administrative rules by a unanimous vote. The exercise of this jurisdiction outside El Paso County is as provided by the Court Administration Act (Chapter 74) and other law.

(m) Section 54.750, Government Code, is amended by adding Subsection (d) to read as follows:

(d) When conducting a capias pro fine hearing for any court, the criminal law magistrate court acts in the same capacity and with the same authority as the judge who issued the capias pro fine.

(n) Sections 54.753(a) and (b), Government Code, are amended to read as follows:

(a) The district clerk serves as clerk of the criminal law magistrate court, except that:

(1) after a Class A or Class B misdemeanor information is filed in the county court at law and assigned to the criminal law magistrate court, the county clerk serves as clerk for that misdemeanor case; and

(2) after a Class C misdemeanor is filed in a justice court and assigned to the criminal law magistrate court, the originating justice court clerk serves as clerk for that misdemeanor case.

(b) The district clerk shall establish a docket and keep the minutes for the cases filed in or transferred to the criminal law magistrate court. The district clerk shall perform any other duties that local administrative rules require in connection with the implementation of this subchapter. The local administrative judge shall ensure that the duties required under this subsection are performed. To facilitate the duties associated with serving as the clerk of the criminal law magistrate court, the district clerk and the deputies of the district clerk may serve as deputy justice clerks and deputy county clerks at the discretion of the district clerk.

(o) Section 54.759, Government Code, is amended to read as follows:

Sec. 54.759. LOCATION OF COURT. (a) The criminal law magistrate court may be held at one or more locations [~~the location that is~~] provided by the local administrative rules or ordered by the local administrative judge.

(b) A defendant may be brought before the court in person or by means of an electronic broadcast system through which an image of the defendant is presented to the court. For purposes of this subsection, "electronic broadcast system" means a two-way electronic communication of image and sound between the defendant and the court.

SECTION 6.02. (a) Section 54.1356(a), Government Code, is amended to read as follows:

(a) A criminal law hearing officer appointed under this subchapter has limited concurrent jurisdiction over criminal cases filed in the district courts, statutory county courts, and justice courts of the county. The jurisdiction of the criminal law hearing officer is limited to:

(1) determining probable cause for further detention of any person detained on a criminal complaint, information, or indictment filed in the district courts, statutory county courts, or justice courts of the county;

(2) committing the defendant to jail, discharging the defendant from custody, or admitting the defendant to bail, as the law and facts of the case require;

(3) issuing search warrants and arrest warrants as provided by law for magistrates;

(4) as to criminal cases filed in justice courts, disposing of cases as provided by law, other than by trial, and collecting fines and enforcing judgments and orders of the justice courts in criminal cases;

(5) hearing, considering, and ruling on writs of habeas corpus filed under Article 17.151, Code of Criminal Procedure; ~~and~~

(6) on motion of the district attorney:

(A) dismissing a criminal case when the arresting agency has not timely filed the offense report with the district attorney; and

(B) reducing the amount of bond on prisoners held at the county jail whose cases have not been filed in a district court or a statutory county court; and

(7) presiding over an extradition proceeding under Article 51.13, Code of Criminal Procedure.

(b) Section 54.1358, Government Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) In accordance with Article 26.13, Code of Criminal Procedure, a criminal law hearing officer may accept a plea of guilty or nolo contendere.

(g) A criminal law hearing officer may determine whether a defendant is indigent and appoint counsel for an indigent defendant.

(c) Subchapter BB, Chapter 54, Government Code, is amended by adding Section 54.1362 to read as follows:

Sec. 54.1362. PROCEEDINGS THAT MAY BE REFERRED. A district judge or a county court at law judge may refer to a criminal law hearing officer any criminal case for proceedings involving:

(1) a bond forfeiture;

(2) the arraignment of defendants;

(3) the determination of whether a defendant is indigent and the appointment of counsel for an indigent defendant; and

(4) a negotiated plea of guilty or nolo contendere before the court, in accordance with Article 26.13, Code of Criminal Procedure.

SECTION 6.03. Section 152.0131(a), Human Resources Code, is amended to read as follows:

(a) The juvenile board of Atascosa County is composed of the county judge, ~~and~~ the district judges in Atascosa County, and the judge of the County Court at Law of Atascosa County.

ARTICLE 7. TEMPORARY JUSTICES IN CERTAIN JUSTICE PRECINCTS

SECTION 7.01. Section 27.055, Government Code, is amended by adding Subsection (g) to read as follows:

(g) This subsection applies to a county with a population of at least 120,000 but not more than 130,000, with territory less than 940 square miles that includes a state park, and with not more than two justice precincts provided that at least one of the precincts contains all or part of a municipality with a population of at least 190,000 but not more than 200,000. The county judge of a county to which this subsection applies may appoint a qualified person to serve as a temporary justice of the peace for the precinct within which a municipality or part of a municipality is located to hold court and perform the duties of the justice when necessary to dispose of accumulated business in the precinct.

ARTICLE 8. TELEPHONE INTERPRETER SERVICES IN CRIMINAL PROCEEDING

SECTION 8.01. Article 38.30(a-1), Code of Criminal Procedure, is amended to read as follows:

(a-1) A qualified telephone interpreter may be sworn to interpret for the person in any criminal [the trial of a Class C misdemeanor or a] proceeding before a judge or magistrate if an interpreter is not available to appear in person at the proceeding [before the court] or if the only available interpreter is not considered to possess adequate interpreting skills for the particular situation or is unfamiliar with the use of slang. In this subsection, "qualified telephone interpreter" means a telephone service that employs:

(1) licensed court interpreters as defined by Section 157.001, Government Code; or

(2) federally certified court interpreters.

ARTICLE 9. COURTS AUTHORIZED TO HEAR MATTERS RELATED TO CAPIAS PRO FINE

SECTION 9.01. Article 43.05, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) If the court that issued the capias pro fine is unavailable, the arresting officer may take the defendant to one of the following locations in lieu of placing the defendant in jail:

(1) if the court that issued the capias pro fine was a county court or a statutory county court with Class A and Class B misdemeanor jurisdiction, to another court in the same county with concurrent jurisdiction over Class A and Class B misdemeanors or to a county criminal law magistrate in the same county; or

(2) if the court that issued the capias pro fine was a district court with felony jurisdiction, to another court in the same county with concurrent jurisdiction over felony cases or to a county criminal law magistrate in the same county.

SECTION 9.02. Article 45.045, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) If the court that issued the capias pro fine is unavailable, the arresting officer may take the defendant to one of the following locations in lieu of placing the defendant in jail:

(1) if the court that issued the capias pro fine was a justice of the peace, to a justice of the peace or county criminal law magistrate court with jurisdiction over Class C misdemeanors that is located within the same county; or

(2) if the court that issued the capias pro fine was a municipal court, to a municipal court judge that is located within the same city.

SECTION 9.03. Article 45.046, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) For purposes of a hearing described by Subsection (a), if the court that issued the capias pro fine is unavailable, the following judicial officers may conduct the hearing:

(1) if the court that issued the capias pro fine was a justice of the peace, a justice of the peace or a county criminal law magistrate with jurisdiction over Class C misdemeanors that is located within the same county as the issuing court; or

(2) if the court that issued the capias pro fine was a municipal court, a municipal court judge that is located within the same city as the issuing municipal court.

ARTICLE 10. EFFECTIVE DATE

SECTION 10.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2015.

Floor Amendment No. 1

Amend **CSSB 1139** (house committee report) on page 16, line 10, by striking "2016." and substituting "2017."

Floor Amendment No. 2

Amend **CSSB 1139** (house committee report) as follows:

- (1) Strike page 7, line 4, through page 11, line 4.
- (2) On page 11, line 5, strike "(e)" and substitute "SECTION 2.02."
- (3) On page 11, line 24, strike "Kendall,".
- (4) Strike page 12, line 8, through page 13, line 1.
- (5) Renumber the SECTIONS of the bill accordingly.

Floor Amendment No. 3

Amend **CSSB 1139** (house committee report) as follows:

(1) On page 15, line 20, between "COURTS," and "COUNTY", insert "COUNTY COURTS,".

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

SECTION _____. Section 26.223, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) If the county judge is licensed to practice law in this state, the [The] County Court of Jefferson County has [the general] jurisdiction concurrent with the County Court at Law of Jefferson County over all causes and proceedings, civil and criminal, [of a probate court and] juvenile and probate, original and appellate, over which by the constitution and general laws of this state county courts have jurisdiction [as provided by Section 26.042(b) but has no other civil or criminal jurisdiction].

(a-1) If the county judge is not licensed to practice law in this state, the County Court of Jefferson County has concurrent jurisdiction with the county courts at law in Jefferson County only in probate proceedings, administrations of estates, guardianship proceedings, mental illness proceedings, and juvenile matters as provided by Section 26.042(b).

The amendments were read.

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

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 1139** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Nelson, Zaffirini, Fraser, and Campbell.

SENATE BILL 1465 WITH HOUSE AMENDMENT

Senator Watson called **SB 1465** 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 1465** (house committee printing) on page 1, between lines 14 and 15, by adding the following appropriately lettered subsection and relettering subsections of added Section 418.025, Government Code, and any cross references to those subsections accordingly:

() The governor may, under a declaration made under this section, authorize the division to establish and operate, subject to the availability of funds, a search and rescue task force in each field response region established by the division to assist in search, rescue, and recovery efforts before, during, and after a natural or man-made disaster.

The amendment was read.

Senator Watson 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 1465** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Watson, Chair; Uresti, Seliger, Nichols, and Birdwell.

SENATE BILL 1750 WITH HOUSE AMENDMENT

Senator West called **SB 1750** 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 1750** (house committee printing) as follows:

(1) On page 2, strike lines 3 through 6 and substitute the following:

(b) Each eligible institution shall ensure that a certain percentage of the employment positions provided through the work-study program in an academic year are provided by employers eligible under this section who are providing employment located off campus in accordance with the following:

(1) for an institution located in a municipality with a population of one million or more, 50 percent;

(2) for an institution located in a municipality with a population of 200,000 or more that is adjacent to a municipality with a population of one million or more, 40 percent;

(3) for an institution located in a municipality with a population of less than 100,000, 10 percent; or

(4) for an institution not described by Subdivision (1), (2), or (3), 25 percent.

(c) A portion of the appropriations for the work-study program allocated to an eligible institution for an academic year equal to the applicable percentage of the institution's work-study program employment positions that are required by Subsection (b) to be provided off campus in that academic year may be used only to fund employment positions located off campus.

(d) An eligible institution that fails to comply with the applicable requirement under Subsection (b) for two consecutive academic years shall submit an annual report to the Texas Higher Education Coordinating Board until the institution comes into compliance with that subsection. The report must include the following information for the most recent academic year for which the information is available:

(1) the number of students enrolled at the institution who are employed through the work-study program, disaggregated by the employment position's location on or off campus;

(2) the percentage of the appropriations allocated to the institution for the work-study program that was used to fund employment positions provided through the program, disaggregated by the employer's status as a for-profit or nonprofit entity;

(3) the reason the institution was unable to meet the applicable percentage of off-campus employment positions required under Subsection (b); and

(4) any other information the institution considers relevant.

(2) On page 2, strike lines 17 through 19.

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

SECTION ____ . Section 56.080, Education Code, is amended to read as follows:

Sec. 56.080. ONLINE LIST OF WORK-STUDY EMPLOYMENT OPPORTUNITIES. Each institution of higher education shall:

(1) establish and maintain an online list of work-study employment opportunities, sorted by department as appropriate, available to students on or off the institution's campus; and

(2) ensure that the list is easily accessible to the public through a clearly identifiable link that appears in a prominent place on the financial aid page of the institution's Internet website.

SECTION _____. Subchapter E, Chapter 56, Education Code, is amended by adding Section 56.082 to read as follows:

Sec. 56.082. BIENNIAL REPORT. Not later than January 1 of each odd-numbered year, the Texas Higher Education Coordinating Board shall submit to the standing legislative committees with primary jurisdiction over higher education and post on the coordinating board's Internet website a report on the Texas college work-study program. The report must include:

(1) the total number of students employed through the program, disaggregated by:

(A) the employment position's location on or off campus; and

(B) the employer's status as a for-profit or nonprofit entity;

(2) a list of the eligible institutions in compliance with the applicable requirement under Section 56.076(b); and

(3) a copy of each report required to be submitted to the coordinating board under Section 56.076(d).

SECTION _____. (a) The changes in law made by this Act to Sections 56.076, 56.079, and 56.080, Education Code, apply to participation in the Texas college work-study program beginning with the 2017-2018 academic year.

(b) Not later than January 1, 2019, the Texas Higher Education Coordinating Board shall submit its initial report required by Section 56.082, Education Code, as added by this Act.

The amendment was read.

Senator West 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 1750** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators West, Chair; Seliger, Bettencourt, Perry, and Watson.

HOUSE BILL 1114 ON SECOND READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **HB 1114** at this time on its second reading:

HB 1114, Relating to the authority with whom certain political committees must file reports of political contributions and expenditures.

The motion prevailed.

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

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

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

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

HOUSE BILL 1114 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 **HB 1114** be placed on its third reading and final passage.

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

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

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

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

HOUSE BILL 2665 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2665** at this time on its second reading:

HB 2665, Relating to access to and receipt of certain information regarding a ward by certain relatives of the ward.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2665** (senate committee printing) as follows:

(1) In the heading to added Section 1151.055, Estates Code (page 1, line 25), strike "CHILDREN" and substitute "CERTAIN RELATIVES".

(2) In added Section 1151.055(a), Estates Code (page 1, line 26), strike "A child" and substitute "A relative".

(3) In added Section 1151.055, Estates Code (page 1, line 26), insert the following new Subsection (a) and reletter subsequent subsections and cross-references to those subsections accordingly:

(a) This section applies to a relative described under Sections 1101.001(b)(13)(A)-(D).

(4) At the end of added Section 1151.055(g), Estates Code (page 2, line 10), insert the following:
Court costs or attorney's fees awarded under this subsection may not be paid from the ward's estate.

The amendment to **HB 2665** 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 Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 2665 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 2665 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 2665** 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 2498 ON SECOND READING

Senator Eltife moved to suspend the regular order of business to take up for consideration **HB 2498** at this time on its second reading:

HB 2498, Relating to a compact with other states regarding the licensure of emergency medical services personnel and the authority of those personnel to perform job duties in this state and other states.

The motion prevailed.

Senators Hall and Perry 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, Perry.

HOUSE BILL 2498 ON THIRD READING

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2498** be placed on its third reading and final passage.

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

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

Nays: Hall, Perry.

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

HOUSE BILL 1774 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **HB 1774** at this time on its second reading:

HB 1774, Relating to the jurisdiction and powers of and the referral of certain proceedings to a criminal law hearing officer in Cameron County.

The motion prevailed.

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

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

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

Nays: Huffman, Kolkhorst, Nichols.

HOUSE BILL 1774 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 1774** 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, Hall, Hancock, Hinojosa, Huffines, Lucio, Menéndez, Nelson, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Huffman, Kolkhorst, Nichols.

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

COMMITTEE SUBSTITUTE HOUSE BILL 1164 ON SECOND READING

Senator Garcia moved to suspend the regular order of business to take up for consideration **CSHB 1164** at this time on its second reading:

CSHB 1164, Relating to requiring the Texas Education Agency to conduct a study to develop a writing assessment method for public school students and establish a pilot program to administer the assessment method developed.

The motion prevailed.

Senators Birdwell, Burton, Campbell, Hall, Nelson, and Perry 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, Campbell, Hall, Nelson, Perry.

COMMITTEE SUBSTITUTE HOUSE BILL 1164 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 1164** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Burton, Campbell, Hall, Nelson, Perry.

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

HOUSE BILL 2265 ON SECOND READING

On motion of Senator Hall and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2265** at this time on its second reading:

HB 2265, Relating to the designation of a portion of State Highway 154 in Wood and Hopkins Counties as the Sgt. Tanner Stone Higgins Memorial Highway.

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 2265 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 **HB 2265** 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 1626 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **HB 1626** at this time on its second reading:

HB 1626, Relating to the designation of certain areas as banking or credit union development districts to encourage the establishment of branches of banks or credit unions in those areas.

The motion prevailed.

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

Senator V. Taylor 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: Birdwell, Campbell, Hall, Hancock, Huffines, Nelson.

Present-not voting: V. Taylor.

HOUSE BILL 1626 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1626** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6, Present-not voting 1.

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

Nays: Birdwell, Campbell, Hall, Hancock, Huffines, Nelson.

Present-not voting: V. Taylor.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6, Present-not voting 1. (Same as previous roll call)

HOUSE BILL 3150 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **HB 3150** at this time on its second reading:

HB 3150, Relating to the calculation of taxable wages paid by a professional employer organization for purposes of the Texas Unemployment Compensation Act.

The motion prevailed.

Senators Ellis, Fraser, Garcia, 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 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, Fraser, Garcia, Watson.

HOUSE BILL 3150 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 **HB 3150** 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, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, West, Whitmire, Zaffirini.

Nays: Ellis, Fraser, Garcia, Watson.

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

HOUSE BILL 2830 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **HB 2830** at this time on its second reading:

HB 2830, Relating to the duty of a county to refund an amount of \$2 or less paid to the county clerk or district clerk.

The motion prevailed.

Senators Bettencourt, Birdwell, Burton, Hall, Perry, 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 the following vote: Yeas 24, Nays 7.

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

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

HOUSE BILL 2830 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 2830** 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, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Rodríguez, Schwertner, Seliger, L. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

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

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

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

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

HOUSE BILL 966 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **HB 966** at this time on its second reading:

HB 966, Relating to the creation of an optional consumer-directed health plan for certain individuals eligible to participate in the group benefits program provided under the Texas Employees Group Benefits Act and their qualified dependents.

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

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

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

The bill was read second time.

Senator Hancock offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 966** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Subchapter J, Chapter 1551, Insurance Code (page 3, between lines 30 and 31), insert the following:

Sec. 1551.460. SINGLE UNDIVIDED RISK POOL. In implementing and administering the state consumer-directed health plan established under this subchapter, the board of trustees may not divide the self-funded risk pool of the group benefits program provided under this chapter or create a separate self-funded risk pool for that program.

(2) Strike SECTION 5 of the bill (page 3, lines 48 through 52).

(3) Renumber subsequent SECTIONS of the bill accordingly.

The amendment to **HB 966** 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.

HB 966 as amended was passed to third reading 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.

HOUSE BILL 1252 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1252** at this time on its second reading:

HB 1252, Relating to uniform weighing procedures requirements for motor vehicle weight enforcement 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.

HOUSE BILL 1252 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1252** 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 966 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 **HB 966** be placed on its third reading and final passage:

HB 966, Relating to the creation of an optional consumer-directed health plan for certain individuals eligible to participate in the group benefits program provided under the Texas Employees Group Benefits Act and their qualified dependents.

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, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Whitmire, Zaffirini.

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

The bill was read third time and was passed 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.

HOUSE BILL 3994 ON SECOND READING

Senator Perry moved to suspend the regular order of business to take up for consideration **HB 3994** at this time on its second reading:

HB 3994, Relating to notice of and consent to an abortion for a minor and associated requirements; amending provisions subject to a criminal penalty.

POINT OF ORDER

Senator West raised a point of order against consideration of **HB 3994** under Senate Rule 7.12(b)(10).

Question: Shall the point of order be sustained?

AT EASE

The President at 11:32 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 12:08 p.m. called the Senate to order as In Legislative Session.

Question: Shall the point of order be sustained?

POINT OF ORDER RULING

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

POINT OF ORDER

Senator Garcia raised a point of order against consideration of **HB 3994** under Senate Rule 7.09(i).

POINT OF ORDER WITHDRAWN

Senator Garcia withdrew the point of order.

(Senator Bettencourt in Chair)

Question recurring on suspension of the regular order of business for **HB 3994**, the motion prevailed by the following vote: Yeas 21, Nays 10.

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

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

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3994** (senate committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. The heading to Chapter 33, Family Code, is amended to read as follows:

CHAPTER 33. NOTICE OF AND CONSENT TO ABORTION

SECTION 2. Section 33.001, Family Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Medical emergency" has the meaning assigned by Section 171.002, Health and Safety Code.

SECTION 3. Section 33.002, Family Code, is amended by amending Subsections (a), (e), (f), (h), and (i) and adding Subsections (j), (k), and (l) to read as follows:

(A) A physician may not perform an abortion on a pregnant unemancipated minor unless:

(1) the physician performing the abortion gives at least 48 hours actual notice, in person or by telephone, of the physician's intent to perform the abortion to:

(A) a parent of the minor, if the minor has no managing conservator or guardian; or

(B) a court-appointed managing conservator or guardian;

(2) the physician who is to perform the abortion receives an order issued by a court under Section 33.003 or 33.004 ~~[judge of a court having probate jurisdiction, the judge of a county court at law, the judge of a district court, including a family district court, or a court of appellate jurisdiction issues an order]~~ authorizing the minor to consent to the abortion as provided by Section 33.003 or 33.004; or

(3) ~~[a probate court, county court at law, district court, including a family district court, or court of appeals, by its inaction, constructively authorizes the minor to consent to the abortion as provided by Section 33.003 or 33.004; or~~

~~(4)~~ the physician who is to perform performing the abortion:

(A) concludes that a medical emergency exists ~~[on the basis of the physician's good faith clinical judgment, a condition exists that complicates the medical condition of the pregnant minor and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial and irreversible impairment of a major bodily function]; and~~

(B) certifies in writing to the ~~[Texas]~~ Department of State Health Services and in the patient's medical record the medical indications supporting the physician's judgment that a medical emergency exists; and

(C) provides the notice required by Section 33.0022 ~~[the circumstances described by Paragraph (A) exist].~~

(e) The ~~[Texas]~~ Department of State Health Services shall prepare a form to be used for making the certification required by Subsection (a)(3)(B) ~~[(a)(4)].~~

(f) A certification required by Subsection (a)(3)(B) ~~[(a)(4)]~~ is confidential and privileged and is not subject to disclosure under Chapter 552, Government Code, or to discovery, subpoena, or other legal process. Personal or identifying information about the minor, including her name, address, or social security number, may not be included in a certification under Subsection (a)(3)(B) ~~[(a)(4)]~~. The physician must keep the medical records on the minor in compliance with the rules adopted by the Texas ~~[State Board of]~~ Medical Board ~~[Examiners]~~ under Section 153.003, Occupations Code.

(h) A physician shall presume that a pregnant woman is a minor unless the woman presents proof of identity and age described by Subsection (k) showing that she has reached the age of majority. It is a defense to prosecution under this section that the minor falsely represented her age or identity to the physician to be at least 18 years of age by displaying an apparently valid proof of identity and age ~~[governmental~~

record of identification] such that a reasonable person under similar circumstances would have relied on the representation. The defense does not apply if the physician is shown to have had independent knowledge of the minor's actual age or identity or failed to use due diligence in determining the minor's age or identity. In this subsection, "defense" has the meaning and application assigned by Section 2.03, Penal Code.

(i) In relation to the trial of an offense under this section in which the conduct charged involves a conclusion made by the physician under Subsection (a)(3)(A) ~~[(a)(4)]~~, the defendant may seek a hearing before the Texas ~~[State Board of]~~ Medical Board ~~[Examiners]~~ on whether the physician's conduct was necessary because of a medical emergency ~~[to avert the death of the minor or to avoid a serious risk of substantial and irreversible impairment of a major bodily function]~~. The findings of the Texas ~~[State Board of]~~ Medical Board [Examiners] under this subsection are admissible on that issue in the trial of the defendant. Notwithstanding any other reason for a continuance provided under the Code of Criminal Procedure or other law, on motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit a hearing under this subsection to take place.

(j) A physician shall use due diligence to determine that any woman on which the physician performs an abortion who claims to have reached the age of majority or to have had the disabilities of minority removed has, in fact, reached the age of majority or has had the disabilities of minority removed.

(k) For the purposes of this section, "due diligence" includes requesting proof of identity and age described by Section 2.005(b) or a copy of the court order removing disabilities of minority.

(l) If proof of identity and age cannot be provided, the physician shall provide information on how to obtain proof of identity and age. If the woman is subsequently unable to obtain proof of identity and age and the physician chooses to perform the abortion, the physician shall document that proof of identity and age was not obtained and report to the Department of State Health Services that proof of identity and age was not obtained for the woman on whom the abortion was performed. The department shall report annually to the legislature regarding the number of abortions performed without proof of identity and age.

SECTION 4. Chapter 33, Family Code, is amended by adding Sections 33.0021 and 33.0022 to read as follows:

Sec. 33.0021. CONSENT REQUIRED. A physician may not perform an abortion in violation of Section 164.052(a)(19), Occupations Code.

Sec. 33.0022. MEDICAL EMERGENCY NOTIFICATION; AFFIDAVIT FOR MEDICAL RECORD. (a) If the physician who is to perform the abortion concludes under Section 33.002(a)(3)(A) that a medical emergency exists and that there is insufficient time to provide the notice required by Section 33.002 or obtain the consent required by Section 33.0021, the physician shall inform, in person or by telephone, the parent, managing conservator, or guardian of the unemancipated minor within 24 hours after the time a medical emergency abortion is performed on the minor of:

(1) the performance of the abortion; and

(2) the basis for the physician's determination that a medical emergency existed that required the performance of a medical emergency abortion without fulfilling the requirements of Section 33.002 or 33.0021.

(b) A physician who performs an abortion as described by Subsection (a) shall send a written notice of the medical emergency and the ability of the parent, managing conservator, or guardian to contact the physician for more information and medical records, to the last known address of the parent, managing conservator, or guardian by certified mail, restricted delivery, return receipt requested. The physician may rely on last known address information if a reasonable and prudent person, under similar circumstances, would rely on the information as sufficient evidence that the parent, managing conservator, or guardian resides at that address. The physician shall keep in the minor's medical record:

(1) the return receipt from the written notice; or

(2) if the notice was returned as undeliverable, the notice.

(c) A physician who performs an abortion on an unemancipated minor during a medical emergency as described by Subsection (a) shall execute for inclusion in the medical record of the minor an affidavit that explains the specific medical emergency that necessitated the immediate abortion.

SECTION 5. Section 33.003, Family Code, is amended by amending Subsections (a), (b), (c), (e), (g), (h), (i), (j), (k), and (l) and adding Subsections (g-1), (i-1), (i-2), (i-3), (l-1), (l-2), (o), (p), (q), and (r) to read as follows:

(a) A pregnant minor [~~who wishes to have an abortion without notification to one of her parents, her managing conservator, or her guardian~~] may file an application for a court order authorizing the minor to consent to the performance of an abortion without notification to and consent [~~either~~] of [~~her parents or~~] a parent, managing conservator, or guardian.

(b) The application ~~must~~ may be filed in:

(1) a [~~any~~] county court at law, court having probate jurisdiction, or district court, including a family district court, in the minor's county of residence;

(2) if the minor's county of residence has a population of less than 10,000:

(A) a court described by Subdivision (1);

(B) a county court at law, court having probate jurisdiction, or district court, including a family district court, in a contiguous county; or

(C) a county court at law, court having probate jurisdiction, or district court, including a family district court, in the county in which the facility at which the minor intends to obtain the abortion is located; or

(3) a county court at law, court having probate jurisdiction, or district court, including a family district court, in the county in which the facility at which the minor intends to obtain the abortion is located, if the minor is not a resident of this state.

(c) The application must be made under oath and include:

(1) a statement that the minor is pregnant;

(2) a statement that the minor is unmarried, is under 18 years of age, and has not had her disabilities removed under Chapter 31;

(3) a statement that the minor wishes to have an abortion without the notification to and consent of [~~either of her parents or~~] a parent, managing conservator, or guardian; ~~and~~

(4) a statement as to whether the minor has retained an attorney and, if she has retained an attorney, the name, address, and telephone number of her attorney; and
(5) a statement about the minor's current residence, including the minor's physical address, mailing address, and telephone number.

(e) The court shall appoint a guardian ad litem for the minor who shall represent the best interest of the minor. If the minor has not retained an attorney, the court shall appoint an attorney to represent the minor. The ~~[if the]~~ guardian ad litem may not also ~~[is an attorney admitted to the practice of law in this state, the court may appoint the guardian ad litem to]~~ serve as the minor's attorney ad litem.

(g) The court shall fix a time for a hearing on an application filed under Subsection (a) and shall keep a record of all testimony and other oral proceedings in the action~~[- The court shall enter judgment on the application immediately after the hearing is concluded].~~

(g-1) The pregnant minor must appear before the court in person and may not appear using videoconferencing, telephone conferencing, or other remote electronic means.

(h) The court shall rule on an application submitted under this section and shall issue written findings of fact and conclusions of law not later than 5 p.m. on the ~~fifth [second]~~ business day after the date the application is filed with the court. On request by the minor, the court shall grant an extension of the period specified by this subsection. If a request for an extension is made, the court shall rule on an application and shall issue written findings of fact and conclusions of law not later than 5 p.m. on the ~~fifth [second]~~ business day after the date the minor states she is ready to proceed to hearing. ~~[If the court fails to rule on the application and issue written findings of fact and conclusions of law within the period specified by this subsection, the application is deemed to be granted and the physician may perform the abortion as if the court had issued an order authorizing the minor to consent to the performance of the abortion without notification under Section 33.002.]~~ Proceedings under this section shall be given precedence over other pending matters to the extent necessary to assure that the court reaches a decision promptly, regardless of whether the minor is granted an extension under this subsection.

(i) The court shall determine by clear and convincing ~~[a preponderance of the]~~ evidence, as described by Section 101.007, whether:

(1) the minor is mature and sufficiently well informed to make the decision to have an abortion performed without notification to or consent of a parent, [either of her parents or a] managing conservator, or guardian; or

(2) the ~~[- whether]~~ notification and attempt to obtain consent would not be in the best interest of the minor~~[- or whether notification may lead to physical, sexual, or emotional abuse of the minor].~~

(i-1) In determining whether the minor meets the requirements of Subsection (i)(1), the court shall consider the experience, perspective, and judgment of the minor. The court may:

(1) consider all relevant factors, including:

(A) the minor's age;

(B) the minor's life experiences, such as working, traveling independently, or managing her own financial affairs; and

(C) steps taken by the minor to explore her options and the consequences of those options;

(2) inquire as to the minor's reasons for seeking an abortion;

(3) consider the degree to which the minor is informed about the state-published informational materials described by Chapter 171, Health and Safety Code; and

(4) require the minor to be evaluated by a licensed mental health counselor, who shall return the evaluation to the court for review within three business days.

(i-2) In determining whether the notification and the attempt to obtain consent would not be in the best interest of the minor, the court may inquire as to:

(1) the minor's reasons for not wanting to notify and obtain consent from a parent, managing conservator, or guardian;

(2) whether notification or the attempt to obtain consent may lead to physical or sexual abuse;

(3) whether the pregnancy was the result of sexual abuse by a parent, managing conservator, or guardian; and

(4) any history of physical or sexual abuse from a parent, managing conservator, or guardian.

(i-3) The [If the court finds that the minor is mature and sufficiently well informed, that notification would not be in the minor's best interest, or that notification may lead to physical, sexual, or emotional abuse of the minor, the] court shall enter an order authorizing the minor to consent to the performance of the abortion without notification and consent [either] of [her parents or] a parent, managing conservator, or guardian and shall execute the required forms if the court finds by clear and convincing evidence, as defined by Section 101.007, that:

(1) the minor is mature and sufficiently well informed; or

(2) notification or attempt to obtain consent is not in the minor's best interest.

(j) If the court finds that the minor does not meet the requirements of Subsection (i-3) [(+)], the court may not authorize the minor to consent to an abortion without the notification authorized under Section 33.002(a)(1) and consent under Section 33.0021.

(k) The court may not notify a parent, managing conservator, or guardian that the minor is pregnant or that the minor wants to have an abortion. The court proceedings shall be conducted in a manner that protects the confidentiality of the identity [anonymity] of the minor. The application and all other court documents pertaining to the proceedings are confidential and privileged and are not subject to disclosure under Chapter 552, Government Code, or to discovery, subpoena, or other legal process. Confidential records pertaining to a minor under this subsection may be disclosed to the minor [The minor may file the application using a pseudonym or using only her initials].

(l) An order of the court issued under this section is confidential and privileged and is not subject to disclosure under Chapter 552, Government Code, or discovery, subpoena, or other legal process. The order may not be released to any person but the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's attorney, the physician who is to perform the abortion, another person designated to receive the

order by the minor, or a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor. The supreme court may adopt rules to permit confidential docketing of an application under this section.

(1-1) The clerk of the court, at intervals prescribed by the Office of Court Administration of the Texas Judicial System, shall submit a report to the office that includes, for each case filed under this section:

- (1) the case number and style;
- (2) the applicant's county of residence;
- (3) the court of appeals district in which the proceeding occurred;
- (4) the date of filing;
- (5) the date of disposition; and
- (6) the disposition of the case.

(1-2) The Office of Court Administration of the Texas Judicial System shall annually compile and publish a report aggregating the data received under Subsections (1-1)(2), (3), and (6). A report compiled under this subsection is confidential and privileged and is not subject to disclosure under Chapter 552, Government Code, or to discovery, subpoena, or other legal process. A report under this subsection must protect the confidentiality of:

- (1) the identity of all minors and judges who are the subject of the report;

and

- (2) the information described by Subsection (1-1)(1).

(o) A minor who has filed an application under this section may not withdraw or otherwise non-suit her application without the permission of the court.

(p) Except as otherwise provided by Subsection (q), a minor who has filed an application and has obtained a determination by the court as described by Subsection (i) may not initiate a new application proceeding and the prior proceeding is res judicata of the issue relating to the determination of whether the minor may or may not be authorized to consent to the performance of an abortion without notification to and consent of a parent, managing conservator, or guardian.

(q) A minor whose application is denied may subsequently submit an application to the court that denied the application if the minor shows that there has been a material change in circumstances since the time the court denied the application.

(r) An attorney retained by the minor to assist her in filing an application under this section shall fully inform himself or herself of the minor's prior application history, including the representations made by the minor in the application regarding her address, proper venue in the county in which the application is filed, and whether a prior application has been filed and initiated. If an attorney assists the minor in the application process in any way, with or without payment, the attorney representing the minor must attest to the truth of the minor's claims regarding the venue and prior applications in a sworn statement.

SECTION 6. Section 33.004, Family Code, is amended by amending Subsections (b) and (f) and adding Subsection (c-1) to read as follows:

(b) The court of appeals shall rule on an appeal under this section not later than 5 p.m. on the fifth ~~second~~ business day after the date the notice of appeal is filed with the court that denied the application. On request by the minor, the court shall grant an extension of the period specified by this subsection. If a request for an extension is made, the court shall rule on the appeal not later than 5 p.m. on the fifth ~~second~~ business day after the date the minor states she is ready to proceed. ~~[If the court of appeals fails to rule on the appeal within the period specified by this subsection, the appeal is deemed to be granted and the physician may perform the abortion as if the court had issued an order authorizing the minor to consent to the performance of the abortion without notification under Section 33.002.]~~ Proceedings under this section shall be given precedence over other pending matters to the extent necessary to assure that the court reaches a decision promptly, regardless of whether the minor is granted an extension under this subsection.

(c-1) Notwithstanding Subsection (c), the court of appeals may publish an opinion relating to a ruling under this section if the opinion is written in a way to preserve the confidentiality of the identity of the pregnant minor.

(f) An expedited confidential appeal shall be available to any pregnant minor to whom a court of appeals denies an application to authorize ~~[order authorizing]~~ the minor to consent to the performance of an abortion without notification to or consent of ~~[either of her parents or]~~ a parent, managing conservator, or guardian.

SECTION 7. Chapter 33, Family Code, is amended by adding Section 33.0065 to read as follows:

Sec. 33.0065. RECORDS. The clerk of the court shall retain the records for each case before the court under this chapter in accordance with rules for civil cases and grant access to the records to the minor who is the subject of the proceeding.

SECTION 8. Section 33.008, Family Code, is amended to read as follows:

Sec. 33.008. PHYSICIAN'S DUTY TO REPORT ABUSE OF A MINOR; INVESTIGATION AND ASSISTANCE. (a) If a minor claims to have been physically or sexually abused or a [A] physician or physician's agent [who] has reason to believe that a minor has been [or may be] physically or sexually abused [by a person responsible for the minor's care, custody, or welfare, as that term is defined by Section 261.001], the physician or physician's agent shall immediately report the suspected abuse and the name of the abuser to the Department of Family and Protective Services and to a local law enforcement agency and shall refer the minor to the department for services or intervention that may be in the best interest of the minor. The local law enforcement agency shall respond and shall write a report within 24 hours of being notified of the alleged abuse. A report shall be made regardless of whether the local law enforcement agency knows or suspects that a report about the abuse may have previously been made.

(b) The appropriate local law enforcement agency and the Department of Family and Protective Services shall investigate suspected abuse reported under this section and, if warranted [appropriate], shall refer the case to the appropriate prosecuting authority [assist the minor in making an application with a court under Section 33.003].

(c) When the local law enforcement agency responds to the report of physical or sexual abuse as required by Subsection (a), a law enforcement officer or appropriate agent from the Department of Family and Protective Services may take emergency possession of the minor without a court order to protect the health and safety of the minor as described by Chapter 262.

SECTION 9. Chapter 33, Family Code, is amended by adding Section 33.0085 to read as follows:

Sec. 33.0085. DUTY OF JUDGE OR JUSTICE TO REPORT ABUSE OF MINOR. (a) Notwithstanding any other law, a judge or justice who, as a result of court proceedings conducted under Section 33.003 or 33.004, has reason to believe that a minor has been or may be physically or sexually abused shall:

(1) immediately report the suspected abuse and the name of the abuser to the Department of Family and Protective Services and to a local law enforcement agency; and

(2) refer the minor to the department for services or intervention that may be in the best interest of the minor.

(b) The appropriate local law enforcement agency and the Department of Family and Protective Services shall investigate suspected abuse reported under this section and, if warranted, shall refer the case to the appropriate prosecuting authority.

SECTION 10. Section 33.010, Family Code, is amended to read as follows:

Sec. 33.010. CONFIDENTIALITY. Notwithstanding any other law, information obtained by the Department of Family and Protective Services or another entity under Section 33.008, 33.0085, or 33.009 is confidential except to the extent necessary to prove a violation of Section 21.02, 22.011, 22.021, or 25.02, Penal Code.

SECTION 11. Chapter 33, Family Code, is amended by adding Sections 33.012, 33.013, and 33.014 to read as follows:

Sec. 33.012. CIVIL PENALTY. (a) A person who is found to have intentionally, knowingly, recklessly, or with gross negligence violated this chapter is liable to this state for a civil penalty of not less than \$2,500 and not more than \$10,000.

(b) Each performance or attempted performance of an abortion in violation of this chapter is a separate violation.

(c) A civil penalty may not be assessed against:

(1) a minor on whom an abortion is performed or attempted; or

(2) a judge or justice hearing a court proceeding conducted under Section 33.003 or 33.004.

(d) It is not a defense to an action brought under this section that the minor gave informed and voluntary consent.

(e) The attorney general shall bring an action to collect a penalty under this section.

Sec. 33.013. CAPACITY TO CONSENT. An unemancipated minor does not have the capacity to consent to any action that violates this chapter.

Sec. 33.014. ATTORNEY GENERAL TO ENFORCE. The attorney general shall enforce this chapter.

SECTION 12. Section 164.052(a), Occupations Code, is amended to read as follows:

(a) A physician or an applicant for a license to practice medicine commits a prohibited practice if that person:

(1) submits to the board a false or misleading statement, document, or certificate in an application for a license;

(2) presents to the board a license, certificate, or diploma that was illegally or fraudulently obtained;

(3) commits fraud or deception in taking or passing an examination;

(4) uses alcohol or drugs in an intemperate manner that, in the board's opinion, could endanger a patient's life;

(5) commits unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided by Section 164.053, or injure the public;

(6) uses an advertising statement that is false, misleading, or deceptive;

(7) advertises professional superiority or the performance of professional service in a superior manner if that advertising is not readily subject to verification;

(8) purchases, sells, barter, or uses, or offers to purchase, sell, barter, or use, a medical degree, license, certificate, or diploma, or a transcript of a license, certificate, or diploma in or incident to an application to the board for a license to practice medicine;

(9) alters, with fraudulent intent, a medical license, certificate, or diploma, or a transcript of a medical license, certificate, or diploma;

(10) uses a medical license, certificate, or diploma, or a transcript of a medical license, certificate, or diploma that has been:

(A) fraudulently purchased or issued;

(B) counterfeited; or

(C) materially altered;

(11) impersonates or acts as proxy for another person in an examination required by this subtitle for a medical license;

(12) engages in conduct that subverts or attempts to subvert an examination process required by this subtitle for a medical license;

(13) impersonates a physician or permits another to use the person's license or certificate to practice medicine in this state;

(14) directly or indirectly employs a person whose license to practice medicine has been suspended, canceled, or revoked;

(15) associates in the practice of medicine with a person:

(A) whose license to practice medicine has been suspended, canceled, or revoked; or

(B) who has been convicted of the unlawful practice of medicine in this state or elsewhere;

(16) performs or procures a criminal abortion, aids or abets in the procuring of a criminal abortion, attempts to perform or procure a criminal abortion, or attempts to aid or abet the performance or procurement of a criminal abortion;

(17) directly or indirectly aids or abets the practice of medicine by a person, partnership, association, or corporation that is not licensed to practice medicine by the board;

(18) performs an abortion on a woman who is pregnant with a viable unborn child during the third trimester of the pregnancy unless:

- (A) the abortion is necessary to prevent the death of the woman;
- (B) the viable unborn child has a severe, irreversible brain impairment;

or

(C) the woman is diagnosed with a significant likelihood of suffering imminent severe, irreversible brain damage or imminent severe, irreversible paralysis;

(19) performs an abortion on an unemancipated minor without the written consent of the child's parent, managing conservator, or legal guardian or without a court order, as provided by Section 33.003 or 33.004, Family Code, unless the abortion is necessary due to a medical emergency, as defined by Section 171.002, Health and Safety Code;

(20) otherwise performs an abortion on an unemancipated minor in violation of Chapter 33, Family Code [~~authorizing the minor to consent to the abortion, unless the physician concludes that on the basis of the physician's good faith clinical judgment, a condition exists that complicates the medical condition of the pregnant minor and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial impairment of a major bodily function and that there is insufficient time to obtain the consent of the child's parent, managing conservator, or legal guardian~~]; or

(21) [~~(20)~~] performs or induces or attempts to perform or induce an abortion in violation of Subchapter C, Chapter 171, Health and Safety Code.

SECTION 13. (a) Section 33.002, Family Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b) Sections 33.003 and 33.004, Family Code, as amended by this Act, apply only to an application filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(c) The Office of Court Administration of the Texas Judicial System is not required to publish the initial report under Section 33.003(1-2), Family Code, as added by this Act, before January 1, 2017.

SECTION 14. Section 33.012, Family Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 15. Every provision in this Act and every application of the provisions in this Act are severable from each other. If any application of any provision in this Act to any person or group of persons or circumstances is found by a court to be invalid, the remainder of this Act and the application of the Act's provisions to all other persons and circumstances may not be affected. All constitutionally valid applications of this Act shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the legislature's intent and priority that the valid applications be allowed to stand alone.

Even if a reviewing court finds a provision of this Act invalid in a large or substantial fraction of relevant cases, the remaining valid applications shall be severed and allowed to remain in force.

SECTION 16. This Act takes effect January 1, 2016.

The amendment to **HB 3994** was read.

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

Floor Amendment No. 2

Amend the proposed floor substitute Floor Amendment No. 1 to **HB 3994** (84R32314) as follows:

(1) In SECTION 3 of the proposed floor substitute, strike the first sentence of amended Section 33.002(h), Family Code (page 3, lines 1-3).

(2) In SECTION 3 of the proposed floor substitute, in amended Section 33.002(h), Family Code (page 3, line 7) following "identity and age", insert "described by Subsection (k)".

(3) In SECTION 4 of the proposed floor substitute, in added Section 33.0022(a), Family Code (page 4, line 26), between "shall" and "inform", insert "make a reasonable effort to".

(4) In SECTION 4 of the proposed floor substitute, in added Section 33.0022(b), Family Code (page 5, line 5), strike "shall send a written notice of the medical emergency" and substitute ", not later than 48 hours after the abortion is performed, shall send a written notice that a medical emergency occurred".

(5) In SECTION 5 of the proposed floor substitute, in amended Section 33.003(b), Family Code (page 6, between lines 5 and 6), insert the following appropriately numbered subdivision and renumber subsequent subdivisions of that subsection and any cross-references to those subdivisions accordingly:

() if the minor's parent, managing conservator, or guardian is a presiding judge of a court described by Subdivision (1):

(A) a county court at law, court having probate jurisdiction, or district court, including a family district court, in a contiguous county; or

(B) a county court at law, court having probate jurisdiction, or district court, including a family district court, in the county where the minor intends to obtain the abortion;

(6) In SECTION 5 of the proposed floor substitute, strike amended Section 33.003(c), Family Code (page 6, line 21 through page 7, line 3), and substitute the following:

(c) The application must:

(1) be made under oath;

(2) [and] include:

(A) [~~1~~] a statement that the minor is pregnant;

(B) [~~2~~] a statement that the minor is unmarried, is under 18 years of age, and has not had her disabilities removed under Chapter 31;

(C) [~~3~~] a statement that the minor wishes to have an abortion without the notification to and consent of [~~either of her parents or~~] a parent, managing conservator, or guardian; [~~and~~]

(D) [(4)] a statement as to whether the minor has retained an attorney and, if she has retained an attorney, the name, address, and telephone number of her attorney; and

(E) a statement about the minor's current residence, including the minor's physical address, mailing address, and telephone number; and

(3) be accompanied by the sworn statement of the minor's attorney under Subsection (r), if the minor has retained an attorney to assist the minor with filing the application under this section.

(7) In SECTION 5 of the proposed floor substitute, strike added Sections 33.003(i-3)(1) and (2), Family Code (page 9, lines 26-29), and substitute the following:

(1) the minor is mature and sufficiently well informed to make the decision to have an abortion performed without notification to or consent of a parent, managing conservator, or guardian; or

(2) the notification and attempt to obtain consent would not be in the best interest of the minor.

(8) In SECTION 5 of the proposed floor substitute, in added Section 33.003(l-2), Family Code (page 11, line 8), strike "(l-1)(2), (3)," and substitute "(l-1)(3)".

(9) In SECTION 5 of the proposed floor substitute, in added Section 33.003(l-2), Family Code (page 11, line 9), strike "compiled under this subsection" and substitute "submitted under Subsection (l-1)".

(10) Add the following appropriately numbered SECTION to the proposed floor substitute and renumber subsequent SECTIONS of the proposed floor substitute accordingly:

SECTION _____. Section 245.006(a), Health and Safety Code, is amended to read as follows:

(a) The department shall inspect an abortion facility at random, unannounced, and reasonable times as necessary to ensure compliance with this chapter, ~~and~~ Subchapter B, Chapter 171, and Chapter 33, Family Code.

The amendment to Floor Amendment No. 1 to **HB 3994** was read and was adopted without objection.

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

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

Floor Amendment No. 3

Amend the proposed floor substitute Floor Amendment No. 1 to **HB 3994** (84R32314) as follows:

(1) Strike the recital to SECTION 3 of the proposed substitute (page 1, lines 10-12), and substitute the following:

SECTION 3. Sections 33.002(a), (e), (f), and (i), Family Code, are amended to read as follows:

(2) In SECTION 3 of the proposed substitute, strike added Sections 33.002(j), (k), and (l), Family Code (page 3, line 28 through page 4, line 15).

The amendment to Floor Amendment No. 1 to **HB 3994** was read.

On motion of Senator Perry, Floor Amendment No. 3 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 Garcia offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 4

Amend the proposed floor substitute Floor Amendment No. 1 (84R32314) to **HB 3994** in SECTION 3 of the proposed substitute as follows:

(1) In amended Section 33.002(h), Family Code (page 3, line 3), between "showing" and "that", insert "or signs a sworn affidavit attesting".

(2) Strike added Section 33.002(k), Family Code (page 4, lines 2-5), and substitute the following:

(k) For purposes of this section, "due diligence" includes requesting:

(1) proof of identity and age:

(A) as described by Section 2.005(b);

(B) that is a student identification card containing proof of identity and

age; or

(C) that is a driver's license from any state or county;

(2) a sworn affidavit attesting that the woman has reached the age of majority; or

(3) a copy of a court order removing disabilities of minority.

(3) Strike added Section 33.002(l), Family Code (page 4, line 6), and substitute the following:

(l) Notwithstanding any other law, nothing in this subchapter creates or establishes a standard of care, obligation, or duty that provides a basis for a cause of action or administrative discipline. The information required by this subchapter or evidence that a person violated this section is not admissible in a civil, judicial, or administrative proceeding.

The amendment to Floor Amendment No. 1 to **HB 3994** was read.

On motion of Senator Perry, Floor Amendment No. 4 was tabled by the following vote: Yeas 21, Nays 10.

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

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

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

Floor Amendment No. 5

Amend Amendment No. 1 by Perry (84R32314) to **HB 3994** in SECTION 2 of the bill as follows:

(1) In the recital (page 1, line 7), between "(3-a)" and "to", insert "and amending Subdivision (5)".

(2) After added Section 33.001(3-a), Family Code (page 1, between lines 9 and 10), insert the following:

(5) "Unemancipated minor" includes a minor who:

(A) is unmarried; ~~and~~

(B) has not had the disabilities of minority removed under Chapter 31;

and

(C) is not the parent of another living child.

The amendment to Floor Amendment No. 1 to **HB 3994** was read.

On motion of Senator Perry, Floor Amendment No. 5 was tabled by the following vote: Yeas 21, Nays 10.

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

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

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

Floor Amendment No. 6

Amend the proposed floor substitute Floor Amendment No. 1 to **HB 3994** (84R32314) as follows:

(1) In SECTION 4 of the proposed substitute, in added Section 33.0021, Family Code (page 4, line 18), between "REQUIRED." and "A", insert "(a)".

(2) In SECTION 4 of the proposed substitute, in added Section 33.0021, Family Code (page 4, between lines 20 and 21), add the following appropriately lettered subsection:

() For purposes of this chapter and Section 164.052, Occupations Code, consent by the following persons is considered to be consent by a parent, managing conservator, or guardian:

(1) a grandparent of the minor;

(2) a sibling of the minor who is 25 years of age or older;

(3) an aunt or uncle of the minor; or

(4) any other relative who is 25 years of age or older and within the second degree of consanguinity of the minor.

The amendment to Floor Amendment No. 1 to **HB 3994** was read.

On motion of Senator Perry, Floor Amendment No. 6 was tabled by the following vote: Yeas 21, Nays 10.

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

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

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

Floor Amendment No. 7

Amend the proposed floor substitute Floor Amendment No. 1 (84R32314) to **HB 3994** in SECTION 5 of the bill, in proposed Section 33.003(b)(2), Family Code (page 6, line 7), by striking "10,000" and substituting "100,000".

The amendment to Floor Amendment No. 1 to **HB 3994** was read.

On motion of Senator Perry, Floor Amendment No. 7 was tabled by the following vote: Yeas 21, Nays 10.

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

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

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

Floor Amendment No. 8

Amend the proposed floor substitute Floor Amendment No. 1 to **HB 3994** (84R32314) as follows:

(1) In the recital to SECTION 5 of the proposed floor substitute (page 5, line 26), strike "(q), and (r)" and substitute "and (q)".

(2) In SECTION 5 of the proposed floor substitute, strike added Section 33.003(r), Family Code (page 11, line 31, through page 12, line 10).

(3) In SECTION 5 of the proposed floor substitute, strike added Section 33.003(c)(3).

The amendment to Floor Amendment No. 1 to **HB 3994** was read.

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

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

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

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

Floor Amendment No. 9

Amend the proposed floor substitute Floor Amendment No. 1 to **HB 3994** (84R32314) as follows:

(1) In the recital to SECTION 5 of the proposed substitute (page 5, line 25), between "Subsections" and "(g-1)", insert "(c-9), (c-10),".

(2) In SECTION 5 of the proposed substitute, following amended Section 33.003(c), Family Code (page 7, between lines 3 and 4), insert the following:

(c-9) If applicable, the minor may submit with the minor's application a statement under oath that the minor's pregnancy is the result of incest or a sexual assault.

(c-10) If a minor submits a statement under Subsection (c-9), the court, immediately following the hearing under Subsection (g), shall enter an order authorizing the minor to consent to the minor's abortion. Subsections (g-1), (i), (i-1), (i-2), (i-3), and (j) do not apply to an application filed with a statement described by Subsection (c-9).

The amendment to Floor Amendment No. 1 to **HB 3994** was read.

On motion of Senator Perry, Floor Amendment No. 9 was tabled by the following vote: Yeas 21, Nays 10.

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

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

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

Floor Amendment No. 10

Amend the proposed floor substitute Floor Amendment No. 1 (84R32314) to **HB 3994** as follows:

(1) In SECTION 5 of the bill, in amended Section 33.003(h), Family Code (page 7, line 21), strike "fifth [~~second~~]" and substitute "second".

(2) In SECTION 5 of the bill, in amended Section 33.003(h), Family Code (page 7, line 27), strike "fifth [~~second~~]" and substitute "second".

(3) In SECTION 6 of the bill, in amended Section 33.004(b), Family Code (page 12, line 15), strike "fifth [~~second~~]" and substitute "second".

(4) In SECTION 6 of the bill, in amended Section 33.004(b), Family Code (page 7, line 20), strike "fifth [~~second~~]" and substitute "second".

The amendment to Floor Amendment No. 1 to **HB 3994** was read.

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

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

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

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

Floor Amendment No. 11

Amend the proposed floor substitute Floor Amendment No. 1 to **HB 3994** (84R32314) as follows:

(1) In SECTION 5 of the proposed floor substitute, in amended Section 33.003(h), Family Code (page 7, line 28 through page 8, line 3), strike "~~If the court fails to rule on the application and issue written findings of fact and conclusions of law within the period specified by this subsection, the application is deemed to be granted and the physician may perform the abortion as if the court had issued an order authorizing the minor to consent to the performance of the abortion without notification under Section 33.002.]~~" and substitute the following:

If the court fails to rule on the application and issue written findings of fact and conclusions of law within the period specified by this subsection, the application is deemed to be granted and the physician may perform the abortion as if the court had issued an order authorizing the minor to consent to the performance of the abortion without notification under Section 33.002.

(2) In SECTION 6 of the proposed floor substitute, in amended Section 33.004(b), Family Code (page 12, lines 21-26), strike "~~If the court of appeals fails to rule on the appeal within the period specified by this subsection, the appeal is deemed to be granted and the physician may perform the abortion as if the court had issued an order authorizing the minor to consent to the performance of the abortion without notification under Section 33.002.]~~" and substitute the following:

If the court of appeals fails to rule on the appeal within the period specified by this subsection, the appeal is deemed to be granted and the physician may perform the abortion as if the court had issued an order authorizing the minor to consent to the performance of the abortion without notification under Section 33.002.

The amendment to Floor Amendment No. 1 to **HB 3994** was read.

On motion of Senator Perry, Floor Amendment No. 11 was tabled by the following vote: Yeas 21, Nays 10.

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

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

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

Floor Amendment No. 12

Amend the proposed floor substitute Floor Amendment No. 1 (84R32314) to **HB 3994** in SECTION 5 of the amendment as follows:

(1) In amended Section 33.003(i), Family Code (page 8, lines 8 and 9), strike "clear and convincing [~~a preponderance of the~~] evidence, as described by Section 101.007," and substitute "a preponderance of the evidence".

(2) In added Section 33.003(i-3), Family Code (page 9, lines 24 and 25), strike "clear and convincing evidence, as defined by Section 101.007," and substitute "a preponderance of the evidence".

The amendment to Floor Amendment No. 1 to **HB 3994** was read.

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

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

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

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

Floor Amendment No. 13

Amend the proposed floor substitute Floor Amendment No. 1 to **HB 3994** (84R32314) as follows:

(1) In SECTION 5 of the proposed substitute, in amended Section 33.003(i)(1), Family Code (page 8, line 14), after the underlined semicolon, strike "or".

(1) In SECTION 5 of the proposed substitute, in amended Section 33.003(i)(2), Family Code (page 8, lines 16-18), strike "~~[- or whether notification may lead to physical, sexual, or emotional abuse of the minor]~~" and substitute the following:

;[] or

(3) [whether] notification or the attempt to obtain consent may lead to physical, sexual, or emotional abuse of the minor

(2) In SECTION 5 of the proposed substitute, in added Section 33.003(i-2), Family Code (page 9, lines 12 and 15), strike "physical or sexual" and substitute "physical, sexual, or emotional" in each place it appears.

(3) In SECTION 5 of the proposed substitute, in added Section 33.003(i-3)(1), Family Code (page 9, line 27), following the underlined semicolon, strike "or".

(4) In SECTION 5 of the proposed substitute, in added Section 33.003(i-3)(2), Family Code (page 9, line 29), between "interest" and the period, insert the following:

;or

(3) notification or the attempt to obtain consent may lead to physical, sexual, or emotional abuse of the minor

The amendment to Floor Amendment No. 1 to **HB 3994** was read.

On motion of Senator Perry, Floor Amendment No. 13 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 Menéndez offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 14

Amend the proposed floor substitute Floor Amendment No. 1 (84R32314) to **HB 3994** as follows:

(1) In SECTION 5 of the amendment, in added Section 33.003(i-2)(2), Family Code (page 9, line 12), between "physical" and "or", insert ", emotional,".

(2) In SECTION 5 of the amendment, in added Section 33.003(i-2)(4), Family Code (page 9, line 15), between "physical" and "or", insert ", emotional,".

(3) In SECTION 8 of the amendment, in amended Section 33.008(a), Family Code (page 13, line 20), between "physically" and "or", insert ", emotionally,".

(4) In SECTION 8 of the amendment, in amended Section 33.008(a), Family Code (page 13, line 22), between "physically" and "or", insert ", emotionally,".

(5) In SECTION 8 of the amendment, in amended Section 33.008(c), Family Code (page 14, line 10), between "physical" and "or", insert ", emotional,".

(6) In SECTION 9 of the amendment, in amended Section 33.0085(a), Family Code (page 14, line 21), between "physically" and "or", insert ", emotionally,".

The amendment to Floor Amendment No. 1 to **HB 3994** was read.

On motion of Senator Perry, Floor Amendment No. 14 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 Watson offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 15

Amend the proposed floor substitute Floor Amendment No. 1 (84R32314) to **HB 3994** as follows:

(1) In the recital to SECTION 11 of the proposed substitute (page 15, line 9), between "Sections" and "33.012", insert "33.0105".

(2) In SECTION 11 of the proposed substitute, immediately before proposed Section 33.012, Family Code (page 15, between lines 9 and 10), insert the following:

Sec. 33.0105. DISCLOSURE OF CONFIDENTIAL INFORMATION; CIVIL PENALTY. (a) A person who intentionally, knowingly, recklessly, or with gross negligence discloses information that is confidential under this chapter is liable to this state for a civil penalty of not less than \$2,500 or more than \$10,000.

(b) A civil penalty may not be assessed against:

(1) a minor on whom an abortion is performed or attempted; or

(2) a person who in good faith discloses confidential information to a law enforcement agency or the Department of Family and Protective Services because of suspected physical, emotional, or sexual abuse of the minor.

(c) The attorney general or the appropriate district or county attorney, in the name of the state, may bring an action under this section in a district court of a county in which any part of the violation occurs.

(d) A penalty collected under this section by the attorney general shall be deposited in the state treasury to the credit of the general revenue fund. A penalty collected under this section by a district or county attorney shall be deposited to the credit of the general fund of the county in which the suit was heard.

The amendment to Floor Amendment No. 1 to **HB 3994** was read.

On motion of Senator Perry, Floor Amendment No. 15 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.

Question recurring on the adoption of Floor Amendment No. 1 to **HB 3994**, the amendment as amended was adopted by the following vote: Yeas 21, Nays 10.

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

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

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

HB 3994 as amended was passed to third reading by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

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

On motion of Senator Hancock 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 7:00 p.m. today for the Tuesday, May 26, 2015, Intent Calendar.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, May 25, 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:

SB 1 Nelson Sponsor: Bonnen, Dennis
Relating to an increase in the amount of the residence homestead exemption from ad valorem taxation by a school district, a reduction of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the homestead of an elderly or disabled person to reflect the increased exemption amount, and the protection of school districts against the resulting loss in state and local revenue.
(Committee Substitute/Amended)

SB 158 West Sponsor: Fletcher
Relating to a body worn camera program for certain law enforcement agencies in this state; creating a criminal offense; authorizing a fee.
(Committee Substitute/Amended)

SB 202 Nelson Sponsor: Price
Relating to the transfer of certain occupational regulatory programs and the deregulation of certain activities and occupations.
(Amended)

SB 204 Hinojosa Sponsor: Raymond
Relating to the continuation of the functions of the Department of Aging and Disability Services; increasing penalties.
(Committee Substitute/Amended)

SB 900 Taylor, Larry Sponsor: Bonnen, Greg
Relating to the operation of the Texas Windstorm Insurance Association.
(Committee Substitute/Amended)

SB 983 Bettencourt Sponsor: Schofield
Relating to restrictions on the assessment of the fee charged for issuance of certain birth records.

SB 1032 Watson Sponsor: Israel
Relating to authority for certain state employees to work flexible hours and to work from home or other authorized alternative work sites.

SB 1735 Birdwell Sponsor: Zerwas
Relating to tuition and fee exemptions at public institutions of higher education for certain military personnel and their dependents.
(Committee Substitute/Amended)

SJR 1 Nelson Sponsor: Bonnen, Dennis
Proposing a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes and providing for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for those purposes on the homestead of an elderly or disabled person to reflect the increased exemption amount.
(Committee Substitute/Amended)

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 1633

Pursuant to Rule 13, Section 5A of the Rules of the Texas House, 84th Legislature, the house hereby returns HB 1633 to the senate for further consideration due to non-germane amendments.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE BILLS ON FIRST READING

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

HB 18 To Committee on Education.

HB 217 To Committee on State Affairs.

HB 2345 To Committee on Natural Resources and Economic Development.

HB 4180 To Committee on Administration.

HB 4192 To Committee on Administration.

**SENATE RULES SUSPENDED
(Posting Rules)**

Senator Huffman moved to suspend Senate Rule 11.10(a) and Senate Rule 11.18(a) in order that the Committee on State Affairs 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 Fraser moved to suspend Senate Rule 11.10(a) and Senate Rule 11.18(a) in order that the Committee on Natural Resources and Economic Development 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 L. Taylor and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider **HB 18** today.

RECESS

On motion of Senator Whitmire, the Senate at 3:01 p.m. recessed until 3:25 p.m. today.

AFTER RECESS

The Senate met at 3:30 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 34, SB 44, SB 100, SB 188, SB 273, SB 295, SB 306, SB 316, SB 332, SB 354, SB 409, SB 432, SB 460, SB 478, SB 495, SB 512, SB 519, SB 536, SB 565, SB 569, SB 643, SB 662, SB 681, SB 754, SB 807, SB 808, SB 822, SB 855, SB 858, SB 935, SB 940, SB 955, SB 961, SB 972, SB 988, SB 991, SB 1005, SB 1051, SB 1129, SB 1149, SB 1202, SB 1210, SB 1214, SB 1267, SB 1301, SB 1326, SB 1339, SB 1341, SB 1351, SB 1358, SB 1396, SB 1420, SB 1457, SB 1463, SB 1467, SB 1563, SB 1655, SB 1714, SB 1725, SB 1737, SB 1776, SB 1844, SB 1878, SB 1918, SB 1987, SB 1989, SB 2027, SB 2028, SB 2030, SB 2032, SB 2033, SB 2038, SB 2039, SB 2043, SB 2049, SB 2053, SB 2055, SB 2056, SCR 5, SCR 26, SCR 39, SJR 17.

COMMITTEE SUBSTITUTE**HOUSE BILL 1364 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 **CSHB 1364** at this time on its second reading:

CSHB 1364, Relating to the issuance of specialty license plates to honor recipients of the Defense Meritorious Service Medal and the Meritorious Service Medal.

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 1364 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 **CSHB 1364** 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)

HOUSE BILL 2921 ON SECOND READING

Senator L. Taylor moved to suspend the regular order of business to take up for consideration **HB 2921** at this time on its second reading:

HB 2921, Relating to authorizing a recreation and wellness facility fee at the University of Houston-Clear Lake.

The motion prevailed.

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

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

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

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

HOUSE BILL 2921 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 2921** be placed on its third reading and final passage.

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

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

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

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

HOUSE BILL 1144 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **HB 1144** at this time on its second reading:

HB 1144, Relating to establishing a task force to examine the adjudication, disposition, and registration of juvenile sex offenders.

The motion prevailed.

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

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

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

Nays: Birdwell, Creighton, Hall, V. Taylor.

HOUSE BILL 1144 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 1144** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Creighton, Hall, V. Taylor.

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

(President in Chair)

HOUSE BILL 2794 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 2794** at this time on its second reading:

HB 2794, Relating to a delayed birth certificate; creating a criminal offense.

The motion prevailed.

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

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2794** (senate committee report) as follows:

(1) Strike SECTION 1 of the bill, amending Section 25.0021(b), Government Code (page 1, lines 22-35).

(2) In SECTION 2 of the bill, in amended Section 192.026(b)(2), Health and Safety Code (page 1, line 43), strike "district [county] court with jurisdiction over [for probate matters]" and substitute "statutory probate [county] court or district court in [for probate matters]".

(3) In SECTION 2 of the bill, in amended Section 192.026(b)(2), Health and Safety Code (page 1, lines 44-45), strike "district court with jurisdiction over" and substitute "statutory probate court or district court in".

(4) Strike the recital to SECTION 3 of the bill (page 1, lines 47-49), and substitute the following:

SECTION 3. Sections 192.027(a), (b), and (d), Health and Safety Code, are amended to read as follows:

(5) In SECTION 3 of the bill, in amended Section 192.027(a), Health and Safety Code (page 1, line 52), strike "district [county probate] court with jurisdiction over" and substitute "statutory [county] probate court or district court in".

(6) In SECTION 3 of the bill, in amended Section 192.027(a), Health and Safety Code (page 1, lines 53-54), strike "district court with jurisdiction over" and substitute "statutory probate court or district court in".

(7) In SECTION 3 of the bill, strike added Section 192.027(b-1), Health and Safety Code (page 1, line 57, through page 2, line 6), and substitute the following:

(b) The petition must include:

(1) the petitioner's:

- (A) full name;
 (B) place of residence;
 (C) date of birth;
 (D) city or town, if applicable, and county of birth;
 (E) race or ethnicity; and
 (F) gender;
 (2) the full name and county of birth of the petitioner's father;
 (3) the full name, including any maiden name, and county of birth of the petitioner's mother;
 (4) whether the petitioner has been the subject of a final felony conviction;
 (5) whether the petitioner is subject to the registration requirements of Chapter 62, Code of Criminal Procedure; and
 (6) a legible and complete set of the petitioner's fingerprints on a fingerprint card format acceptable to the Department of Public Safety and the Federal Bureau of Investigation [be on a form prescribed and furnished by the department].
 (8) In SECTION 4 of the bill, in added Section 192.028, Health and Safety Code (page 2, line 20), between "a" and "district court" insert "statutory probate court or".
 (9) Renumber SECTIONS of the bill as necessary.

The amendment to **HB 2794** 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 Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 2794 as amended was passed to third reading by a viva voce vote.

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

Nays: Hall.

HOUSE BILL 2794 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 2794** 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)

HOUSE BILL 1514 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **HB 1514** at this time on its second reading:

HB 1514, Relating to health insurance identification cards issued by qualified health plan issuers.

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

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

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

The bill was read second time.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1514** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in the heading to added Chapter 1693, Insurance Code (page 1, line 25), strike "IDENTIFICATION CARDS" and substitute "ELIGIBILITY".

(2) In SECTION 1 of the bill, strike added Section 1693.002, Insurance Code (page 1, lines 31-37), and substitute the following:

Sec. 1693.002. MANDATORY ELIGIBILITY DISCLOSURE. A qualified health plan issuer must:

(1) in addition to any requirement under other law, including Sections 843.209, 1301.162, and 1369.153, display the acronym "QHP" in a location of the issuer's choice on an identification card or other similar document issued by the issuer to an enrollee of a qualified health plan purchased through an exchange; or

(2) provide other means to disclose to a physician or health care provider an enrollee's eligibility under the qualified health plan for coverage for health care services provided by the physician or health care provider.

The amendment to **HB 1514** was read.

On motion of Senator Creighton, 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.

HB 1514 was passed to third reading by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

COMMITTEE SUBSTITUTE HOUSE BILL 3348 ON SECOND READING

On motion of Senator Eltife and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3348** at this time on its second reading:

CSHB 3348, Relating to authorization by the Texas Higher Education Coordinating Board for certain public junior colleges to offer baccalaureate degree programs.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 3348** (senate committee report) in SECTION 1 of the bill as follows:

(1) In the recital (page 1, line 24), between "(b-3)," and "(k)", insert "(b-4),".

(2) Strike added Sections 130.0012(b-2) and (b-3), Education Code (page 1, line 40, through page 2, line 8), and substitute the following:

(b-2) The coordinating board shall establish a pilot project to examine the feasibility and effectiveness of authorizing baccalaureate degree programs in the field of nursing at a public junior college that offers a degree program in that field, has a main campus located in the county seat of a county with a population greater than 3.3 million, and offers services in the territory described by Section 130.182. Subsection (g) does not apply to junior-level and senior-level courses offered under this subsection. In its recommendations to the legislature relating to state funding for public junior colleges, the coordinating board shall recommend that junior-level and senior-level courses offered under this subsection by a public junior college receive the same state support as other courses offered by the public junior college.

(b-3) Not later than January 1, 2017, the coordinating board shall prepare a progress report on each pilot project established under Subsections (b-1) and (b-2). Not later than January 1, 2019, the coordinating board shall prepare a report on the effectiveness of each pilot project, including any recommendations for legislative action regarding the offering of baccalaureate degree programs in the field of dental hygiene and the field of nursing by a public junior college. The coordinating board shall deliver a copy of each report to the governor, the lieutenant governor, the speaker of the house of representatives, and the chair of the standing committee of each house of the legislature with primary jurisdiction over higher education. Unless the authority to continue offering baccalaureate degree programs in the field of dental hygiene or the field of nursing is continued by the legislature, a public junior college may not:

(1) enroll a new student in a baccalaureate degree program under the applicable pilot project after the 2019 fall semester;

(2) offer junior-level or senior-level courses for those degree programs after the 2021 fall semester, unless the coordinating board authorizes the college to offer those courses; or

(3) award a baccalaureate degree under the applicable pilot project after the 2021 fall semester, unless the coordinating board approves the awarding of the degree.

(b-4) This subsection and Subsections (b-1), (b-2), and (b-3) expire on the first June 15 following the first regular legislative session that occurs after the fourth anniversary of the date a public junior college offering a degree program in the field of dental hygiene under Subsection (b-1) or the field of nursing under Subsection (b-2) meets the accreditation requirements of Subsection (c).

The amendment to **CSHB 3348** was read.

Senator Ellis withdrew Floor Amendment No. 1.

CSHB 3348 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 3348 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 3348** 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 2739 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **HB 2739** at this time on its second reading:

HB 2739, Relating to the use of a concealed handgun license as valid proof of personal identification.

The motion prevailed.

Senators Ellis and Menéndez 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, Menéndez.

HOUSE BILL 2739 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2739** 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, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Ellis, Menéndez.

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 1888 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 **CSHB 1888** at this time on its second reading:

CSHB 1888, Relating to punishment for the offense of driving a commercial motor vehicle without a commercial driver's license; increasing a penalty.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1888** (senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, lines 26 and 27), strike "Section 522.011(c), Transportation Code, is amended" and substitute "Section 522.011, Transportation Code, is amended by amending Subsections (a) and (c) and adding Subsections (e) and (f)".

(2) In SECTION 1 of the bill, amending Section 522.011, Transportation Code (page 1, between lines 27 and 28), insert the following:

(a) A person may not drive a commercial motor vehicle unless:

(1) the person:

(A) has in the person's immediate possession a commercial driver's license issued by the department appropriate for the class of vehicle being driven; and

(B) is not disqualified or subject to an out-of-service order;

(2) the person:

(A) has in the person's immediate possession a commercial [~~driver~~] learner's permit and driver's license issued by the department; and

(B) is accompanied by the holder of a commercial driver's license issued by the department with any necessary endorsements appropriate for the class of vehicle being driven, and the license holder:

(i) for the purpose of giving instruction in driving the vehicle, at all times occupies a seat beside the permit holder or, in the case of a passenger vehicle, directly behind the driver in a location that allows for direct observation and supervision of the permit holder [for the purpose of giving instruction in driving the vehicle]; and

(ii) is not disqualified or subject to an out-of-service order; or

(3) the person is authorized to drive the vehicle under Section 522.015.

(3) In SECTION 1 of the bill, amending Section 522.011, Transportation Code (page 1, between lines 33 and 34), insert the following:

(e) It is a defense to prosecution for a violation of Subsection (a)(2)(A) if the person charged produces in court a commercial learner's permit or driver's license, as appropriate, that:

(1) was issued to the person; and

(2) was valid when the offense was committed.

(f) The court may assess a defendant an administrative fee not to exceed \$10 if a charge under this section is dismissed because of the defense listed under Subsection (e).

(4) Strike SECTIONS 2 and 3 of the bill (page 1, lines 34-42).

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

SECTION _____. Section 502.047(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Chapter 548, the [The] department and the Department of Public Safety shall ensure compliance with the motor vehicle inspection requirements under Chapter 548, including compliance with the motor vehicle emissions inspection and maintenance program under Subchapter F of that chapter, through a vehicle registration-based enforcement system.

SECTION _____. Section 522.003, Transportation Code, is amended by amending Subdivisions (4), (12), (22), and (23), and adding Subdivisions (22-a) and (23-a) to read as follows:

(4) "Commercial [~~driver~~] learner's permit" means a permit [commercial driver's license] that restricts the holder to driving a commercial motor vehicle as provided by Section 522.011(a)(2)(B).

(12) "Driver's license" has the meaning assigned by Section 521.001, except the term does not include a commercial learner's permit unless otherwise provided by this chapter.

(22) "Non-domiciled [Nonresident] commercial driver's license" means a commercial driver's license issued by a state to an individual who is domiciled [resides] in a foreign jurisdiction.

(22-a) "Non-domiciled commercial learner's permit" means a commercial learner's permit issued by a state to an individual who is domiciled in a foreign jurisdiction.

(23) "Out-of-service order" means:

(A) a temporary prohibition against driving a commercial motor vehicle issued under Section 522.101, the law of another state, [or] 49 C.F.R. Section 383.5, 386.72, 392.5, 392.9a, 395.13, or 396.9, a law compatible with those federal regulations, or the North American Standard Out-of-Service Criteria; or

(B) a declaration by the Federal Motor Carrier Safety Administration or an authorized enforcement officer of a state or local jurisdiction that a driver, commercial motor vehicle, or motor carrier operation is out of service under 49 C.F.R. Section 383.5, 386.72, 392.5, 392.9a, 395.13, or 396.9, a law compatible with those federal regulations, or the North American Standard Out-of-Service Criteria.

(23-a) "Person" includes the United States, a state, or a political subdivision of a state.

SECTION _____. Section 522.013, Transportation Code, is amended to read as follows:

Sec. 522.013. NON-DOMICILED [NONRESIDENT] LICENSE OR PERMIT.

(a) The department may issue a non-domiciled [nonresident] commercial driver's license or commercial learner's permit to a person domiciled in [resident of] a foreign

jurisdiction if the secretary has determined that the commercial motor vehicle testing and licensing standards in the foreign jurisdiction do not meet the testing standards established by 49 C.F.R. Part 383.

(b) An applicant for a non-domiciled commercial driver's license must surrender any non-domiciled ~~[nonresident]~~ commercial driver's license issued by another state.

(c) Before issuing a non-domiciled ~~[nonresident]~~ commercial driver's license, the department must establish the practical capability of disqualifying the person under the conditions applicable to a commercial driver's license issued to a resident of this state. Before issuing a non-domiciled commercial learner's permit, the department must establish the practical capability of disqualifying the person under the conditions applicable to a commercial learner's permit issued to a resident of this state.

(d) "Non-domiciled" ~~["Nonresident"]~~ must appear on the face of a license or permit issued under this section.

(e) The department may issue a temporary non-domiciled ~~[nonresident]~~ commercial driver's license to a person who does not present a social security card as required by Section 522.021(a-1)(1) but who otherwise meets the requirements for a non-domiciled ~~[nonresident]~~ commercial driver's license, including the requirement that the commercial motor vehicle testing and licensing standards of the country of which the applicant is domiciled ~~[a resident]~~ not meet the testing and licensing standards established by 49 C.F.R. Part 383. A license issued under this subsection:

(1) expires on the earlier of:

(A) the 60th day after the date the license is issued; or

(B) ~~[the expiration date of the visa presented under Section 522.021(a-1)(2)(B); or~~

~~[(C)]~~ the expiration date of any ~~[the]~~ Form I-94 Arrival/Departure record, or a successor document, presented under Section 522.021(a-1) ~~[522.021(a-1)(2)(C)]~~; and

(2) may not be renewed.

(f) The department may not issue more than one temporary non-domiciled ~~[nonresident]~~ commercial driver's license to a person.

SECTION _____. Section 522.014, Transportation Code, is amended to read as follows:

Sec. 522.014. PERMIT. (a) The department may issue a commercial ~~[driver]~~ learner's permit to an individual who:

(1) has been issued a driver's license by the department; and

(2) has passed the vision and written tests required for ~~[a Texas driver's license appropriate for]~~ the class of vehicle to be driven.

(b) A commercial learner's permit must be a separate document from a driver's license or a commercial driver's license.

(c) The issuance of a commercial learner's permit is required for:

(1) the initial issuance of a commercial driver's license; or

(2) the upgrade in classification of a commercial driver's license that requires a skills test.

(d) A commercial learner's permit holder may not take a commercial driver's license skills test before the 15th day after the date of the issuance of the permit.

SECTION _____. Section 522.015, Transportation Code, is amended to read as follows:

Sec. 522.015. LICENSE OR PERMIT ISSUED BY OTHER JURISDICTION. A person may drive a commercial motor vehicle in this state if:

(1) the person has a commercial driver's license or a commercial ~~[driver]~~ learner's permit issued by:

(A) another state in accordance with the minimum federal standards for the issuance of a commercial motor vehicle driver's license; or

(B) a foreign jurisdiction the testing and licensing standards of which the United States Department of Transportation has determined meet the requirements of the federal act;

(2) the person's license or permit is appropriate for the class of vehicle being driven;

(3) the person is not disqualified from driving a commercial motor vehicle and is not subject to an out-of-service order; ~~[and]~~

(4) the person has not had a domicile in this state for more than 30 days; and

(5) if the person has a permit, the person also has a driver's license issued by the same jurisdiction that issued the permit.

SECTION _____. Sections 522.021(a), (a-1), and (d), Transportation Code, are amended to read as follows:

(a) An application for a commercial driver's license or commercial ~~[driver]~~ learner's permit must include:

(1) the full name and current residence and mailing address of the applicant;

(2) a physical description of the applicant, including sex, height, and eye color;

(3) the applicant's date of birth;

(4) the applicant's social security number, unless the application is for a non-domiciled ~~[nonresident]~~ commercial driver's license and the applicant is domiciled in ~~[a resident of]~~ a foreign jurisdiction;

(5) certifications, including those required by 49 C.F.R. Section 383.71(a); and

(6) any other information required by the department.

(a-1) If the application is for a non-domiciled ~~[nonresident]~~ commercial driver's license and the applicant is domiciled in ~~[a resident of]~~ a foreign jurisdiction that does not meet the testing and licensing standards established by 49 C.F.R. Part 383, the applicant must present:

(1) a social security card issued to the applicant; ~~[and]~~

(2) an unexpired foreign passport issued to the applicant;

(3) either:

(A) a Form I-94 Arrival/Departure record or a successor document; or

(B) an unexpired employment authorization document; and

(4) documentation demonstrating proof of Texas residence as provided by Section 522.0225 ~~[each of the following:~~

~~[(A) a passport issued to the applicant by the country of which the applicant is a resident;~~

~~[(B) a Temporary Worker visa; and~~

~~[(C) a Form I-94 Arrival/Departure record or a successor document].~~

(d) A person who knowingly falsifies information or a certification required by Subsection (a) commits an offense and is subject to a 60-day disqualification ~~[cancellation]~~ of the person's commercial driver's license, commercial ~~[driver]~~ learner's permit, or application. An offense under this subsection is a Class C misdemeanor.

SECTION _____. Section 522.022, Transportation Code, is amended to read as follows:

Sec. 522.022. LICENSE REQUIREMENTS. The department may not issue a commercial driver's license other than a non-domiciled ~~[nonresident]~~ license to a person unless the person:

(1) has a domicile:

(A) in this state; or

(B) in another state and is a member of the United States armed forces, including a member of the National Guard or a reserve or auxiliary unit of any branch of the armed forces, whose temporary or permanent duty station is located in this state;

(2) has passed knowledge and skills tests for driving a commercial motor vehicle that comply with minimal federal standards established by 49 C.F.R. Part 383, Subparts G and H; and

(3) has satisfied the requirements imposed by the federal act, federal regulation, or state law.

SECTION _____. Section 522.023, Transportation Code, is amended by adding Subsection (j) to read as follows:

(j) The department may administer a skills test to a person who holds a commercial learner's permit issued by another state or jurisdiction.

SECTION _____. Section 522.025, Transportation Code, is amended to read as follows:

Sec. 522.025. LIMITATIONS ON ISSUANCE OF LICENSE OR PERMIT.

(a) The department may not issue a commercial driver's license or commercial ~~[driver]~~ learner's permit to a person who is disqualified from driving a commercial motor vehicle or while the person's driver's license or driving privilege is suspended, revoked, or canceled in any state.

(b) The department may not issue a commercial driver's license to a person who has a driver's license, commercial driver's license, or commercial ~~[driver]~~ learner's permit issued by another state unless the person surrenders the license or permit. The department shall notify ~~[return a surrendered license or permit to]~~ the issuing state of the surrendered license or permit ~~[for cancellation]~~.

SECTION _____. Section 522.027, Transportation Code, is amended to read as follows:

Sec. 522.027. MINIMUM AGE. The department may not issue a commercial driver's license or a commercial ~~[driver]~~ learner's permit to a person who is younger than 18 years of age.

SECTION _____. Section 522.028, Transportation Code, is amended to read as follows:

Sec. 522.028. CHECK OF DRIVING RECORD. Before issuing a commercial driver's license or commercial learner's permit, the department shall check the applicant's driving record as required by 49 C.F.R. Section 383.73.

SECTION _____. Section 522.029, Transportation Code, is amended by amending Subsections (a), (b), (c), (h), (j), and (k) and adding Subsections (h-1) and (l) to read as follows:

(a) The fee for a commercial driver's license [~~or commercial driver learner's permit~~] issued by the department is \$60, except as provided by Subsections (f), (h), (j), and (k).

(b) The fee for a commercial driver's license [~~or commercial driver learner's permit~~] shall be reduced by \$4 for each remaining year of validity of a driver's license, other than a commercial driver's license [~~or commercial driver learner's permit~~] issued by the department to the applicant.

(c) The fee for a duplicate commercial driver's license or commercial [~~driver~~] learner's permit is \$10.

(h) The fee for a commercial driver's license [~~or commercial driver learner's permit~~] issued under Section 522.033 is \$20.

(h-1) The fee for the issuance or renewal of a commercial learner's permit is \$24.

(j) The fee for issuance or renewal of a commercial driver's license [~~or commercial driver learner's permit~~] is \$25 for a license with an expiration date established under Section 522.054.

(k) The fee for a non-domiciled [~~nonresident~~] commercial driver's license or a non-domiciled commercial learner's permit is \$120. The fee for a temporary non-domiciled [~~nonresident~~] commercial driver's license is \$20.

(l) The fee for the administration of a skills test to a person who is not domiciled in this state is \$60.

SECTION _____. Section 522.029(f), Transportation Code, as added by Chapter 1372 (H.B. 1200), Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

(f) If a commercial driver's license [~~or commercial driver learner's permit~~] includes an authorization to operate a motorcycle or moped, the fee for the driver's license [~~or permit~~] is increased by \$8.

SECTION _____. Section 522.030(a), Transportation Code, is amended to read as follows:

(a) A commercial driver's license or commercial learner's permit must:

(1) be marked:

(A) "Commercial Driver License" or "CDL" for a commercial driver's license; or

(B) "Commercial Learner's Permit" or "CLP" for a commercial learner's permit;

(2) be, to the extent practicable, tamper-proof; and

(3) include:

(A) the name and domicile [~~mailing~~] address of the person to whom it is issued;

(B) the person's [~~color~~] photograph;

(C) a physical description of the person, including sex, height, and eye color;

(D) the person's date of birth;

(E) a number or identifier the department considers appropriate;

(F) the person's signature;

(G) each class of commercial motor vehicle that the person is authorized to drive, with any endorsements or restrictions;

(H) the name of this state; and

(I) the dates between which the license is valid.

SECTION _____. Sections 522.032(a) and (b), Transportation Code, are amended to read as follows:

(a) The holder of a commercial driver's license or commercial [~~driver~~] learner's permit who changes the holder's name or mailing address must apply for a duplicate license or permit not later than the 30th day after the date of the change in the manner provided by Section 521.054.

(b) The holder of a commercial driver's license or commercial [~~driver~~] learner's permit who changes the holder's residence address shall notify the department not later than the 30th day after the date of the change.

SECTION _____. Section 522.033, Transportation Code, is amended to read as follows:

Sec. 522.033. COMMERCIAL DRIVER'S LICENSE ISSUED TO CERTAIN SEX OFFENDERS. (a) The department may issue an original or renewal commercial driver's license or commercial [~~driver~~] learner's permit to a person whose driver's license or personal identification certificate record indicates that the person is subject to the registration requirements of Chapter 62, Code of Criminal Procedure, only if the person is otherwise eligible for the commercial driver's license or commercial [~~driver~~] learner's permit and:

(1) applies in person for the issuance of a license or permit under this section; and

(2) pays a fee of:

(A) \$20 for a commercial driver's license; or

(B) \$24 for a commercial learner's permit.

(b) Notwithstanding Sections 522.013 and [~~Section~~] 522.051, a commercial driver's license [~~or commercial driver learner's permit~~] issued under this section, including a renewal, duplicate, or corrected license, expires[~~;~~ or

~~[(1) if the license or permit holder is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States,] on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application[~~;~~ or~~

~~[(2) if the applicant is not described by Subdivision (1), on the earlier of:~~

~~[(A) the expiration date of the applicant's authorized stay in the United States; or~~

~~[(B) the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application].~~

SECTION _____. Sections 522.034(a) and (b), Transportation Code, are amended to read as follows:

(a) An applicant for an original commercial driver's license [~~or commercial driver learner's permit~~] that includes an authorization to operate a motorcycle must furnish to the department evidence satisfactory to the department that the applicant has successfully completed a basic motorcycle operator training course approved by the department under Chapter 662.

(b) The department may not issue an original commercial driver's license [~~or commercial driver learner's permit~~] that includes an authorization to operate a motorcycle to an applicant who fails to comply with Subsection (a).

SECTION _____. Sections 522.041(a) and (e), Transportation Code, are amended to read as follows:

(a) The department may issue a Class A, Class B, or Class C commercial driver's license or commercial learner's permit.

(e) The holder of a commercial driver's license or commercial learner's permit may drive any vehicle in the class for which the license or permit is issued and lesser classes of vehicles except a motorcycle or moped. The holder may drive a motorcycle only if authorization to drive a motorcycle is shown on the commercial driver's license and the requirements for issuance of a motorcycle license have been met.

SECTION _____. Section 522.042, Transportation Code, is amended by amending Subsections (b) and (c) and adding Subsections (d), (e), and (f) to read as follows:

(b) The department may issue a commercial learner's permit with endorsements authorizing the driving of a passenger vehicle, a school bus, or a tank vehicle.

(c) An endorsement under Subsection (b) for a passenger vehicle or a school bus allows a permit holder to operate a vehicle with only the following passengers:

(1) federal or state auditors and inspectors, test examiners, or other permit holders; and

(2) the commercial driver's license holder required under Section 522.011(a)(2)(B).

(d) An endorsement under Subsection (b) for a tank vehicle allows a permit holder to operate only an empty tank vehicle that has been purged of any hazardous materials.

(e) The holder of a commercial driver's license or commercial learner's permit may not drive a vehicle that requires an endorsement unless the proper endorsement appears on the license or permit.

(f) [~~(e)~~] A person commits an offense if the person violates Subsection (c), (d), or (e) [~~(b)~~]. An offense under this section is a Class C misdemeanor.

SECTION _____. Section 522.051, Transportation Code, is amended by amending Subsections (a), (b), (c), (d), and (f) and adding Subsection (h) to read as follows:

(a) Except as provided by Subsection (f) and Sections 522.013(e), 522.033, and 522.054, an original commercial driver's license [~~or commercial driver learner's permit~~] expires five years after the applicant's next birthday.

(b) Except as provided by Section 522.054, a commercial driver's license [~~or commercial driver learner's permit~~] issued to a person holding a Texas Class A, B, C, or M license that would expire one year or more after the date of issuance of the commercial driver's license [~~or commercial driver learner's permit~~] expires five years after the applicant's next birthday.

(c) Except as provided by Section 522.054, a commercial driver's license [~~or commercial driver learner's permit~~] issued to a person holding a Texas Class A, B, C, or M license that would expire less than one year after the date of issuance of the commercial driver's license [~~or commercial driver learner's permit~~] or that has been expired for less than one year expires five years after the expiration date shown on the Class A, B, C, or M license.

(d) Except as provided by Section 522.054, a commercial driver's license [~~or commercial driver learner's permit~~] issued to a person holding a Texas Class A, B, C, or M license that has been expired for at least one year but not more than two years expires five years after the applicant's last birthday.

(f) Except as provided by Section 522.013, a non-domiciled [~~nonresident~~] commercial driver's license other than a temporary non-domiciled [~~nonresident~~] commercial driver's license under Section 522.013(e) expires on [the earlier of]:

(1) the earlier of:

(A) the first birthday of the license holder occurring after the fifth anniversary of the date of the application; or

(B) the expiration date of the license holder's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law [the expiration date of the visa presented under Section 522.021(a-1)(2)(B)]; or

(2) the first anniversary of the date of issuance, if there is no definitive expiration date for the applicant's authorized stay in the United States [expiration date of the Form I-94 Arrival/Departure record, or a successor document, presented under Section 522.021(a-1)(2)(C)].

(h) A commercial learner's permit expires on the earlier of:

(1) the expiration date of the driver's license or commercial driver's license;

or

(2) the 181st day after the date of issuance.

SECTION _____. Section 522.052(e), Transportation Code, is amended to read as follows:

(e) A commercial [~~driver~~] learner's permit may [~~not~~] be renewed once for an additional 180 days without requiring the applicant to retake the general and endorsement knowledge tests.

SECTION _____. Section 522.054(a), Transportation Code, is amended to read as follows:

(a) Each original commercial driver's license [~~and commercial driver learner's permit~~] of a person 85 years of age or older expires on the license holder's second birthday after the date of the license application.

SECTION _____. Section 522.0541, Transportation Code, is amended to read as follows:

Sec. 522.0541. DENIAL OF RENEWAL OF COMMERCIAL DRIVER LICENSE OR LEARNER PERMIT. (a) In the manner ordered by a court in another state in connection with a matter involving the violation of a state law or local ordinance relating to motor vehicle traffic control and on receipt of the necessary information from the other state, the department may deny renewal of the commercial driver's license or commercial learner's permit issued to a person by the department for the person's:

- (1) failure to appear in connection with a complaint or citation; [✕];
- (2) failure to pay or satisfy a judgment ordering the payment of a fine and costs; or
- (3) failure to answer a citation or to pay fines, penalties, or costs related to the original violation.

(b) The information necessary under Subsection (a) may be transmitted through the commercial driver's license information system and must include:

- (1) the name, date of birth, and the commercial driver's license number of the license held by the person;
- (2) notice that the person failed to appear as required by law or failed to satisfy a judgment that ordered the payment of a fine and costs in the manner ordered by the court;
- (3) the nature of the violation; and
- (4) any other information required by the department.

(c) The department shall apply any notification received under Subsection (a) as a conviction to the person's driving record.

SECTION _____. Section 522.055, Transportation Code, is amended to read as follows:

Sec. 522.055. CLEARANCE NOTICE TO DEPARTMENT. On receipt of notice from the other state that the grounds for denial of the renewal of the commercial driver's license or commercial learner's permit based on the ~~[license]~~ holder's previous failure to appear or failure to pay a fine and costs previously reported by that state under Section 522.0541 have ceased to exist, the department shall renew the person's commercial driver's license or commercial learner's permit.

SECTION _____. Sections 522.061(a), (b), and (c), Transportation Code, are amended to read as follows:

(a) A person who holds or is required to hold a commercial driver's license or a commercial learner's permit under this chapter and who is convicted in another state of violating a state law or local ordinance relating to motor vehicle traffic control shall notify the department in the manner specified by the department not later than the seventh day after the date of conviction.

(b) A person who holds or is required to hold a commercial driver's license or commercial learner's permit under this chapter and who is convicted in this state or another state of violating a state law or local ordinance relating to motor vehicle traffic control, including a law regulating the operation of vehicles on highways, shall notify the person's employer in writing of the conviction not later than the seventh day after the date of conviction.

(c) A notification to the department or an employer must be in writing and must contain:

- (1) the driver's full name;
- (2) the driver's license or permit number;
- (3) the date of conviction;
- (4) the nature of the violation;
- (5) a notation of whether the violation was committed in a commercial motor vehicle;
- (6) the location where the offense was committed; and
- (7) the driver's signature.

SECTION _____. Section 522.062(a), Transportation Code, is amended to read as follows:

(a) If a person holds a driver's license, commercial driver's license, or commercial learner's permit issued by another state and is finally convicted of a violation of a state traffic law or local traffic ordinance that was committed in a commercial motor vehicle, the department shall notify the driver's licensing authority in the issuing state of that conviction, in the time and manner required by 49 U.S.C. Section 31311.

SECTION _____. Section 522.071(a), Transportation Code, as amended by Chapters 424 (S.B. 1372) and 499 (S.B. 333), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and amended to read as follows:

(a) A person commits an offense if the person drives a commercial motor vehicle on a highway:

- (1) after the person has been denied the issuance of a license or permit, unless the person has a driver's license appropriate for the class of vehicle being driven that was subsequently issued;
- (2) during a period that a disqualification of the person's driver's license, permit, or privilege is in effect;
- (3) while the person's driver's license or permit is expired, if the license or permit expired during a period of disqualification;
- (4) during a period that the person was subject to an order prohibiting the person from obtaining a driver's license or permit; or
- (5) during a period in which the person, the person's employer, or the vehicle being operated is subject to an out-of-service order.

SECTION _____. Section 522.071(b), Transportation Code, is amended to read as follows:

(b) It is not a defense to prosecution that the person had not received notice of a disqualification imposed as a result of a conviction that results in an automatic disqualification of the person's driver's license, permit, or privilege.

SECTION _____. Sections 522.081(a), (b), (e), and (g), Transportation Code, are amended to read as follows:

(a) This subsection applies to a violation committed while operating any motor vehicle, including a commercial motor vehicle. A person who holds a commercial driver's license or commercial learner's permit is disqualified from driving a commercial motor vehicle for:

- (1) 60 days if convicted of:
 - (A) two serious traffic violations that occur within a three-year period;

or

(B) one violation of a law that regulates the operation of a motor vehicle at a railroad grade crossing; or

(2) 120 days if convicted of:

(A) three serious traffic violations arising from separate incidents occurring within a three-year period; or

(B) two violations of a law that regulates the operation of a motor vehicle at a railroad grade crossing that occur within a three-year period.

(b) Except as provided by this subsection, this [This] subsection applies to a violation committed while operating any type of motor vehicle, including a commercial motor vehicle~~[except as provided by this subsection]~~. A person who holds a commercial driver's license or commercial learner's permit is disqualified from driving a commercial motor vehicle for one year:

(1) if convicted of three violations of a law that regulates the operation of a motor vehicle at a railroad grade crossing that occur within a three-year period;

(2) on first conviction of:

(A) driving a motor vehicle under the influence of alcohol or a controlled substance, including a violation of Section 49.04, 49.045, or 49.07, Penal Code;

(B) leaving the scene of an accident involving a motor vehicle driven by the person;

(C) using a motor vehicle in the commission of a felony, other than a felony described by Subsection (d)(2);

(D) causing the death of another person through the negligent or criminal operation of a motor vehicle; or

(E) driving a commercial motor vehicle while the person's commercial driver's license or commercial learner's permit is revoked, suspended, or canceled, or while the person is disqualified from driving a commercial motor vehicle, for an action or conduct that occurred while operating a commercial motor vehicle;

(3) for refusing to submit to a test under Chapter 724 to determine the person's alcohol concentration or the presence in the person's body of a controlled substance or drug while operating a motor vehicle in a public place; or

(4) if an analysis of the person's blood, breath, or urine under Chapter 522, 524, or 724 determines that the person:

(A) had an alcohol concentration of 0.04 or more, or that a controlled substance or drug was present in the person's body, while operating a commercial motor vehicle in a public place; or

(B) had an alcohol concentration of 0.08 or more while operating a motor vehicle, other than a commercial motor vehicle, in a public place.

(e) A person may not be issued a commercial driver's license or a commercial learner's permit and is disqualified from operating a commercial motor vehicle if, in connection with the person's operation of a commercial motor vehicle, the person commits an offense or engages in conduct that would disqualify the holder of a commercial driver's license from operating a commercial motor vehicle, or is determined to have had an alcohol concentration of 0.04 or more or to have had a

controlled substance or drug present in the person's body. The period of prohibition under this subsection is equal to the appropriate period of disqualification required by Subsections (a)-(d).

(g) A person who holds a commercial driver's license or commercial learner's permit is disqualified from operating a commercial motor vehicle if the person's driving is determined to constitute an imminent hazard under 49 C.F.R. Section 383.52. The disqualification is for the disqualification period imposed under that section and shall be noted on the person's driving record.

SECTION _____. Section 522.084, Transportation Code, is amended to read as follows:

Sec. 522.084. NOTIFICATION TO OTHER JURISDICTION. After disqualifying a person who has a domicile in another state or in a foreign jurisdiction, the department shall give notice of that fact to the licensing authority of the state that issued the person's driver's license, commercial driver's license, or commercial ~~driver~~ learner's permit.

SECTION _____. Section 522.087, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) A disqualification imposed under Section 522.081(a)(1)(B) or 522.081(b)(2) or (d)(2) takes effect on the 10th day after the date the department issues the order of disqualification.

SECTION _____. Section 522.089, Transportation Code, is amended to read as follows:

Sec. 522.089. EFFECT OF SUSPENSION, REVOCATION, CANCELLATION, OR DENIAL OF LICENSE OR PERMIT UNDER OTHER LAW. (a) A suspension, revocation, cancellation, or denial of a driver's license, permit, or privilege under Chapter 521 or another law of this state disqualifies the person under this chapter.

(b) If the department disqualifies a person under this chapter ~~[disqualifies a person]~~ for a longer period than the other law, the person is disqualified for the longer period.

SECTION _____. Effective January 30, 2016, Subchapter H, Chapter 522, Transportation Code, is amended by adding Section 522.093 to read as follows:

Sec. 522.093. SELF-CERTIFICATION OF MEDICAL STATUS. The department shall remove the commercial driver's license privilege from the holder of a commercial driver's license or a commercial learner's permit if the holder:

(1) fails to provide the department a self-certification of operating status; or
(2) fails to provide and maintain with the department a current medical examiner's certificate that is required based on the self-certification.

SECTION _____. Section 522.105(a), Transportation Code, is amended to read as follows:

(a) On receipt of a report under Section 522.104, the department shall disqualify the person from driving a commercial motor vehicle under Section 522.081 beginning on the 45th day after the date the report is received unless a hearing is granted.

SECTION _____. Section 524.001(10), Transportation Code, is amended to read as follows:

(10) "Driver's license" has the meaning assigned by Section 521.001. The term includes a commercial driver's license or a commercial [~~driver~~] learner's permit issued under Chapter 522.

SECTION _____. Section 543.007, Transportation Code, is amended to read as follows:

Sec. 543.007. NOTICE TO APPEAR: COMMERCIAL VEHICLE OR LICENSE. A notice to appear issued to the operator of a commercial motor vehicle or holder of a commercial driver's license or commercial [~~driver~~] learner's permit, for the violation of a law regulating the operation of vehicles on highways, must contain the information required by department rule, to comply with Chapter 522 and the federal Commercial Motor Vehicle Safety Act of 1986 (Title 49, U.S.C. Section 2701 et seq.).

SECTION _____. Section 543.202(b), Transportation Code, is amended to read as follows:

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

- (1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;
- (2) the registration number of the vehicle involved;
- (3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;
- (4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial [~~driver~~] learner's permit;
- (5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;
- (6) whether a search of the vehicle was conducted and whether consent for the search was obtained;
- (7) the plea, the judgment, whether the individual was adjudicated under Article 45.0511, Code of Criminal Procedure, and whether bail was forfeited;
- (8) the date of conviction; and
- (9) the amount of the fine or forfeiture.

SECTION _____. Section 548.256, Transportation Code, is amended to read as follows:

Sec. 548.256. PROOF OF COMPLIANCE WITH INSPECTION REQUIREMENTS REQUIRED TO REGISTER VEHICLE. (a) Except as provided by Subsection (b) or (c), before [~~Before~~] a vehicle may be registered, the Texas Department of Motor Vehicles or the county assessor-collector registering the vehicle shall verify that the vehicle complies with [~~has passed~~] the applicable inspection requirements under this chapter and Chapter 382, Health and Safety Code [~~inspections required by this chapter~~], as indicated in the department's inspection database. If the database information is not available, the owner of the vehicle may present a vehicle inspection report issued for the vehicle.

(b) The Texas Department of Motor Vehicles or a county assessor-collector may register a vehicle that is not in compliance with the applicable inspection requirements under this chapter or Chapter 382, Health and Safety Code, if the vehicle is located in another state at the time the applicant applies for registration or registration renewal

under Chapter 502 and the applicant certifies that the vehicle is located in another state and the applicant will comply with the applicable inspection requirements under this chapter, Chapter 382, Health and Safety Code, and the department's administrative rules regarding inspection requirements once the vehicle is operated in this state. The Texas Department of Motor Vehicles or the county assessor-collector shall add a notation to the Texas Department of Motor Vehicles' registration database for law enforcement to verify the inspection status of the vehicle.

(c) Subsection (a) does not apply to:

(1) a vehicle that is being registered under the International Registration Plan as authorized by Section 502.091; or

(2) a token trailer that is being registered under Section 502.255, including a token trailer that is being registered for an extended period under Section 502.0023.

SECTION _____. Subchapter I, Chapter 548, Transportation Code, is amended by adding Section 548.605 to read as follows:

Sec. 548.605. OPERATING A VEHICLE WITHOUT COMPLYING WITH INSPECTION REQUIREMENTS AS CERTIFIED; OFFENSE; DISMISSAL OF CHARGE. (a) In this section, "working day" means any day other than a Saturday, a Sunday, or a holiday on which county offices are closed.

(b) A person commits an offense if:

(1) the person operates in this state a vehicle for which a certification was provided under Section 548.256(b); and

(2) the vehicle is not in compliance with the applicable inspection requirements under this chapter, Chapter 382, Health and Safety Code, or the department's administrative rules regarding inspection requirements.

(c) A peace officer may require the owner or operator to produce a vehicle inspection report issued for the vehicle if the Texas Department of Motor Vehicles' registration database includes a notation for law enforcement to verify the inspection status of the vehicle.

(d) It is a defense to prosecution under Subsection (b) that a passing vehicle inspection report issued for the vehicle is in effect at the time of the offense.

(e) A court shall:

(1) dismiss a charge under this section if the defendant remedies the defect:

(A) not later than the 20th working day after the date of the citation or before the defendant's first court appearance date, whichever is later; and

(B) not later than the 40th working day after the applicable deadline provided by this chapter, Chapter 382, Health and Safety Code, or the department's administrative rules regarding inspection requirements; and

(2) assess an administrative fee not to exceed \$20 when the charge has been remedied under Subdivision (1).

(f) An offense under this section is a Class C misdemeanor.

SECTION _____. Article 62.060(a), Code of Criminal Procedure, is amended to read as follows:

(a) A person subject to registration under this chapter shall apply to the department in person for the issuance of, as applicable, an original or renewal driver's license under Section 521.272, Transportation Code, an original or renewal personal

identification certificate under Section 521.103, Transportation Code, or an original or renewal commercial driver's license or commercial [~~driver~~] learner's permit under Section 522.033, Transportation Code, not later than the 30th day after the date:

(1) the person is released from a penal institution or is released by a court on community supervision or juvenile probation; or

(2) the department sends written notice to the person of the requirements of this article.

SECTION _____. Section 103.0213, Government Code, is amended to read as follows:

Sec. 103.0213. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: TRANSPORTATION CODE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Transportation Code if ordered by the court or otherwise required:

(1) administrative fee on dismissal of charge of driving with an expired motor vehicle registration (Sec. 502.407, Transportation Code) . . . not to exceed \$20;

(2) administrative fee on dismissal of charge of driving with an expired driver's license (Sec. 521.026, Transportation Code) . . . not to exceed \$20;

(3) administrative fee on remediation of charge of operating a vehicle without complying with inspection requirements as certified (Sec. 548.605, Transportation Code) . . . not to exceed \$20;

(4) administrative fee for failure to appear for a complaint or citation on certain offenses (Sec. 706.006, Transportation Code) . . . \$30 for each violation; and

(5) [~~4~~] administrative fee for failure to pay or satisfy certain judgments (Sec. 706.006, Transportation Code) . . . \$30.

SECTION _____. Section 522.029(f), Transportation Code, as added by Chapter 1156 (S.B. 99), Acts of the 75th Legislature, Regular Session, 1997, is repealed.

SECTION _____. (a) The changes in law made by this Act to Sections 522.011, 522.042, and 522.071, Transportation Code, apply only to an offense that is committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b) The change in law made by this Act to Section 522.021, Transportation Code, applies only to an application for a license that is filed on or after the effective date of this Act.

(c) The changes in law made by this Act to Sections 522.029, 522.033, and 522.051, Transportation Code, apply only to a license or permit that is issued or renewed on or after the effective date of this Act.

SECTION _____. Except as otherwise provided by this Act, this Act takes effect January 1, 2016.

(6) Renumber the SECTIONS of the bill accordingly.

The amendment to **CSHB 1888** was read and was adopted without objection.

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

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 1888** (senate committee printing) by inserting the following appropriately numbered SECTIONS and renumbering subsequent sections appropriately:

SECTION _____. Section 521.059(a), Transportation Code, is amended to read as follows:

(a) The department shall establish an image verification system based on the following identifiers collected by the department under Section 521.142(b):

(1) an applicant's facial image; and

(2) an applicant's thumbprints or, if thumbprints cannot be taken, the index fingerprints of the applicant.

SECTION _____. Not later than December 31, 2015, the Texas Department of Public Safety shall delete or redact from its records any fingerprint collected from an applicant for a driver's license or personal identification certificate in a manner that does not comply with Section 521.142(b)(1), Transportation Code.

The amendment to **CSHB 1888** was read and was adopted without objection.

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

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

CSHB 1888 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 1888 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 **CSHB 1888** 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 3456 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **HB 3456** at this time on its second reading:

HB 3456, Relating to the composition of a district executive committee of a political party.

The motion prevailed.

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

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

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

Nays: Burton.

HOUSE BILL 3456 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3456** be placed on its third reading and final passage.

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

Nays: Burton.

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

HOUSE BILL 939 ON SECOND READING

On motion of Senator L. Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 939** at this time on its second reading:

HB 939, Relating to unenforceable restrictive covenants regarding standby electric generators affecting residential homes.

The bill was read second time.

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

Floor Amendment No. 1

Amend **HB 939** (senate committee printing) in SECTION 1 of the bill by striking added Section 202.019(i), Property Code (page 3, lines 6-11):

~~(i) The installation of a standby electric generator by a licensed contractor or the acceptance of the installation of a standby electric generator, or any of its components, by a political subdivision is conclusive proof that the standby electric generator and its components were installed in compliance with Subsection (e).~~

The amendment to **HB 939** 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 939 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 939 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 939** 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 1289 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **HB 1289** at this time on its second reading:

HB 1289, Relating to the acquisition and sale of unimproved real property by an urban land bank.

The motion prevailed.

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

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

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

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

HOUSE BILL 1289 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1289** be placed on its third reading and final passage.

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

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

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

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

HOUSE BILL 549 ON SECOND READING

Senator Whitmire moved to suspend the regular order of business to take up for consideration **HB 549** at this time on its second reading:

HB 549, Relating to certain duties of the Commission on Jail Standards regarding visitation periods for county jail prisoners.

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

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

Nays: Bettencourt, Estes, Fraser, Hall, Nichols, V. Taylor.

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

HOUSE BILL 549 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 549** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Fraser, Hall, Nichols, V. Taylor.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6.

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

Nays: Bettencourt, Estes, Fraser, Hall, Nichols, V. Taylor.

HOUSE BILL 2712 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **HB 2712** at this time on its second reading:

HB 2712, Relating to the temporary exemption of certain tangible personal property related to large data center projects from the sales and use tax.

The motion prevailed.

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

The bill was read second time.

Senator Hancock offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2712** (senate committee report) as follows:

(1) On page 3, line 3, strike "A" and substitute: "Subject to subsection (j), a".

(2) On page 4, between lines 11 and 12, insert the following:

(j) A data center is not eligible to receive an exemption under this section if the data center is subject to an agreement limiting the appraised value of the data center's property under Subchapter B or C, Chapter 313.

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

SECTION _____. Subchapter A, Chapter 313, Tax Code, is amended to read as follows:

Sec. 313.010. An entity that has been issued a registration number under Section 151.359 or Section 151.3595 is not eligible to receive a limitation on appraised value under this chapter.

The amendment to **HB 2712** 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.

HB 2712 as amended was passed to third reading by the following vote: Yeas 23, Nays 8.

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

Nays: Bettencourt, Birdwell, Burton, Creighton, Garcia, Hall, V. Taylor, Zaffirini.

HOUSE BILL 2712 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 **HB 2712** be placed on its third reading and final passage.

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

Yeas: Bettencourt, Campbell, 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.

Nays: Birdwell, Burton, Creighton, Hall, Zaffirini.

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

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

Nays: Birdwell, Burton, Creighton, Garcia, Hall, Huffines, V. Taylor, Zaffirini.

SENATE BILL 1 WITH HOUSE AMENDMENTS

Senator Nelson called **SB 1** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 1** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to an increase in the amount of the residence homestead exemption from ad valorem taxation by a school district, a reduction of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the homestead of an elderly or disabled person to reflect the increased exemption amount, and the protection of school districts against the resulting loss in state and local revenue.

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

SECTION 1. Section 11.13(b), Tax Code, is amended to read as follows:

(b) An adult is entitled to exemption from taxation by a school district of \$25,000 [~~\$15,000~~] of the appraised value of the adult's residence homestead, except that only \$5,000 [~~\$10,000~~] of the exemption applies [~~does not apply~~] to an entity operating under former Chapter 17, 18, 25, 26, 27, or 28, Education Code, as those chapters existed on May 1, 1995, as permitted by Section 11.301, Education Code.

SECTION 2. Section 11.26(a), Tax Code, is amended to read as follows:

(a) The tax officials shall appraise the property to which this section applies and calculate taxes as on other property, but if the tax so calculated exceeds the limitation imposed by this section, the tax imposed is the amount of the tax as limited by this section, except as otherwise provided by this section. A school district may not increase the total annual amount of ad valorem tax it imposes on the residence homestead of an individual 65 years of age or older or on the residence homestead of an individual who is disabled, as defined by Section 11.13, above the amount of the tax it imposed in the first tax year in which the individual qualified that residence homestead for the applicable exemption provided by Section 11.13(c) for an individual who is 65 years of age or older or is disabled. If the individual qualified that residence homestead for the exemption after the beginning of that first year and the residence homestead remains eligible for the same exemption for the next year, and if the school district taxes imposed on the residence homestead in the next year are less than the amount of taxes imposed in that first year, a school district may not subsequently increase the total annual amount of ad valorem taxes it imposes on the residence homestead above the amount it imposed in the year immediately following the first year for which the individual qualified that residence homestead for the same exemption, except as provided by Subsection (b). If the first tax year the individual qualified the residence homestead for the exemption provided by Section 11.13(c) for individuals 65 years of age or older or disabled was a tax year before the 2015 [~~1997~~] tax year, the amount of the limitation provided by this section is the amount of tax the school district imposed for the 2014 [~~1996~~] tax year less an amount equal to the amount determined by multiplying \$10,000 times the tax rate of the school district for the 2015 [~~1997~~] tax year, plus any 2015 [~~1997~~] tax attributable to improvements made in 2014 [~~1996~~], other than improvements made to comply with governmental regulations or repairs.

SECTION 3. Section 25.23, Tax Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) This subsection applies only to the appraisal records for the 2015 tax year. If the appraisal records submitted to the appraisal review board include the taxable value of residence homesteads or show the amount of the exemption under Section

11.13(b) applicable to residence homesteads, the chief appraiser shall prepare supplemental appraisal records that reflect an exemption amount under that subsection of \$25,000. This subsection expires December 31, 2016.

SECTION 4. Section 26.04, Tax Code, is amended by adding Subsections (a-1) and (c-1) to read as follows:

(a-1) On receipt of the appraisal roll for the 2015 tax year, the assessor for a school district shall determine the total taxable value of property taxable by the school district and the taxable value of new property based on a residence homestead exemption under Section 11.13(b) of \$25,000. This subsection expires December 31, 2016.

(c-1) An officer or employee designated by the governing body of a school district shall calculate the effective tax rate and the rollback tax rate of the school district for the 2015 tax year based on a residence homestead exemption under Section 11.13(b) of \$25,000. This subsection expires December 31, 2016.

SECTION 5. Section 26.09, Tax Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The assessor for a school district shall calculate the amount of tax imposed by the school district on a residence homestead for the 2015 tax year based on an exemption under Section 11.13(b) of \$15,000 and separately based on an exemption under that subsection of \$25,000. This subsection expires December 31, 2016.

SECTION 6. Section 26.15, Tax Code, is amended by adding Subsection (h) to read as follows:

(h) The assessor for a school district shall correct the tax roll for the school district for the 2015 tax year to reflect the results of the election to approve the constitutional amendment proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015. This subsection expires December 31, 2016.

SECTION 7. Section 31.01, Tax Code, is amended by adding Subsections (d-2), (d-3), and (d-4) to read as follows:

(d-2) This subsection and Subsection (d-3) apply only to taxes imposed by a school district on a residence homestead for the 2015 tax year. The assessor for the school district shall compute the amount of taxes imposed and the other information required by this section based on a residence homestead exemption under Section 11.13(b) of \$25,000. The tax bill or the separate statement must indicate that the bill is a provisional tax bill and include a statement in substantially the following form:

"If the amount of the exemption from ad valorem taxation by a school district of a residence homestead had not been increased by the Texas Legislature, your tax bill would have been \$ _____ (insert amount equal to the sum of the amount calculated under Section 26.09(c-1) based on an exemption under Section 11.13(b) of \$15,000 and the total amount of taxes imposed by the other taxing units whose taxes are included in the bill). Because of action by the Texas Legislature increasing the amount of the residence homestead exemption, your tax bill has been lowered by \$ _____ (insert difference between amount calculated under Section 26.09(c-1) based on an exemption under Section 11.13(b) of \$15,000 and amount calculated under Section 26.09(c-1) based on an exemption under Section 11.13(b) of \$25,000), resulting in a lower tax bill of \$ _____ (insert amount equal to the sum of the amount calculated under Section 26.09(c-1) based on an exemption under Section 11.13(b) of \$25,000

and the total amount of taxes imposed by the other taxing units whose taxes are included in the bill), contingent on the approval by the voters at an election to be held November 3, 2015, of a constitutional amendment authorizing the residence homestead exemption increase. If the constitutional amendment is not approved by the voters at the election, a supplemental school district tax bill in the amount of \$_____ (insert difference between amount calculated under Section 26.09(c-1) based on an exemption under Section 11.13(b) of \$15,000 and amount calculated under Section 26.09(c-1) based on an exemption under Section 11.13(b) of \$25,000) will be mailed to you."

(d-3) Except as provided by Subsections (f), (i-1), and (k), if the constitutional amendment proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015, is not approved by the voters, the assessor for each school district shall prepare and mail a supplemental tax bill to each person in whose name property subject to an exemption under Section 11.13(b) is listed on the tax roll and to the person's authorized agent in an amount equal to the difference between the amount calculated under Section 26.09(c-1) based on an exemption under Section 11.13(b) of \$15,000 and the amount calculated under Section 26.09(c-1) based on an exemption under Section 11.13(b) of \$25,000. The assessor shall mail tax bills under this subsection by December 1 or as soon thereafter as practicable. Except as otherwise provided by this subsection, the provisions of this section other than Subsection (d-2) apply to a tax bill mailed under this subsection.

(d-4) This subsection and Subsections (d-2) and (d-3) expire December 31, 2016.

SECTION 8. Section 31.02, Tax Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Except as provided by Subsection (b) of this section and Sections 31.03 and 31.04, taxes for which a supplemental tax bill is mailed under Section 31.01(d-3) are due on receipt of the tax bill and are delinquent if not paid before March 1 of the year following the year in which imposed. This subsection expires December 31, 2016.

SECTION 9. Section 33.011, Tax Code, is amended by adding Subsection (k) to read as follows:

(k) The governing body of a school district shall waive penalties and interest on a delinquent tax for which a supplemental tax bill is mailed under Section 31.01(d-3).

SECTION 10. Subchapter A, Chapter 41, Education Code, is amended by adding Section 41.0011 to read as follows:

Sec. 41.0011. COMPUTATION OF WEALTH PER STUDENT FOR 2015-2016 SCHOOL YEAR. Notwithstanding any other provision of this chapter, in computing a school district's wealth per student for the 2015-2016 school year, a school district's taxable value of property under Subchapter M, Chapter 403, Government Code, is determined as if the increase in the residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, and the additional limitation on tax increases under Section 1-b(d) of that article in effect for the 2015 tax year as proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015, had been in effect for the 2014 tax year. This section expires September 1, 2016.

SECTION 11. Section 41.004, Education Code, is amended by adding Subsections (a-1), (b-1), and (c-1) to read as follows:

(a-1) This subsection applies only if the constitutional amendment proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015, is approved by the voters in an election held for that purpose. As soon as practicable after receiving revised property values that reflect adoption of the constitutional amendment, the commissioner shall review the wealth per student of districts in the state and revise as necessary the notifications provided under Subsection (a) for the 2015-2016 school year. This subsection expires September 1, 2016.

(b-1) This subsection applies only to a district that has not previously held an election under this chapter and is not eligible to reduce the district's wealth per student in the manner authorized by Section 41.0041. Notwithstanding Subsection (b), a district that enters into an agreement to exercise an option to reduce the district's wealth per student under Section 41.003(3), (4), or (5) for the 2015-2016 school year may request and, as provided by Section 41.0042(a), receive approval from the commissioner to delay the date of the election otherwise required to be ordered before September 1. This subsection expires September 1, 2016.

(c-1) Notwithstanding Subsection (c), a district that receives approval from the commissioner to delay an election as provided by Subsection (b-1) may adopt a tax rate for the 2015 tax year before the commissioner certifies that the district has achieved the equalized wealth level. This subsection expires September 1, 2016.

SECTION 12. Subchapter A, Chapter 41, Education Code, is amended by adding Section 41.0042 to read as follows:

Sec. 41.0042. TRANSITIONAL PROVISIONS: INCREASED HOMESTEAD EXEMPTION AND LIMITATION ON TAX INCREASES. (a) The commissioner shall approve a district's request under Section 41.004(b-1) to delay the date of an election required under this chapter if the commissioner determines that the district would not have a wealth per student that exceeds the equalized wealth level if the constitutional amendment proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015, were approved by the voters.

(b) The commissioner shall set a date by which each district that receives approval under this section must order the election.

(c) Not later than the 2016-2017 school year, the commissioner shall order detachment and annexation of property under Subchapter G or consolidation under Subchapter H as necessary to achieve the equalized wealth level for a district that receives approval under this section and subsequently:

(1) fails to hold the election; or

(2) does not receive voter approval at the election.

(d) This section expires September 1, 2017.

SECTION 13. Subchapter A, Chapter 41, Education Code, is amended by adding Section 41.0121 to read as follows:

Sec. 41.0121. TRANSITIONAL ELECTION DATES. (a) This section applies only to an election under this chapter that occurs during the 2015-2016 school year.

(b) Section 41.012 does not apply to a district that receives approval of a request under Section 41.0042. The district shall hold the election on a Tuesday or Saturday on or before a date specified by the commissioner. Section 41.001, Election Code, does not apply to the election.

(c) This section expires September 1, 2016.

SECTION 14. Section 41.094, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a), a district that receives approval of a request under Section 41.0042 shall pay for credits purchased in equal monthly payments as determined by the commissioner beginning March 15, 2016, and ending August 15, 2016. This subsection expires September 1, 2016.

SECTION 15. Subchapter D, Chapter 41, Education Code, is amended by adding Section 41.0981 to read as follows:

Sec. 41.0981. TRANSITIONAL EARLY AGREEMENT CREDIT. Notwithstanding Section 41.098, a district that receives approval of a request under Section 41.0042 may receive the early agreement credit described by Section 41.098 for the 2015-2016 school year if the district orders the election and obtains voter approval not later than the date specified by the commissioner. This section expires September 1, 2016.

SECTION 16. Section 41.208, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a), for the 2015-2016 school year, the commissioner shall order any detachments and annexations of property under this subchapter as soon as practicable after the canvass of the votes on the constitutional amendment proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015. This subsection expires September 1, 2016.

SECTION 17. Subchapter E, Chapter 42, Education Code, is amended by adding Section 42.2518 to read as follows:

Sec. 42.2518. ADDITIONAL STATE AID FOR HOMESTEAD EXEMPTION AND LIMITATION ON TAX INCREASES. (a) For the 2015-2016 and 2016-2017 school years, a school district is entitled to additional state aid to the extent that state and local revenue under this chapter and Chapter 41 is less than the state and local revenue that would have been available to the district under Chapter 41 and this chapter as those chapters existed on September 1, 2015, if the increase in the residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, and the additional limitation on tax increases under Section 1-b(d) of that article as proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015, had not occurred.

(b) The lesser of the school district's currently adopted maintenance and operations tax rate or the adopted maintenance and operations tax rate for the 2014 tax year is used for the purpose of determining additional state aid under this section.

(c) Revenue from a school district maintenance and operations tax that is levied to pay costs of a lease-purchase agreement as described by Section 46.004 and that is included in determining state assistance under Subchapter A, Chapter 46, is included for the purpose of calculating state aid under this section.

(d) The commissioner, using information provided by the comptroller and other information as necessary, shall compute the amount of additional state aid to which a district is entitled under this section. A determination by the commissioner under this section is final and may not be appealed.

(e) This section expires August 31, 2017.

SECTION 18. Effective September 1, 2017, Subchapter E, Chapter 42, Education Code, is amended by adding Section 42.2518 to read as follows:

Sec. 42.2518. ADDITIONAL STATE AID FOR HOMESTEAD EXEMPTION AND LIMITATION ON TAX INCREASES. (a) Beginning with the 2017-2018 school year, a school district is entitled to additional state aid to the extent that state and local revenue under this chapter and Chapter 41 is less than the state and local revenue that would have been available to the district under Chapter 41 and this chapter as those chapters existed on September 1, 2015, excluding any state aid that would have been provided under former Section 42.2516, if the increase in the residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, and the additional limitation on tax increases under Section 1-b(d) of that article as proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015, had not occurred.

(b) The lesser of the school district's currently adopted maintenance and operations tax rate or the adopted maintenance and operations tax rate for the 2014 tax year is used for the purpose of determining additional state aid under this section.

(c) Revenue from a school district maintenance and operations tax that is levied to pay costs of a lease-purchase agreement as described by Section 46.004 and that is included in determining state assistance under Subchapter A, Chapter 46, is included for the purpose of calculating state aid under this section.

(d) The commissioner, using information provided by the comptroller and other information as necessary, shall compute the amount of additional state aid to which a district is entitled under this section. A determination by the commissioner under this section is final and may not be appealed.

SECTION 19. Section 42.252, Education Code, is amended by adding Subsection (e) to read as follows:

(e) Notwithstanding any other provision of this chapter, in computing each school district's local share of program cost under this section for the 2015-2016 school year, a school district's taxable value of property under Subchapter M, Chapter 403, Government Code, is determined as if the increase in the residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, and the additional limitation on tax increases under Section 1-b(d) of that article in effect for the 2015 tax year as proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015, had been in effect for the 2014 tax year. This subsection expires September 1, 2016.

SECTION 20. Section 42.302, Education Code, is amended by adding Subsection (g) to read as follows:

(g) Notwithstanding any other provision of this chapter, in computing a school district's enrichment tax rate ("DTR") and local revenue ("LR") for the 2015-2016 school year, a school district's taxable value of property under Subchapter M, Chapter 403, Government Code, is determined as if the increase in the residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, and the additional

limitation on tax increases under Section 1-b(d) of that article in effect for the 2015 tax year as proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015, had been in effect for the 2014 tax year. This subsection expires September 1, 2016.

SECTION 21. Section 46.003, Education Code, is amended by adding Subsection (i) to read as follows:

(i) Notwithstanding any other provision of this chapter, in computing a district's bond tax rate ("BTR") and taxable value of property ("DPV") for the 2015-2016 school year, a school district's taxable value of property under Subchapter M, Chapter 403, Government Code, is determined as if the increase in the residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, and the additional limitation on tax increases under Section 1-b(d) of that article in effect for the 2015 tax year as proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015, had been in effect for the 2014 tax year. This subsection expires September 1, 2016.

SECTION 22. Section 46.032, Education Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding any other provision of this chapter, in computing a district's existing debt tax rate ("EDTR") and taxable value of property ("DPV") for the 2015-2016 school year, a school district's taxable value of property under Subchapter M, Chapter 403, Government Code, is determined as if the increase in the residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, and the additional limitation on tax increases under Section 1-b(d) of that article in effect for the 2015 tax year as proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015, had been in effect for the 2014 tax year. This subsection expires September 1, 2016.

SECTION 23. Chapter 46, Education Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. STATE AID FOR HOMESTEAD EXEMPTION AND
LIMITATION ON TAX INCREASES

Sec. 46.071. ADDITIONAL STATE AID FOR HOMESTEAD EXEMPTION AND LIMITATION ON TAX INCREASES. (a) Beginning with the 2015-2016 school year, a school district is entitled to additional state aid under this subchapter to the extent that state and local revenue used to service debt eligible under this chapter is less than the state and local revenue that would have been available to the district under this chapter as it existed on September 1, 2015, if the increase in the residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, and the additional limitation on tax increases under Section 1-b(d) of that article as proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015, had not occurred.

(b) Subject to Subsections (c)-(e), additional state aid under this section is equal to the amount by which the loss of local interest and sinking revenue for debt service attributable to the increase in the residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, and the additional limitation on tax increases under Section 1-b(d) of that article as proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015, is not offset by a gain in state aid under this chapter.

(c) For the purpose of determining state aid under this section, local interest and sinking revenue for debt service is limited to revenue required to service debt eligible under this chapter as of September 1, 2015, including refunding of that debt, subject to Section 46.061. The limitation imposed by Section 46.034(a) does not apply for the purpose of determining state aid under this section.

(d) If the amount required to pay debt service eligible under this section is less than the sum of state and local assistance provided under this chapter, including the amount of additional aid provided under this section, the district may not receive aid under this section in excess of the amount that, when added to the district's local interest and sinking revenue for debt service for the school year, as defined by this section, and state aid under Subchapters A and B, equals the amount required to pay the eligible debt service.

(e) The commissioner, using information provided by the comptroller and other information as necessary, shall compute the amount of additional state aid to which a district is entitled under this section. A determination by the commissioner under this section is final and may not be appealed.

SECTION 24. Section 403.302(j), Government Code, is amended to read as follows:

(j) For purposes of Chapter 42, Education Code, the comptroller shall certify to the commissioner of education:

(1) a final value for each school district computed on a residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, of \$5,000;

(2) a final value for each school district computed on:

(A) a residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, of \$15,000; and

(B) the effect of the additional limitation on tax increases under Section 1-b(d), Article VIII, Texas Constitution, as proposed by H.J.R. No. 4, 75th Legislature, Regular Session, 1997; ~~and~~

(3) a final value for each school district computed on the effect of the reduction of the limitation on tax increases to reflect any reduction in the school district tax rate as provided by Section 11.26(a-1), (a-2), or (a-3), Tax Code, as applicable; and

(4) a final value for each school district computed on:

(A) a residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, of \$25,000; and

(B) the effect of the additional limitation on tax increases under Section 1-b(d), Article VIII, Texas Constitution, as proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015.

SECTION 25. This Act applies beginning with the 2015 tax year.

SECTION 26. (a) Except as provided by Subsection (b) of this section or as otherwise provided by this Act:

(1) this Act takes effect on the date on which the constitutional amendment proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015, takes effect; and

(2) if that amendment is not approved by the voters, this Act has no effect.

(b) Sections 25.23(a-1), 26.04(a-1) and (c-1), 26.09(c-1), 26.15(h), 31.01(d-2), (d-3), and (d-4), 31.02(a-1), and 33.011(k), Tax Code, and Sections 41.004(a-1), (b-1), and (c-1), 41.0042, 41.0121, 41.094(a-1), 41.0981, and 41.208(a-1), Education Code, as added by this Act, take effect immediately if this Act 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 those sections to have immediate effect, those sections take effect on the 91st day after the last day of the legislative session.

(c) Section 33.011(k), Tax Code, as added by this Act, expires December 31, 2016, if the constitutional amendment proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015, takes effect.

Floor Amendment No. 1

Amend **CSSB 1** (house committee printing) as follows:

(1) On page 1, line 10, strike "11.13(b), Tax Code, is amended" and substitute "11.13, Tax Code, is amended by amending Subsection (b) and adding Subsection (n-1)".

(2) On page 1, between lines 18 and 19, insert the following:

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

(3) Insert the following appropriately numbered SECTION:

SECTION _____. Section 26.08, Tax Code, is amended by adding Subsection (q) to read as follows:

(q) For purposes of this section, the effective maintenance and operations tax rate and the rollback tax rate of a school district for the 2015 tax year shall be calculated based on a residence homestead exemption under Section 11.13(b) of \$25,000. This subsection expires December 31, 2016.

(4) On page 5, line 22, between "(d-3)" and "Except", insert the following: If the constitutional amendment proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015, is approved by the voters, a tax bill prepared by the assessor for a school district as provided by Subsection (d-2) and mailed to a person in whose name property subject to an exemption under Section 11.13(b) is listed on the tax roll and to the person's authorized agent as provided by Subsection (a) of this section is considered to be a final tax bill.

(5) On page 6, strike lines 20 through 24.

(6) Insert the following appropriately numbered SECTION:

SECTION _____. (a) An assessor or collector for a school district is not liable for civil damages or subject to criminal prosecution for any act performed in good faith in the execution of the person's duties under this Act.

(b) This section takes effect immediately if this Act receives a vote of two-thirds of all the members of each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for this section to take immediate effect, this section takes effect on the 91st day after the last day of the legislative session.

(7) On page 17, line 18, between "and (c-1)," and "26.09(c-1)", insert "26.08(q)".

(8) On page 17, line 19, strike "31.02(a-1), and 33.011(k)" and substitute "and 31.02(a-1)".

(9) On page 18, strike lines 1 through 3.

(10) Renumber the SECTIONS of the bill accordingly.

Floor Amendment No. 2

Amend Amendment No. 1 by Bonnen of Brazoria to **CSSB 1** on page 2, lines 3 and 4, of the amendment, strike "any act performed in good faith in the execution of the person's duties under this Act" and substitute "compliance in good faith with Section 31.01, Tax Code, as amended by this Act".

Floor Amendment No. 3

Amend Amendment No. 1 by Bonnen to **CSSB 1** as follows:

(1) On page 1 of the amendment, strike lines 19 through 27 and substitute the following appropriately numbered ITEMS:

() On page 4, line 14, strike "and (d-4)" and substitute "(d-4), and (d-5)".

() On page 4, line 15, strike "Subsection (d-3)" and substitute "Subsections (d-3) and (d-4)".

() Strike page 5, line 22, through page 6, line 11, and substitute the following:

(d-3) A tax bill prepared by the assessor for a school district as provided by Subsection (d-2) and mailed to a person in whose name property subject to an exemption under Section 11.13(b) is listed on the tax roll and to the person's authorized agent as provided by Subsection (a) of this section is considered to be a provisional tax bill until the canvass of the votes on the constitutional amendment proposed by S.J.R. 1, 84th Legislature, Regular Session, 2015. If the constitutional amendment is approved by the voters, the tax bill is considered to be a final tax bill for the taxes imposed on the property for the 2015 tax year, and no additional tax bill is required to be mailed to the person and to the person's authorized agent, unless another provision of this title requires the mailing of a corrected tax bill. If the constitutional amendment is not approved by the voters:

(1) a tax bill prepared by the assessor for a school district as provided by Subsection (d-2) and mailed to a person in whose name property subject to an exemption under Section 11.13(b) is listed on the tax roll and to the person's authorized agent as provided by Subsection (a) of this section is considered to be a final tax bill but only as to the portion of the taxes imposed on the property for the 2015 tax year that are included in the bill;

(2) the amount of taxes imposed by each school district on a residence homestead for the 2015 tax year is calculated based on an exemption under Section 11.13(b) of \$15,000; and

(3) except as provided by Subsections (f), (i-1), and (k), the assessor for each school district shall prepare and mail a supplemental tax bill, by December 1 or as soon thereafter as practicable, to each person in whose name property subject to an exemption under Section 11.13(b) is listed on the tax roll and to the person's authorized agent in an amount equal to the difference between the amount calculated under Section 26.09(c-1) based on an exemption under Section 11.13(b) of \$15,000 and the amount calculated under Section 26.09(c-1) based on an exemption under Section 11.13(b) of \$25,000.

(d-4) Except as otherwise provided by Subsection (d-3), the provisions of this section other than Subsection (d-2) apply to a supplemental tax bill mailed under Subsection (d-3).

(d-5) This subsection and Subsections (d-2), (d-3), and (d-4) expire December 31, 2016.

(2) On page 2 of the amendment, strike lines 13 and 14 and substitute the following appropriately numbered ITEM:

() On page 17, line 19, strike "and (d-4), 31.02(a-1), and 33.011(k)" and substitute "(d-4), and (d-5), and 31.02(a-1)".

(3) Renumber the ITEMS of the amendment accordingly.

Floor Amendment No. 4

Amend Floor Amendment No. 1 (D. Bonnen) to **CSSB 1** on page 1, line 9, in added Subsection (n-1), Section 11.13, Tax Code, after "or repeal the exemption.", and before "This subsection expires", insert "In any year in which this subsection applies, Section 42.2522, Education Code, is inapplicable to a school district affected by this subsection, and state aid for any school district that is required by this subsection to continue its exemption under Subsection (n) will be computed based on taxable value as defined in 403.302 (d), Government Code."

Floor Amendment No. 5

Amend Amendment No. 1 by Bonnen of Brazoria to **CSSB 1** on page 1, line 7, by striking "taxing unit" and substituting "school district".

Floor Amendment No. 6

Amend Amendment No. 1 by Bonnen of Brazoria to **CSSB 1** on page 1, line 10, by striking "2024" and substituting "2019".

Floor Amendment No. 7

Amend Floor Amendment No. 1 by Bonnen to **CSSB 1** by adding the following appropriately numbered item to the amendment and renumbering the subsequent items of the amendment accordingly:

() Strike page 16, line 9, through page 17, line 8, of the bill and substitute the following appropriately numbered SECTION:

SECTION ____ . (a) Section 403.302(j), Government Code, is amended to read as follows:

(j) The [For purposes of Chapter 42, Education Code, the] comptroller shall certify the final taxable value for each school district, appropriately adjusted to give effect to certain provisions of the Education Code related to school funding, to the commissioner of education as provided by the terms of a memorandum of understanding entered into between the comptroller, the Legislative Budget Board, and the commissioner of education[±

~~[(1) a final value for each school district computed on a residence homestead exemption under Section 1 b(e), Article VIII, Texas Constitution, of \$5,000;~~

~~[(2) a final value for each school district computed on:~~

~~[(A) a residence homestead exemption under Section 1-b(e), Article VIII, Texas Constitution, of \$15,000; and~~

~~[(B) the effect of the additional limitation on tax increases under Section 1-b(d), Article VIII, Texas Constitution, as proposed by H.J.R. No. 4, 75th Legislature, Regular Session, 1997; and~~

~~[(3) a final value for each school district computed on the effect of the reduction of the limitation on tax increases to reflect any reduction in the school district tax rate as provided by Section 11.26(a 1), (a 2), or (a 3), Tax Code, as applicable].~~

(b) Section 403.302(k), Government Code, is repealed.

The amendments were read.

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

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 1** before appointment.

There were no motions offered.

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

COMMITTEE SUBSTITUTE HOUSE BILL 2861 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSHB 2861** at this time on its second reading:

CSHB 2861, Relating to an optional procedure for the issuance of a permit by the City of Laredo for the movement of oversize or overweight vehicles carrying cargo in Webb County; authorizing a fee.

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.

COMMITTEE SUBSTITUTE HOUSE BILL 2861 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 2861** 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)

HOUSE BILL 1363 ON SECOND READING

Senator Whitmire moved to suspend the regular order of business to take up for consideration **HB 1363** at this time on its second reading:

HB 1363, Relating to the prosecution of and punishment for the offense of prostitution; creating a criminal offense.

The motion prevailed.

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

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1363** (senate committee report) in SECTION 6 of the bill, by striking amended Section 43.02(c), Penal Code (page 3, lines 8 through 15), and substituting the following:

(c) An offense under Subsection (a) [~~this section~~] is a Class B misdemeanor, except that the offense is:

(1) a Class A misdemeanor if the actor has previously been convicted three, four, or five [~~one or two~~] times of an offense under Subsection (a) [~~this section~~]; or

(2) a state jail felony if the actor has previously been convicted six [~~three~~] or more times of an offense under Subsection (a).

The amendment to **HB 1363** 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 Whitmire and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1363 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, Creighton, Hall, Nichols.

HOUSE BILL 1363 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 1363** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Creighton, Hall, Nichols.

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

COMMITTEE SUBSTITUTE HOUSE BILL 2641 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **CSHB 2641** at this time on its second reading:

CSHB 2641, Relating to the exchange of health information in this state; creating a criminal offense.

The motion prevailed.

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

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2641** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 74A.001, Civil Practice and Remedies Code (page 1, between lines 51 and 52), add the following appropriately numbered subdivision and renumber subsequent subdivisions of that section and any cross-references to those subdivisions accordingly:

() "Malice" has the meaning assigned by Section 41.001.

(2) Strike added Section 74A.002(c), Civil Practice and Remedies Code (page 2, lines 14-19), and substitute the following:

(c) Notwithstanding any other law, information or evidence regarding the existence of a health information exchange or a health care provider's use of or failure to use the exchange is not admissible in a civil, judicial, or administrative proceeding for the purpose of creating or establishing a standard of care, duty, or obligation that forms the basis for a cause of action or proceeding applicable to a health care provider, including in a suit involving or based on a health care liability claim.

(3) In added Section 74A.002(d), Civil Practice and Remedies Code (page 2, line 20), strike "intent" and substitute "malice".

(4) In added Section 74A.003(a), Civil Practice and Remedies Code (page 2, line 45), strike "intent" and substitute "malice".

The amendment to **CSHB 2641** 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.

CSHB 2641 as amended was passed to third reading by a viva voce vote.

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

Nays: Hall.

COMMITTEE SUBSTITUTE HOUSE BILL 2641 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 **CSHB 2641** 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)

HOUSE BILL 2168 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2168** at this time on its second reading:

HB 2168, Relating to the payment date for annuities from the Teacher Retirement System of Texas.

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 2168 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 2168** 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 1690 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSHB 1690** at this time on its second reading:

CSHB 1690, Relating to the investigation and prosecution of offenses against public administration, including ethics 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 1690** (senate committee printing) in SECTION 1 of the bill, in added Section 411.0255, Government Code (page 2, between lines 33 and 34), by adding the following appropriately lettered subsection:

() A prosecutor to whom a complaint has been referred under Section 411.0253(d) shall disclose to the court if the prosecutor, in either a personal or professional capacity, has ever made a campaign contribution to or received a campaign contribution from the person against whom the complaint was made or a political committee organized for the benefit of the person against whom the complaint was made. A disclosure made under this subsection creates a rebuttable presumption of good cause for recusal.

The amendment to **CSHB 1690** was read.

On motion of Senator Huffman, 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 Rodríguez offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 1690** (senate committee printing) in SECTION 1 of the bill by striking added Section 411.0256, Government Code (page 2, lines 34-38) and substituting the following:

Sec. 411.0256. VENUE. Notwithstanding Chapter 13, Code of Criminal Procedure, or any other law, venue for a prosecution under this subchapter is:

(1) the county in which the conduct constituting an offense against public administration occurred;

(2) if Subdivision (1) does not apply, the county of the defendant's residence at the time the offense was committed if the defendant is a natural person; or

(3) if Subdivisions (1) and (2) do not apply, Travis County.

The amendment to **CSHB 1690** was read.

On motion of Senator Huffman, Floor Amendment No. 2 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. 3

Amend **CSHB 1690** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in added Subchapter B-1, Chapter 411, Government Code (page 2, between lines 58 and 59), insert the following:

Sec. 411.0259. CONFLICT OF INTEREST. (a) The Texas Rangers may refer the investigation of a complaint alleging an offense against public administration involving a person who is a member of the executive branch to the local law enforcement agency that would otherwise have authority to investigate the complaint, if a conflict of interest arises from the conduct of an investigation by the officers of the Texas Rangers.

(b) If a formal or informal complaint alleges that the public safety director or a deputy or assistant director of the Department of Public Safety has committed an offense against public administration, the Texas Rangers shall refer the investigation of the complaint to another law enforcement agency. The public safety director shall notify the chair of the Public Safety Commission of the referral of a complaint to another law enforcement agency within 24 hours after the referral is made.

(c) Local law enforcement must comply with all requirements of this subchapter in conducting an investigation of a complaint alleging an offense against public administration as provided by this section.

(2) In SECTION 1 of the bill, in added Section 411.0259, Government Code (page 2, line 59), strike "Sec. 411.0259" and substitute "Sec. 411.0260".

The amendment to **CSHB 1690** was read.

On motion of Senator Huffman, Floor Amendment No. 3 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.

CSHB 1690 was passed to third reading by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

REMARKS ORDERED PRINTED

On motion of Senator V. Taylor and by unanimous consent, the remarks by Senators Huffman and V. Taylor regarding **CSHB 1690** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator V. Taylor: Senator Huffman, you and I have had this conversation off-line, but I think it's important that we have this conversation here today on the floor for legislative intent purposes. As you and I are both aware, law enforcement has an obligation, if they see a crime, to report that to the appropriate authorities. And I want to be sure that while your legislation, as it passed off the Senate several months ago and as we see it here before us today, that it requires that law enforcement, that the PIU shall refer cases to the home county. I want to be clear that if they see crimes that are being committed that are federal crimes, that they continue to have the obligation to report those to federal authorities.

Senator Huffman: If it's a federal crime, they should report it, yes.

Senator V. Taylor: Okay, so the "shall" in your, in this piece of legislation in front of us today, in no way precludes them from reporting crimes, federal crimes to federal authorities.

Senator Huffman: If they choose to do so, I still believe that they could refer it to the Rangers as well, and the Rangers, I'm sure, would follow up with the appropriate prosecuting authority or investigating authority.

Senator V. Taylor: Okay, thank you. I appreciate that clarification.

COMMITTEE SUBSTITUTE HOUSE BILL 14 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **CSHB 14** at this time on its second reading:

CSHB 14, Relating to the Texas emissions reduction plan.

The motion prevailed.

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

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 14** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, in amended Section 386.051(b)(14), Health and Safety Code (page 2, line 11), strike "and" and substitute "[~~and~~]".

(2) In SECTION 3 of the bill, in amended Section 386.051(b)(15), Health and Safety Code (page 2, line 13), between "Subchapter D-1" and the period, insert the following:

; and

(16) the governmental alternative fuel fleet grant program established under Chapter 395

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

SECTION _____. Sections 2158.004(a), (b), (c), and (d), Government Code, are amended to read as follows:

(a) A state agency operating a fleet of more than 15 vehicles, excluding law enforcement and emergency vehicles, may not purchase or lease a motor vehicle unless that vehicle uses compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, hydrogen fuel cells, or electricity, including electricity to power a plug-in hybrid motor vehicle.

(b) A state agency may obtain equipment or refueling facilities necessary to operate vehicles using compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, hydrogen fuel cells, or electricity, including electricity to power a plug-in hybrid motor vehicle:

(1) by purchase or lease as authorized by law;

(2) by gift or loan of the equipment or facilities; or

(3) by gift or loan of the equipment or facilities or by another arrangement under a service contract for the supply of compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, hydrogen fuel cells, or electricity, including electricity to power a plug-in hybrid motor vehicle.

(c) If the equipment or facilities are donated, loaned, or provided through another arrangement with the supplier of compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, hydrogen fuel cells, or electricity, including electricity to power a plug-in hybrid motor vehicle, the supplier is entitled to recoup its actual cost of donating, loaning, or providing the equipment or facilities through its fuel charges under the supply contract.

(d) The commission may waive the requirements of this section for a state agency on receipt of certification supported by evidence acceptable to the commission that:

(1) the agency's vehicles will be operating primarily in an area in which neither the agency nor a supplier has or can reasonably be expected to establish adequate refueling for compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, hydrogen fuel cells, or electricity, including electricity to power a plug-in hybrid motor vehicle; or

(2) the agency is unable to obtain equipment or refueling facilities necessary to operate vehicles using compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, hydrogen fuel cells, or electricity, including electricity to

power a plug-in hybrid motor vehicle, at a projected cost that is reasonably expected to be no greater than the net costs of continued use of conventional gasoline or diesel fuels, measured over the expected useful life of the equipment or facilities supplied.

SECTION _____. Subchapter A, Chapter 2158, Government Code, is amended by adding Section 2158.0051 to read as follows:

Sec. 2158.0051. ALTERNATIVE FUEL FLEETS. (a) It is the intent of this state that:

(1) the vehicle fleet of a state agency that operates a fleet of more than 15 motor vehicles, subject to the availability of funds, shall be converted into or replaced with motor vehicles that use compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen fuel cells, or electricity, including fully electric vehicles and plug-in hybrid motor vehicles;

(2) a county or municipality that operates a vehicle fleet of more than 15 motor vehicles is authorized, but is not required, to convert the fleet into or replace the fleet with motor vehicles that use compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen fuel cells, or electricity, including fully electric vehicles and plug-in hybrid motor vehicles; and

(3) motor vehicles of a state agency, county, or municipality described by Subdivisions (1) and (2) that are capable of using fuels described by those subdivisions be primarily operated with those fuels rather than conventional gasoline or diesel fuels.

(b) In complying with Subsection (a), a state agency to which this section applies shall prioritize:

(1) the purchase or lease of new motor vehicles when replacing vehicles or adding vehicles to the fleet;

(2) the purchase of new motor vehicles to replace vehicles that have the highest total mileage and do not use a fuel described by Subsection (a);

(3) the conversion of motor vehicles that were driven the most miles during the previous biennium and do not use a fuel described by Subsection (a); and

(4) to the extent feasible, obtaining, whether by conversion, purchase, or lease, motor vehicles that use compressed natural gas, liquefied natural gas, or liquefied petroleum gas.

(c) Subsection (a)(1) does not apply to law enforcement or emergency vehicles.

SECTION _____. Subtitle C, Title 5, Health and Safety Code, is amended by adding Chapter 395 to read as follows:

CHAPTER 395. GOVERNMENTAL ALTERNATIVE FUEL FLEET GRANT PROGRAM

Sec. 395.001. DEFINITIONS. In this chapter:

(1) "Alternative fuel" means compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen fuel cells, or electricity, including electricity to power fully electric vehicles and plug-in hybrid motor vehicles.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Incremental cost" means the cost of a motor vehicle or the cost of purchasing or installing refueling infrastructure and equipment less a baseline cost that would otherwise be incurred by a grant recipient in the normal course of business. Incremental costs may include added lease or fuel costs as well as additional capital costs.

(4) "Motor vehicle" means a self-propelled device designed for transporting persons or property on a public highway that is required to be registered under Chapter 502, Transportation Code.

(5) "Political subdivision" means a school district, junior college district, river authority, water district or other special district, or other political subdivision created under the constitution or a statute of this state, other than a county or municipality.

(6) "Program" means the governmental alternative fuel fleet grant program established under this chapter.

(7) "State agency" has the meaning assigned by Section 2151.002, Government Code.

Sec. 395.002. PROGRAM. (a) The commission shall establish and administer a governmental alternative fuel fleet grant program to assist an eligible state agency, county, municipality, or political subdivision in:

(1) purchasing or leasing new motor vehicles that operate primarily on an alternative fuel; or

(2) converting motor vehicles to operate primarily on an alternative fuel.

(b) The program is funded under the Texas emissions reduction plan established under Chapter 386.

(c) The program may provide a grant to a state agency, county, municipality, or political subdivision to:

(1) purchase or lease a new motor vehicle described by Section 395.004;

(2) convert a motor vehicle to operate primarily on an alternative fuel; or

(3) purchase, lease, or install refueling infrastructure or equipment or procure refueling services as described by Section 395.005 to store and dispense alternative fuel needed for a motor vehicle described by Subdivision (1) or (2).

Sec. 395.003. ELIGIBLE APPLICANTS. (a) A state agency, county, or municipality is eligible to apply for a grant under this program if the entity operates a fleet of more than 15 motor vehicles, excluding motor vehicles that are owned and operated by a private company or other third party under a contract with the entity.

(b) A mass transit or school transportation provider or other broadly similar public entity established to provide public or school transportation services is eligible for a grant under this program.

(c) If, on April 1 of an even-numbered year, the commission has awarded less than 75 percent of the total amount to be awarded in that fiscal year to eligible applicants under Subsections (a) and (b), a political subdivision is eligible to apply for a grant under the program during the remainder of that fiscal year.

Sec. 395.004. MOTOR VEHICLE REQUIREMENTS. (a) A grant recipient may purchase or lease with money from a grant under the program a new motor vehicle that is originally manufactured to operate using one or more alternative fuels or is converted to operate using one or more alternative fuels before the first retail sale of the vehicle, and that:

(1) has a dedicated system, dual-fuel system, or bi-fuel system; and

(2) if the motor vehicle is a fully electric vehicle or plug-in hybrid motor vehicle, has a United States Environmental Protection Agency rating of at least 75 miles per gallon equivalent or a 75-mile combined city and highway range.

(b) A grant recipient may not use money from a grant under the program to replace a motor vehicle, transit bus, or school bus that operates on an alternative fuel unless the replacement vehicle produces fewer emissions and has greater fuel efficiency than the vehicle being replaced.

Sec. 395.005. REFUELING INFRASTRUCTURE, EQUIPMENT, AND SERVICES. A grant recipient may purchase, lease, or install refueling infrastructure or equipment or procure refueling services with money from a grant under the program if:

(1) the purchase, lease, installation, or procurement is made in conjunction with the purchase or lease of a motor vehicle as described by Section 395.004 or the conversion of a motor vehicle to operate primarily on an alternative fuel;

(2) the grant recipient demonstrates that a refueling station that meets the needs of the recipient is not available within five miles of the location at which the recipient's vehicles are stored or primarily used; and

(3) for the purchase or installation of refueling infrastructure or equipment, the infrastructure or equipment will be owned and operated by the grant recipient, and for the lease of refueling infrastructure or equipment or the procurement of refueling services, a third-party service provider engaged by the grant recipient will provide the infrastructure, equipment, or services.

Sec. 395.006. ELIGIBLE COSTS. (a) A motor vehicle lease agreement paid for with money from a grant under the program must have a term of at least three years.

(b) Refueling infrastructure or equipment purchased or installed with money from a grant under the program must be used specifically to store or dispense alternative fuel, as determined by the commission.

(c) A lease of or service agreement for refueling infrastructure, equipment, or services paid for with money from a grant under the program must have a term of at least three years.

Sec. 395.007. GRANT AMOUNTS. (a) The commission may establish standardized grant amounts based on the incremental costs associated with the purchase or lease of different categories of motor vehicles, including the type of fuel used, vehicle class, and other categories the commission considers appropriate.

(b) In determining the incremental costs and setting the standardized grant amounts, the commission may consider the difference in cost between a new motor vehicle operated using conventional gasoline or diesel fuel and a new motor vehicle operated using alternative fuel.

(c) The amount of a grant for the purchase or lease of a motor vehicle may not exceed the amount of the incremental cost of the purchase or lease.

(d) The commission may establish grant amounts to reimburse the full cost of the purchase, lease, installation, or procurement of refueling infrastructure, equipment, or services or may establish criteria for reimbursing a percentage of the cost.

(e) A grant under the program may be combined with funding from other sources, including other grant programs, except that a grant may not be combined with other funding or grants from the Texas emissions reduction plan. When combined with other funding sources, a grant may not exceed the total cost to the grant recipient.

Sec. 395.008. AVAILABILITY OF EMISSIONS REDUCTION CREDITS.

(a) A purchase, lease, or installation that uses money from a grant under the program may not be used for credit under a state or federal emissions reduction credit averaging, banking, or trading program.

(b) An emissions reduction generated by a purchase or lease under this chapter:

(1) may not be used as a marketable emissions reduction credit; and

(2) may be used to demonstrate conformity with the state implementation plan.

(c) A project involving a new emissions reduction measure that would otherwise generate marketable credits under a state or federal emissions reduction credit averaging, banking, or trading program is not eligible for funding under the program unless:

(1) the project includes the transfer of the reductions that would otherwise be marketable credits to the state implementation plan; and

(2) the reductions are permanently retired.

Sec. 395.009. USE OF GRANT MONEY BY COUNTY OR MUNICIPALITY.

A county or municipality shall prioritize the actions listed in Sections 2158.0051(b)(1)-(4), Government Code, when using money from a grant under the program.

Sec. 395.010. GRANT PROCEDURES AND CRITERIA. (a) The commission shall establish specific criteria and procedures in order to implement and administer the program, including the creation and provision of application forms and guidance on the application process.

(b) The commission shall award a grant through a contract between the commission and the grant recipient.

(b-1) The commission shall provide an online application process for the submission of all required application documents.

(c) The commission may limit funding for a particular period according to priorities established by the commission, including limiting the availability of grants to specific entities, for certain types of vehicles and infrastructure, or to certain geographic areas to ensure equitable distribution of grant funds across the state.

(d) In awarding grants under the program, the commission shall prioritize projects that:

(1) are proposed by a state agency;

(2) are in or near a nonattainment area;

(3) are in an affected county, as that term is defined by Section 386.001(2);

(4) will produce the greatest emissions reductions; and

(5) will generate the most marketable credits under a state or federal emissions reduction credit averaging, banking, or trading program.

(e) In addition to the requirements under Subsection (d), in awarding grants under the program, the commission shall consider:

(1) the effectiveness of a proposed project in assisting an applicant in complying with Section 2158.0051, Government Code;

(2) the total amount of the emissions reduction that would be achieved from the project;

(3) the type and number of vehicles purchased, leased, or converted;

(4) the location of the fleet and the refueling infrastructure or equipment;

(5) the number of vehicles served and the rate at which vehicles are served by the refueling infrastructure or equipment;

(6) the amount of any matching funds committed by the applicant; and

(7) the schedule for project completion.

(f) The commission may not award more than 10 percent of the total amount awarded under the program in any fiscal year for purchasing, leasing, installing, or procuring refueling infrastructure, equipment, or services.

Sec. 395.011. FUNDING. The legislature may appropriate money to the commission from the Texas emissions reduction plan fund established under Section 386.251 to administer the program.

Sec. 395.0115. ADMINISTRATIVE COSTS. In each fiscal year, the commission may use up to three-fourths of one percent of the total amount of money awarded under the program in that fiscal year, but not more than \$1 million, for the administrative costs of the program.

Sec. 395.012. RULES. The commission may adopt rules as necessary to implement this chapter.

Sec. 395.013. REPORT REQUIRED. On or before November 1 of each even-numbered year, the commission shall submit to the governor, lieutenant governor, and members of the legislature a report that includes the following information regarding awards made under the program during the preceding state fiscal biennium:

(1) the number of grants awarded under the program;

(2) the recipient of each grant awarded;

(3) the number of vehicles converted or replaced;

(4) the number, type, and location of any refueling infrastructure, equipment, or services funded under the program;

(5) the total emissions reductions achieved under the program; and

(6) any other information the commission considers relevant.

Sec. 395.014. EXPIRATION. This chapter expires August 31, 2025.

SECTION ____ . Section 2158.0051, Government Code, as added by this Act, applies beginning with the state fiscal biennium beginning September 1, 2015.

SECTION ____ . (a) To the extent that money is appropriated from the Texas emissions reduction plan fund for that purpose, the Texas Commission on Environmental Quality may use that money to award grants under the governmental alternative fuel fleet grant program created under Chapter 395, Health and Safety Code, as added by this Act, except that the commission may not use for that purpose

more than three percent of the balance of the Texas emissions reduction plan fund as of September 1 of each fiscal year of the biennium for the governmental alternative fuel fleet grant program in that fiscal year.

(b) This section expires August 31, 2025.

The amendment to **CSHB 14** was read and was adopted without objection.

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

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

CSHB 14 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, Creighton, Hall, Huffines, V. Taylor.

COMMITTEE SUBSTITUTE HOUSE BILL 14 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 14** be placed on its third reading and final passage.

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

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

Nays: Burton, Creighton, Hall, 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 1690 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 **CSHB 1690** be placed on its third reading and final passage:

CSHB 1690, Relating to the investigation and prosecution of offenses against public administration, including ethics offenses.

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

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

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

The bill was read third time and was passed 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.

HOUSE BILL 274 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **HB 274** at this time on its second reading:

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

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

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

Nays: Bettencourt, Campbell, Creighton, Hall, Hancock, Huffines, Kolkhorst.

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 274 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 274** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Campbell, Creighton, Hall, Huffines, Kolkhorst.

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

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

Nays: Bettencourt, Campbell, Creighton, Hall, Hancock, Huffines, Kolkhorst.

HOUSE BILL 1295 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **HB 1295** at this time on its second reading:

HB 1295, Relating to the disclosure of interested parties by persons contracting with governmental entities and state agencies.

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.

Senator Hancock offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1295** (senate committee printing) in SECTION 1 of the bill, in proposed Section 51.954(a), Education Code (page 1, lines 31-33), by striking the second sentence of that subsection.

The amendment to **HB 1295** was read and was adopted without objection.

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

Senator Hancock offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 1295** by adding the following appropriately numbered SECTION to the bill and by renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.955 to read as follows:

Sec. 51.955. DISCLOSURE OF PUBLICLY FUNDED RESEARCH. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

(b) A contract for research that is conducted by an institution of higher education and supported by appropriated funds must provide that any data generated or produced in the course of executing the research contract must be available to the public on request.

(c) A state agency that expends appropriated funds may not:

(1) enter into a research contract with an institution of higher education if that contract contains a provision precluding public disclosure of any data generated or produced in the course of executing the contract; or

(2) adopt a rule that is based on research conducted under a contract entered into with an institution of higher education unless the agency has made the results of the research and all data supporting the research publicly available.

(d) An institution of higher education shall respond to requests for information under this section in accordance with Chapter 552, Government Code.

(e) This section does not require the public disclosure of personal identifying information or any other information the disclosure of which is otherwise prohibited by law.

The amendment to **HB 1295** was read and was adopted without objection.

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

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

HB 1295 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: Huffines.

HOUSE BILL 1295 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 **HB 1295** 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 2159 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 2159** at this time on its second reading:

HB 2159, Relating to requiring the payment of restitution as a condition of community supervision for offenses involving family violence committed in the presence of certain children.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2159** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Article 42.0373(a), Code of Criminal Procedure (page 1, line 27), strike "make a finding as to" and substitute "determine from the complaint, information, indictment, or other charging instrument, the presentence report, or other evidence before the court".

(2) In added Article 42.0373(b), Code of Criminal Procedure (page 1, line 35), strike "finds" and substitute "determines".

(3) In added Article 42.0373(c), Code of Criminal Procedure (page 1, line 43), after the underlined period, add the following:

The order must require restitution payments to be delivered in the manner described by Article 42.037(g)(4)(iii).

(4) In added Article 42.0373, Code of Criminal Procedure (page 1, between lines 51 and 52), after added Subsection (e), add the following appropriately lettered subsection:

() A determination under this article may not be entered as an affirmative finding in the judgment for the offense for which the defendant was placed on community supervision.

The amendment to **HB 2159** 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 2159 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 2159 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 2159** 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 2037 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **HB 2037** at this time on its second reading:

HB 2037, Relating to compensation and leave for certain peace officers.

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

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

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

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2037** (Senate Committee Printing) by striking SECTION 1 of the bill (page 1, lines 19-51) and SECTION 5 of the bill (page 2, line 40 through page 3, line 3) and renumbering subsequent sections of the bill accordingly.

The amendment to **HB 2037** 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 2037 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, Creighton, Huffines, Kolkhorst, Nelson, Schwertner.

HOUSE BILL 2037 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 2037** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Creighton, Huffines, Kolkhorst, Nelson, Schwertner.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 2968 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 2968** at this time on its second reading:

CSHB 2968, Relating to the preservation of the Alamo complex.

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 2968 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 2968** 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 3562 ON THIRD READING

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **HB 3562** at this time on its third reading and final passage:

HB 3562, Relating to the adoption of a policy allowing a grace period after the exhaustion of the balance of a meal card or account used by students to purchase meals in public schools.

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

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

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

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1786 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 1786** at this time on its second reading:

CSHB 1786, Relating to the transfer of driver and traffic safety education from the Texas Education Agency and the Department of Public Safety to the Texas Department of Licensing and Regulation; changing the amounts of certain 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.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1786 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 1786** 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 743 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSHB 743** at this time on its second reading:

CSHB 743, Relating to the essential knowledge and skills of the required public school curriculum and to certain assessment instruments for public school students.

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

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

Nays: Bettencourt, Burton, Hancock, Kolkhorst, V. Taylor.

The bill was read second time.

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

Floor Amendment No. 1

Amend **CSHB 743** (senate committee report) in SECTION 1 of the bill as follows:

(1) In added Section 39.023(a-12)(1), Education Code (page 1, line 39), strike "120" and substitute "90".

(2) In added Section 39.023(a-12)(2), Education Code (page 1, line 42), strike "180" and substitute "150".

The amendment to **CSHB 743** was read and was adopted without objection.

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

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

CSHB 743 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, Burton, Hancock, V. Taylor.

COMMITTEE SUBSTITUTE HOUSE BILL 743 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 **CSHB 743** be placed on its third reading and final passage.

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

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

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

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

HOUSE BILL 2391 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **HB 2391** at this time on its second reading:

HB 2391, Relating to the redemption of certain stored value cards, including gift cards, for cash.

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

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

Nays: Birdwell, Campbell, Hall, Schwertner, V. Taylor.

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

HOUSE BILL 2391 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 2391** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Campbell, Hall, Schwertner, V. Taylor.

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

HOUSE BILL 565 ON SECOND READING

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 565** at this time on its second reading:

HB 565, Relating to powers of private toll project entities.

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 565** (senate committee report) as follows:

(1) In SECTION 2 of the bill, in the recital to added Section 362.105, Transportation Code (page 1, line 33), strike "Section 362.105" and substitute "Sections 362.105 and 362.106".

(2) In SECTION 2 of the bill, immediately following added Section 362.105, Transportation Code (page 1, between lines 41 and 42), add the following:

Sec. 362.106. AGREEMENT WITH TOLL PROJECT ENTITY. (a) In this section, "toll project entity" has the meaning assigned by Section 372.001.

(b) A private toll project entity may enter into an agreement with a public toll project entity to finance, construct, maintain, or operate a toll road.

The amendment to **HB 565** 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 Kolkhorst and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 565 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 565 ON THIRD READING

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 565** 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 2235 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2235** at this time on its second reading:

HB 2235, Relating to the eligibility requirements of a notary public.

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 2235 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2235** 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 2804 ON SECOND READING**

On motion of Senator L. Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2804** at this time on its second reading:

CSHB 2804, Relating to evaluation of public school performance.

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 2804 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 2804** 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 2123 ON SECOND READING

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2123** at this time on its second reading:

HB 2123, Relating to participation of the state military forces in the state group benefits program.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2123** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, lines 24 and 25), strike "Subsections (g-1), (g-2), and (g-3)" and substitute "Subsection (f-1)".

(2) In SECTION 1 of the bill, strike amended Section 437.212(f), Government Code (page 1, lines 26-43), and substitute the following:

(f) A member of the state military forces [~~volunteer in the Texas State Guard~~] who is not a full-time or part-time state employee and who has been on state active duty or on state training or other duty for more than 60 [~~90~~] days is, notwithstanding Section 1551.1055, Insurance Code, eligible to participate in the state group benefits program under Chapter 1551, Insurance Code, and is considered to be a full-time state employee for the purposes of that chapter, including the receipt of a full state contribution for [~~to purchase health or dental~~] insurance coverage, subject to Subsection (f-1) and the following requirements:

(1) the participant must be a member of the state military forces [~~Texas State Guard~~] at the time of enrollment in the group benefits program; and

(2) [~~the participant must pay the full cost of health or dental insurance coverage under the group benefits program and may not receive a state contribution for premiums; and~~

[(3)] an application under this subsection for [~~group benefit health or dental~~] insurance coverage must be submitted in accordance with procedures established by the Employees Retirement System of Texas.

(3) In SECTION 1 of the bill, immediately following amended Section 437.212(f), Government Code (page 1, between lines 43 and 44), insert the following:

(f-1) The department shall require payment of the cost associated with paying the state contribution of a member of the state military forces who elects to participate in the state group benefits program under Subsection (f) by the person responsible for paying for the mission for which the member is on state active duty or state training and other duty. On receipt of payment, the department shall reimburse the board of trustees of the Employees Retirement System of Texas for that cost.

(4) In SECTION 1 of the bill, in amended Section 437.212, Government Code, strike page 1, line 50, through page 2, line 28, and substitute the following: state group benefits program; [~~and~~]

(2) an appropriate method to annually confirm continuing eligibility to participate in the group benefits program; and

(3) an appropriate method of administering the reimbursement of the state contribution as required by Subsection (f-1).

(5) Strike SECTION 2 of the bill, adding proposed Section 437.2121, Government Code (page 2, line 29, through page 3, line 32).

(6) Renumber the SECTIONS of the bill accordingly.

The amendment to **HB 2123** 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 Perry and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 2123 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 2123 ON THIRD READING

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2123** 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 3618 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **HB 3618** at this time on its second reading:

HB 3618, Relating to prohibiting camping and building fires in certain areas; creating a criminal offense.

The motion prevailed.

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

HOUSE BILL 3618 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3618** be placed on its third reading and final passage.

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

Yeas: Burton, 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, Hall, Huffines, Perry, V. Taylor.

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.

COMMITTEE SUBSTITUTE HOUSE BILL 4147 ON SECOND READING

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSHB 4147** at this time on its second reading:

CSHB 4147, Relating to the creation of Missouri City Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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.

COMMITTEE SUBSTITUTE HOUSE BILL 4147 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 **CSHB 4147** 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)

HOUSE BILL 283 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **HB 283** at this time on its second reading:

HB 283, Relating to the requirement that certain governmental bodies make audio and video recordings of open meetings available on the Internet.

The motion prevailed.

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

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

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

Nays: Birdwell, Nichols.

HOUSE BILL 283 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 **HB 283** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Nichols.

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

HOUSE BILL 2185 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **HB 2185** at this time on its second reading:

HB 2185, Relating to the execution of a search warrant for taking a DNA specimen.

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.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2185** (senate committee printing) by striking added Article 18.065, Code of Criminal Procedure (page 1, lines 22-28), and substituting the following:

Art. 18.065. EXECUTION OF WARRANT ISSUED BY DISTRICT JUDGE FOR DNA SPECIMEN. (a) A warrant issued by the judge of a district court under Article 18.02(10) to collect a DNA specimen from a person for the purpose of connecting that person to an offense may be executed in any county in this state.

(b) This article does not apply to a warrant issued by a justice of the peace, judge, or other magistrate other than a judge of a district court.

The amendment to **HB 2185** 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 2185 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: Huffines.

HOUSE BILL 2185 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 2185** 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)

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 3901** today.

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 3099, HB 4180, HB 4192, HB 4196, HB 4202, HB 4203, HB 4212, HCR 96, HCR 119, HCR 122.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 923

Senator V. Taylor submitted the following Conference Committee Report:

Austin, Texas
May 24, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 923** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

V. TAYLOR

HALL

BURTON

HUFFINES

GARCIA

On the part of the Senate

FLYNN

BELL

FLETCHER

HUBERTY

P. KING

On the part of the House

The Conference Committee Report on **HB 923** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1378**

Senator Bettencourt submitted the following Conference Committee Report:

Austin, Texas

May 25, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1378** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

BETTENCOURT

CREIGHTON

HUFFINES

LUCIO

HANCOCK

On the part of the Senate

FLYNN

D. BONNEN

P. KING

J. RODRIGUEZ

ZEDLER

On the part of the House

The Conference Committee Report on **HB 1378** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 684**

Senator L. Taylor submitted the following Conference Committee Report:

Austin, Texas

May 25, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 684** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

L. TAYLOR
CREIGHTON
HANCOCK
WHITMIRE
CAMPBELL

On the part of the Senate

G. BONNEN
MUÑOZ
GUERRA
MURR
HUBERTY

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the relationship of certain optometrists, therapeutic optometrists, and ophthalmologists with certain managed care plans, including preferred provider plans.

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

SECTION 1. Section 1301.051(e), Insurance Code, is amended to read as follows:

(e) An insurer may not withhold a designation to:

(1) a podiatrist described by Section 1301.0521; or

(2) an optometrist, therapeutic optometrist, or ophthalmologist described by

Section 1301.0522.

SECTION 2. Subchapter B, Chapter 1301, Insurance Code, is amended by adding Section 1301.0522 to read as follows:

Sec. 1301.0522. DESIGNATION OF CERTAIN OPTOMETRISTS, THERAPEUTIC OPTOMETRISTS, AND OPHTHALMOLOGISTS AS PREFERRED PROVIDERS. (a) Notwithstanding Section 1301.051, an insurer may not withhold the designation of preferred provider to an optometrist or therapeutic optometrist licensed by the Texas Optometry Board or an ophthalmologist licensed by the Texas Medical Board who:

(1) joins the professional practice of a contracted preferred provider;

(2) applies to the insurer for designation as a preferred provider; and

(3) complies with the terms and conditions of eligibility to be a preferred provider.

(b) An optometrist, therapeutic optometrist, or ophthalmologist designated as a preferred provider under this section must comply with the terms of the preferred provider contract used by the insurer or the insurer's network provider.

SECTION 3. Subchapter D, Chapter 1451, Insurance Code, is amended by adding Section 1451.156 to read as follows:

Sec. 1451.156. PROHIBITED CONDUCT. (a) A managed care plan, as described by Section 1451.152(a), may not directly or indirectly:

(1) control or attempt to control the professional judgment, manner of practice, or practice of an optometrist or therapeutic optometrist;

(2) employ an optometrist or therapeutic optometrist to provide a vision care product or service as defined by Section 1451.155;

(3) pay an optometrist or therapeutic optometrist for a service not provided;

(4) restrict or limit an optometrist's or therapeutic optometrist's choice of sources or suppliers of services or materials, including optical laboratories used by the optometrist or therapeutic optometrist to provide services or materials to a patient; or

(5) require an optometrist or therapeutic optometrist to disclose a patient's confidential or protected health information unless the disclosure is authorized by the patient or permitted without authorization under the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) or under Section 602.053.

(b) Subsection (a)(2) does not prohibit a managed care plan from employing an optometrist or therapeutic optometrist for utilization review or for operations of the managed care plan.

(c) Subsection (a)(3) does not prohibit the use of capitation as a method of payment.

(d) Subsection (a)(4) does not restrict or limit a managed care plan's determination of specific amounts of coverage or reimbursement for the use of network or out-of-network suppliers or laboratories.

(e) An optometrist or therapeutic optometrist must disclose to a patient any business interest the optometrist or therapeutic optometrist has in an out-of-network supplier or manufacturer to which the optometrist or therapeutic optometrist refers the patient.

(f) This section shall be liberally construed to prevent managed care plans from controlling or attempting to control the professional judgment, manner of practice, or practice of an optometrist or therapeutic optometrist.

SECTION 4. (a) Section 1301.0522, Insurance Code, as added by this Act, applies only to a contract between a preferred provider and an insurer that is entered into or renewed on or after September 1, 2015. A contract between a preferred provider and an insurer that is entered into or renewed before September 1, 2015, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Section 1451.156, Insurance Code, as added by this Act, applies only to a contract between a managed care plan issuer and an optometrist or therapeutic optometrist entered into or renewed, or a managed care plan delivered, issued for delivery, or renewed, on or after September 1, 2015. A contract entered into or renewed, or a plan delivered, issued for delivery, or renewed, before September 1, 2015, is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2015.

The Conference Committee Report on **SB 684** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1828**

Senator Zaffirini submitted the following Conference Committee Report:

Austin, Texas
May 22, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1828** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

ZAFFIRINI
HUFFMAN
CREIGHTON
HINOJOSA
MENÉNDEZ

On the part of the Senate

FLETCHER
FLYNN
P. KING
KOOP
E. RODRIGUEZ

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the creation of the offense of cargo theft.

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

SECTION 1. The heading to Article 13.08, Code of Criminal Procedure, is amended to read as follows:

Art. 13.08. THEFT; ORGANIZED RETAIL THEFT; CARGO THEFT.

SECTION 2. Article 13.08(b), Code of Criminal Procedure, is amended to read as follows:

(b) An offense under Section 31.16 or 31.18, Penal Code, may be prosecuted in any county in which an underlying theft could have been prosecuted as a separate offense.

SECTION 3. Chapter 31, Penal Code, is amended by adding Section 31.18 to read as follows:

Sec. 31.18. CARGO THEFT. (a) In this section:

(1) "Cargo" means goods, as defined by Section 7.102, Business & Commerce Code, that constitute, wholly or partly, a commercial shipment of freight moving in commerce. A shipment is considered to be moving in commerce if the shipment is located at any point between the point of origin and the final point of destination regardless of any temporary stop that is made for the purpose of transshipment or otherwise.

(2) "Vehicle" has the meaning assigned by Section 541.201, Transportation Code.

(b) A person commits an offense if the person:

(1) knowingly or intentionally conducts, promotes, or facilitates an activity in which the person receives, possesses, conceals, stores, barter, sells, abandons, or disposes of:

(A) stolen cargo; or

(B) cargo explicitly represented to the person as being stolen cargo; or

(2) is employed as a driver lawfully contracted to transport a specific cargo by vehicle from a known point of origin to a known point of destination and, with the intent to conduct, promote, or facilitate an activity described by Subsection (b)(1), knowingly or intentionally:

(A) fails to deliver the entire cargo to the known point of destination as contracted; or

(B) causes the seal to be broken on the vehicle or on an intermodal container containing any part of the cargo.

(c) An offense under this section is:

(1) a state jail felony if the total value of the cargo involved in the activity is \$1,500 or more but less than \$10,000;

(2) a felony of the third degree if the total value of the cargo involved in the activity is \$10,000 or more but less than \$100,000;

(3) a felony of the second degree if the total value of the cargo involved in the activity is \$100,000 or more but less than \$200,000; or

(4) a felony of the first degree if the total value of the cargo involved in the activity is \$200,000 or more.

(d) For purposes of Subsection (c), the total value of the cargo involved in the activity includes the value of any vehicle stolen or damaged in the course of the same criminal episode as the conduct that is the subject of the prosecution.

(e) An offense described for purposes of punishment by Subsections (c)(1)-(3) is increased to the next higher category of offense if it is shown on the trial of the offense that the person organized, supervised, financed, or managed one or more other persons engaged in an activity described by Subsection (b).

(f) It is not a defense to prosecution under this section that:

(1) the offense occurred as a result of a deception or strategy on the part of a law enforcement agency, including the use of:

(A) an undercover operative or peace officer; or

(B) a bait vehicle;

(2) the actor was provided by a law enforcement agency with a facility in which to commit the offense or with an opportunity to engage in conduct constituting the offense; or

(3) the actor was solicited to commit the offense by a peace officer, and the solicitation was of a type that would encourage a person predisposed to commit the offense to actually commit the offense but would not encourage a person not predisposed to commit the offense to actually commit the offense.

SECTION 4. This Act takes effect September 1, 2015.

The Conference Committee Report on **SB 1828** was filed with the Secretary of the Senate.

CO-AUTHOR OF SENATE BILL 831

On motion of Senator Kolkhorst, Senator Bettencourt will be shown as Co-author of **SB 831**.

CO-AUTHOR OF SENATE BILL 1163

On motion of Senator Hancock, Senator Bettencourt will be shown as Co-author of **SB 1163**.

CO-AUTHOR OF SENATE BILL 2041

On motion of Senator Seliger, Senator Hall will be shown as Co-author of **SB 2041**.

CO-SPONSOR OF HOUSE BILL 274

On motion of Senator Lucio, Senator Zaffirini will be shown as Co-sponsor of **HB 274**.

CO-SPONSOR OF HOUSE BILL 743

On motion of Senator Seliger, Senator West will be shown as Co-sponsor of **HB 743**.

CO-SPONSOR OF HOUSE BILL 1455

On motion of Senator Creighton, Senator Huffines will be shown as Co-sponsor of **HB 1455**.

CO-SPONSOR OF HOUSE BILL 1490

On motion of Senator Whitmire, Senator West will be shown as Co-sponsor of **HB 1490**.

CO-SPONSOR OF HOUSE BILL 1690

On motion of Senator Huffman, Senator Bettencourt will be shown as Co-sponsor of **HB 1690**.

CO-SPONSOR OF HOUSE BILL 1782

On motion of Senator L. Taylor, Senator Uresti will be shown as Co-sponsor of **HB 1782**.

CO-SPONSORS OF HOUSE BILL 2286

On motion of Senator Burton, Senators V. Taylor and West will be shown as Co-sponsors of **HB 2286**.

CO-SPONSOR OF HOUSE BILL 2739

On motion of Senator Birdwell, Senator Creighton will be shown as Co-sponsor of **HB 2739**.

CO-SPONSOR OF HOUSE BILL 2811

On motion of Senator Seliger, Senator West will be shown as Co-sponsor of **HB 2811**.

CO-SPONSOR OF HOUSE BILL 4025

On motion of Senator Uresti, Senator Zaffirini will be shown as Co-sponsor of **HB 4025**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 978 by Zaffirini and Hinojosa, In memory of Terry Bruce Burkett.

Congratulatory Resolutions

SR 967 by Ellis, Recognizing Erin and Lucas Culpepper on the occasion of the birth of their son, Turner Robert Royal Culpepper.

SR 968 by Ellis, Recognizing Stefanie and Joseph Mantilla on the occasion of the birth of their daughter, Sofia Margaret Mantilla.

SR 969 by Ellis, Recognizing the 97th anniversary of Azerbaijan Republic Day.

SR 970 by Garcia, Recognizing Linda Robles Cardenas on the occasion of her retirement.

SR 971 by Garcia, Recognizing the Denver Harbor Senior Citizens Center on the occasion of its 35th anniversary.

SR 973 by Menéndez, Recognizing The University of Texas at San Antonio men's track and field team for winning the 2015 Conference USA Outdoor Track & Field Championship.

SR 974 by Zaffirini, Recognizing Tinglin Wu for being named the 2014-2015 Youth of the Year by the United States Border Patrol Laredo Sector.

SR 975 by V. Taylor, Recognizing Holy Trinity Greek Orthodox Church on the occasion of its 100th anniversary.

SR 976 by Schwertner, Recognizing Patrick David Henderson on the occasion of his graduation from the Texas School for the Deaf.

SR 977 by Schwertner, Recognizing Adrianna Evelyn Sandoval on the occasion of her graduation from the Texas School for the Deaf.

SR 985 by Nelson, Recognizing Quentin Burnett on the occasion of his retirement.

SR 986 by Nelson, Recognizing Penny Reddell on the occasion of her retirement.

RECESS

On motion of Senator Whitmire, the Senate at 6:55 p.m. recessed, in honor of those who serve and in memory of those who died in the service of the United States and in memory of Guadalupe Saucedo Sanchez and Tanner Stone Higgins, until 9:30 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

May 25, 2015

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSHB 2965**

BUSINESS AND COMMERCE — **CSHB 2076, CSHB 2255**

CRIMINAL JUSTICE — **CSHB 1424**

STATE AFFAIRS — **HB 1376, HB 2486, CSHB 1438**

CRIMINAL JUSTICE — **CSHB 583, CSHB 3184**

INTERGOVERNMENTAL RELATIONS — **HCR 111, HB 1307, HB 1949, HB 2201, HB 2257, HB 2655, HB 3167, HB 3186, HB 3532, HB 4148, HB 3175, CSHB 2162, CSHB 2259**

AGRICULTURE, WATER, AND RURAL AFFAIRS — **HB 4187**

INTERGOVERNMENTAL RELATIONS — **CSHB 1723**

AGRICULTURE, WATER, AND RURAL AFFAIRS — **HB 2350**

BILLS ENGROSSED

May 24, 2015

SB 1639, SB 2075

BILLS AND RESOLUTIONS ENROLLED

May 24, 2015

SB 34, SB 44, SB 100, SB 188, SB 273, SB 295, SB 306, SB 316, SB 332, SB 354, SB 409, SB 432, SB 460, SB 478, SB 495, SB 512, SB 519, SB 536, SB 565, SB 569, SB 643, SB 662, SB 681, SB 754, SB 807, SB 808, SB 822, SB 855, SB 858, SB 935, SB 940, SB 955, SB 961, SB 972, SB 988, SB 991, SB 1005, SB 1051, SB 1129, SB 1149, SB 1202, SB 1210, SB 1214, SB 1267, SB 1301, SB 1326, SB 1339, SB 1341, SB 1351, SB 1358, SB 1396, SB 1420, SB 1457, SB 1463, SB 1467, SB 1563, SB 1655, SB 1714, SB 1725, SB 1737, SB 1776, SB 1844, SB 1878, SB 1918, SB 1987, SB 1989, SB 2027, SB 2028, SB 2030, SB 2032, SB 2033, SB 2038, SB 2039, SB 2043, SB 2049, SB 2053, SB 2055, SB 2056, SCR 5, SCR 26, SCR 39, SJR 17

SENT TO GOVERNOR

May 25, 2015

SB 169, SB 481, SB 664, SB 667, SB 757, SB 761, SB 790, SB 837, SB 849, SB 917, SB 934, SB 1057, SB 1105, SB 1115, SB 1308, SB 1589, SB 2065, SCR 28, SCR 37, SCR 42

In Memory
of
Guadalupe Saucedo Sanchez
Senate Resolution 803

WHEREAS, A full and productive life drew to a close with the passing of Guadalupe Saucedo Sanchez of Mission on October 28, 2014, at the age of 88; and

WHEREAS, The former Lupe Saucedo was born in Mission on December 12, 1925, to Tomas and Paula Saucedo, and she grew up with the companionship of four brothers and three sisters; on October 2, 1941, she exchanged the vows of matrimony with Gilberto Sanchez, with whom she enjoyed a fulfilling marriage until his passing; over the years, the couple became the parents of six children, Herminia, Evangelina, Elena, Gilberto, Roel, and the late Josefina, and their treasured family later grew to include two additional generations; and

WHEREAS, Lupe Sanchez and her husband established the produce trucking company Sanchez Brothers in 1947, and their work took them all across Texas, as well as to Indiana, Michigan, and California; Mrs. Sanchez wore many hats in support of the enterprise, serving as bookkeeper, field worker, recruiter, cook, and babysitter; and

WHEREAS, In her leisure time, Mrs. Sanchez enjoyed gardening, traveling, and shopping at garage sales; above all, she delighted in the company of her loved ones, and she instilled in her family the important values of faith, education, and hard work; and

WHEREAS, Although she will be deeply missed, memories of this beloved woman will be forever cherished by those who were fortunate enough to share in the richness of her life; now, therefore, be it

RESOLVED, That the Senate of the 84th Texas Legislature hereby pay tribute to the memory of Guadalupe Saucedo Sanchez and extend sincere condolences to the members of her family: to her children, Herminia Wilson and her husband, Jack, Evangelina Sotelo and her husband, Ramon, Elena Rodriguez and her husband, Reyes, Gilberto Sanchez Jr. and his wife, Audelia, and Roel Sanchez and his wife, Sylvia; to her brother, Feliciano Saucedo; to her sisters, San Juana Vasquez and Antonia Rodriguez; to her 16 grandchildren and her 26 great-grandchildren; and to her many other relatives and friends; and, be it further

RESOLVED, That an official copy of this resolution be prepared for her family and that when the Texas Senate adjourns this day, it do so in memory of Guadalupe Saucedo Sanchez.

URESTI

In Memory
of
Tanner Stone Higgins
Senate Resolution 979

WHEREAS, The Senate of the State of Texas honors and commemorates the life of United States Army Sergeant Tanner Stone Higgins, who died in the line of duty April 14, 2012, at the age of 23 while serving his country in Afghanistan; and

WHEREAS, Tanner Higgins was born January 31, 1989; he enlisted in the United States Army in 2007, shortly after his graduation from high school, and he completed his basic airborne course at Fort Benning, Georgia; he went on to graduate from the elite Ranger Assessment and Selection Program and was assigned to the 1st Battalion, 75th Ranger Regiment, at Hunter Army Airfield, Georgia; and

WHEREAS, Over the course of his distinguished military career, Sergeant Higgins served as a rifleman, grenadier, automatic rifleman, gun team leader, and Ranger team leader; he performed a tour of duty in Iraq and was serving in his third deployment to Afghanistan when he gave his last full measure of devotion to his country; and

WHEREAS, His many awards and citations include the Joint Service Commendation Medal, the Army Achievement Medal, the National Defense Service Medal, the Iraq Campaign Medal with one campaign star, and the Afghanistan Campaign Medal with three campaign stars; he was posthumously awarded a Bronze Star, a Meritorious Service Medal, and a Purple Heart; and

WHEREAS, Sergeant Higgins was a true American hero and a first-rate soldier, and he has joined the long line of brave men and women whose courage and sacrifice have left an indelible mark on the world; his exceptional service in defense of our nation's security and democratic ideals will continue to be an inspiration to all who were privileged to share in his life; and

WHEREAS, In honor of his service and sacrifice, the portion of Texas State Highway 154 that is between the communities of Yantis and Sulphur Springs has been named the Sergeant Tanner Stone Higgins Memorial Highway; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 84th Legislature, hereby extend sincere condolences to the bereaved family of Tanner Stone Higgins; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate and that when the Senate adjourns this day, it do so in memory of Tanner Stone Higgins.

HALL

