

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-NINTH DAY

(Tuesday, May 26, 2015)

The Senate met at 8:50 p.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.

Senator Lucio offered the invocation as follows:

Lord God, we want to follow You as Your disciples and to love You wholeheartedly with all that we have. Fill our hearts with faith, hope, and love that we may always find peace and joy in Your presence. 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.

CONCLUSION OF MORNING CALL

The President at 9:06 p.m. announced the conclusion of morning call.

HOUSE BILL 3175 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **HB 3175** at this time on its second reading:

HB 3175, Relating to the creation and operations of health care provider participation programs in certain counties.

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 Campbell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3175** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in the heading to added Chapter 293, Health and Safety Code (page 1, line 23), strike "IN THE TEXAS-LOUISIANA BORDER REGION".

(2) In SECTION 1 of the bill, in added Section 293.001(1), Health and Safety Code (page 1, line 27), strike "that provides inpatient hospital services" and substitute "licensed under Chapter 241".

(3) In SECTION 1 of the bill, strike added Section 293.002, Health and Safety Code (page 1, lines 33-39), and substitute the following:

Sec. 293.002. APPLICABILITY. This chapter applies only to a county that:

(1) is not served by a hospital district or a public hospital;

(2) borders the county in which the State Capitol is located; and

(3) has a population of more than 100,000 but less than 300,000.

(4) In SECTION 1 of the bill, in added Section 293.151(a), Health and Safety Code (page 3, line 28), between "assessed" and "on", insert "quarterly".

(5) In SECTION 1 of the bill, in added Section 293.151(a), Health and Safety Code (page 3, lines 29-31), strike "The commissioners court may provide for the mandatory payment to be assessed quarterly.".

(6) In SECTION 1 of the bill, in added Section 293.151(a), Health and Safety Code, strike page 3, lines 36-40, and substitute "ending in 2014. The".

The amendment to **HB 3175** was read and was adopted without objection.

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

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

HB 3175 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 3175 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 3175** 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 2131 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **HB 2131** at this time on its second reading:

HB 2131, Relating to the designation of centers of excellence to achieve healthy fetal outcomes in this state.

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.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2131** (senate committee report) as follows:

(1) In added Section 32.071(a), Health and Safety Code (page 1, lines 31-35), strike "entities in this state that provide comprehensive maternal, fetal, and neonatal health care for pregnant women with high-risk pregnancies complicated by one or more fetuses with anomalies, with genetic conditions, or with compromise caused by a pregnancy condition or by exposure" and substitute "entities or programs in this state, including institutions of higher education as defined by Section 61.003, Education Code, or the programs of those institutions".

(2) In added Section 32.071(b), Health and Safety Code (page 1, line 39), between "health care entity" and "in this state", insert "or program".

(3) In added Section 32.072(a), Health and Safety Code (page 1, line 48), between "health care entity" and "in this", insert "or program".

(4) In added Section 32.073, Health and Safety Code (page 1, line 58), between "care entity" and "that", insert "or program".

(5) In added Section 32.073(1), Health and Safety Code (page 2, lines 2-3), strike "the rules established under Section 241.183(a)(1)" and substitute "its level of care designation received under Section 241.182".

(6) Strike added Section 32.074, Health and Safety Code (page 2, lines 11-22), and substitute the following:

Sec. 32.074. QUALIFICATIONS FOR DESIGNATION. The rules adopted under Section 32.071(b) must ensure that a health care entity or program that receives a center of excellence designation under this subchapter:

(1) provides or is affiliated with a hospital facility that provides advanced maternal and neonatal care in accordance with its level of care designation received under Section 241.182;

(2) implements and maintains a multidisciplinary health care team, including maternal fetal medicine specialists, pediatric and surgical specialists, neonatologists, nurses with specialized maternal and neonatal training, and other ancillary and support staff as appropriate to provide maternal, fetal, and neonatal services;

(3) establishes minimum criteria for medical staff, nursing staff, and ancillary and support personnel;

(4) measures short-term and long-term patient diagnostic and therapeutic outcomes; and

(5) provides to the department annual reports containing aggregate data on short-term and long-term diagnostic and therapeutic outcomes as requested or required by the department and makes those reports available to the public.

(7) In SECTION 2(a) of the bill (page 2, line 26), strike "March 1, 2018" and substitute "March 1, 2017".

(8) In SECTION 2(b) of the bill (page 2, line 27), strike "September 1, 2018" and substitute "September 1, 2017".

The amendment to **HB 2131** 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 2131 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.

HOUSE BILL 2131 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 2131** 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)

COMMITTEE SUBSTITUTE HOUSE BILL 2896 ON SECOND READING

On motion of Senator Bettencourt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2896** at this time on its second reading:

CSHB 2896, Relating to apportionment of certain receipts of a broadcaster under the franchise tax.

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 2896 ON THIRD READING

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2896** 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 1514 ON THIRD READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **HB 1514** at this time on its third reading and final passage:

HB 1514, Relating to health insurance identification cards issued by qualified health plan issuers.

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

HOUSE BILL 3994 ON THIRD READING

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

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

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 third time and was passed by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

HOUSE BILL 3311 ON SECOND READING

Senator Nichols moved to suspend the regular order of business to take up for consideration **HB 3311** at this time on its second reading:

HB 3311, Relating to the scoring criteria for an application for a low income housing tax credit and the allocation of those credits to developments reserved for elderly persons.

The motion prevailed.

Senators 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.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3311** (senate committee printing) as follows:

(1) Strike the recital to SECTION 2 of the bill (page 1, lines 49 and 50) and substitute the following:

SECTION 2. Section 2306.6725, Government Code, is amended by amending Subsections (a) and (d) and adding Subsections (e) and (f) to read as follows:

(2) In SECTION 2 of the bill, in amended Section 2306.6725, Government Code (page 1, between lines 50 and 51), insert the following:

(a) In allocating low income housing tax credits, the department shall score each application using a point system based on criteria adopted by the department that are consistent with the department's housing goals, including criteria addressing the ability of the proposed project to:

(1) provide quality social support services to residents;

(2) demonstrate community and neighborhood support as defined by the qualified allocation plan;

(3) consistent with sound underwriting practices and when economically feasible, serve individuals and families of extremely low income by leveraging private and state and federal resources, including federal HOPE VI grants received through the United States Department of Housing and Urban Development;

(4) serve traditionally underserved areas;

(5) demonstrate support from local political subdivisions based on the subdivisions' commitment of development funding;

(6) remain affordable to qualified tenants for an extended, economically feasible period; and

(7) [~~6~~] comply with the accessibility standards that are required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), and specified under 24 C.F.R. Part 8, Subpart C.

(3) In SECTION 2 of the bill, in amended Section 2306.6725, Government Code (between page 1, line 61, and page 2, line 1), insert the following:

(e) In establishing for the 2016 and 2017 qualified allocation plans the scoring criterion related to the commitment of development funding by local political subdivisions, the department shall significantly reduce for each place regardless of population the amount in funding, per low income unit, that is required for a proposed project to receive the applicable number of points for that criterion. After the reduction, the amount of required funding may be a de minimis amount.

(f) Subsection (e) and this subsection expire September 1, 2019.

(4) In SECTION 3 of the bill, in Subsection (b) of that SECTION (page 2, lines 9 and 10), strike "Section 2306.6725(d)" and substitute "Sections 2306.6710 and 2306.6725".

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

SECTION _____. Sections 2306.6710(b) and (f), Government Code, are amended to read as follows:

(b) If an application satisfies the threshold criteria, the department shall score and rank the application using a point system that:

(1) prioritizes in descending order criteria regarding:

(A) financial feasibility of the development based on the supporting financial data required in the application that will include a project underwriting pro forma from the permanent or construction lender;

(B) quantifiable community participation with respect to the development, evaluated on the basis of a resolution concerning the development that is voted on and adopted by the following, as applicable:

(i) the governing body of a municipality in which the proposed development site is to be located;

(ii) subject to Subparagraph (iii), the commissioners court of a county in which the proposed development site is to be located, if the proposed site is to be located in an area of a county that is not part of a municipality; or

(iii) the commissioners court of a county in which the proposed development site is to be located and the governing body of the applicable municipality, if the proposed site is to be located in the extraterritorial jurisdiction of a municipality;

(C) the income levels of tenants of the development;

(D) the size and quality of the units;

(E) ~~[the commitment of development funding by local political subdivisions;~~

~~(F)~~ the rent levels of the units;

~~(F)~~ ~~(G)~~ the cost of the development by square foot;

~~(G)~~ ~~(H)~~ the services to be provided to tenants of the development;

~~(H)~~ ~~(I)~~ whether, at the time the complete application is submitted or at any time within the two-year period preceding the date of submission, the proposed development site is located in an area declared to be a disaster under Section 418.014;

~~(I)~~ ~~(J)~~ quantifiable community participation with respect to the development, evaluated on the basis of written statements from any neighborhood organizations on record with the state or county in which the development is to be located and whose boundaries contain the proposed development site; and

~~(J)~~ ~~(K)~~ the level of community support for the application, evaluated on the basis of a written statement from the state representative who represents the district containing the proposed development site;

(2) uses criteria imposing penalties on applicants or affiliates who have requested extensions of department deadlines relating to developments supported by housing tax credit allocations made in the application round preceding the current round or a developer or principal of the applicant that has been removed by the lender, equity provider, or limited partners for its failure to perform its obligations under the loan documents or limited partnership agreement; and

(3) encourages applicants to provide free notary public service to the residents of the developments for which the allocation of housing tax credits is requested.

(f) In evaluating the level of community support for an application under Subsection ~~(b)(1)(J)~~ ~~(b)(1)(K)~~, the department shall award:

(1) positive points for positive written statements received;

(2) negative points for negative written statements received; and

(3) zero points for neutral statements received.

The amendment to **HB 3311** 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 Nichols and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 3311 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, Perry, V. Taylor.

HOUSE BILL 3311 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 3311** be placed on its third reading and final passage.

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

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

Nays: Hall, Perry, V. Taylor.

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

HOUSE BILL 4148 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 4148** at this time on its second reading:

HB 4148, Relating to compensation and reimbursement of expenses for the board of directors of the Refugio County Drainage District No. 1.

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 4148 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 4148** 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 1038 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **HB 1038** at this time on its second reading:

HB 1038, Relating to premium payment assistance for insurance coverage for hemophilia medical treatment.

The motion prevailed.

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

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

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

Nays: Creighton, Hall.

HOUSE BILL 1038 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 1038** 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, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Creighton, Hall.

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 2965 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 2965** at this time on its second reading:

CSHB 2965, Relating to administrative support positions with the Texas Military Department.

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 2965 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 2965** 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 168 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **HB 168** at this time on its second reading:

HB 168, Relating to privileged parking for Distinguished Flying Cross medal recipients.

The motion prevailed.

Senator Bettencourt 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.

HOUSE BILL 168 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 168** be placed on its third reading and final passage.

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

Nays: Bettencourt.

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

HOUSE BILL 1905 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 1905** at this time on its second reading:

HB 1905, Relating to the repeal of certain alcoholic beverage taxes and the tax on controlled substances.

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1905** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 162.001(38), (39), and (42), Tax Code, are amended to read as follows:

(38) "License holder" means a person licensed by the comptroller under Section 162.105, 162.205, [~~162.304, 162.305, 162.306,~~] 162.357, or 162.358.

(39) "Liquefied gas" means all combustible gases that exist in the gaseous state at 60 degrees Fahrenheit and at a pressure of 14.7 pounds per square inch absolute, but does not include compressed natural gas, liquefied natural gas, gasoline, or diesel fuel. Liquefied gas is considered a special fuel for purposes of Section 151.308.

(42) "Motor fuel" means gasoline, diesel fuel, [~~liquefied gas,~~] gasoline blended fuel, compressed natural gas, liquefied natural gas, and other products that are offered for sale, sold, used, or capable of use as fuel for a gasoline-powered engine or a diesel-powered engine.

SECTION _____. Section 162.356, Tax Code, is amended to read as follows:

Sec. 162.356. EXEMPTIONS. (a) The tax imposed by this subchapter does not apply to compressed natural gas or liquefied natural gas delivered into the fuel supply tank of:

(1) a motor vehicle operated exclusively by the United States, provided that the exemption does not apply with respect to fuel delivered into the fuel supply tank of a motor vehicle of a person operating under a contract with the United States;

(2) a motor vehicle operated exclusively by a public school district in this state;

(3) a motor vehicle operated exclusively by a commercial transportation company or a metropolitan rapid transit authority operating under Chapter 451, Transportation Code, that provides public school transportation services to a school district under Section 34.008, Education Code, and that uses the fuel only to provide those services;

(4) a motor vehicle operated exclusively by a volunteer fire department in this state;

(5) a motor vehicle operated exclusively by a municipality or county in this state;

(6) a motor vehicle operated exclusively by a nonprofit electric cooperative corporation organized under Chapter 161, Utilities Code;

(7) a motor vehicle operated exclusively by a nonprofit telephone cooperative corporation organized under Chapter 162, Utilities Code;

(8) a motor vehicle that is not registered for use on the public highways of this state and that is used exclusively off-highway; [~~or~~]

(9) off-highway equipment, a stationary engine, a motorboat, an aircraft, equipment used solely for servicing aircraft and used exclusively off-highway, a locomotive, or any device other than a motor vehicle operated or intended to be operated on the public highways; or

(10) except as provided by Subsection (b), a motor vehicle:

(A) used to provide the services of a transit company, including a metropolitan rapid transit authority under Chapter 451, Transportation Code, or a regional transportation authority under Chapter 452, Transportation Code; and

(B) operated by a person who on January 1, 2015, paid tax on compressed natural gas or liquefied natural gas as provided by Section 162.312, as that section existed on that date.

(b) The exemption provided by Subsection (a)(10) does not apply to compressed natural gas or liquefied natural gas delivered into the fuel supply tank of a motor vehicle from a refueling facility accessible to motor vehicles other than those described by Subsection (a)(10)(A).

SECTION _____. Section 162.402(a), Tax Code, is amended to read as follows:

(a) A person forfeits to the state a civil penalty of not less than \$25 and not more than \$200 if the person:

(1) refuses to stop and permit the inspection and examination of a motor vehicle transporting or using motor fuel on demand of a peace officer or the comptroller;

(2) operates a motor vehicle in this state without a valid interstate trucker's license or a trip permit when the person is required to hold one of those licenses or permits;

~~(3) [operates a liquefied gas propelled motor vehicle that is required to be licensed in this state, including motor vehicles equipped with dual carburetion, and does not display a current liquefied gas tax decal or multistate fuels tax agreement decal;~~

~~[(4) makes a tax free sale or delivery of liquefied gas into the fuel supply tank of a motor vehicle that does not display a current Texas liquefied gas tax decal;~~

~~[(5) makes a taxable sale or delivery of liquefied gas without holding a valid dealer's license;~~

~~[(6) makes a tax free sale or delivery of liquefied gas into the fuel supply tank of a motor vehicle bearing out of state license plates;~~

~~[(7) makes a delivery of liquefied gas into the fuel supply tank of a motor vehicle bearing Texas license plates and no Texas liquefied gas tax decal, unless licensed under a multistate fuels tax agreement;~~

~~[(8)] transports gasoline or diesel fuel in any cargo tank that has a connection by pipe, tube, valve, or otherwise with the fuel injector or carburetor of, or with the fuel supply tank feeding the fuel injector or carburetor of, the motor vehicle transporting the product;~~

(4) ~~[(9)]~~ sells or delivers gasoline or diesel fuel from any fuel supply tank connected with the fuel injector or carburetor of a motor vehicle;

(5) ~~[(10)]~~ owns or operates a motor vehicle for which reports or mileage records are required by this chapter without an operating odometer or other device in good working condition to record accurately the miles traveled;

(6) ~~[(11)]~~ furnishes to a licensed supplier or distributor a signed statement for purchasing diesel fuel tax-free and then uses the tax-free diesel fuel to operate a diesel-powered motor vehicle on a public highway;

(7) ~~[(12)]~~ fails or refuses to comply with or violates a provision of this chapter;

(8) ~~[(13)]~~ fails or refuses to comply with or violates a comptroller's rule for administering or enforcing this chapter;

(9) ~~[(14)]~~ is an importer who does not obtain an import verification number when required by this chapter;

(10) ~~[(45)]~~ purchases motor fuel for export, on which the tax imposed by this chapter has not been paid, and subsequently diverts or causes the motor fuel to be diverted to a destination in this state or any other state or country other than the originally designated state or country without first obtaining a diversion number;

(11) ~~[(46)]~~ delivers compressed natural gas or liquefied natural gas into the fuel supply tank of a motor vehicle and the person does not hold a valid compressed natural gas and liquefied natural gas dealer's license; or

(12) ~~[(47)]~~ makes a tax-free delivery of compressed natural gas or liquefied natural gas into the fuel supply tank of a motor vehicle, unless the delivery is exempt from tax under Section 162.356.

SECTION _____. Section 162.403, Tax Code, is amended to read as follows:

Sec. 162.403. CRIMINAL OFFENSES. Except as provided by Section 162.404, a person commits an offense if the person:

(1) refuses to stop and permit the inspection and examination of a motor vehicle transporting or using motor fuel on the demand of a peace officer or the comptroller;

(2) is required to hold a valid trip permit or interstate trucker's license, but operates a motor vehicle in this state without a valid trip permit or interstate trucker's license;

(3) ~~[operates a liquefied gas propelled motor vehicle that is required to be licensed in this state, including a motor vehicle equipped with dual carburetion, and does not display a current liquefied gas tax decal or multistate fuels tax agreement decal];~~

~~[(4)]~~ transports gasoline or diesel fuel in any cargo tank that has a connection by pipe, tube, valve, or otherwise with the fuel injector or carburetor or with the fuel supply tank feeding the fuel injector or carburetor of the motor vehicle transporting the product;

(4) ~~[(5)]~~ sells or delivers gasoline or diesel fuel from a fuel supply tank that is connected with the fuel injector or carburetor of a motor vehicle;

(5) ~~[(6)]~~ owns or operates a motor vehicle for which reports or mileage records are required by this chapter without an operating odometer or other device in good working condition to record accurately the miles traveled;

(6) ~~[(7)]~~ sells or delivers dyed diesel fuel for the operation of a motor vehicle on a public highway;

(7) ~~[(8)]~~ uses dyed diesel fuel for the operation of a motor vehicle on a public highway except as allowed under Section 162.235;

(8) ~~[(9)]~~ makes a tax free sale or delivery of liquefied gas into the fuel supply tank of a motor vehicle that does not display a current Texas liquefied gas tax decal;

~~[(10)]~~ makes a sale or delivery of liquefied gas on which the person knows the tax is required to be collected, if at the time the sale is made the person does not hold a valid dealer's license;

~~[(11)]~~ makes a tax free sale or delivery of liquefied gas into the fuel supply tank of a motor vehicle bearing out of state license plates;

~~[(12)] makes a delivery of liquefied gas into the fuel supply tank of a motor vehicle bearing Texas license plates and no Texas liquefied gas tax decal, unless licensed under a multistate fuels tax agreement;~~

~~[(13)]~~ refuses to permit the comptroller or the attorney general to inspect, examine, or audit a book or record required to be kept by a license holder, other user, or any person required to hold a license under this chapter;

(9) ~~[(14)]~~ refuses to permit the comptroller or the attorney general to inspect or examine any plant, equipment, materials, or premises where motor fuel is produced, processed, blended, stored, sold, delivered, or used;

(10) ~~[(15)]~~ refuses to permit the comptroller, the attorney general, an employee of either of those officials, a peace officer, an employee of the Texas Commission on Environmental Quality, or an employee of the Department of Agriculture to measure or gauge the contents of or take samples from a storage tank or container on premises where motor fuel is produced, processed, blended, stored, sold, delivered, or used;

(11) ~~[(16)]~~ is a license holder, a person required to be licensed, or another user and fails or refuses to make or deliver to the comptroller a report required by this chapter to be made and delivered to the comptroller;

(12) ~~[(17)]~~ is an importer who does not obtain an import verification number when required by this chapter;

(13) ~~[(18)]~~ purchases motor fuel for export, on which the tax imposed by this chapter has not been paid, and subsequently diverts or causes the motor fuel to be diverted to a destination in this state or any other state or country other than the originally designated state or country without first obtaining a diversion number;

(14) ~~[(19)]~~ conceals motor fuel with the intent of engaging in any conduct proscribed by this chapter or refuses to make sales of motor fuel on the volume-corrected basis prescribed by this chapter;

(15) ~~[(20)]~~ refuses, while transporting motor fuel, to stop the motor vehicle the person is operating when called on to do so by a person authorized to stop the motor vehicle;

(16) ~~[(21)]~~ refuses to surrender a motor vehicle and cargo for impoundment after being ordered to do so by a person authorized to impound the motor vehicle and cargo;

(17) ~~[(22)]~~ mutilates, destroys, or secretes a book or record required by this chapter to be kept by a license holder, other user, or person required to hold a license under this chapter;

(18) ~~[(23)]~~ is a license holder, other user, or other person required to hold a license under this chapter, or the agent or employee of one of those persons, and makes a false entry or fails to make an entry in the books and records required under this chapter to be made by the person or fails to retain a document as required by this chapter;

(19) ~~[(24)]~~ transports in any manner motor fuel under a false cargo manifest or shipping document, or transports in any manner motor fuel to a location without delivering at the same time a shipping document relating to that shipment;

(20) ~~[(25)]~~ engages in a motor fuel transaction that requires that the person have a license under this chapter without then and there holding the required license;

(21) [~~(26)~~] makes and delivers to the comptroller a report required under this chapter to be made and delivered to the comptroller, if the report contains false information;

(22) [~~(27)~~] forges, falsifies, or alters an invoice or shipping document prescribed by law;

(23) [~~(28)~~] makes any statement, knowing said statement to be false, in a claim for a tax refund filed with the comptroller;

(24) [~~(29)~~] furnishes to a licensed supplier or distributor a signed statement for purchasing diesel fuel tax-free and then uses the tax-free diesel fuel to operate a diesel-powered motor vehicle on a public highway;

(25) [~~(30)~~] holds an aviation fuel dealer's license and makes a taxable sale or use of any gasoline or diesel fuel;

(26) [~~(31)~~] fails to remit any tax funds collected or required to be collected by a license holder, another user, or any other person required to hold a license under this chapter;

(27) [~~(32)~~] makes a sale of dyed diesel fuel tax-free into a storage facility of a person who:

(A) is not licensed as a distributor, as an aviation fuel dealer, or as a dyed diesel fuel bonded user; or

(B) does not furnish to the licensed supplier or distributor a signed statement prescribed in Section 162.206;

(28) [~~(33)~~] makes a sale of gasoline tax-free to any person who is not licensed as an aviation fuel dealer;

(29) [~~(34)~~] purchases any motor fuel tax-free when not authorized to make a tax-free purchase under this chapter;

(30) [~~(35)~~] purchases motor fuel with the intent to evade any tax imposed by this chapter or accepts a delivery of motor fuel by any means and does not at the same time accept or receive a shipping document relating to the delivery;

(31) [~~(36)~~] transports motor fuel for which a cargo manifest or shipping document is required to be carried without possessing or exhibiting on demand by an officer authorized to make the demand a cargo manifest or shipping document containing the information required to be shown on the manifest or shipping document;

(32) [~~(37)~~] imports, sells, uses, blends, distributes, or stores motor fuel within this state on which the taxes imposed by this chapter are owed but have not been first paid to or reported by a license holder, another user, or any other person required to hold a license under this chapter;

(33) [~~(38)~~] blends products together to produce a blended fuel that is offered for sale, sold, or used and that expands the volume of the original product to evade paying applicable motor fuel taxes;

(34) [~~(39)~~] evades or attempts to evade in any manner a tax imposed on motor fuel by this chapter;

(35) [~~(40)~~] delivers compressed natural gas or liquefied natural gas into the fuel supply tank of a motor vehicle and the person does not hold a valid compressed natural gas and liquefied natural gas dealer's license; or

(36) ~~(41)~~ makes a tax-free delivery of compressed natural gas or liquefied natural gas into the fuel supply tank of a motor vehicle, unless the delivery is exempt from tax under Section 162.356.

SECTION _____. Section 162.404, Tax Code, is amended to read as follows:

Sec. 162.404. CRIMINAL OFFENSES: SPECIAL PROVISIONS AND EXCEPTIONS. (a) A person does not commit an offense under Section 162.403 unless the person intentionally or knowingly engaged in conduct as the definition of the offense requires, except that no culpable mental state is required for an offense under Section 162.403(5) ~~[162.403(6)]~~.

(b) Each day that a refusal prohibited under Section 162.403(8), (9), or (10) ~~[162.403(13), (14), or (15)]~~ continues is a separate offense.

(c) The prohibition under Section 162.403(27) ~~[162.403(32)]~~ does not apply to the tax-free sale or distribution of diesel fuel authorized by Section 162.204(1), (2), or (3).

(d) The prohibition under Section 162.403(28) ~~[162.403(33)]~~ does not apply to the tax-free sale or distribution of gasoline under Section 162.104(1), (2), or (3).

SECTION _____. Section 162.405, Tax Code, is amended to read as follows:

Sec. 162.405. CRIMINAL PENALTIES. (a) An offense under Section 162.403(1), (2), (3), (4), (5), ~~(6), or (7)~~ ~~(8)~~ is a Class C misdemeanor.

(b) An offense under Section 162.403(8), (9) ~~[162.403(9)]~~, (10), (11), (12), (13), (35), or (36) ~~[(14), (15), (16), (17), (18), (40), or (41)]~~ is a Class B misdemeanor.

(c) An offense under Section 162.403(14), (15), or (16) ~~[162.403(19), (20), or (24)]~~ is a Class A misdemeanor.

(d) An offense under Section 162.403(6), (17), (18), (19), (20), (21) ~~[162.403(7)], (22), (23), or (24) [162.403(25), (26), (27), (28), or (29)]~~ is a felony of the third degree.

(e) An offense under Section 162.403(25), (26), (27), (28), (29), (30) ~~[162.403(30)], (31), (32), (33), or (34) [162.403(35), (36), (37), (38), or (39)]~~ is a felony of the second degree.

(f) Violations of three or more separate offenses under the following sections committed pursuant to one scheme or continuous course of conduct may be considered as one offense and punished as a felony of the second degree:

(1) Section 162.403(6) ~~[162.403(7)]~~;

(2) Sections 162.403(8) ~~[162.403(13)]~~ through (11) ~~[(16)]~~; or

(3) Sections 162.403(17) ~~[162.403(22)]~~ through (24) ~~[(29)]~~.

SECTION _____. Section 548.051(a), Transportation Code, is amended to read as follows:

(a) A motor vehicle, trailer, semitrailer, pole trailer, or mobile home, registered in this state, must have the following items inspected at an inspection station or by an inspector:

(1) tires;

(2) wheel assembly;

(3) safety guards or flaps, if required by Section 547.606;

(4) brake system, including power brake unit;

(5) steering system, including power steering;

(6) lighting equipment;

- (7) horns and warning devices;
- (8) mirrors;
- (9) windshield wipers;
- (10) sunscreening devices, unless the vehicle is exempt from sunscreen device restrictions under Section 547.613;
- (11) front seat belts in vehicles on which seat belt anchorages were part of the manufacturer's original equipment;
- (12) ~~tax decal, if required by Section 548.104(d)(1);~~
- ~~[(13)]~~ exhaust system;
- (13) ~~[(14)]~~ exhaust emission system;
- ~~[(14)]~~ ~~[(15)]~~ fuel tank cap, using pressurized testing equipment approved by department rule; and
- (15) ~~[(16)]~~ emissions control equipment as designated by department rule.

SECTION _____. Section 548.104(d), Transportation Code, is amended to read as follows:

(d) An inspection station or inspector may not issue a passing vehicle inspection report for a vehicle equipped with:

(1) ~~[a carburetion device permitting the use of liquefied gas alone or interchangeably with another fuel, unless a valid liquefied gas tax decal issued by the comptroller is attached to the lower right hand corner of the front windshield of the vehicle on the passenger side;~~

~~[(2)]~~ a sunscreening device prohibited by Section 547.613, except that the department by rule shall provide procedures for issuance of a passing vehicle inspection report for a vehicle exempt under Section 547.613(c); or

(2) ~~[(3)]~~ a compressed natural gas container unless the owner demonstrates in accordance with department rules proof:

(A) that:

(i) the container has met the inspection requirements under 49 C.F.R. Section 571.304; and

(ii) the manufacturer's recommended service life for the container, as stated on the container label required by 49 C.F.R. Section 571.304, has not expired; or

(B) that the vehicle is a fleet vehicle for which the fleet operator employs a technician certified to inspect the container.

SECTION _____. The following provisions of the Tax Code are repealed:

- (1) Section 162.001(40);
- (2) Subchapter D, Chapter 162; and
- (3) Section 162.505.

SECTION _____. The change in law made by this Act to Section 162.402(a), Tax Code, applies only to a violation that occurs on or after the effective date of this Act. A violation that occurred before the effective date of this Act is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose.

SECTION _____. The change in law made by this Act to Section 162.403, Tax Code, 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.

SECTION _____. A person who holds a liquefied gas tax decal license under Section 162.305, Tax Code, that is valid on or after the effective date of this Act will receive a pro rata refund of the unused portion of the advanced taxes paid for the period after the effective date of this Act.

The amendment to **HB 1905** 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 1905 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 1905 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 1905** 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 2646 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2646** at this time on its second reading:

HB 2646, Relating to the disclosure of information regarding communicable diseases to first responders and certain entities.

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 2646 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 2646** 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 3736 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 3736** at this time on its second reading:

HB 3736, Relating to conflicts of interest by members of state agency governing boards and governing officers; creating a criminal offense.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3736** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Subdivision (1), Section 576.001, Government Code (page 1, line 33), strike "gain." and substitute "gain, if the pecuniary gain accrued to the individual as a member of a class of persons, including an occupation, profession, or industry, to a greater extent than any other member of the class."

(2) In SECTION 1 of the bill, in added Section 576.001, Government Code (page 1, between lines 41 and 42), insert the following:

(3) "Rule" means all or part of a statement of a state agency that is of general or particular applicability and of future effect designed to implement, interpret, or prescribe law or policy for the state agency or to describe the organization, procedure, or practice requirements of the state agency.

(3) In SECTION 1 of the bill, in added Section 576.001, Government Code, strike "(3)" (page 1, line 42) and substitute "(4)".

(4) In SECTION 1 of the bill, following added Section 576.005, Government Code (page 2, between lines 22 and 23), insert the following:

Sec. 576.006. EXEMPTION. This chapter does not apply to:

(1) the consideration of a proposed rule; or

(2) a vote to adopt a proposed rule.

The amendment to **HB 3736** was read and was adopted without objection.

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

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

Floor Amendment No. 2

Amend **HB 3736** (senate committee printing) by adding the following appropriately numbered SECTIONS to read as follows and renumbering the subsequent SECTIONS accordingly:

SECTION _____. Section 572.023, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (e) to read as follows:

(a) A financial statement must include an account of the financial activity for the preceding calendar year of:

(1) any property characterized as separate property under Section 3.001, Family Code, of the individual required by this subchapter to file a financial statement;

(2) any community property of which the individual required by this subchapter to file a financial statement has sole management, control, and disposition as provided by Section 3.102(a), Family Code;

(3) any community property of the individual required by this subchapter to file a financial statement, if the individual exercised both factual and legal control over the activity; and

(4) [an account of the financial activity of] the individual's [spouse and] dependent children if the individual exercised or held the right to exercise any degree of legal or factual [had actual] control over that activity [for the preceding calendar year].

(b) The account of financial activity consists of:

(1) a list of all sources of occupational income, identified by employer, or if self-employed, by the nature of the occupation, including identification of a person or other organization from which the individual or a business in which the individual has a substantial interest received a fee as a retainer for a claim on future services in case of need, as distinguished from a fee for services on a matter specified at the time of contracting for or receiving the fee, if professional or occupational services are not actually performed during the reporting period equal to or in excess of the amount of the retainer, and the category of the amount of the fee;

(2) identification by name and the category of the number of shares of stock of any business entity held or acquired, and if sold, the category of the amount of net gain or loss realized from the sale;

(3) a list of all bonds, notes, and other commercial paper held or acquired, and if sold, the category of the amount of net gain or loss realized from the sale;

(4) identification of each source and the category of the amount of income in excess of \$500 derived from each source from interest, dividends, royalties, and rents;

(5) identification of each guarantor of a loan and identification of each person or financial institution to whom a personal note or notes or lease agreement for a total financial liability in excess of \$1,000 existed at any time during the year and the category of the amount of the liability;

(6) identification by description of all beneficial interests in real property and business entities held or acquired, and if sold, the category of the amount of the net gain or loss realized from the sale;

(7) identification of a person or other organization from which the individual or the individual's spouse or dependent children received a gift of anything of value in excess of \$250 and a description of each gift, except:

(A) a gift received from an individual related to the individual at any time within the second degree by consanguinity or affinity, as determined under Subchapter B, Chapter 573;

(B) a political contribution that was reported as required by Chapter 254, Election Code; and

(C) an expenditure required to be reported by a person required to be registered under Chapter 305;

(8) identification of the source and the category of the amount of all income received as beneficiary of a trust, other than a blind trust that complies with Subsection (c), and identification of each trust asset, if known to the beneficiary, from which income was received by the beneficiary in excess of \$500;

(9) identification by description and the category of the amount of all assets and liabilities of a corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association in which 50 percent or more of the outstanding ownership was held, acquired, or sold;

(10) a list of all boards of directors of which the individual is a member and executive positions that the individual holds in corporations, firms, partnerships, limited partnerships, limited liability partnerships, professional corporations, professional associations, joint ventures, or other business associations or proprietorships, stating the name of each corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association or proprietorship and the position held;

(11) identification of any person providing transportation, meals, or lodging expenses permitted under Section 36.07(b), Penal Code, and the amount of those expenses, other than expenditures required to be reported under Chapter 305;

(12) any corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association, excluding a publicly held corporation, in which both the individual and a person registered under Chapter 305 have an interest;

(13) identification by name and the category of the number of shares of any mutual fund held or acquired, and if sold, the category of the amount of net gain or loss realized from the sale; [and]

(14) identification of each blind trust that complies with Subsection (c), including:

(A) the category of the fair market value of the trust;

(B) the date the trust was created;

(C) the name and address of the trustee; and

(D) a statement signed by the trustee, under penalty of perjury, stating that:

(i) the trustee has not revealed any information to the individual, except information that may be disclosed under Subdivision (8); and

(ii) to the best of the trustee's knowledge, the trust complies with this section;

(15) if the aggregate cost of goods or services sold under one or more written contracts described by this subdivision exceeds \$10,000 in the year covered by the report, identification of each written contract, including the name of each party to the contract:

(A) for the sale of:

(i) goods in the amount of \$2,500 or more; or

(ii) services, including professional services as defined by Section 2254.002, consulting services as defined by Section 2254.021, or legal counsel, in the amount of \$5,000 or more;

(B) to which the individual or any business entity of which the individual has at least a 50 percent ownership interest is a party; and

(C) with:

(i) a governmental entity; or

(ii) a person who contracts with a governmental entity, to fulfill one or more of the person's obligations to the governmental entity under that contract;

(16) if the individual is a member of the legislature and provides bond counsel services to an issuer, as defined by Section 1201.002(1), identification of the following for each issuance for which the individual served as bond counsel:

(A) the amount of the issuance;

(B) the name of the issuer;

(C) the date of the issuance;

(D) the amount of fees paid to the individual, and whether the amount is:

(i) less than \$5,000;

(ii) at least \$5,000 but less than \$10,000;

(iii) at least \$10,000 but less than \$25,000; or

(iv) \$25,000 or more; and

(E) the amount of fees paid to the individual's firm, if applicable, and whether the amount is:

(i) less than \$5,000;

(ii) at least \$5,000 but less than \$10,000;

(iii) at least \$10,000 but less than \$25,000; or

(iv) \$25,000 or more; and

(17) identification of any other source of earned or unearned income not reported under another provision of this subsection, including public benefits or a pension, individual retirement account, or other retirement plan, and the category of the amount of income derived from each source.

(e) In this section, "governmental entity" means the state, a political subdivision of the state, or an agency or department of the state or a political subdivision of the state.

SECTION _____. Section 572.0252, Government Code, is amended to read as follows:

Sec. 572.0252. INFORMATION ABOUT LEGAL REFERRALS. A state officer who is an attorney shall report on the financial statement:

(1) making or receiving any referral for compensation for legal services; ~~and~~

(2) the date the referral is made or received;

(3) the style of the case referred, if applicable; and

(4) the percentage of the legal fee paid or received that was agreed to between the parties to the referral, or, if the fee is not a percentage, the agreed amount of the fee paid or received ~~[the category of the amount of any fee accepted for making a referral for legal services].~~

SECTION _____. Subchapter B, Chapter 572, Government Code, is amended by adding Section 572.0295 to read as follows:

Sec 572.0295. PERSONAL FINANCIAL STATEMENT. (a) A person who files a report under this chapter may amend the report.

(b) A report that is amended before the eighth day after the date the original report was filed is considered to have been filed on the date on which the original report was filed.

(c) A report that is amended on or after the eighth day after the original report was filed is considered to have been filed on the date on which the original report was filed if:

(1) the amendment is made before any complaint is filed with regard to the subject of the amendment; and

(2) the original report was made in good faith and without an intent to mislead or to misrepresent the information contained in the report.

SECTION ____ . The change in law made by this Act applies only to a financial statement filed under Subchapter B, Chapter 572, Government Code, as amended by this Act, on or after September 1, 2015. A financial statement filed before September 1, 2015, is governed by the law in effect on the date of filing, and the former law is continued in effect for that purpose.

The amendment to **HB 3736** 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 Huffman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 3736 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 3736 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 3736** 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 870 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSHB 870** at this time on its second reading:

CSHB 870, Relating to the investment training requirement for certain local government financial officers.

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

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

Nays: Birdwell, Burton, Creighton, Ellis, Fraser, Nichols, Perry, V. Taylor, Watson, West.

The bill was read second time.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 870** (senate committee report) in SECTION 1 of the bill, in added Section 2256.008(a-1), Government Code (page 1, line 59), by striking "five" and substituting "eight".

BETTENCOURT
GARCIA

The amendment to **CSHB 870** was read and was adopted by a viva voce vote.

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

Nays: Watson.

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

CSHB 870 as amended was passed to third reading by the following vote: Yeas 21, Nays 10.

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

Nays: Birdwell, Burton, Creighton, Ellis, Fraser, Nichols, Perry, V. Taylor, Watson, West.

REMARKS ORDERED PRINTED

On motion of Senator Lucio and by unanimous consent, the remarks by Senators Seliger and Lucio regarding **CSHB 870** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Lucio: You had a wonderful session. I was one that voted for this bill in committee, and I certainly want to continue to support you. All I want you to know, that there was a little confusion as you and I spoke briefly in the committee hearing about whether the bill would apply to county treasurers in the State of Texas. And the statewide treasurers association testified that they do not want the reduction in training requirements to apply to them. So, I just wanted you, as a favor to me, and, of course, so that they will know in your legislative intention here that you intend for them not to be part of this particular bill. Is that, am I correct in stating that?

Senator Seliger: I believe that's correct. I think it applies to municipalities.

Senator Lucio: CFOs, treasurers of school districts, investments.

Senator Seliger: And municipalities.

Senator Lucio: Yes, and not county treasurers, correct?

Senator Seliger: It is a school district or a municipality.

Senator Lucio: Okay, thank you very much.

Senator Seliger: Yes, Sir.

Senator Lucio: So, that's the legislative intent on this legislation. Thank you, Mr. President. Thank you, Chairman Seliger.

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

On motion of Senator Watson and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to 10:30 p.m. today for the Wednesday, May 27, 2015, Intent Calendar.

(Senator Eltife in Chair)

HOUSE BILL 2684 ON SECOND READING

Senator Whitmire moved to suspend the regular order of business to take up for consideration **HB 2684** at this time on its second reading:

HB 2684, Relating to the creation of a model training curriculum and to the required training for certain school district peace officers and school resource officers.

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

Yeas: Birdwell, Burton, Campbell, Ellis, Eltife, Fraser, Garcia, Hinojosa, Huffman, Lucio, Menéndez, Nelson, Perry, Rodríguez, Schwertner, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Creighton, Estes, Hall, Hancock, Huffines, Kolkhorst, Nichols, Seliger, L. Taylor, V. Taylor.

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2684** (senate committee printing), in Subsection (c) of SECTION 3 of the bill (page 2, line 66), by striking "10,000" and substituting "5,000".

The amendment to **HB 2684** was read and was adopted by a viva voce vote.

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

Nays: Perry.

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

HB 2684 as amended was passed to third reading by the following vote: Yeas 20, Nays 11.

Yeas: Birdwell, Burton, Campbell, Ellis, Eltife, Fraser, Garcia, Hinojosa, Huffman, Lucio, Menéndez, Nelson, Perry, Rodríguez, Schwertner, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Creighton, Estes, Hall, Hancock, Huffines, Kolkhorst, Nichols, Seliger, L. Taylor, V. Taylor.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1438 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSHB 1438** at this time on its second reading:

CSHB 1438, Relating to probate matters, including guardianships and other matters related to incapacitated persons.

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 **CSHB 1438** (senate committee printing) as follows:

(1) In SECTION 6 of the bill, strike proposed Section 1055.003(c), Estates Code (page 2, lines 65-68) and substitute the following:

(c) The court has the discretion to grant or deny the motion and, in exercising that discretion, must consider whether:

(1) the intervention will unduly delay or prejudice the adjudication of the original parties' rights; or

(2) the proposed intervenor has such an adverse relationship with the ward or proposed ward that the intervention would unduly prejudice the adjudication of the original parties' rights.

(2) In SECTION 8 of the bill, strike proposed Section 1101.156(a), Estates Code (page 3, lines 13-20), and substitute the following:

(a) At the time or after an order appointing a guardian is signed by the court but before letters of guardianship are issued, a court may, on the request of a party, require the deposit for safekeeping of cash, securities, or other assets of a ward or proposed ward in a financial institution described by Section 1105.155(b).

(3) In SECTION 21 of the bill, in proposed Section 1251.052(b)(3), Estates Code (page 9, line 15), strike "12-month" and substitute "nine-month".

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

SECTION _____. Subchapter D, Chapter 1054, Estates Code, is amended by adding Section 1054.155 to read as follows:

Sec. 1054.155. NOTICE REGARDING REQUEST TO FINANCIAL INSTITUTION FOR CUSTOMER RECORDS. If a request is made to a financial institution for a customer record in connection with an investigation conducted under Section 1054.151 or 1054.152, the court shall provide written notice of that fact to the ward or proposed ward with respect to whom the investigation is conducted not later than the fifth day after the date the financial institution produces the customer record.

SECTION _____. Chapter 1102, Estates Code, is amended by adding Section 1102.006 to read as follows:

Sec. 1102.006. NOTICE REGARDING REQUEST TO FINANCIAL INSTITUTION FOR CUSTOMER RECORDS. If a request is made to a financial institution for a customer record in connection with an investigation conducted under Section 1102.001, the court shall provide written notice of that fact to the proposed ward with respect to whom the investigation is conducted not later than the fifth day after the date the financial institution produces the customer record.

The amendment to **CSHB 1438** 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.

CSHB 1438 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 1438 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 1438** 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 1278 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 1278** at this time on its second reading:

HB 1278, Relating to financial assistance paid to the survivors of certain law enforcement officers, firefighters, and other public employees killed in the line of duty.

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 1278 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 1278** be placed on its third reading and final passage.

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

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

(President in Chair)

HOUSE BILL 1585 ON SECOND READING

Senator L. Taylor moved to suspend the regular order of business to take up for consideration **HB 1585** at this time on its second reading:

HB 1585, Relating to the use of hotel occupancy tax revenue in certain municipalities.

The motion prevailed.

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

The bill was read second time.

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

Floor Amendment No. 1

Amend **HB 1585** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 351.1071(d), Tax Code (page 1, line 61), strike "that revenue" and substitute "hotel revenue".

(2) In SECTION 2 of the bill, in added Section 351.1071(f)(1)(B), Tax Code (page 2, line 30), strike "municipal hotel occupancy tax revenue" and substitute "hotel revenue".

The amendment to **HB 1585** was read and was adopted without objection.

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

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

Floor Amendment No. 2

Amend **HB 1585** (senate committee report) by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 2303.003(8), Government Code, is amended to read as follows:

(8) "Qualified hotel project" means:

(A) a hotel proposed to be constructed by a municipality or a nonprofit municipally sponsored local government corporation created under the Texas Transportation Corporation Act, Chapter 431, Transportation Code, that is within 1,000 feet of a convention center owned by a municipality having a population of 1,500,000 or more, including shops, parking facilities, and any other facilities ancillary to the hotel; ~~and~~

(B) a hotel proposed to be constructed, remodeled, or rehabilitated by a municipality or a nonprofit municipally sponsored local government corporation created under the Texas Transportation Corporation Act, Chapter 431, Transportation

Code, that is within 3,000 feet of the property line of a convention center owned by a municipality having a population of more than 500,000 and that borders the United Mexican States; and

(C) a hotel, including a privately owned hotel adjoining a convention center owned by a political subdivision of this state, proposed to be constructed by or in conjunction with a municipality having a population of more than 130,000 that is located within 50 miles of this state's border with Oklahoma, or by a nonprofit municipally sponsored local government corporation created under the Texas Transportation Corporation Act, Chapter 431, Transportation Code, by that municipality, including shops, parking facilities, and any other facilities ancillary to the hotel.

The amendment to **HB 1585** 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 L. Taylor and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1585 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, Perry.

HOUSE BILL 1585 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 1585** be placed on its third reading and final passage.

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

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

Nays: Burton, 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 1446 ON SECOND READING

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1446** at this time on its second reading:

HB 1446, Relating to reimbursement of certain medical costs for victims of certain sex offenses.

The bill was read second time.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1446** (senate committee printing) as follows:

(1) In SECTION 5 of the bill (page 2, line 18), between "Act" and "applies", insert "relating to reimbursement of certain medical costs".

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

SECTION _____. Article 56.32(a)(9), Code of Criminal Procedure, is amended to read as follows:

(9) "Pecuniary loss" means the amount of expense reasonably and necessarily incurred as a result of personal injury or death for:

(A) medical, hospital, nursing, or psychiatric care or counseling, or physical therapy;

(B) actual loss of past earnings and anticipated loss of future earnings and necessary travel expenses because of:

(i) a disability resulting from the personal injury;

(ii) the receipt of medically indicated services related to the disability resulting from the personal injury; or

(iii) participation in or attendance at investigative, prosecutorial, or judicial processes related to the criminally injurious conduct and participation in or attendance at any postconviction or postadjudication proceeding relating to criminally injurious conduct;

(C) care of a child or dependent;

(D) funeral and burial expenses, including, for an immediate family member or household member of the victim, the necessary expenses of traveling to and attending the funeral;

(E) loss of support to a dependent, consistent with Article 56.41(b)(5);

(F) reasonable and necessary costs of cleaning the crime scene;

(G) reasonable replacement costs for clothing, bedding, or property of the victim seized as evidence or rendered unusable as a result of the criminal investigation;

(H) reasonable and necessary costs for relocation and housing rental assistance payments [5] as provided by Article 56.42(d)[, ~~incurred by a victim of family violence or a victim of sexual assault who is assaulted in the victim's place of residence for relocation and housing rental assistance payments~~];

(I) for an immediate family member or household member of a deceased victim, bereavement leave of not more than 10 work days; and

(J) reasonable and necessary costs of traveling to and from a place of execution for the purpose of witnessing the execution, including one night's lodging near the place at which the execution is conducted.

SECTION _____. Article 56.42(d), Code of Criminal Procedure, is amended to read as follows:

(d) A victim who is a victim of stalking, family violence, or ~~[a victim of]~~ trafficking of persons, or a victim of sexual assault who is assaulted in the victim's place of residence, may receive a onetime-only assistance payment in an amount not to exceed:

(1) \$2,000 to be used for relocation expenses, including expenses for rental deposit, utility connections, expenses relating to the moving of belongings, motor vehicle mileage expenses, and for out-of-state moves, transportation, lodging, and meals; and

(2) \$1,800 to be used for housing rental expenses.

SECTION _____. The change in law made by this Act relating to compensation for relocation and housing rental expenses applies only to a victim of a criminal offense committed or a violation that occurs on or after the effective date of this Act. The victim of a criminal offense committed or a violation that occurs before the effective date of this Act is governed by the law in effect on the date the offense was committed or the violation occurred, and the former law is continued in effect for that purpose. For purposes of this section, a criminal offense was committed or a violation occurred before the effective date of this Act if any element of the offense or violation occurred before that date.

The amendment to **HB 1446** was read and was adopted without objection.

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

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 2

Amend Amendment No. __ by Rodríguez to **HB 1446** by adding the following appropriately numbered item to the amendment and renumbering subsequent items of the amendment accordingly:

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

SECTION _____. Chapter 772, Government Code, is amended by adding Section 772.0063 to read as follows:

Sec. 772.0063. GOVERNOR'S PROGRAM FOR VICTIMS OF CHILD SEX TRAFFICKING. (a) The governor shall establish and implement a program to provide comprehensive, individualized services to address the rehabilitation and treatment needs of child victims of an offense under Section 20A.02(a)(7) or (8), Penal Code.

(b) The governor shall appoint a director of the program to serve at the pleasure of the governor.

(c) The director of the program shall coordinate with state and local law enforcement agencies, state agencies, and service providers to identify victims of child sex trafficking who are eligible to receive services under the program.

(d) For each victim of child sex trafficking identified by the director, the program shall immediately facilitate the assignment of a caseworker to the victim to coordinate with local service providers to create a customized package of services to fit the victim's immediate and long-term rehabilitation and treatment needs. Services provided under the program must address all aspects of the medical, psychiatric, psychological, safety, and housing needs of victims.

SECTION _____. The governor shall establish the governor's program for victims of child sex trafficking and appoint a director of the program, as required by Section 772.0063, Government Code, as added by this Act, as soon as practicable and not later than December 1, 2016.

The amendment to **HB 1446** 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 Rodríguez and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1446 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 1446 ON THIRD READING

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1446** 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 2205 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSHB 2205** at this time on its second reading:

CSHB 2205, Relating to the State Board for Educator Certification, educator preparation programs, and educator certification.

The motion prevailed.

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

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2205** (senate committee report) as follows:

(1) Strike SECTION 14 of the bill (page 7, lines 29 through 37).

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

SECTION _____. Section 21.048(a), Education Code, as amended by Chapters 1282 (H.B. 2012) and 1292 (H.B. 2318), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. The commissioner [~~board~~] shall determine the satisfactory level of performance required for each certification

examination. For the issuance of a generalist certificate, the commissioner [~~board~~] shall require a satisfactory level of examination performance in each core subject covered by the examination.

(3) Renumber existing SECTIONS of the bill accordingly.

The amendment to **CSHB 2205** was read and was adopted without objection.

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

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 2205** (senate committee printing) as follows:

(1) In SECTION 4 of the bill, in amended Section 21.0441(a)(1)(A), Education Code (page 2, line 19), strike "2.50 [2.75]" and substitute "2.75".

(2) In SECTION 4 of the bill, in amended Section 21.0441(a)(1)(B), Education Code (page 2, line 22), strike "2.50 [2.75]" and substitute "2.75".

The amendment to **CSHB 2205** was read and was adopted without objection.

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

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 2205** (senate committee printing) as follows:

(1) On page 6, line 29, between "retake" and "examination", strike "an" and insert "a content".

The amendment to **CSHB 2205** was read.

Senator Lucio withdrew Floor Amendment No. 3.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 2205** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.062 to read as follows:

Sec. 21.062. ISSUANCE OF SUBPOENAS. (a) During an investigation by the commissioner of an educator for an alleged incident of misconduct, the commissioner may issue a subpoena to compel the production, for inspection or copying, of relevant evidence that is located in this state.

(b) A subpoena may be served personally or by certified mail.

(c) If a person fails to comply with a subpoena, the commissioner, acting through the attorney general, may file suit to enforce the subpoena in a district court in this state. On finding that good cause exists for issuing the subpoena, the court shall order the person to comply with the subpoena. The court may punish a person who fails to obey the court order.

(d) All information and materials subpoenaed or compiled in connection with an investigation described by Subsection (a) are confidential and not subject to disclosure under Chapter 552, Government Code.

(e) Except as provided by a protective order, and notwithstanding Subsection (d), all information and materials subpoenaed or compiled in connection with an investigation described by Subsection (a) may be used in a disciplinary proceeding against an educator based on an alleged incident of misconduct.

The amendment to **CSHB 2205** was read and was adopted by a viva voce vote.

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

Nays: Watson.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 2205** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION . Section 21.055, Education Code, is amended by amending Subsection (b) and adding Subsection (d-1) to read as follows:

(b) To be eligible for a school district teaching permit under this section, a person must hold a baccalaureate degree. ~~[This subsection does not apply to a person who will teach only career and technology education.]~~

(d-1) Subsections (b), (c), and (d) do not apply to a person who will teach only noncore academic career and technical education courses. A school district board of trustees may issue a school district teaching permit to a person who will teach courses only in career and technical education based on qualifications certified by the superintendent of the school district. Qualifications must include demonstrated subject matter expertise such as professional work experience, formal training and education, holding an active professional relevant industry license, certification, or registration, or any combination of work experience, training and education, or industry license, certification, or registration, in the subject matter to be taught. The superintendent of the school district shall certify to the board of trustees that a new employee has undergone a criminal background check and is capable of proper classroom management. A school district shall require a new employee to obtain at least 20 hours of classroom management training and to comply with continuing education requirements as determined by the board of trustees. A person may teach a career and technical education course immediately upon issuance of a permit under this subsection. Promptly after employing a person who qualifies under this subsection, the board of trustees shall send to the commissioner a written statement identifying the person, the course the person will teach, and the person's qualifications to teach the course.

SECTION . This section applies beginning with the 2015-2016 school year.

The amendment to **CSHB 2205** was read and was adopted without objection.

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

Senator Seliger moved to temporarily postpone further consideration of the bill.

The motion prevailed.

Question: Shall **CSHB 2205** as amended be passed to third reading?

The President laid before the Senate **CSHB 2205**, sponsored by Senator Seliger, on its second reading. The bill had been read second time, amended, and further consideration temporarily postponed.

Question: Shall **CSHB 2205** as amended be passed to third reading?

VOTES RECONSIDERED

On motion of Senator Menéndez and by unanimous consent, the vote by which Floor Amendment No. 2 was adopted was reconsidered.

Question: Shall Floor Amendment No. 2 to **CSHB 2205** be adopted?

Senator Menéndez withdrew Floor Amendment No. 2.

On motion of Senator Bettencourt and by unanimous consent, the vote by which Floor Amendment No. 5 was adopted was reconsidered.

Question: Shall Floor Amendment No. 5 to **CSHB 2205** be adopted?

The amendment to **CSHB 2205** was again adopted without objection.

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

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

CSHB 2205 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, Nelson, Nichols.

COMMITTEE SUBSTITUTE HOUSE BILL 2205 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 2205** be placed on its third reading and final passage.

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

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

Nays: Hall, Nelson, Nichols.

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

HOUSE BILL 2291 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 2291** at this time on its second reading:

HB 2291, Relating to increasing the punishment for certain persons convicted of the offense of possession or promotion of child pornography.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2291** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike amended Section 43.26(d), Penal Code (page 1, lines 22-26), and substitute the following:

(d) An offense under Subsection (a) is a felony of the third degree, except that the offense is:

(1) a felony of the second degree if it is shown on the trial of the offense that the person has been previously convicted one time of an offense under that subsection; and

(2) a felony of the first degree if it is shown on the trial of the offense that the person has been previously convicted two or more times of an offense under that subsection.

(2) In SECTION 1 of the bill, in amended Section 43.26(g), Penal Code (page 1, lines 27-28), strike "first [~~second~~] degree" and substitute "second degree, except that the offense is a felony of the first degree if it is shown on the trial of the offense that the person has been previously convicted of an offense under that subsection".

(3) Strike SECTION 2 of the bill, adding Section 508.145(e-1), Government Code (page 1, lines 29-35).

(4) Renumber subsequent SECTIONS of the bill appropriately.

The amendment to **HB 2291** was read and was adopted without objection.

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

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

Floor Amendment No. 2

Amend **HB 2291** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Article 42.037, Code of Criminal Procedure, is amended by adding Subsection (r) to read as follows:

(r) The court shall order a defendant convicted of an offense under Section 43.26, Penal Code, to make restitution to:

(1) an individual who as a child younger than 18 years of age was depicted in the visual material, in an amount equal to the expenses incurred by the individual as a result of the offense, including:

(A) medical services relating to physical, psychiatric, or psychological care;

(B) physical and occupational therapy or rehabilitation;

(C) necessary transportation, temporary housing, and child care expenses;

(D) lost income; and

(E) attorney's fees; or

(2) the compensation to child pornography victims fund under Article 56.55 to the extent that:

(A) the fund has paid compensation to or on behalf of the individual; or

(B) the court is unable to identify an individual who as a child was depicted in the visual material, in an amount determined by the court after considering:

(i) the average amount of the expenses incurred by, and restitution ordered to, individuals in other similar cases involving a conviction for an offense under Section 43.26, Penal Code; and

(ii) other factors the court considers appropriate.

SECTION _____. Article 56.54(b), Code of Criminal Procedure, is amended to read as follows:

(b) Except as provided by Subsections (h), (i), (j), and (k) and Articles [Article] 56.541 and 56.55, the compensation to victims of crime fund may be used only by the attorney general for the payment of compensation to claimants or victims under this subchapter. For purposes of this subsection, compensation to claimants or victims includes money allocated from the fund to the Crime Victims' Institute created by Section 96.65, Education Code, for the operation of the institute and for other expenses in administering this subchapter. The institute shall use money allocated from the fund only for the purposes of Sections 96.65, 96.651, and 96.652, Education Code.

SECTION _____. Subchapter B, Chapter 56, Code of Criminal Procedure, is amended by adding Article 56.55 to read as follows:

Art. 56.55. COMPENSATION TO CHILD PORNOGRAPHY VICTIMS FUND; PAYMENT OF AWARDS OR EXPENSES. (a) The compensation to child pornography victims fund is an account in the general revenue fund. Money in the account may be used only to:

(1) award compensation under this article; or

(2) provide grants related to preventing child pornography and related offenses, including trafficking of persons.

(b) The attorney general shall:

(1) adopt rules governing the administration of the compensation to child pornography victims fund, including rules establishing procedures for the application, review, and award of compensation or the issuance of a grant under this article; and

(2) notwithstanding any other provision of this subchapter, transfer money from the compensation to child pornography victims fund to a subaccount in the compensation to victims of crime fund as necessary to award compensation or provide a grant under this article.

(c) The attorney general shall award compensation to an individual who as a child younger than 18 years of age was depicted in visual material constituting the basis for one or more convictions under Section 43.26, Penal Code, if the attorney general finds by a preponderance of the evidence that sufficient grounds exist for compensation under this article.

(d) An applicant for compensation under this article must apply in writing on a form prescribed by the attorney general. The applicant is not required to file an application under Article 56.36 to receive compensation under this article.

(e) An award for compensation under this article must be in an amount equal to the expenses incurred by the individual as a result of the offense, including:

(1) medical services relating to physical, psychiatric, or psychological care;

(2) physical and occupational therapy or rehabilitation;

(3) necessary transportation, temporary housing, and child care expenses;

(4) loss of past earnings; and

(5) attorney's fees for assistance in obtaining compensation under this

article.

(f) The attorney general shall reduce an award under this article by the amount of restitution received by or on behalf of the individual under Article 42.037 and may reduce the award to the extent that the applicable expenses are recouped from another collateral source, including compensation awarded under Article 56.34.

(g) The attorney general may provide for the payment of an award under this article in a lump sum or in installments.

(h) The attorney general by rule may limit the amount of award that is payable to an individual under this article.

(i) The attorney general may use the compensation to victims of crime fund to pay expenses associated with the administration of the compensation to the child pornography victims fund under this article.

(j) The attorney general may delegate a power, duty, or responsibility given to the attorney general under this article to a person in the attorney general's office.

(k) The name of an individual awarded compensation under this article and any other identifying information regarding that individual are confidential and not subject to disclosure under Chapter 552, Government Code.

(l) To the extent of any conflict between this article and another article of this subchapter regarding conduct for which compensation may be awarded, this article controls.

The amendment to **HB 2291** 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 Perry and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 2291 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 2291 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 2291** 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 3373 ON SECOND READING

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3373** at this time on its second reading:

HB 3373, Relating to the liability of reimbursing employers under the Texas Unemployment Compensation Act.

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 3373 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 3373** 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 2655 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **HB 2655** at this time on its second reading:

HB 2655, Relating to requiring the Department of Family and Protective Services to study the effectiveness of the relative and other designated caregiver placement program.

The motion prevailed by the following vote: Yeas 19, Nays 11.

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

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

Absent: Fraser.

The bill was read second time.

Senator Campbell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2655** (senate committee report) by adding the "including child welfare service providers, as defined by Chapter 45, Human Resources Code," in between "program" and "created" on page 1, line 27.

The amendment to **HB 2655** was read.

POINT OF ORDER

Senator Watson raised a point of order that the amendment was not germane to the bill.

Senator Campbell withdrew Floor Amendment No. 1.

POINT OF ORDER WITHDRAWN

Senator Watson withdrew the point of order.

HB 2655 was passed to third reading without objection.

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

HOUSE BILL 2655 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 2655** 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 3523 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 3523** at this time on its second reading:

CSHB 3523, Relating to improving the delivery and quality of Medicaid acute care services and long-term care services and supports.

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 3523 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 3523** 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 Hancock in Chair)
COMMITTEE SUBSTITUTE
HOUSE BILL 3576 ON SECOND READING

Senator Menéndez moved to suspend the regular order of business to take up for consideration **CSHB 3576** at this time on its second reading:

CSHB 3576, Relating to restrictions on the use, transfer, and sale of housing developments that have received certain financial assistance administered by the Texas Department of Housing and Community Affairs.

The motion prevailed.

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

The bill was read second time.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 3576** (senate committee report) as follows:

(1) In SECTION 5 of the bill, strike added Section 2306.6726(b)(2)(A), Government Code (page 2, lines 60 through 62), and substitute the following:

(A) is described by Section 2306.6706;

(2) In SECTION 5 of the bill, in added Section 2306.6726(b)(2)(B), Government Code (page 2, line 64), between the semicolon and "and", insert the following:

or

(C) is a tenant organization;

(3) In SECTION 5 of the bill, in amended Section 2306.6726(c), Government Code (page 3), strike lines 7 through 18 and substitute the following:

~~after the expiration of the compliance period] if a qualified entity [nonprofit organization or tenant organization] does not offer to purchase the development for a price that the department determines to be reasonable [property at the minimum price provided by Section 42(i)(7), Internal Revenue Code of 1986 (26 U.S.C. Section 42(i)(7)), and the department declines to purchase the property].~~

The amendment to **CSHB 3576** 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 Menéndez and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 3576 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: Birdwell, Burton, Creighton, Hall, Perry.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3576 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 3576** 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, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

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

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

HOUSE BILL 4158 ON SECOND READING

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **HB 4158** at this time on its second reading:

HB 4158, Relating to the creation of the East Waller County Management District; 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.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 4158** (senate committee printing) in SECTION 1 of the bill by striking added Section 3937.155, Special District Local Laws Code (page 5, lines 52-54) and renumbering subsequent sections of the bill accordingly.

The amendment to **HB 4158** 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 4158 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 4158 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 4158** 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 870 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 870** be placed on its third reading and final passage.

HB 870, Relating to the investment training requirement for certain local government financial officers.

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

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

Nays: Burton, Creighton, Ellis, Nichols, Perry, Watson.

Absent: Fraser.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10.

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

Nays: Birdwell, Burton, Creighton, Ellis, Fraser, Nichols, Perry, V. Taylor, Watson, West.

(Wednesday, May 27, 2015)

COMMITTEE SUBSTITUTE**HOUSE BILL 1842 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 1842** at this time on its second reading:

CSHB 1842, Relating to public school accountability, including the expansion of or renewal of the charter of an open-enrollment charter school and the intervention in and sanction of a public school that has received an academically unsuccessful performance rating for at least two consecutive school years.

The bill was read second time.

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

Floor Amendment No. 1

Amend **CSHB 1842** (senate committee printing) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Title 2, Education Code, is amended by adding Chapter 12A to read as follows:

CHAPTER 12A. INNOVATION ZONES AND DISTRICTS OF INNOVATION
SUBCHAPTER A. INNOVATION ZONES

Sec. 12A.001. DEFINITIONS. In this subchapter:

(1) "Governing body" means the board of trustees of a school district or the governing body of a home-rule school district under Subchapter B, Chapter 12, or an open-enrollment charter school under Subchapter D, Chapter 12.

(2) "School district" means an independent school district or a home-rule school district under Subchapter B, Chapter 12.

Sec. 12A.002. AUTHORIZATION. (a) Subject to approval by the commissioner, a governing body may establish a multiple-campus innovation zone in accordance with this subchapter to:

(1) encourage local community-based initiatives to improve educational outcomes with minimum state and local requirements;

(2) enable collaboration by multiple campuses, programs, and institutions of higher education; and

(3) encourage innovation through shared resources and facilities.

(b) Subject to Subsection (b-1), a governing body may:

(1) establish an innovation zone that includes only designated campuses under the authority of the governing body;

(2) establish, in cooperation with one or more other governing bodies, an innovation zone that includes one or more designated campuses under the authority of each governing body; or

(3) seek inclusion of one or more campuses under the authority of the governing body in an innovation zone established by one or more other governing bodies.

(b-1) A campus may be included in an innovation zone only if the most recent performance rating under Section 39.054 for the campus reflects at least acceptable performance.

(c) Establishment of an innovation zone or a request for inclusion of a campus in an existing zone may be initiated by:

(1) a resolution of a governing body; or

(2) a request submitted by the principal of a campus to the governing body with authority over the campus.

Sec. 12A.003. PARTICIPATION BY INSTITUTION OF HIGHER EDUCATION. An institution of higher education may participate in an innovation zone on terms acceptable to the governing board of the institution.

Sec. 12A.004. INNOVATION ZONE PLAN. (a) The establishment of an innovation zone or a request for inclusion of a campus in an innovation zone must be based on a written innovation zone plan that includes:

(1) a detailed description of the budget, staffing, and financial resources necessary to implement the plan, including resources to be provided by each individual campus and resources to be provided collectively by all participating campuses;

(2) a detailed description of the academic programs to be offered, including instructional methods, length of school day and year, credit and promotion criteria, and programs to serve special populations;

(3) a statement of the facilities to be used;

(4) the proposed term of the innovation zone, which may not exceed five years;

(5) a statement of the reasons that the establishment of the innovation zone or inclusion of the campus in the zone will promote the ability of the campuses to achieve their academic goals;

(6) a list of any local or state law, rule, or policy exemption necessary for successful operation of the innovation zone, subject to Section 12A.008;

(7) performance goals against which the success of the innovation zone may be measured;

(8) written comments from the campus-level committee established under Section 11.251, if applicable, and parents and teachers at each campus proposed for inclusion in the innovation zone; and

(9) any other information required by local policy.

(b) As requested by a governing body, a regional education service center shall provide assistance in the development and implementation of an innovation plan.

Sec. 12A.005. CONSIDERATION OF REQUEST BY PRINCIPAL. (a) A request by a principal for the establishment of an innovation zone or inclusion of a campus in an innovation zone must be considered at a public meeting by the governing body with authority over the principal's campus.

(b) Parents of students enrolled at the campus and teachers and other staff assigned to the campus must be provided the opportunity to make comments regarding the request at the public meeting.

(c) After conducting the public meeting, the governing body may:

(1) grant the request;

(2) grant the request subject to approval by another governing body, if the request also involves a campus under the authority of another governing body;

(3) delay a decision on the request, pending resolution of suggestions or comments regarding the request made by the governing body or parents, teachers, or other staff at the campus; or

(4) reject the request.

(d) If the governing body approves a principal's request, the governing body shall:

(1) seek approval by the commissioner in accordance with Section 12A.007;

(2) adopt performance goals for the principal's campus; and

(3) exempt the campus from any local requirement identified in the innovation plan under Section 12A.004(a)(6) for the term of the innovation zone.

Sec. 12A.006. FORM OF AGREEMENT. An innovation zone that involves more than one governing body or that involves an institution of higher education may be governed by an agreement between the affected school districts, schools, and institutions in the form of a contract.

Sec. 12A.007. APPROVAL BY COMMISSIONER. (a) A governing body must obtain approval from the commissioner before the establishment or renewal of an innovation zone or the inclusion of a campus in an existing zone may become effective.

(b) If the commissioner approves the establishment or renewal of an innovation zone or the inclusion of a campus in an existing zone, the commissioner shall identify each requirement of state law, rule, or policy from which the campuses included in the zone are exempt.

(c) A decision by the commissioner under this section is final and may not be appealed.

Sec. 12A.008. APPLICABILITY OF CERTAIN LAWS. (a) An open-enrollment charter school campus included in an innovation zone continues to be subject to the requirements of Subchapter D, Chapter 12.

(b) A campus included in an innovation zone other than an open-enrollment charter school campus is subject only to requirements imposed under this title that apply to an open-enrollment charter school.

(c) An innovation zone plan or other agreement governing an innovation zone may not conflict with the provisions of a home-rule school district charter under Subchapter B, Chapter 12.

Sec. 12A.009. ACCOUNTABILITY. The commissioner shall ensure that each campus included in an innovation zone is evaluated for academic and financial performance and that performance of each campus is attributed to the school district or open-enrollment charter school of which the campus is a part.

Sec. 12A.010. TERMINATION OR RENEWAL. (a) A governing body may terminate an innovation zone that contains only campuses under the governing body's authority or withdraw campuses from participation in an innovation zone that also contains campuses under the authority of another governing body if:

(1) the innovation zone fails to meet performance goals established for the zone under this subchapter; or

(2) one or more campuses included in the innovation zone receives an unacceptable performance rating under Section 39.054 for two consecutive school years.

(b) The commissioner may terminate an innovation zone if:

(1) the innovation zone fails to meet performance goals established for the zone under this subchapter; or

(2) one or more of the campuses included in the innovation zone receives an unacceptable performance rating under Section 39.054 for two consecutive school years.

(c) Unless the innovation zone is terminated by the governing body or bodies before the commissioner takes action under this subsection, the commissioner shall terminate an innovation zone if one or more of the campuses included in the innovation zone receives an unacceptable performance rating under Section 39.054 for three consecutive school years.

(d) Subject to the approval of the participating governing bodies and the commissioner, an innovation zone may be renewed automatically for successive terms not to exceed five years each if:

(1) the zone meets performance goals established for the zone under this subchapter; and

(2) each campus included in the zone meets the requirement imposed by Section 12A.002(b-1) at the time of renewal.

(e) A decision by the commissioner under this section is final and may not be appealed.

Sec. 12A.011. FISCAL AGENT. If an innovation zone includes campuses under the authority of more than one governing body, the governing bodies may jointly designate the participating school district, school, or institution of higher education that will serve as the zone's fiscal agent for matters relating to employment, compliance, or reporting.

Sec. 12A.012. COMMISSIONER RULEMAKING. (a) Subject to Subsection (b), the commissioner may adopt rules implementing this subchapter.

(b) The commissioner's rulemaking authority under this subchapter is limited to rules addressing reporting, federal program compliance, state and federal accountability, and funding. Except as authorized by this subsection, the rules may not govern the local operations of an innovation zone.

Sec. 12A.013. COMMISSIONER'S AUTHORITY REGARDING ACCOUNTABILITY AND FEDERAL REQUIREMENTS. Notwithstanding any other provision of this subchapter, this subchapter does not limit the commissioner's authority under Chapter 39 or federal law.

SUBCHAPTER B. DISTRICTS OF INNOVATION

Sec. 12A.051. AUTHORIZATION. (a) Subject to Subsection (a-1), a school district may be designated as a district of innovation in accordance with this subchapter.

(a-1) A school district is eligible for designation as a district of innovation only if the district's most recent performance rating under Section 39.054 reflects at least acceptable performance.

(b) Consideration of designation as a district of innovation may be initiated by:

(1) a resolution adopted by the board of trustees of the district; or

(2) a petition signed by a majority of the members of the district-level committee established under Section 11.251.

Sec. 12A.052. PUBLIC HEARING. (a) Promptly after adopting a resolution under Section 12A.051(b)(1) or receiving a petition under Section 12A.051(b)(2), the board of trustees shall hold a public hearing to consider whether the district should develop a local innovation plan for the designation of the district as a district of innovation.

(b) At the conclusion of the public hearing or as soon as possible after conclusion of the public hearing, the board of trustees may:

- (1) decline to pursue designation of the district as a district of innovation; or
- (2) appoint a committee to develop a local innovation plan in accordance with Section 12A.053.

Sec. 12A.053. LOCAL INNOVATION PLAN. (a) A local innovation plan must be developed for a school district before the district may be designated as a district of innovation.

(b) A local innovation plan must:

(1) provide for a comprehensive educational program for the district, which program may include:

(A) innovative curriculum, instructional methods, and provisions regarding community participation, campus governance, and parental involvement;

(B) modifications to the school day or year;

(C) provisions regarding the district budget and sustainable program funding;

(D) accountability and assessment measures that exceed the requirements of state and federal law; and

(E) any other innovations prescribed by the board of trustees; and

(2) identify requirements imposed by this code that inhibit the goals of the plan and from which the district should be exempted on adoption of the plan, subject to Section 12A.054.

Sec. 12A.054. LIMITATION OF PERMISSIBLE EXEMPTIONS. (a) A local innovation plan may not provide for the exemption of a district designated as a district of innovation from the following provisions of this title:

(1) a state or federal requirement applicable to an open-enrollment charter school operating under Subchapter D, Chapter 12;

(2) Subchapters A, C, D, and E, Chapter 11, except that a district may be exempt from Sections 11.1511(b)(5) and (14) and Section 11.162;

(3) state curriculum and graduation requirements adopted under Chapter 28; and

(4) academic and financial accountability and sanctions under Chapter 39.

(b) The commissioner shall:

(1) maintain a list of provisions of this title from which school districts designated as districts of innovation are exempt under this subchapter; and

(2) notify the legislature of each provision from which districts enrolling a majority of students in this state are exempt.

Sec. 12A.055. ADOPTION OF LOCAL INNOVATION PLAN; COMMISSIONER APPROVAL. (a) The board of trustees may not vote on adoption of a proposed local innovation plan unless:

(1) the final version of the proposed plan has been available on the district's Internet website for at least 30 days;

(2) the board of trustees has notified the commissioner of the board's intention to vote on adoption of the proposed plan; and

(3) the district-level committee established under Section 11.251 has held a public meeting to consider the final version of the proposed plan and has approved the plan by a majority vote of the committee members, provided that the meeting required by this subdivision may occur immediately before and on the same date as the meeting at which the board intends to vote on adoption of the proposed plan.

(b) A board of trustees may adopt a proposed local innovation plan by an affirmative vote of two-thirds of the membership of the board.

(c) On adoption of a proposed local innovation plan, the board of trustees shall submit the plan to the commissioner for approval.

(d) On approval by the commissioner of a local innovation plan submitted under Subsection (c):

(1) the district is designated as a district of innovation under this subchapter for the term specified in the plan, subject to Section 12A.056;

(2) the district shall begin operation in accordance with the plan; and

(3) the district is exempt from state requirements identified under Section 12A.053(b)(2).

(e) A district's exemption described by Subsection (d)(3) includes any subsequent amendment or redesignation of an identified state requirement, unless the subsequent amendment or redesignation specifically applies to a district of innovation.

(f) A decision by the commissioner under this section is final and may not be appealed.

Sec. 12A.056. TERM. The term of a district's designation as a district of innovation may not exceed five years.

Sec. 12A.057. AMENDMENT, RESCISSION, OR RENEWAL OF LOCAL INNOVATION PLAN. (a) Subject to approval by the commissioner, a local innovation plan may be amended, rescinded, or renewed if the action is approved by a vote of the district-level committee established under Section 11.251, or a comparable committee if the district is exempt from that section, and the board of trustees in the same manner as required for initial adoption of a local innovation plan under Section 12A.055.

(b) A decision by the commissioner under this section is final and may not be appealed.

Sec. 12A.058. TERMINATION BY COMMISSIONER. (a) The commissioner may terminate a district's designation as a district of innovation if the district receives for two consecutive school years:

(1) an unacceptable academic performance rating under Section 39.054;

(2) an unacceptable financial accountability rating under Section 39.082; or

(3) an unacceptable academic performance rating under Section 39.054 for one of the school years and an unacceptable financial accountability rating under Section 39.082 for the other school year.

(b) Instead of terminating a district's designation as authorized by Subsection (a), the commissioner may permit the district to amend the district's local innovation plan to address concerns specified by the commissioner.

(c) The commissioner shall terminate a district's designation as a district of innovation if the district receives for three consecutive school years:

(1) an unacceptable academic performance rating under Section 39.054;

(2) an unacceptable financial accountability rating under Section 39.082; or
(3) any combination of one or more unacceptable ratings under Subdivision
(1) and one or more unacceptable ratings under Subdivision (2).

(d) A decision by the commissioner under this section is final and may not be
appealed.

Sec. 12A.059. COMMISSIONER RULEMAKING. The commissioner may
adopt rules to implement this subchapter.

The amendment to **CSHB 1842** was read and was adopted by a viva voce vote.

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

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

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 1842** (senate committee printing) as follows:

(1) Strike SECTION 2 of the bill (page 2, lines 7 through 38) and substitute the following:

SECTION 2. Section 12.101, Education Code, is amended by amending Subsection (b-4) and adding Subsection (b-9) to read as follows:

(b-4) Notwithstanding Section 12.114, approval of the commissioner under that section is not required for establishment of a new open-enrollment charter school campus if the requirements of this subsection~~], including the absence of commissioner disapproval under Subdivision (3),]~~ are satisfied. A charter holder having an accreditation status of accredited and at least 50 percent of its student population in grades assessed under Subchapter B, Chapter 39, or at least 50 percent of the students in the grades assessed having been enrolled in the school for at least three school years may establish one or more new campuses under an existing charter held by the charter holder if:

(1) the charter holder is currently evaluated under the standard accountability procedures for evaluation under Chapter 39 and received a district rating in the highest or second highest performance rating category under Subchapter C, Chapter 39, for three of the last five years with at least 75 percent of the campuses rated under the charter also receiving a rating in the highest or second highest performance rating category and, ~~[with no campus with a rating in the lowest performance rating category]~~ in the most recent ratings, no more than 10 percent of the campuses under the charter have received a rating in the lowest performance rating category;

(2) the charter holder provides written notice to the commissioner of the establishment of any campus under this subsection in the time, manner, and form provided by rule of the commissioner; and

(3) not later than the 60th day after the date the charter holder provides written notice under Subdivision (2), the commissioner does not provide written notice to the charter holder that the commissioner has determined that the charter holder does not satisfy the requirements of this section ~~[of disapproval of a new campus under this section].~~

(b-9) Notwithstanding Subsection (b-3), the commissioner may grant an additional charter for an open-enrollment charter school to a charter holder if:

(1) one of the charters is for a virtual open-enrollment charter school that provides only electronic courses through the state virtual school network; and

(2) the other charter is for any other type of open-enrollment charter school allowable under this chapter or commissioner rule.

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

SECTION _____. Section 39.151, Education Code, is amended by amending Subsection (b) and adding Subsection (c-1) to read as follows:

(b) The rules under Subsection (a) must provide for the commissioner to appoint a committee to make recommendations to the commissioner on a challenge made to an agency decision relating to an academic performance rating or determination or financial accountability rating. The committee shall review the challenge regardless of the issue identified in the challenge by the school district or open-enrollment charter school. The commissioner may not appoint an agency employee as a member of the committee.

(c-1) The commissioner may not limit a challenge relating to a data or calculation error or inaccuracy attributable to the school district or open-enrollment charter school, even if the challenge demonstrates the data or calculation error or inaccuracy caused the district or school to have a lower academic or financial accountability rating. If a challenge demonstrates that the data or calculation error or inaccuracy caused the district or school to have a lower academic or financial accountability rating, the commissioner shall assign the district or school the corrected rating or shall indicate that the district or school will not be rated for that school year. The commissioner may not revoke the charter of an open-enrollment charter school as provided by Section 12.115(c) or allow the charter to expire as provided by Section 12.1141(d) if for one of the school years considered for the commissioner's decision the school is not rated as provided by this subsection.

The amendment to **CSHB 1842** was read and was adopted by a viva voce vote.

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

Nays: Hinojosa, Uresti, Watson, West, Whitmire.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 1842** (senate committee printing) as follows:

(1) In the recital for SECTION 7 of the bill, between "(b)," and "(b-2)," (page 3, line 38), insert "(b-1),".

(2) In the recital for SECTION 7 of the bill, strike "(b-10)," (page 3, line 40).

(3) In SECTION 7 of the bill, in amended Section 39.107(b), Education Code (page 4, line 7), between "campus" and the underlined period, insert "including criteria for the retention of educators at the campus".

(4) In SECTION 7 of the bill, in Section 39.107, Education Code, strike amended Subsection (b-2) and added Subsection (b-3) (page 4, lines 19-49) and substitute the following:

(b-1) A campus turnaround plan must include:

(1) a detailed description of the academic programs to be offered at the campus, including instructional methods, length of school day and school year, academic credit and promotion criteria, and programs to serve special student populations;

(2) the term of the charter, if a district charter is to be granted for the campus under Section 12.0522;

(3) written comments from the campus-level committee established under Section 11.251, if applicable, parents, and teachers at the campus; and

(4) a detailed description of the budget, staffing, and financial resources required to implement the plan, including any supplemental resources to be provided by the district or other identified sources ~~[A teacher of a subject assessed by an assessment instrument under Section 39.023 may be retained only if the campus intervention team determines that a pattern exists of significant academic improvement by students taught by the teacher. If an educator is not retained, the educator may be assigned to another position in the district].~~

(b-2) A school district may:

(1) request that a regional education service center provide assistance in the development and implementation of a campus turnaround plan; or

(2) partner with an institution of higher education to develop and implement a campus turnaround plan. ~~[For each year that a campus is considered to have an unacceptable performance rating, a campus intervention team shall:~~

~~[(1) assist in updating the targeted improvement plan to identify and analyze areas of growth and areas that require improvement;~~

~~[(2) submit the updated plan to:~~

~~[(A) the board of trustees of the school district; and~~

~~[(B) the parents of campus students; and~~

~~[(3) assist in submitting the updated plan to the commissioner for approval.]~~

(5) In SECTION 7 of the bill, in Section 39.107, Education Code, (page 4, line 50), strike "(b-4)" and substitute "(b-3)".

(6) In SECTION 7 of the bill, in Section 39.107, Education Code, (page 4, line 55), strike "(b-5)" and substitute "(b-4)".

(7) In SECTION 7 of the bill, in Section 39.107, Education Code, (page 4, line 59), strike "(b-6)" and substitute "(b-5)".

(8) In SECTION 7 of the bill, in Section 39.107, Education Code, (page 4, line 63), strike "(b-7)" and substitute "(b-6)".

(9) In SECTION 7 of the bill, in Section 39.107, Education Code, (page 5, line 2), strike "(b-8)" and substitute "(b-7)".

(10) In SECTION 7 of the bill, in Section 39.107, Education Code, (page 5, line 6), strike "(b-9)" and substitute "(b-8)".

(11) In SECTION 7 of the bill, in Section 39.107, Education Code, (page 5, line 11), strike "(b-10)" and substitute "(b-9)".

The amendment to **CSHB 1842** was read and was adopted by a viva voce vote.

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

Nays: Creighton, Whitmire.

Senator West offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 1842** (senate committee printing) as follows:

(1) In SECTION 7 of the bill, in amended Section 39.107(a), Education Code (page 3, line 44), between "plan" and "[the", insert "or may assign a state turnaround manager to assume management of the campus through a state turnaround district, as provided by Section 39.1101".

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

SECTION _____. Section 39.110, Education Code, is amended to read as follows:

Sec. 39.110. COSTS PAID BY DISTRICT. The costs of providing a monitor, conservator, management team, campus intervention team, technical assistance team, managing entity, or service provider or management by a state turnaround district under this subchapter shall be paid by the district. If the district fails or refuses to pay the costs in a timely manner, the commissioner may:

(1) pay the costs using amounts withheld from any funds to which the district is otherwise entitled; or

(2) recover the amount of the costs in the manner provided for recovery of an overallocation of state funds under Section 42.258.

SECTION _____. Subchapter E, Chapter 39, Education Code, is amended by adding Section 39.1101 to read as follows:

Sec. 39.1101. STATE TURNAROUND DISTRICT AND MANAGER. (a) The commissioner may establish a state turnaround school district and assign campuses identified as academically unacceptable for two consecutive school years to the district. The commissioner shall appoint a state turnaround manager to manage the district.

(b) The state turnaround school district has the powers and duties determined by the commissioner to be necessary to improve the performance of the students enrolled at any campus assigned to the district.

(c) The state turnaround manager has the powers and duties of a conservator or management team under Section 39.111 with regard to each campus assigned to the district.

(d) The state turnaround manager may authorize a district charter under Section 12.0522 for any campus assigned to the district. Section 12.0522(b) does not apply to a district charter authorized under this subsection.

(e) The commissioner shall adopt rules necessary to implement this section.

The amendment to **CSHB 1842** was read and was adopted by a viva voce vote.

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

Nays: Ellis, Menéndez, Nichols, Seliger, Uresti, Whitmire, Zaffirini.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 1842** (senate committee printing), in SECTION 7 of the bill, in amended Section 39.107(f), Education Code, between "years." and "~~if~~", insert the following:

If a campus that was the basis for the appointment of a board of managers receives an academically unacceptable performance rating for two additional consecutive years following the appointment of the board of managers, the commissioner may remove the board of managers and, in consultation with the local community, may appoint a new board of managers to govern the district.

The amendment to **CSHB 1842** was read and was adopted by a viva voce vote.

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

Nays: Creighton.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSHB 1842** (senate committee printing) in SECTION 7 of the bill, in amended Section 39.107(g), Education Code (page 6, line 65), between "conservator" and "for", by inserting "or monitor".

The amendment to **CSHB 1842** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 6 except as follows:

Nays: Creighton.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSHB 1842** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 29.005, Education Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) In compliance with Subsection (d), the district shall provide the child's individualized education program in audiotape form if requested by the parent. Audiotaped copies shall include all components of the individualized education program required under state or federal law that are developed or revised by the committee.

The amendment to **CSHB 1842** was read and was adopted by a viva voce vote.

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

Nays: Creighton.

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

Floor Amendment No. 8

Amend **CSHB 1842** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 39.054, Education Code, is amended by adding Subsection (a-4) to read as follows:

(a-4) Notwithstanding Subsection (a-1), the commissioner by rule shall adopt a method by which a campus that provides more than 75,600 minutes of instruction per year and a district that includes such a campus are awarded additional consideration for the applicable achievement indicators for the fourth domain under Section 39.053(c)(4).

(b) This section takes effect only if H.B. 2804 or other similar legislation of the 84th Legislature, Regular Session, 2015, that provides for the evaluation of public school performance through the use of multiple domains of indicators is enacted and becomes law. If H.B. 2804 or other similar legislation of the 84th Legislature, Regular Session, 2015, is not enacted or does not become law, this section has no effect.

The amendment to **CSHB 1842** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 8.

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

Floor Amendment No. 9

Amend **CSHB 1842** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The State Board of Education shall conduct a study to determine, for kindergarten through 12th grade, the length of the instructional day and of the academic year that would be necessary to allow for the completion of the required curriculum identified by the board under Section 28.002, Education Code. Not later than October 1, 2016, the board shall deliver a report containing the results of the study to the governor and the legislature.

The amendment to **CSHB 1842** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 9.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSHB 1842** (senate committee printing) by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 7.028(a), Education Code, is amended to read as follows:

(a) Except as provided by Section 29.001(5), 29.010(a), [~~39.056,~~] or 39.057, the agency may monitor compliance with requirements applicable to a process or program provided by a school district, campus, program, or school granted charters under Chapter 12, including the process described by Subchapter F, Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or I, Chapter 29, Subchapter A, Chapter 37, or Section 38.003, and the use of funds provided for such a program under Subchapter C, Chapter 42, only as necessary to ensure:

- (1) compliance with federal law and regulations;
- (2) financial accountability, including compliance with grant requirements;

and

- (3) data integrity for purposes of:

- (A) the Public Education Information Management System (PEIMS);

and

- (B) accountability under Chapter 39.

SECTION _____. Section 29.315, Education Code, is amended to read as follows:

Sec. 29.315. TEXAS SCHOOL FOR THE DEAF MEMORANDUM OF UNDERSTANDING. The Texas Education Agency and the Texas School for the Deaf shall develop, agree to, and by commissioner rule adopt no later than September 1, 1998, a memorandum of understanding to establish:

- (1) the method for developing and reevaluating a set of indicators of the quality of learning at the Texas School for the Deaf;

- (2) the process for the agency to conduct and report on an annual evaluation of the school's performance on the indicators;

- (3) the requirements for the school's board to publish, discuss, and disseminate an annual report describing the educational performance of the school;

- (4) the process for the agency to assign an accreditation status to the school, to reevaluate the status on an annual basis, and, if necessary, to conduct monitoring reviews [~~make on-site accreditation investigations~~]; and

- (5) the type of information the school shall be required to provide through the Public Education Information Management System (PEIMS).

SECTION _____. Section 30.005, Education Code, is amended to read as follows:

Sec. 30.005. TEXAS SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED MEMORANDUM OF UNDERSTANDING. The Texas Education Agency and the Texas School for the Blind and Visually Impaired shall develop, agree to, and by commissioner rule adopt a memorandum of understanding to establish:

- (1) the method for developing and reevaluating a set of indicators of the quality of learning at the Texas School for the Blind and Visually Impaired;

- (2) the process for the agency to conduct and report on an annual evaluation of the school's performance on the indicators;

- (3) the requirements for the school's board to publish, discuss, and disseminate an annual report describing the educational performance of the school;

- (4) the process for the agency to:

- (A) assign an accreditation status to the school;

- (B) reevaluate the status on an annual basis; and

(C) if necessary, conduct monitoring reviews [~~make on-site accreditation investigations~~]; and

(5) the type of information the school shall be required to provide through the Public Education Information Management System (PEIMS).

SECTION _____. Section 39.056, Education Code, is amended to read as follows:

Sec. 39.056. MONITORING REVIEWS [~~ON-SITE INVESTIGATIONS~~].

(a) The commissioner may[~~+~~

~~(1)] direct the agency to conduct monitoring reviews and random on-site visits [~~investigations~~] of a school district at any time as authorized by Section 7.028 [~~to answer any questions concerning a program, including special education, required by federal law or for which the district receives federal funds; and~~~~

~~(2) as a result of the investigation, change the accreditation status of a district, change the accountability rating of a district or campus, or withdraw a distinction designation under Subchapter G.~~

(b) The commissioner shall determine the frequency of monitoring reviews [~~on-site investigations~~] by the agency according to:

(1) annual comprehensive analyses of student performance and equity in relation to the student achievement indicators adopted under Section 39.053;

(2) reviews of fiscal reports and other fiscal data as set forth in Section 44.010; or

(3) comprehensive analyses of financial accountability standards under Subchapter D.

(c) In conducting a monitoring review [~~making an on-site accreditation investigation~~], the agency may [~~investigators shall~~] obtain information from administrators, other district employees [~~teachers~~], [~~and~~] parents of students enrolled in the school district, and other persons as necessary. [~~The investigation may not be closed until information is obtained from each of those sources.~~] The commissioner [~~State Board of Education~~] shall adopt rules for:

(1) obtaining information from parents and using that information in the monitoring review [~~investigator's~~] report; and

(2) obtaining information from other district employees [~~teachers~~] in a manner that prevents a district or campus from screening the information.

(d) The agency shall give written notice to the superintendent and the board of trustees of a school district of any impending monitoring review [~~investigation of the district's accreditation~~].

(e) The agency [~~investigators~~] shall report [~~orally and~~] in writing to the superintendent and president of the board of trustees of the school district [~~and, as appropriate, to campus administrators~~] and shall make recommendations concerning any necessary improvements or sources of aid such as regional education service centers.

(f) A district which takes action with regard to the recommendations provided by the agency [~~investigators~~] as prescribed by Subsection (e) shall make a reasonable effort to seek assistance from a third party in developing an action plan to improve district performance using improvement techniques that are goal oriented and research based.

(g) A monitoring review may include desk reviews and on-site visits, including random on-site visits.

(h) The commissioner may at any time convert a monitoring review to a special accreditation investigation under Section 39.057, provided the commissioner promptly notifies the school district of the conversion.

SECTION _____. Section 39.058, Education Code, is amended to read as follows:

Sec. 39.058. CONDUCT OF SPECIAL ACCREDITATION INVESTIGATIONS. (a) The agency shall adopt written procedures for conducting special accreditation [~~on-site~~] investigations under this subchapter, including procedures that allow the agency to obtain information from district employees in a manner that prevents a district or campus from screening the information. The agency shall make the procedures available on the agency Internet website [~~to the complainant, the alleged violator, and the public~~]. Agency staff must be trained in the procedures and must follow the procedures in conducting the special accreditation investigation.

(b) After completing a special accreditation [~~an~~] investigation, the agency shall present preliminary findings to any person or entity the agency finds has violated a law, rule, or policy. Before issuing a report with its final findings, the agency must provide a person or entity the agency finds has violated a law, rule, or policy an opportunity for an informal review by the commissioner or a designated hearing examiner.

SECTION _____. Section 39.102(a), Education Code, is amended to read as follows:

(a) If a school district does not satisfy the accreditation criteria under Section 39.052, the academic performance standards under Section 39.053 or 39.054, or any financial accountability standard as determined by commissioner rule, or if considered appropriate by the commissioner on the basis of a special accreditation investigation under Section 39.057, the commissioner shall take any of the following actions to the extent the commissioner determines necessary:

- (1) issue public notice of the deficiency to the board of trustees;
- (2) order a hearing conducted by the board of trustees of the district for the purpose of notifying the public of the insufficient performance, the improvements in performance expected by the agency, and the interventions and sanctions that may be imposed under this section if the performance does not improve;
- (3) order the preparation of a student achievement improvement plan that addresses each student achievement indicator under Section 39.053(c) for which the district's performance is insufficient, the submission of the plan to the commissioner for approval, and implementation of the plan;
- (4) order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board of trustees of the district and the superintendent shall appear and explain the district's low performance, lack of improvement, and plans for improvement;
- (5) arrange a monitoring review [~~an on-site investigation~~] of the district;
- (6) appoint an agency monitor to participate in and report to the agency on the activities of the board of trustees or the superintendent;

(7) appoint a conservator to oversee the operations of the district;

(8) appoint a management team to direct the operations of the district in areas of insufficient performance or require the district to obtain certain services under a contract with another person;

(9) if a district has a current accreditation status of accredited-warned or accredited-probation, fails to satisfy any standard under Section 39.054(e), or fails to satisfy financial accountability standards as determined by commissioner rule, appoint a board of managers to exercise the powers and duties of the board of trustees;

(10) if for two consecutive school years, including the current school year, a district has received an accreditation status of accredited-warned or accredited-probation, has failed to satisfy any standard under Section 39.054(e), or has failed to satisfy financial accountability standards as determined by commissioner rule, revoke the district's accreditation and:

(A) order closure of the district and annex the district to one or more adjoining districts under Section 13.054; or

(B) in the case of a home-rule school district or open-enrollment charter school, order closure of all programs operated under the district's or school's charter; or

(11) if a district has failed to satisfy any standard under Section 39.054(e) due to the district's dropout rates, impose sanctions designed to improve high school completion rates, including:

(A) ordering the development of a dropout prevention plan for approval by the commissioner;

(B) restructuring the district or appropriate school campuses to improve identification of and service to students who are at risk of dropping out of school, as defined by Section 29.081;

(C) ordering lower student-to-counselor ratios on school campuses with high dropout rates; and

(D) ordering the use of any other intervention strategy effective in reducing dropout rates, including mentor programs and flexible class scheduling.

The amendment to **CSHB 1842** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 10 except as follows:

Nays: Creighton.

Senator West offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSHB 1842** (senate committee printing) by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter E, Chapter 39, Education Code, is amended by adding Sections 39.1121 and 39.1122 to read as follows:

Sec. 39.1121. APPOINTMENT OF BOARD OF MANAGERS FOR OPEN-ENROLLMENT CHARTER SCHOOL; SUPERINTENDENT. (a) A board of managers appointed for an open-enrollment charter school or a campus of an

open-enrollment charter school under this chapter or Chapter 12 has the powers and duties prescribed by Section 39.107(e-4), if applicable, and Sections 39.112(a), (b), (c), and (d).

(b) If the commissioner appoints a board of managers for an open-enrollment charter school or a campus of an open-enrollment charter school, the commissioner may also appoint a superintendent.

(c) Except as otherwise provided by this subsection, a board of managers for an open-enrollment charter school or campus may not serve for a period that exceeds the period authorized by law for a board of managers appointed for a school district. A board of managers appointed to wind up the affairs of a former open-enrollment charter school or campus serves until dissolved by the commissioner.

(d) Any person appointed by the commissioner to serve on the board of managers for an open-enrollment charter school or a campus of an open-enrollment charter school or as superintendent acts on behalf of the commissioner and is entitled to:

(1) sovereign immunity; and

(2) representation by the attorney general for any act or omission taken while acting in the person's official capacity.

(e) Any person appointed to serve on the board of managers for an open-enrollment charter school or a campus of an open-enrollment charter school or as superintendent serves at the discretion of the commissioner and may be replaced by the commissioner at any time.

Sec. 39.1122. COMPENSATION OF BOARD OF MANAGERS OF OPEN-ENROLLMENT CHARTER SCHOOL AND SUPERINTENDENT. (a) The commissioner may authorize compensation for a member of a board of managers for an open-enrollment charter school or a campus of an open-enrollment charter school or a superintendent appointed by the commissioner.

(b) The commissioner shall establish the terms of compensation provided under Subsection (a).

(c) The commissioner shall use funds received by or due to the former charter holder under Section 12.106 or funds returned to the state from liquidation of state property held by a former charter holder for compensation of a member of a board of managers for an open-enrollment charter school or a superintendent.

(d) If funds described by Subsection (c) are not available or the commissioner determines that the circumstances require, the commissioner may use available agency funds, provided that the use of the available funds for that purpose is not prohibited by other law.

(e) To the extent this section conflicts with Section 39.107(e-5), this section prevails.

The amendment to **CSHB 1842** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 11.

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

Floor Amendment No. 12

Amend **CSHB 1842** (Senate committee report version) as follows:

1. Add the following appropriately numbered SECTION to the bill to read as follows, and renumber subsequent SECTIONS of the bill accordingly:

SECTION __. Section 26.0031(c-1), Education Code, is amended to read as follows:

(c-1) A school district or open-enrollment charter school that has received an academically unacceptable performance rating for at least two consecutive school years may decline to pay the cost for a student of more than three yearlong electronic courses, or the equivalent, during any school year. This subsection does not:

(1) limit the ability of the student to enroll in additional electronic courses at the student's cost; or

(2) apply to a student enrolled in a full-time online program that was operating on January 1, 2013.

2. Add the following appropriately numbered SECTION to the bill to read as follows, and renumber subsequent SECTIONS of the bill accordingly:

SECTION __. Section 30A.153(a-1), Education Code, is amended to read as follows:

(a-1) For purposes of Subsection (a), a school district or open-enrollment charter school that has received an academically unacceptable performance rating for at least two consecutive school years is limited to the funding described by that subsection for a student's enrollment in not more than three electronic courses during any school year, unless the student is enrolled in a full-time online program that was operating on January 1, 2013.

3. Add the following appropriately numbered SECTION to the bill to read as follows, and renumber subsequent SECTIONS of the bill accordingly:

SECTION __. The changes in law made by this Act to Sections 26.0031(c-1) and 30A.153(a-1), Education Code, apply to electronic courses taken through the state virtual school network beginning with the 2015-2016 school year.

The amendment to **CSHB 1842** was read.

Senator V. Taylor withdrew Floor Amendment No. 12.

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

CSHB 1842 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: Ellis, Hinojosa, Lucio, Menéndez, Nelson, Nichols, Seliger, Uresti, Watson, Zaffirini.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1842 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 1842** be placed on its third reading and final passage.

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

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

Nays: Menéndez, Nelson, Nichols, Seliger, Watson, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Huffines, Huffman, Kolkhorst, Perry, Rodríguez, Schwertner, L. Taylor, V. Taylor, West, Whitmire.

Nays: Ellis, Hinojosa, Lucio, Menéndez, Nelson, Nichols, Seliger, Uresti, Watson, Zaffirini.

HOUSE BILL 2826 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **HB 2826** at this time on its second reading:

HB 2826, Relating to the eligibility of certain property located in multiple school districts for a limitation on appraised value for school district maintenance and operations ad valorem tax purposes under the Texas Economic Development Act.

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

Yeas: Bettencourt, Campbell, Creighton, Eltife, Estes, Fraser, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Schwertner, Seliger, Uresti, West, Whitmire.

Nays: Birdwell, Burton, Ellis, Garcia, Hall, Rodríguez, L. Taylor, V. Taylor, Watson, Zaffirini.

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2826** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 313.032(c), Tax Code, is amended to read as follows:

(c) The portion of the report described by Subsection (a)(2) must be based on data certified to the comptroller by each recipient or former recipient of a limitation on appraised value under this chapter. The comptroller shall verify a random sample of the data submitted under this section using information from the Texas Workforce

Commission, the chief appraiser of the applicable appraisal district, or other sources the comptroller considers reliable. The random sample used to verify data under this section must constitute not less than 33 percent of the data used by the comptroller to prepare the report. Information provided under this section that contains personal identifying information of an individual is confidential and not subject to disclosure under Chapter 552, Government Code, or Chapter 111, Tax Code.

The amendment to **HB 2826** 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 2826 as amended was passed to third reading by the following vote: Yeas 21, Nays 10.

Yeas: Bettencourt, Campbell, Creighton, Eltife, Estes, Fraser, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Schwertner, Seliger, Uresti, West, Whitmire.

Nays: Birdwell, Burton, Ellis, Garcia, Hall, Rodríguez, L. Taylor, V. Taylor, Watson, Zaffirini.

HOUSE BILL 2634 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 2634** at this time on its second reading:

HB 2634, Relating to the construction manager-at-risk used by a governmental entity.

The motion prevailed.

Senators Birdwell, Creighton, 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: Birdwell, Creighton, Watson.

HOUSE BILL 2634 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 2634** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Creighton, Watson.

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

HOUSE BILL 2826 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 2826** be placed on its third reading and final passage:

HB 2826, Relating to the eligibility of certain property located in multiple school districts for a limitation on appraised value for school district maintenance and operations ad valorem tax purposes under the Texas Economic Development Act.

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

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

Nays: Birdwell, Burton, Menéndez, L. Taylor, V. Taylor, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Campbell, Creighton, Eltife, Estes, Fraser, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Nelson, Nichols, Perry, Schwertner, Seliger, Uresti, West, Whitmire.

Nays: Birdwell, Burton, Ellis, Garcia, Hall, Menéndez, Rodríguez, L. Taylor, V. Taylor, Watson, Zaffirini.

COMMITTEE SUBSTITUTE HOUSE BILL 11 ON THIRD READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **CSHB 11** at this time on its third reading and final passage:

CSHB 11, Relating to the powers and duties of the Texas Department of Public Safety, military and law enforcement training, and the investigation, prosecution, punishment, and prevention of certain offenses; creating an offense and increasing a criminal penalty; authorizing fees.

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

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

Nays: Ellis, Garcia, Menéndez, Rodríguez.

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

REASON FOR VOTE

Senator Rodríguez submitted the following reason for vote on **HB 11**:

I voted against H.B. 11 today because I believe the legislation is based on false premises. The first is that the federal government has not been responsive to border security needs. In fact, the federal government spends more on the border than on all other federal law enforcement combined, and unauthorized crossings began dropping well before the state intervened in border control efforts. In contrast, it has been well-documented that the state cannot account for whether, or how much, the nearly one billion dollars we have spent so far has impacted border activity. Second, it is often said that border security is state security. I look forward to debating that notion again next session, when we can assess whether crime in the state has dropped precipitously as a result of this action.

While I support targeted programs, such as specialized investigative and prosecutorial units, and support for local law enforcement activities, we are going way beyond that. This is an obligation not just of the nearly billion dollars in this biennium, but the billions of dollars we are assigning to future Legislatures. By hiring new officers, we are permanently expanding not only the size of DPS but the scope of its new mandate. At the very least, this expansion should have the accountability standards recommended by the Legislative Budget Board.

We could, and should, have used these funds to meet the serious needs of everyday Texans – education, health care, to name just two. And when we return in future biennia, with more needs to take care of, we will see whether the priorities of this legislation were misplaced.

RODRÍGUEZ

CO-SPONSOR OF HOUSE BILL 416

On motion of Senator Campbell, Senator Creighton will be shown as Co-sponsor of **HB 416**.

CO-SPONSOR OF HOUSE BILL 1446

On motion of Senator Rodríguez, Senator Garcia will be shown as Co-sponsor of **HB 1446**.

CO-SPONSOR OF HOUSE BILL 1842

On motion of Senator L. Taylor, Senator West will be shown as Co-sponsor of **HB 1842**.

CO-SPONSOR OF HOUSE BILL 3781

On motion of Senator Watson, Senator Zaffirini will be shown as Co-sponsor of **HB 3781**.

RECESS

On motion of Senator Whitmire, the Senate at 12:40 a.m. Wednesday, May 27, 2015, recessed until 10:30 a.m. today.

APPENDIX

COMMITTEE REPORTS

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

May 26, 2015

ADMINISTRATION — **HB 4192, HB 4180, HB 4196, HB 3099, HB 4202, HB 4203, HB 4212, HCR 96, HCR 119, HCR 122**

AGRICULTURE, WATER, AND RURAL AFFAIRS — **HB 950, HB 3356, HB 930**

BUSINESS AND COMMERCE — **HB 3901**

EDUCATION — **HB 18**

INTERGOVERNMENTAL RELATIONS — **CSHB 2977, HB 4186**

BILLS AND RESOLUTIONS ENROLLED

May 25, 2015

SB 983, SB 1032, SR 967, SR 968, SR 969, SR 970, SR 971, SR 973, SR 974, SR 975, SR 976, SR 977, SR 978, SR 979, SR 985, SR 986

SENT TO SECRETARY OF STATE

May 26, 2015

SJR 17

SENT TO GOVERNOR

May 26, 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