

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-EIGHTH DAY

(Continued)

(Tuesday, May 26, 2015)

AFTER RECESS

The Senate met at 9:30 a.m. and was called to order by the President.

Pastor Chad Patterson, Church of the Hills, Cedar Park, offered the invocation as follows:

O Lord God, we bless You who governs the heavens and the Earth. Your nature and Your character and Your power so completely distinguish You, and we are awed by Your relentless kindness. Thank You that You are good and we find confidence for our tomorrows in Your goodness. Thank you for each Member of this Senate and its President. Thank You for their families. Thank You for their staff. We bless these and ask for Your favor upon them. Lord, we ask that You would favor these with Your joy-filled perspective, with physical health and stamina, with healthy relationships. We ask You especially for the ability to forgive graciously and to receive forgiveness humbly. Lord, we ask that You would favor these with joy and peace and perception. Lord, we pray that all connected with this Senate would experience genuine, profound happiness today in an awareness of how pleased You are with them. Thank You for listening to our prayer. Amen.

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. James Brown of Austin as the Physician of the Day.

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

SENATE RESOLUTION 997

Senator Nichols offered the following resolution:

WHEREAS, John Wayne is the prototypical American hero, symbolizing such traits as self-reliance, grace under pressure, resolve, and patriotism; and

WHEREAS, Born Marion Robert Morrison on May 26, 1907, in Winterset, Iowa, he moved with his parents as a young boy to California; in 1916, while the family was living in Glendale, he began going by "Duke," a nickname that followed him throughout his life; and

WHEREAS, In 1925, he began attending the University of Southern California on a football scholarship, playing offensive lineman; after breaking his collarbone in a surfing accident before his junior year, he withdrew from the university and began working at Fox Film Corporation as a laborer moving set props and as an occasional extra in movies; and

WHEREAS, While working at the studio, he met Wyatt Earp, who was a consultant to Western film director John Ford, and he would adopt some of Earp's mannerisms for his roles as a cowboy; and

WHEREAS, The first film in which he was the leading actor was *The Big Trail* in 1930; it was then that the studio gave him the screen name "John Wayne," which he would use for the remainder of his acting career; and

WHEREAS, Starring in classic Western films such as *Stagecoach*, *Red River*, *The Searchers*, and *True Grit*, Wayne personified the archetypal cowboy who is rough-edged and plainspoken but also capable of great warmth, kindness, and generosity; he won an Oscar in 1970 for Best Actor for his role as Rooster Cogburn in *True Grit*; and

WHEREAS, Although best known for his Westerns, John Wayne had an impressive list of performances in other genres, such as the World War II films *Flying Tigers* and *Sands of Iwo Jima*; and

WHEREAS, Wayne was an avid supporter of the United States military and toured bases and hospitals in the South Pacific in 1943 and 1944 with the United Service Organizations; and

WHEREAS, In *The Alamo*, his first film as a director, John Wayne played the role of Davy Crockett; the film won an Oscar nomination in 1961 for Best Picture; Wayne also directed and starred in *The Green Berets*, which was released in 1968 and was set in Vietnam; and

WHEREAS, Over the course of his acting career, John Wayne practically invented the Western hero by combining rugged masculinity with the courage to stand up to authority when necessary, the strength to match any opponent, and the determination to prevail against great odds; John Wayne endures as a cultural icon, and his films continue to appeal to new audiences; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 84th Legislature, hereby recognize May 26, 2015 as John Wayne Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this special occasion and as a tribute to the life of John Wayne.

SR 997 was read.

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

On motion of Senator Nichols, the resolution was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

GUESTS PRESENTED

Senator Nichols, joined by Senators Zaffirini, Lucio, Birdwell, Bettencourt, Seliger, and Menéndez, was recognized and introduced to the Senate family members of the late John Wayne: sons, Ethan and Patrick Wayne; daughter, Marisa Wayne; and granddaughters, Carmela Dittaux and Anita Swift.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate Jay Nelson and Kaitlyn Anderson.

The Senate welcomed its guests.

SENATE RESOLUTION 965

Senator Menéndez offered the following resolution:

SR 965, Recognizing Mount Sacred Heart Catholic School on the occasion of its 85th anniversary.

The resolution was again read.

The resolution was previously adopted on Friday, May 22, 2015.

GUESTS PRESENTED

Senator Menéndez was recognized and introduced to the Senate a Mount Sacred Heart Catholic School delegation, accompanied by teachers, David Garcia, Emma Salas, and Kathy Restivo.

The Senate welcomed its guests.

**SENATE RULES SUSPENDED
(Posting Rules)**

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

RECESS

On motion of Senator Whitmire, the Senate at 10:28 a.m. recessed until 11:00 a.m. today.

AFTER RECESS

The Senate met at 11:26 a.m. and was called to order by the President.

SENATE BILL 1735 WITH HOUSE AMENDMENTS

Senator Birdwell called **SB 1735** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 1735** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to tuition and fee exemptions at public institutions of higher education for certain military personnel and their dependents.

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

SECTION 1. Section 54.341, Education Code, is amended by amending Subsections (a), (b-1), (e), (k), and (l) and adding Subsections (a-0), (a-5), (c-1), (k-2), and (p) to read as follows:

(a) The governing board of each institution of higher education shall exempt the following persons from the payment of tuition, dues, fees, and other required charges, including fees for correspondence courses but excluding general deposit fees, student services fees, and any fees or charges for lodging, board, or clothing, provided the person seeking the exemption established and maintained a domicile in this state as described by Section 54.052(a)(1) and satisfies the residency requirement under Subsection (a-0) ~~[currently resides in this state and entered the service at a location in this state, declared this state as the person's home of record in the manner provided by the applicable military or other service, or would have been determined to be a resident of this state for purposes of Subchapter B at the time the person entered the service]~~:

(1) all nurses and honorably discharged members of the armed forces of the United States who served during the Spanish-American War or during World War I;

(2) all nurses, members of the Women's Army Auxiliary Corps, members of the Women's Auxiliary Volunteer Emergency Service, and all honorably discharged members of the armed forces of the United States who served during World War II except those who were discharged from service because they were over the age of 38 or because of a personal request on the part of the person that the person be discharged from service;

(3) all honorably discharged men and women of the armed forces of the United States who served during the national emergency which began on June 27, 1950, and which is referred to as the Korean War; and

(4) all persons who were honorably discharged from the armed forces of the United States after serving on active military duty, excluding training, for more than 180 days and who served a portion of their active duty during:

(A) the Cold War which began on the date of the termination of the national emergency cited in Subdivision (3);

(B) the Vietnam era which began on December 21, 1961, and ended on May 7, 1975;

(C) the Grenada and Lebanon era which began on August 24, 1982, and ended on July 31, 1984;

(D) the Panama era which began on December 20, 1989, and ended on January 21, 1990;

(E) the Persian Gulf War which began on August 2, 1990, and ends on the date thereafter prescribed by Presidential proclamation or September 1, 1997, whichever occurs first;

(F) the national emergency by reason of certain terrorist attacks that began on September 11, 2001; or

(G) any future national emergency declared in accordance with federal law.

(a-0) To be eligible for an exemption provided by this section, a person must have resided in this state continuously for the eight years immediately preceding the first class date of the semester or other academic term to which the exemption would apply. This subsection does not apply to a person who was born in this state.

(a-5) A person who received an exemption under this section for a semester or other academic term before the 2016 spring semester continues to be eligible for the exemption provided by this section as this section existed on January 1, 2015.

(b-1) To qualify for an exemption under Subsection (a-2) or (b), the spouse or child must have established and maintained a domicile in this state as described by Section 54.052(a)(1) or (2), as applicable, and satisfy the residency requirement under Subsection (a-0) ~~[be classified as a resident under Subchapter B on the date of the spouse's or child's registration].~~

(c-1) In addition to the limitation prescribed by Subsection (c), a person who qualifies for an exemption under Subsection (a) based on the person's military service, or a person to whom an exemption is assigned under Subsection (k) based on the military service of the person's parent, may not receive the exemption for a semester or other academic term the first class date of which is later than the 15th anniversary of the date of the person's or parent's honorable discharge from active military duty, as applicable. This subsection does not apply to a person who is eligible to receive an exemption under Subsection (a-2) or (b) or to continue to receive an exemption under Subsection (a-1), (a-3), (a-4), or (a-5).

(e) The exemption from tuition, fees, and other charges provided for by this section does not apply to a person who at the time of registration is entitled to receive state or federal grant aid or educational benefits under federal legislation that may be used only for the payment of tuition and fees if the value of the grant aid and ~~[those]~~ benefits received in a semester or other term is equal to or exceeds the value of the exemption for the same semester or other term. If the value of state or federal grant aid or federal benefits that may be used only for the payment of tuition and fees and are received in a semester or other term does not equal or exceed the value of the exemption for the same semester or other term, the person is entitled to receive both the grant aid or ~~[those]~~ federal benefits and the exemption in the same semester or other term. The combined amount of the state or federal grant aid or federal benefit that may be used only for the payment of tuition and fees plus the amount of the exemption received in a semester or other term may not exceed the cost of tuition and fees for that semester or other term. An institution of higher education may not require a person eligible for an exemption under Subsection (a) to apply for or obtain a student loan.

(k) Subject to the limitation prescribed by Subsection (k-2), the ~~[The]~~ Texas Veterans Commission by rule shall prescribe procedures to allow:

(1) a person who becomes eligible for an exemption provided by Subsection (a) to waive the person's right to any unused portion of the number of cumulative credit hours for which the person could receive the exemption and assign the exemption for up to 60 credit hours of the unused portion of those credit hours to a child of the person; and

(2) following the death of a person who becomes eligible for an exemption provided by Subsection (a), the assignment of the exemption for up to 60 credit hours of the unused portion of the credit hours to a child of the person, to be made by the person's spouse or by the conservator, guardian, custodian, or other legally designated caretaker of the child, if the child does not otherwise qualify for an exemption under Subsection (b).

(k-2) A person who becomes eligible for an exemption provided by Subsection (a) must have served on active military duty, excluding training, for at least six years before any portion of the exemption may be assigned to a child of the person under Subsection (k).

(l) To be eligible to receive an exemption under Subsection (k), the child must:

(1) have established and maintained a domicile in this state as described by Section 54.052(a)(1) or (2), as applicable, and satisfy the residency requirement under Subsection (a-0) [be a student who is classified as a resident under Subchapter B when the child enrolls in an institution of higher education];

(2) be an [as a graduate or] undergraduate student[, maintain a grade point average that satisfies the grade point average requirement for making satisfactory academic progress in a degree, certificate, or continuing education program as determined by the institution at which the child is enrolled in accordance with the institution's policy regarding eligibility for financial aid]; [and]

(3) maintain:

(A) a course load of at least 24 semester credit hours per academic year;
and

(B) a cumulative grade point average of at least 2.5 on a four-point scale or the equivalent; and

(4) be 25 years of age or younger on the first class date [day] of the semester or other academic term for which the exemption is claimed.

(p) An institution of higher education shall require a person receiving an exemption under this section to complete a Free Application for Federal Student Aid (FAFSA). The institution may not use the information obtained from a person's FAFSA to encourage or require the person to obtain a student loan, but may use the information to make a person aware of grant opportunities.

SECTION 2. (a) Except as provided by Subsection (b) of this section, the changes in law made by this Act to Section 54.341, Education Code, apply beginning with tuition and fees charged for the 2016 spring semester. Tuition and fees charged for a term or semester before the 2016 spring semester are covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(b) The changes in law made by this Act in adding Section 54.341(a-0), Education Code, apply beginning with tuition and fees charged for the first academic semester beginning on or after the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Floor Amendment No. 2

Amend **CSSB 1735** (house committee report) as follows:

(1) On page 3, lines 9 and 10, strike the text.

(2) On page 4, line 6, between "The" and "exemption", insert "Texas Veterans Commission by rule shall ensure that the".

(3) On page 5, lines 17 through 19, strike the text and substitute the following: duty, excluding training, or on active service or active status in the Texas National Guard or the reserve component of the armed forces of the United States for a cumulative total of at least six years before any portion of the exemption may be assigned to a child of the person under Subsection (k).

(4) On page 5, lines 22 through 26, strike the text and substitute the following:

(1) be a student who is classified as a resident under Subchapter B when the child enrolls in an institution of higher education;

(5) On page 6, line 11, between the underlined semicolon and "and", insert the following appropriately numbered subdivision and renumber subsequent subdivisions of Section 54.341(l), Education Code, and any cross-references to those subdivisions, accordingly:

() no later than the last class date of each semester or other academic term for which the exemption is claimed, perform at least 20 hours of community service approved by the institution in which the student is enrolled;

(6) On page 6, between lines 14 and 15, add the following appropriately lettered subsection to Section 54.341, Education Code, and amend the recital to SECTION 1 of the bill accordingly:

() If a person fails to meet any of the requirements of Subsection (l)(3) after the completion of any semester or other academic term, the person is not eligible to receive an exemption under Subsection (k) during the next semester or other term in which the person enrolls. A person may become eligible to receive an exemption in a subsequent semester or other academic term if the person:

(1) completes a semester or other academic term during which the person is not eligible for the exemption; and

(2) satisfies the requirements of Subsection (l)(3).

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

SECTION ____ . Section 434.0079(c), Government Code, is amended to read as follows:

(c) The commission shall adopt rules governing the coordination of federal and state benefits of a person eligible to receive an exemption under:

(1) Section 54.341, Education Code, to ensure that the person first exhausts state or federal grant aid or educational benefits under federal legislation that may be used only for the payment of tuition and fees before receiving the exemption under that section, in accordance with Subsection (e) of that section; and

(2) Section 54.341(k), Education Code, including rules governing[+:

~~[(1) the total number of credit hours assigned under that section that a person may apply to an individual degree or certificate program, consistent with the standards of the appropriate recognized regional accrediting agency; and~~

~~[(2)]~~ the application of the assigned exemption to credit hours for which the institution of higher education does not receive state funding.

Floor Amendment No. 3

Amend Amendment 2 to **CSSB 1735** (house committee report) as follows:

(1) In SECTION 1 of the bill, strike added Section 54.341(k-2), Education Code (page 5, lines 15 through 19), and substitute the following:

(k-2) A person who becomes eligible for an exemption provided by Subsection (a) must have served:

(1) on active military duty in the armed forces of the United States for a total of at least four years; or

(2) on active service or active status in the Texas National Guard or the reserve component of the armed forces of the United States for a cumulative total of at least six years, excluding training, before any portion of the exemption may be assigned to a child of the person under Subsection (k).

Floor Amendment No. 4

Amend **CSSB 1735** (house committee report) as follows:

(1) On page 5, line 6, strike "60" and substitute "120".

(2) On page 5, line 10, strike "60" and substitute "120".

Floor Amendment No. 5

Amend **CSSB 1735** (house committee report) by adding the following numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 322, Government Code, is amended by adding Section 322.026 to read as follows:

Sec. 322.026. STUDY AND REPORT REGARDING CERTAIN TUITION AND FEE EXEMPTIONS FOR VETERANS AND FAMILY MEMBERS. (a) The Legislative Budget Board in coordination with the Texas Higher Education Coordinating Board, the Texas Veterans Commission, and institutions of higher education shall conduct a study observing and comparing the implementation and effects, including the costs to institutions of higher education, of the exemption from the payment of tuition and fees at institutions of higher education under Section 54.341, Education Code:

(1) before the enactment of Chapter 1340 (S.B. 93), Acts of the 81st Legislature, Regular Session, 2009, allowing a person eligible for an exemption under Section 54.341, Education Code, to assign the exemption to a child of the person;

(2) after the enactment of the Act described by Subdivision (1); and

(3) after the enactment and becoming law of S.B. 1735, 84th Legislature, Regular Session, 2015, amending Section 54.341, Education Code.

(b) Not later than December 1, 2018, the board shall report its findings from the study conducted under this section to the legislature.

(c) This section expires January 1, 2019.

Floor Amendment No. 7

Amend **CSSB 1735** (house committee report) as follows:

(1) On page 1, line 7, between "(e)," and "(k)", insert "(i)".

(2) On page 4, between lines 25 and 26, insert the following:

(i) The Texas Veterans Commission shall ~~may~~ adopt rules to provide for the efficient and uniform application of this section, including rules defining specific categories of charges considered to be tuition and fee charges from which a person receiving an exemption under this section is exempt. In developing rules under this subsection, the commission shall consult with the Texas Higher Education Coordinating Board and institutions of higher education using the negotiated rulemaking procedures under Chapter 2008, Government Code.

Floor Amendment No. 9

Amend **CSSB 1735** (house committee report) as follows:

(1) On page 3, lines 11 through 14, strike the text and substitute the following:

(a-5) A person who enlisted in military service for the first time before September 1, 2015, and who is eligible for an exemption under Subsection (a) as that subsection existed on January 1, 2015, is eligible to receive the exemption provided by this section as this section existed on January 1, 2015, except that the person must satisfy the residency requirement under Subsection (a-0) to be eligible for the exemption.

(2) On page 6, line 21, through page 7, line 4, strike the text and substitute the following:

SECTION 2. The changes in law made by this Act apply beginning with tuition and fees charged for the first academic semester beginning on or after the effective date of this Act.

Floor Amendment No. 12

Amend Amendment No. 9 by Blanco to **CSSB 1735** on page 1, line 5 of the amendment, by striking "enlisted in" and substituting "began".

Floor Amendment No. 14

Amend **CSSB 1735** (house committee report) as follows:

(1) On page 3, line 21, through page 5, line 19, strike the text.

(2) On page 5, line 27, through page 6, line 20, strike the text and substitute the following:

(2) as a graduate or undergraduate student, maintain a grade point average that satisfies the grade point average requirement for making satisfactory academic progress in a degree, certificate, or continuing education program as determined by the institution at which the child is enrolled in accordance with the institution's policy regarding eligibility for financial aid; and

(3) be 25 years of age or younger on the first day of the semester or other academic term for which the exemption is claimed.

(3) Amend the recital for SECTION 1 of the bill accordingly.

(4) On page 6, line 21, through page 7, line 4, strike the text and substitute the following appropriately numbered SECTION:

SECTION _____. The changes in law made by this Act apply beginning with tuition and fees charged for the first academic semester beginning on or after the effective date of this Act.

(5) Strike the changes made by the following amendments:

- (A) Amendment No. 2 by Zerwas;
- (B) Amendment No. 3 by Sheets;
- (C) Amendments No. 4 and 5 by Miller;
- (D) Amendment No. 7 by King;
- (E) Amendment No. 9 by Blanco; and
- (F) Amendment No. 12 by Schaefer.

The amendments were read.

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

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 1735** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Birdwell, Chair; V. Taylor, Hinojosa, Bettencourt, and Seliger.

(Senator Eltife in Chair)

SENATE BILL 752 WITH HOUSE AMENDMENT

Senator Bettencourt called **SB 752** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 752** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the repeal of the inheritance tax.

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

SECTION 1. Chapter 211, Tax Code, is repealed.

SECTION 2. Section 124.001(3), Estates Code, is amended to read as follows:

(3) "Estate tax" means any estate, inheritance, or death tax levied or assessed on the property of a decedent's estate because of the death of a person and imposed by federal, state, local, or foreign law, including the federal estate tax and the inheritance tax imposed by former Chapter 211, Tax Code, and including interest and penalties imposed in addition to those taxes. The term does not include a tax imposed under Section 2701(d)(1)(A), Internal Revenue Code of 1986 (26 U.S.C. Section 2701(d)).

SECTION 3. The changes in law made by this Act do not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION 4. This Act takes effect September 1, 2015.

The amendment was read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 752** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Bettencourt, Chair; Hinojosa, Nichols, Kolkhorst, and V. Taylor.

SENATE BILL 1367 WITH HOUSE AMENDMENTS

Senator West called **SB 1367** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 1367** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to certain obligations of and limitations on landlords.

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

SECTION 1. Section 24.005, Property Code, is amended by amending Subsection (f) and adding Subsections (f-1) and (f-2) to read as follows:

(f) Except as provided by Subsection (f-1), the [The] notice to vacate shall be given in person or by mail at the premises in question. Notice in person may be by personal delivery to the tenant or any person residing at the premises who is 16 years of age or older or personal delivery to the premises and affixing the notice to the inside of the main entry door. Notice by mail may be by regular mail, by registered mail, or by certified mail, return receipt requested, to the premises in question. [If the dwelling has no mailbox and has a keyless bolting device, alarm system, or dangerous animal that prevents the landlord from entering the premises to leave the notice to vacate on the inside of the main entry door, the landlord may securely affix the notice on the outside of the main entry door.]

(f-1) As an alternative to the procedures of Subsection (f), a landlord may deliver the notice to vacate by securely affixing to the outside of the main entry door a sealed envelope that contains the notice and on which is written the tenant's name, address, and in all capital letters, the words "IMPORTANT DOCUMENT" or substantially similar language and, not later than 5 p.m. of the same day, depositing in the mail in the same county in which the premises in question is located a copy of the notice to the tenant if:

(1) the premises has no mailbox and has a keyless bolting device, alarm system, or dangerous animal that prevents the landlord from entering the premises to affix the notice to vacate to the inside of the main entry door; or

(2) the landlord reasonably believes that harm to any person would result from personal delivery to the tenant or a person residing at the premises or from personal delivery to the premises by affixing the notice to the inside of the main entry door.

(f-2) Notice to vacate under Subsection (f-1) is considered delivered on the date the envelope is affixed to the outside of the door and is deposited in the mail, regardless of the date the notice is received.

SECTION 2. Section 54.046, Property Code, is amended to read as follows:

Sec. 54.046. VIOLATION BY LANDLORD. If a landlord or the landlord's agent wilfully violates this subchapter, the tenant is entitled to:

(1) actual damages, return of any property seized that has not been sold, return of the proceeds of any sale of seized property, and the sum of one month's rent and \$1,000 [or \$500, whichever is greater], less any amount for which the tenant is liable; and

(2) reasonable attorney's fees.

SECTION 3. Section 92.006, Property Code, is amended by adding Subsection (h) to read as follows:

(h) A tenant's right to a jury trial in an action brought under this chapter may not be waived in a lease or other written agreement.

SECTION 4. Section 92.056(b), Property Code, is amended to read as follows:

(b) A landlord is liable to a tenant as provided by this subchapter if:

(1) the tenant has given the landlord notice to repair or remedy a condition by giving that notice to the person to whom or to the place where the tenant's rent is normally paid;

(2) the condition materially affects the physical health or safety of an ordinary tenant;

(3) the tenant has given the landlord a subsequent written notice to repair or remedy the condition after a reasonable time to repair or remedy the condition following the notice given under Subdivision (1) or the tenant has given the notice under Subdivision (1) by sending that notice by certified mail, return receipt requested, ~~or~~ by registered mail, or by another form of mail that allows tracking of delivery from the United States Postal Service or a private delivery service;

(4) the landlord has had a reasonable time to repair or remedy the condition after the landlord received the tenant's notice under Subdivision (1) and, if applicable, the tenant's subsequent notice under Subdivision (3);

(5) the landlord has not made a diligent effort to repair or remedy the condition after the landlord received the tenant's notice under Subdivision (1) and, if applicable, the tenant's notice under Subdivision (3); and

(6) the tenant was not delinquent in the payment of rent at the time any notice required by this subsection was given.

SECTION 5. Section 92.105, Property Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) If the owner's interest in the premises is terminated by sale, assignment, death, appointment of a receiver, bankruptcy, or otherwise, the new owner is liable for the return of security deposits according to this subchapter from the date title to the premises is acquired [~~regardless of whether notice is given to the tenant under Subsection (b) of this section~~].

(b) The [~~person who no longer owns an interest in the rental premises remains liable for a security deposit received while the person was the owner until the~~] new owner shall deliver [~~delivers~~] to the tenant a signed statement acknowledging that the new owner has acquired the property [~~received~~] and is responsible for the tenant's security deposit and specifying the exact dollar amount of the deposit.

(b-1) The person who no longer owns an interest in the rental premises is liable for a security deposit received while the person was the owner until the new owner has received the deposit or has assumed the liability for the deposit, unless otherwise specified by the parties in a written contract.

SECTION 6. Subchapter C, Chapter 92, Property Code, is amended by adding Section 92.110 to read as follows:

Sec. 92.110. LEASE WITHOUT SECURITY DEPOSIT; REQUIRED NOTICE. (a) If a security deposit was not required by a residential lease and the tenant is liable for damages and charges on surrender of the premises, the landlord shall notify the tenant in writing of the landlord's claim for damages and charges on or before the date the landlord reports the claim to a consumer reporting agency or third-party debt collector.

(b) A landlord is not required to provide the notice under Subsection (a) if the tenant has not given the landlord the tenant's forwarding address as provided by Section 92.107.

(c) If a landlord does not provide the tenant the notice as required by this section, the landlord forfeits the right to collect damages and charges from the tenant. Forfeiture of the right to collect damages and charges from the tenant is the exclusive remedy for the failure to provide the proper notice to the tenant.

SECTION 7. Section 92.157(a), Property Code, is amended to read as follows:

(a) At a tenant's request made at any time, a landlord, at the tenant's expense, shall install:

(1) a keyed dead bolt on an exterior door if the door has:

(A) a doorknob lock but not a keyed dead bolt; or

(B) a keyless bolting device but not a keyed dead bolt or doorknob

lock; and

(2) a sliding door handle latch [~~pin lock~~] or sliding door security bar if the door is an exterior sliding glass door without a sliding door handle latch [~~pin lock~~] or sliding door security bar.

SECTION 8. Section 92.1641, Property Code, is amended to read as follows:

Sec. 92.1641. LANDLORD'S DEFENSES RELATING TO INSTALLING OR REKEYING CERTAIN SECURITY DEVICES. The landlord has a defense to liability under Section 92.164 if:

(1) the tenant has not fully paid all rent then due from the tenant on the date the tenant gives a request under [~~Subsection (a) of~~] Section 92.157(c) [~~92.157~~] or the notice required by Section 92.164; or

(2) on the date the tenant terminates the lease or files suit the tenant has not fully paid costs requested by the landlord and authorized by Section 92.162.

SECTION 9. The changes in law made by this Act apply only to a residential lease agreement entered into on or after the effective date of this Act. A residential lease agreement entered into before the effective date of this Act is governed by the law applicable to the agreement immediately before that date, and the former law is continued in effect for that purpose.

SECTION 10. This Act takes effect January 1, 2016.

Floor Amendment No. 1

Amend **CSSB 1367** (house committee printing) as follows:

(1) On page 2, line 1, strike "and, not later than 5 p.m. of the" and substitute an underlined period.

(2) On page 2, strike lines 2 through 12.

(3) On page 2, line 15, strike "and is deposited in the mail".

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1367** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators West, Chair; Eltife, Ellis, Seliger, and L. Taylor.

SENATE BILL 202 WITH HOUSE AMENDMENTS

Senator Nelson called **SB 202** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 202** (house committee report) as follows:

(1) On page 305, line 14, strike "DEREGULATION OF" and substitute "PROVISIONS AFFECTING".

(2) On page 324, line 20, strike "and".

(3) On page 324, line 21, strike the period and substitute the following:

; and

(11) Section 502.002(6).

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

SECTION _____. Section 21.003(b), Education Code, is amended to read as follows:

(b) Except as otherwise provided by this subsection, a person may not be employed by a school district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, licensed professional counselor, marriage and family therapist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession and may perform specific services within those professions for a school district only if the person holds the appropriate credential from the appropriate state agency. As long as a person employed by a district before September 1, 2011, to perform marriage and family therapy under Chapter 502 [as defined by Section 502.002], Occupations Code, is employed by the same district, the person is not required to hold a license as a marriage and family therapist to perform marriage and family therapy with that district.

SECTION _____. Subchapter A, Chapter 502, Occupations Code, is amended by adding Section 502.0021 to read as follows:

Sec. 502.0021. PRACTICE OF MARRIAGE AND FAMILY THERAPY. (a) "Marriage and family therapy" means the provision of professional therapy services to individuals, families, or married couples, alone or in groups, that involve applying family systems theories and techniques, including the evaluation and remediation of cognitive, affective, behavioral, or relational dysfunction in the context of marriage or family systems.

(b) The practice of marriage and family therapy may include the use of the Diagnostic and Statistical Manual of Mental Disorders, the International Classification of Diseases, and other diagnostic classification systems and the use of billing codes in connection with those systems for evaluation, classification, treatment, and other activities by a person licensed under this chapter, in connection with a claim for payment or reimbursement from a health insurance policy issuer or other payor.

(c) The practice of marriage and family therapy does not include prescribing medication, treating a physical disease, or providing any service outside the scope of practice of a licensed marriage and family therapist or licensed marriage and family therapist associate.

Floor Amendment No. 2

Amend **SB 202** (house committee report) as follows:

(1) On page 318, strike lines 6-7 and substitute the following:

SECTION 3.023. Section 351.005, Occupations Code, is amended by amending Subsections (a) and (d) and by adding Subsection (a-1) to read as follows:

(2) On page 319, between lines 13 and 14, insert the following:

(a-1) Notwithstanding any other law, a therapeutic optometrist licensed under this chapter may supply to a patient, for a fee, an aesthetic pharmaceutical and is not required to obtain a license under Subtitle J for that purpose. In this subsection, "aesthetic pharmaceutical" means a drug that is not a controlled substance, requires a prescription for dispensation, is legally marketed under 21 U.S.C. Section 355, if it is a new drug subject to that section, and is prescribed for the enhancement of an individual's appearance.

(3) Add a new section, appropriately numbered, to Article 3 to read as follows:

SECTION _____. Section 158.001, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (c) or any other law, a physician licensed under this subtitle may supply to a patient, for a fee, an aesthetic pharmaceutical and is not required to obtain a license under Subtitle J for that purpose. In this subsection, "aesthetic pharmaceutical" means a drug that is not a controlled substance, requires a prescription for dispensation, is legally marketed under 21 U.S.C. Section 355, if it is a new drug subject to that section, and is prescribed for the enhancement of an individual's appearance.

Floor Amendment No. 1 on Third Reading

Amend **SB 202** on third reading as follows:

(1) In the SECTION of the bill amending Section 351.005, Occupations Code, strike added Subsection (a-1) and cross-references to that subsection.

(2) Strike the SECTION of the bill adding Section 158.001(a-1), Occupations Code.

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 202** before appointment.

There were no motions offered.

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

SENATE BILL 204 WITH HOUSE AMENDMENTS

Senator Hinojosa called **SB 204** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 204** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the continuation of the functions of the Department of Aging and Disability Services; increasing penalties.

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

SECTION 1. Section 81.042(e), Health and Safety Code, is amended to read as follows:

(e) The following persons shall report to the local health authority or the department a suspected case of a reportable disease and all information known concerning the person who has or is suspected of having the disease if a report is not made as required by Subsections (a)-(d):

- (1) a professional registered nurse;

- (2) an administrator or director of a public or private temporary or permanent child-care facility;
 - (3) an administrator or director of a nursing home, personal care home, adult respite care center, or adult day services facility [~~day care center~~];
 - (4) an administrator of a home health agency;
 - (5) an administrator or health official of a public or private institution of higher education;
 - (6) an owner or manager of a restaurant, dairy, or other food handling or processing establishment or outlet;
 - (7) a superintendent, manager, or health official of a public or private camp, home, or institution;
 - (8) a parent, guardian, or householder;
 - (9) a health professional;
 - (10) an administrator or health official of a penal or correctional institution;
- or

(11) emergency medical service personnel, a peace officer, or a firefighter.

SECTION 2. Subchapter A, Chapter 142, Health and Safety Code, is amended by adding Section 142.0125 to read as follows:

Sec. 142.0125. PROGRESSIVE SANCTIONS. (a) The executive commissioner by rule shall create a matrix of progressive sanctions that the department must use to assess penalty amounts and impose disciplinary actions under this chapter appropriately and fairly for a violation of a law, rule, standard, or order adopted or license issued under this chapter or for a violation of other law for which this chapter provides a sanction.

(b) The matrix of progressive sanctions adopted under this section must provide for increases in amounts of administrative penalties based on type, frequency, and seriousness of violations and must provide guidance for determining appropriate and graduated administrative penalties to assess under this chapter to deter future violations, including guidance on considering the factors listed in this chapter for determining the amount of a penalty.

(b-1) The matrix of progressive sanctions adopted under this section must provide for imposing lesser sanctions for lesser violations, which may include violations that:

- (1) are technical, clerical, or de minimis in nature;
- (2) do not involve abuse, neglect, or exploitation of a client; and
- (3) do not cause injury or impairment to a client or cause the death of a client.

(c) The matrix of progressive sanctions adopted under this section must provide for imposing stronger sanctions, including license suspension or revocation, for more serious violations or for repeated violations as appropriate to deter future serious or repeated violations. The matrix of progressive sanctions must describe appropriate time frames to be used in determining whether a home and community support services agency has committed repeated violations or has engaged in a pattern of repeated violations, such as repeated violations found in consecutive regular inspections.

SECTION 3. Sections 142.017(b) and (j), Health and Safety Code, are amended to read as follows:

(b) The penalty shall be not less than \$100 or more than \$5,000 [~~\$1,000~~] for each violation. Each day of a violation that occurs before the day on which the person receives written notice of the violation from the department does not constitute a separate violation and shall be considered to be one violation. Each day of a continuing violation that occurs after the day on which the person receives written notice of the violation from the department constitutes a separate violation.

(j) The executive commissioner by rule shall define the types of minor violations an agency may correct under Subsection (e) before the department may assess an administrative penalty. The executive commissioner shall ensure that all other violations are not subject to a right to correct [~~The department may assess an administrative penalty without providing a reasonable period of time to the agency to correct the violation if the violation:~~

~~[(1) results in serious harm or death;~~

~~[(2) constitutes a serious threat to health or safety;~~

~~[(3) substantially limits the agency's capacity to provide care;~~

~~[(4) is a violation in which a person:~~

~~[(A) makes a false statement, that the person knows or should know is false, of a material fact;~~

~~[(i) on an application for issuance or renewal of a license or in an attachment to the application; or~~

~~[(ii) with respect to a matter under investigation by the department;~~

~~[(B) refuses to allow a representative of the department to inspect a book, record, or file required to be maintained by an agency;~~

~~[(C) wilfully interferes with the work of a representative of the department or the enforcement of this chapter;~~

~~[(D) wilfully interferes with a representative of the department preserving evidence of a violation of this chapter or a rule, standard, or order adopted or license issued under this chapter;~~

~~[(E) fails to pay a penalty assessed by the department under this chapter not later than the 10th day after the date the assessment of the penalty becomes final; or~~

~~[(F) fails to submit:~~

~~[(i) a plan of correction not later than the 10th day after the date the person receives a statement of licensing violations; or~~

~~[(ii) an acceptable plan of correction not later than the 30th day after the date the person receives notification from the department that the previously submitted plan of correction is not acceptable;~~

~~[(5) is a violation of Section 142.0145; or~~

~~[(6) involves the rights of the elderly under Chapter 102, Human Resources Code].~~

SECTION 4. Section 164.003(5), Health and Safety Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(5) "Mental health facility" means:

(A) a "mental health facility" as defined by Section 571.003;

(B) a residential treatment facility, other than a mental health facility, in which persons are treated for emotional problems or disorders in a 24-hour supervised living environment; and

(C) an adult day services [~~day care~~] facility as defined by Section 103.003, Human Resources Code.

SECTION 5. (a) It is the intent of the legislature that Section 242.061, Health and Safety Code, as amended by this section, establish a ceiling or maximum number of violations related to the abuse and neglect of a resident that a facility can commit before the executive commissioner is required to revoke the facility's license. The changes in law made by this section are not intended to limit or diminish the department's permissive authority to revoke a license under Chapter 242, Health and Safety Code.

(b) Section 242.061, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3), (c-1), (e), and (e-1) to read as follows:

(a) In this section:

(1) "Abuse" has the meaning assigned by Section 260A.001.

(2) "Immediate threat to health and safety" means a situation in which immediate corrective action is necessary because the facility's noncompliance with one or more requirements has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident.

(3) "Neglect" has the meaning assigned by Section 260A.001.

(a-1) The department, after providing notice and opportunity for a hearing to the applicant or license holder, may deny, suspend, or revoke a license if the department finds that the applicant, the license holder, or any other person described by Section 242.032(d) has:

(1) violated this chapter or a rule, standard, or order adopted or license issued under this chapter in either a repeated or substantial manner;

(2) committed any act described by Sections 242.066(a)(2)-(6); or

(3) failed to comply with Section 242.074.

(a-2) Except as provided by Subsection (a-3) or (e-1), the executive commissioner shall revoke a license under Subsection (a-1) if the department finds that:

(1) the license holder has committed three violations described by Subsection (a-1), within a 24-month period, that constitute an immediate threat to health and safety related to the abuse or neglect of a resident; and

(2) each of the violations described by Subdivision (1) is reported in connection with a separate survey, inspection, or investigation visit that occurred on separate entrance and exit dates.

(a-3) The executive commissioner may not revoke a license under Subsection (a-2) due to a violation described by Subsection (a-2)(1), if:

(1) the violation and the determination of immediate threat to health and safety are not included on the written list of violations left with the facility at the time of the initial exit conference under Section 242.0445(b) for a survey, inspection, or investigation;

(2) the violation is not included on the final statement of violations described by Section 242.0445; or

(3) the violation has been reviewed under the informal dispute resolution process established by Section 531.058, Government Code, and a determination was made that:

(A) the violation should be removed from the license holder's record; or

(B) the violation is reduced in severity so that the violation is no longer cited as an immediate threat to health and safety related to the abuse or neglect of a resident.

(c-1) In the case of revocation of a license under Subsection (a-2), to ensure the health and safety of residents of the institution, the department may:

(1) request the appointment of a trustee to operate the institution under Subchapter D;

(2) assist with obtaining a new operator for the institution; or

(3) assist with the relocation of residents to another institution.

(e) The executive commissioner may stay a license revocation required by Subsection (a-2) if the executive commissioner determines that the stay would not jeopardize the health and safety of the residents of the facility or place the residents at risk of abuse or neglect. The executive commissioner by rule shall establish criteria under which a license revocation may be stayed under this subsection. The executive commissioner shall follow negotiated rulemaking procedures prescribed by Chapter 2008, Government Code, for the adoption of rules establishing the criteria. The criteria established must permit the executive commissioner to stay a license revocation of a nursing facility for which the department has deployed a rapid response team under Section 255.004, if the facility has cooperated with the rapid response team and demonstrated improvement in quality of care, as determined by the rapid response team.

(e-1) The executive commissioner may stay a license revocation required by Subsection (a-2) for a veterans home, as defined by Section 164.002, Natural Resources Code, if the Veterans' Land Board contracts with a different entity to operate the veterans home than the entity that operated the home during the period in which the violations described by Subsection (a-2) occurred.

SECTION 6. Subchapter C, Chapter 242, Health and Safety Code, is amended by adding Section 242.0613 to read as follows:

Sec. 242.0613. PROGRESSIVE SANCTIONS. (a) The executive commissioner by rule shall create a matrix of progressive sanctions that the department must use to assess penalty amounts and impose disciplinary actions under this chapter appropriately and fairly for a violation of a law, rule, standard, or order adopted or license issued under this chapter or for a violation of other law for which this chapter provides a sanction.

(b) The matrix of progressive sanctions adopted under this section must provide for increases in amounts of administrative penalties based on type, frequency, and seriousness of violations and must provide guidance for determining appropriate and graduated administrative penalties to assess under this chapter to deter future violations, including guidance on considering the factors listed in this chapter for determining the amount of a penalty.

(c) The matrix of progressive sanctions adopted under this section must provide for imposing stronger sanctions, including license suspension or revocation, for more serious violations or for repeated violations as appropriate to deter future serious or repeated violations. The matrix of progressive sanctions must describe appropriate time frames to be used in determining whether a facility has committed repeated violations or has engaged in a pattern of repeated violations, such as repeated violations found in consecutive regular inspections.

SECTION 7. Section 242.0615(a), Health and Safety Code, is amended to read as follows:

(a) The department, after providing notice and opportunity for a hearing, may exclude a person from eligibility for a license under this chapter if the person or any person described by Section 242.032(d) has substantially failed to comply with this chapter and the rules adopted under this chapter. The authority granted by this subsection is in addition to the authority to deny issuance of a license under Section 242.061(a-1) ~~[242.061(a)]~~.

SECTION 8. Section 242.0665(b), Health and Safety Code, is amended to read as follows:

(b) The executive commissioner by rule shall define types of minor violations a facility may correct under Subsection (a) before the department may assess an administrative penalty. The executive commissioner shall ensure that all other violations are not subject to a right to correct ~~[Subsection (a) does not apply:~~

~~[(1) to a violation that the department determines:~~

~~[(A) results in serious harm to or death of a resident;~~

~~[(B) constitutes a serious threat to the health or safety of a resident; or~~

~~[(C) substantially limits the institution's capacity to provide care;~~

~~[(2) to a violation described by Sections 242.066(a)(2) (7);~~

~~[(3) to a violation of Section 260A.014 or 260A.015; or~~

~~[(4) to a violation of a right of a resident adopted under Subchapter L].~~

SECTION 9. Subchapter C, Chapter 247, Health and Safety Code, is amended by adding Section 247.0415 to read as follows:

Sec. 247.0415. PROGRESSIVE SANCTIONS. (a) The executive commissioner by rule shall create a matrix of progressive sanctions that the department must use to assess penalty amounts and impose disciplinary actions under this chapter appropriately and fairly for a violation of a law, rule, standard, or order adopted or license issued under this chapter or for a violation of other law for which this chapter provides a sanction.

(b) The matrix of progressive sanctions adopted under this section must provide for increases in amounts of administrative penalties based on type, frequency, and seriousness of violations and must provide guidance for determining appropriate and graduated administrative penalties to assess under this chapter to deter future violations, including guidance on considering the factors listed in this chapter for determining the amount of a penalty.

(c) The matrix of progressive sanctions adopted under this section must provide for imposing stronger sanctions, including license suspension or revocation, for more serious violations or for repeated violations as appropriate to deter future serious or repeated violations. The matrix of progressive sanctions must describe appropriate

time frames to be used in determining whether an assisted living facility has committed repeated violations or has engaged in a pattern of repeated violations, such as repeated violations found in consecutive regular inspections.

SECTION 10. Section 247.0451(b), Health and Safety Code, is amended to read as follows:

(b) Except as provided by Section 247.0452(c), the penalty may not exceed \$5,000 [\$1,000] for each violation. Each day a violation occurs or continues after the date the department provides written notification of the violation is considered a separate violation. The violation is considered a single violation for any days of violation that occurred on or before the date the department provides written notification of the violation.

SECTION 11. Section 247.0452(b), Health and Safety Code, is amended to read as follows:

(b) The executive commissioner by rule shall define the types of minor violations an assisted living facility may correct under Subsection (a) before the department may assess an administrative penalty. The executive commissioner shall ensure that all other violations are not subject to a right to correct [Subsection (a) does not apply:

(1) to a violation that the department determines results in serious harm to or death of a resident;

(2) to a violation described by Sections 247.0451(a)(2) (7) or a violation of Section 260A.014 or 260A.015;

(3) to a second or subsequent violation of:

[(A) a right of the same resident under Section 247.064; or

[(B) the same right of all residents under Section 247.064; or

(4) to a violation described by Section 247.066, which contains its own right to correct provisions].

SECTION 12. Section 247.051(a), Health and Safety Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) The executive commissioner by rule shall establish an informal dispute resolution process to address disputes between a facility and the department concerning a statement of violations prepared by the department in accordance with this section. The process must provide for adjudication by an appropriate disinterested person of disputes relating to a statement of violations. The informal dispute resolution process must require:

(1) the assisted living facility to request informal dispute resolution not later than the 10th day after the date of notification by the department of the violation of a standard or standards;

(2) that the ~~[commission to complete the]~~ process be completed not later than the 90th day after the date of receipt of a request from the assisted living facility for informal dispute resolution;

(3) that, not later than the 10th business day after the date an assisted living facility requests an informal dispute resolution, the department forward to the assisted living facility a copy of all information that is referred to in the disputed statement of violations or on which a citation is based in connection with the survey, inspection, investigation, or other visit, excluding:

(A) the name of any complainant, witness, or informant;

(B) any information that would reasonably lead to the identification of a complainant, witness, or informant;

(C) information obtained from or contained in the records of the facility;

(D) information that is publicly available; or

(E) information that is confidential by law;

(4) that ~~the commission to give~~ full consideration is given to all ~~factual~~ arguments raised during the informal dispute resolution process that:

(A) are supported by references to specific information that the facility or department relies on to dispute or support findings in the statement of violations; and

(B) are provided by the proponent of the argument ~~to the commission~~ and the opposing party;

(5) that full consideration is given during the informal dispute resolution process ~~staff give full consideration~~ to the information provided by the assisted living facility and the department;

(6) that ex parte communications concerning the substance of any argument relating to a survey, inspection, investigation, visit, or statement of violations under consideration not occur between the informal dispute resolution staff and the assisted living facility or the department; and

(7) that the assisted living facility and the department be given a reasonable opportunity to submit arguments and information supporting the position of the assisted living facility or the department and to respond to arguments and information presented against them.

SECTION 13. Section 250.001(3), Health and Safety Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(3) "Facility" means:

(A) a nursing facility, custodial care home, or other institution licensed by the Department of Aging and Disability Services under Chapter 242;

(B) an assisted living facility licensed by the Department of Aging and Disability Services under Chapter 247;

(C) a home and community support services agency licensed under Chapter 142;

(D) an adult day services ~~care~~ facility licensed by the Department of Aging and Disability Services under Chapter 103, Human Resources Code;

(E) an ICF-IID licensed under Chapter 252;

(F) an adult foster care provider that contracts with the Department of Aging and Disability Services;

(G) a facility that provides mental health services and that is operated by or contracts with the Department of State Health Services;

(H) a local mental health authority designated under Section 533.035 or a local intellectual and developmental disability authority designated under Section 533.035;

(I) a person exempt from licensing under Section 142.003(a)(19);

(J) a special care facility licensed by the Department of State Health Services under Chapter 248;

(K) a mental health service unit of a hospital licensed under Chapter 241; or

(L) a prescribed pediatric extended care center licensed by the Department of Aging and Disability Services under Chapter 248A.

SECTION 14. Subchapter C, Chapter 252, Health and Safety Code, is amended by adding Section 252.0615 to read as follows:

Sec. 252.0615. PROGRESSIVE SANCTIONS. (a) The executive commissioner by rule shall create a matrix of progressive sanctions that the department must use to assess penalty amounts and impose disciplinary actions under this chapter appropriately and fairly for a violation of a law, rule, standard, or order adopted or license issued under this chapter or for a violation of other law for which this chapter provides a sanction.

(b) The matrix of progressive sanctions adopted under this section must provide for increases in amounts of administrative penalties based on type, frequency, and seriousness of violations and must provide guidance for determining appropriate and graduated administrative penalties to assess under this chapter to deter future violations, including guidance on considering the factors listed in this chapter for determining the amount of a penalty.

(c) The matrix of progressive sanctions adopted under this section must provide for imposing stronger sanctions, including license suspension or revocation, for more serious violations or for repeated violations as appropriate to deter future serious or repeated violations. The matrix of progressive sanctions must describe appropriate time frames to be used in determining whether a facility has committed repeated violations or has engaged in a pattern of repeated violations, such as repeated violations found in consecutive regular inspections.

SECTION 15. Section 252.065, Health and Safety Code, is amended by amending Subsection (b) and Subsection (e), as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(b) The penalty for a facility with fewer than 60 beds shall be not less than \$100 or more than \$1,000 for each violation. The penalty for a facility with 60 beds or more shall be not less than \$100 or more than \$5,000 for each violation. ~~[The total amount of the penalty assessed for a violation continuing or occurring on separate days under this subsection may not exceed \$5,000 for a facility with fewer than 60 beds or \$25,000 for a facility with 60 beds or more.]~~ Each day a violation occurs or continues is a separate violation for purposes of imposing a penalty.

(e) The executive commissioner by rule shall provide the facility with a reasonable period of time, not less than 45 days, following the first day of a violation to correct the violation before the department may assess an administrative penalty if a

plan of correction has been implemented. The executive commissioner by rule shall define the types of minor violations a facility may correct before the department may assess an administrative penalty. The executive commissioner shall ensure that all other violations are not subject to a right to correct ~~[This subsection does not apply to a violation described by Subsections (a)(2)-(8) or to a violation that the department determines:~~

- ~~(1) has resulted in serious harm to or the death of a resident;~~
- ~~(2) constitutes a serious threat to the health or safety of a resident; or~~
- ~~(3) substantially limits the institution's capacity to provide care].~~

SECTION 16. Section 255.003, Health and Safety Code, is amended by amending Subsections (b), (e), and (j) and adding Subsections (b-1) and (i-1) to read as follows:

(b) Monitoring ~~[Priority for monitoring]~~ visits shall be given to long-term care facilities:

- (1) with a history of patient care deficiencies; or
- (2) that are identified as medium risk through the department's early warning system.

(b-1) A long-term care facility may request a monitoring visit under this section.

(e) Quality-of-care monitors shall assess:

- (1) the overall quality of life in the long-term care facility; and
- (2) specific conditions in the facility directly related to patient care, including conditions identified through the long-term care facility's quality measure reports based on Minimum Data Set Resident Assessments.

(i-1) The department shall schedule a follow-up visit not later than the 45th day after the date of an initial monitoring visit conducted under this section.

(j) Conditions observed by the quality-of-care monitor that create an immediate threat to the health or safety of a resident shall be reported immediately to the long-term care facility administrator, to the regional office supervisor for appropriate action, and, as appropriate or as required by law, to law enforcement, adult protective services, other divisions of the department, or other responsible agencies.

SECTION 17. Section 255.004, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) In this section:

- (1) "Abuse" has the meaning assigned by Section 260A.001.
- (2) "Immediate threat to health and safety" means a situation in which immediate corrective action is necessary because the facility's noncompliance with one or more requirements has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident.

(3) "Neglect" has the meaning assigned by Section 260A.001.

(a-1) The department shall create rapid response teams composed of health care experts that can visit a long-term care facility that:

- (1) is [facilities] identified as high risk through the department's early warning system; or

(2) if the long-term care facility is a nursing institution, has committed three violations described by Section 242.061(a-1), within a 24-month period, that constitute an immediate threat to health and safety related to the abuse or neglect of a resident.

(a-2) A long-term care facility shall cooperate with a rapid response team deployed under this section to improve the quality of care provided at the facility.

SECTION 18. Subchapter B, Chapter 533A, Health and Safety Code, as added by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended by adding Section 533A.044 to read as follows:

Sec. 533A.044. CRISIS INTERVENTION TEAMS. (a) In this section, "crisis intervention team" means a team of individuals specially trained to provide services and support to persons with an intellectual or developmental disability who have behavioral health needs and who are at risk of institutionalization.

(b) The department shall evaluate the effectiveness of various models of crisis intervention teams that are funded under a waiver under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315) and operated by a local intellectual and developmental disability authority.

(c) Not later than March 1, 2016, the department shall select for implementation one or more models for crisis intervention teams the department determines best provide comprehensive, cost-effective support.

(d) The department shall determine the areas in this state in which local intellectual and developmental disability authorities do not operate crisis intervention teams. Subject to available funding, the department shall develop a statewide system of locally managed crisis intervention teams by:

(1) expanding existing teams to reach other local service areas; or

(2) implementing new teams that operate in accordance with a model selected under Subsection (c).

SECTION 19. Chapter 555, Health and Safety Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. STATE SUPPORTED LIVING CENTER RESTRUCTURING
AND CLOSURES

Sec. 555.201. STATE SUPPORTED LIVING CENTER RESTRUCTURING COMMISSION. (a) In this subchapter, "restructuring commission" means the state supported living center restructuring commission.

(b) The restructuring commission consists of five members appointed by the governor and the following three nonvoting ex officio members:

(1) the executive commissioner or the executive commissioner's designee;

(2) the executive director of the Texas Facilities Commission or the executive director's designee; and

(3) the commissioner of the General Land Office or the commissioner's designee.

(c) The restructuring commission is established to evaluate each state supported living center in the state to determine whether closure of the center is recommended to maintain only the number of centers necessary to meet the level of need in the state. In evaluating each state supported living center, the restructuring commission shall consider:

(1) the quality of services provided by the center, including the center's regulatory compliance and the center's ability to meet the minimum ICF-IID standards;

(2) the costs of operating the center;

(3) the center's compliance with the 2009 settlement agreement, as amended, between the department and the United States Department of Justice regarding services provided to individuals with an intellectual or developmental disability in state-operated facilities;

(4) the availability of community service providers in the area served by the center;

(5) the specialty services provided at the center, including the ability of the center to serve alleged offenders or high-risk residents;

(6) the availability of employment opportunities for center employees if the center closes;

(7) any infrastructure deficiency costs relating to the center;

(8) the property value of, the market demand for, and any deed restrictions applicable to property and facilities of the center;

(9) whether closure of the center would adversely affect the geographic distribution of centers in the state;

(10) the availability and capacity of service providers and resources in the community capable of delivering the quality and level of care each resident of the center would require following the center's closure;

(11) closure costs; and

(12) any other criteria the restructuring commission considers appropriate.

(c-1) The restructuring commission shall hold public hearings throughout the state in a manner that accommodates individuals with disabilities and their families to solicit input during the evaluation process under Subsection (c).

(d) Not later than December 1, 2016, the restructuring commission shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over intellectual and developmental disability issues a report detailing the restructuring commission's evaluation of each state supported living center and, if applicable, proposing the closure of certain centers.

(e) A member of the restructuring commission may not:

(1) have a direct or indirect interest in any contract or proposed contract with a licensed provider of ICF-IID services, or other provider of services to individuals with an intellectual or developmental disability;

(2) acquire a direct or indirect pecuniary interest in any provider of ICF-IID services, or other provider of services to individuals with an intellectual or developmental disability;

(3) have a financial interest in the closure of a state supported living center;

(4) be an agent, paid consultant, officer, or employee of a state supported living center, state center, local authority, licensed provider of ICF-IID services, or other provider of services to individuals with an intellectual or developmental disability;

(5) have a financial interest in a state supported living center, state center, local authority, licensed provider of ICF-IID services, or other provider of services to individuals with an intellectual or developmental disability;

(6) be an officer, employee, or paid consultant of a trade association in the field of residential services for individuals with an intellectual or developmental disability;

(7) be a resident of a state supported living center; or

(8) be related within the second degree by affinity or consanguinity, as determined under Chapter 573, Government Code, to a person who is an officer, employee, paid consultant, or resident of a state supported living center, state center, local authority, licensed provider of ICF-IID services, or other provider of services to individuals with an intellectual or developmental disability.

(f) The restructuring commission is abolished and this section expires January 1, 2017.

Sec. 555.202. RECOMMENDED CLOSURES OF STATE SUPPORTED LIVING CENTERS. (a) If the restructuring commission proposes the closure of one or more state supported living centers, the 85th Legislature shall consider legislation proposing the closure of the centers recommended for closure. In considering the proposed legislation described by this subsection, members of the legislature may not propose amendments to the legislation.

(b) If the legislation described by Subsection (a) is enacted and becomes law, the department shall ensure that each state supported living center approved by the legislature for closure under Subsection (a) is closed not later than August 31, 2025.

(c) This subchapter expires September 1, 2025.

Sec. 555.203. CLOSURE OF AUSTIN STATE SUPPORTED LIVING CENTER. (a) The department shall establish a closure plan for the Austin State Supported Living Center. The plan must provide for closure of the facility and operations of the Austin State Supported Living Center not later than August 31, 2017.

(b) The closure plan must provide procedures to transition each resident of the Austin State Supported Living Center to the community or to another state supported living center, taking into consideration:

(1) whether the resident's care team recommends placement in the community;

(2) whether a community placement is available for the resident; and

(3) the resident's choice.

(c) The department may award one-time retention bonuses to each person who holds a position designated as eligible for a bonus by the commissioner and who agrees to continue to provide services at the Austin State Supported Living Center until the center is closed.

(d) The proceeds from the closure, including from the sale or lease of facilities or other property, may be appropriated only for services for persons with an intellectual or developmental disability, including persons with a dual diagnosis of an intellectual or developmental disability and mental illness.

(e) Not later than August 31, 2018, the department shall evaluate the closure process, including how well the closure plan worked, and, if appropriate, establish policies for improving the closure process for future closures of other state supported living centers.

(f) This section expires September 1, 2018.

SECTION 20. Section 531.0318, Government Code, is amended by adding Subsections (b-1), (b-2), (d), and (e) to read as follows:

(b-1) Except as provided by Subsection (b-2), the information for consumers required by this section must include for each provider of long-term care services:

(1) a rating assigned by the Department of Aging and Disability Services indicating the quality of the care provided or, alternatively, a link to a rating assigned a provider on an Internet website maintained by the federal government;

(2) information concerning quality of care, as that information becomes available;

(3) staffing information, if available, including for each year the number of staff members who began employment with the provider during that year and the number of staff members who ceased employment with the provider during that year;

(4) the ratio of staff members to residents; and

(5) the provider's regulatory performance, as available.

(b-2) Subsection (b-1)(1) does not apply to, and the Department of Aging and Disability Services is not required to include the information described by that subsection for, a facility licensed under Chapter 247, Health and Safety Code.

(d) The Department of Aging and Disability Services shall immediately post notice on the department's Internet website when a provider of long-term care services loses its Medicaid certification.

(e) The Department of Aging and Disability Services shall periodically solicit input regarding the content of the information required under this section and the usability and accessibility of the website on which the information is located from consumers, consumer advocates, long-term care services providers, and the general public.

SECTION 21. Section 531.058(a), Government Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, and Section 531.058(c), Government Code, are amended to read as follows:

(a) The executive commissioner by rule shall establish an informal dispute resolution process in accordance with this section. The process must provide for adjudication by an appropriate disinterested person of disputes relating to a proposed enforcement action or related proceeding of the commission under Section 32.021(d), Human Resources Code, or the Department of Aging and Disability Services under Chapter 242, 247, or 252, Health and Safety Code. The informal dispute resolution process must require:

(1) an institution or facility to request informal dispute resolution not later than the 10th calendar day after notification by the commission or department, as applicable, of the violation of a standard or standards; and

(2) the completion of ~~[commission to complete]~~ the process not later than:

(A) the 30th calendar day after receipt of a request from an institution or facility, other than an assisted living facility, for informal dispute resolution; or

(B) the 90th calendar day after receipt of a request from an assisted living facility for informal dispute resolution.

(c) The commission may not delegate its responsibility to administer the informal dispute resolution process established by this section to another state agency. This section does not apply to the informal dispute resolution process established by Section 247.051, Health and Safety Code, applicable to assisted living facilities licensed under Chapter 247, Health and Safety Code.

SECTION 22. Section 531.058, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) As part of the informal dispute resolution process established under this section, the commission shall contract with an appropriate disinterested person who is a nonprofit organization to adjudicate disputes between an institution or facility licensed under Chapter 242, Health and Safety Code, and the Department of Aging and Disability Services concerning a statement of violations prepared by the department in connection with a survey conducted by the department of the institution or facility. Section 2009.053 does not apply to the selection of an appropriate disinterested person under this subsection. The person with whom the commission contracts shall adjudicate all disputes described by this subsection.

SECTION 23. Section 531.951(a), Government Code, is amended to read as follows:

(a) This subchapter applies only to the final licensing, listing, or registration decisions of a health and human services agency with respect to a person under the law authorizing the agency to regulate the following types of persons:

- (1) a youth camp licensed under Chapter 141, Health and Safety Code;
- (2) a home and community support services agency licensed under Chapter 142, Health and Safety Code;
- (3) a hospital licensed under Chapter 241, Health and Safety Code;
- (4) an institution licensed under Chapter 242, Health and Safety Code;
- (5) an assisted living facility licensed under Chapter 247, Health and Safety Code;
- (6) a special care facility licensed under Chapter 248, Health and Safety Code;
- (7) an intermediate care facility licensed under Chapter 252, Health and Safety Code;
- (8) a chemical dependency treatment facility licensed under Chapter 464, Health and Safety Code;
- (9) a mental hospital or mental health facility licensed under Chapter 577, Health and Safety Code;
- (10) a child-care facility or child-placing agency licensed under or a family home listed or registered under Chapter 42, Human Resources Code; or
- (11) an adult day services [~~day care~~] facility licensed under Chapter 103, Human Resources Code.

SECTION 24. Subchapter D, Chapter 48, Human Resources Code, is amended by adding Section 48.15221 to read as follows:

Sec. 48.15221. REPORTS CONCERNING DAY HABILITATION SERVICES PROVIDERS. (a) In this section, "day habilitation services" and "day habilitation services provider" have the meanings assigned by Section 161.401.

(b) The department shall prepare and submit to the Department of Aging and Disability Services an annual report of the number of investigations arising from a report of abuse, neglect, or exploitation of a person with an intellectual or developmental disability that was allegedly committed by or on the premises of a day habilitation services provider, and whether the investigation concluded that the report of alleged abuse, neglect, or exploitation was confirmed, unconfirmed, inconclusive, or unfounded.

(c) The duty to prepare and submit a report under Subsection (b) does not affect the duty of the department to investigate and hold accountable a community-based intellectual and developmental disabilities services provider or intermediate care facility for any abuse, neglect, or exploitation of a person who receives day habilitation services from the provider.

SECTION 25. The heading to Chapter 103, Human Resources Code, is amended to read as follows:

CHAPTER 103. ADULT DAY SERVICES [~~CARE~~]

SECTION 26. Section 103.001, Human Resources Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 103.001. PURPOSE. It is the purpose of this chapter to establish programs of quality adult day services [~~care and day health care~~] that will enable persons with disabilities who have medical or functional impairments and elderly persons to maintain maximum independence and to prevent premature or inappropriate institutionalization. It is the purpose of this chapter to provide adequately regulated supervision for elderly persons and persons with disabilities while enabling them to remain in a family environment and affording the family a measure of normality in its daily activities. The legislature intends to provide for the development of policies and programs that will:

(1) provide alternatives to institutionalization;

(2) establish facilities for adult day services [~~care and day health care~~] throughout the state that offer services and are accessible to economically disadvantaged persons; and

(3) prevent inappropriate institutionalization.

SECTION 27. Section 103.002, Human Resources Code, is amended to read as follows:

Sec. 103.002. SHORT TITLE. This chapter may be cited as the Adult Day Services [~~Care~~] Act.

SECTION 28. Section 103.003(1), Human Resources Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(1) "Adult day services [~~day care~~] facility" means a facility that provides services under an adult day services [~~day care~~] program on a daily or regular basis but not overnight to four or more elderly persons or persons with disabilities who are not related by blood, marriage, or adoption to the owner of the facility.

SECTION 29. Section 103.003(2), Human Resources Code, is amended to read as follows:

(2) "Adult day services [~~day care~~] program" means a structured, comprehensive program that is designed to meet the needs of adults with functional impairments through an individual plan of care by providing health, social, and related support services in a protective setting.

SECTION 30. Section 103.0041(a), Human Resources Code, is amended to read as follows:

(a) A person may not operate an adult day services [~~day care~~] facility without a license issued under this chapter.

SECTION 31. Section 103.006(a), Human Resources Code, is amended to read as follows:

(a) The department shall issue a license to operate an adult day services [~~day care~~] facility to a person who has met the application requirements and received approval after an on-site inspection.

SECTION 32. Section 103.007(a), Human Resources Code, is amended to read as follows:

(a) An applicant for a license to operate an adult day services [~~day care~~] facility must file an application on a form prescribed by the department together with a license fee of \$50.

SECTION 33. Section 103.0075(a), Human Resources Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) The executive commissioner by rule shall adopt a procedure under which a person proposing to construct or modify an adult day services [~~day care~~] facility may submit building plans to the department for review for compliance with the department's architectural requirements before beginning construction or modification. In adopting the procedure, the executive commissioner shall set reasonable deadlines by which the department must complete review of submitted plans.

SECTION 34. Chapter 103, Human Resources Code, is amended by adding Section 103.0085 to read as follows:

Sec. 103.0085. PROGRESSIVE SANCTIONS. (a) The executive commissioner by rule shall create a matrix of progressive sanctions that the department must use to assess penalty amounts and impose disciplinary actions under this chapter appropriately and fairly for a violation of a law, rule, standard, or order adopted or license issued under this chapter or for a violation of other law for which this chapter provides a sanction.

(b) The matrix of progressive sanctions adopted under this section must provide for increases in amounts of administrative penalties based on type, frequency, and seriousness of violations and must provide guidance for determining appropriate and graduated administrative penalties to assess under this chapter to deter future violations, including guidance on considering the factors listed in this chapter for determining the amount of a penalty.

(c) The matrix of progressive sanctions adopted under this section must provide for imposing stronger sanctions, including license suspension or revocation, for more serious violations or for repeated violations as appropriate to deter future serious or repeated violations. The matrix of progressive sanctions must describe appropriate time frames to be used in determining whether an adult day services facility has committed repeated violations or has engaged in a pattern of repeated violations, such as repeated violations found in consecutive regular inspections.

SECTION 35. Section 103.0091(a), Human Resources Code, is amended to read as follows:

(a) The department may petition a district court for a temporary restraining order to restrain a continuing violation of the standards or licensing requirements provided under this chapter if the department finds that the violation creates an immediate threat to the health and safety of the adult day services facility [~~day care~~] residents.

SECTION 36. Section 103.0092(a), Human Resources Code, is amended to read as follows:

(a) If the department finds an adult day services [~~day care~~] facility operating in violation of the standards prescribed by this chapter and the violations create an immediate threat to the health and safety of a resident in the facility, the department shall suspend the license or order immediate closing of all or part of the facility.

SECTION 37. Section 103.011, Human Resources Code, is amended to read as follows:

Sec. 103.011. RIGHTS OF THE ELDERLY. (a) In addition to other rights an individual attending an adult day services [~~care~~] facility has as a citizen, an individual who is 55 years of age or older has the rights prescribed by Chapter 102 of this code.

(b) The department shall require each adult day services [~~care~~] facility to implement and enforce the applicable provisions of Chapter 102 of this code.

SECTION 38. Section 103.012(a), Human Resources Code, is amended to read as follows:

(a) The department may assess an administrative penalty against a person who:

(1) violates this chapter, a rule, standard, or order adopted under this chapter, or a term of a license issued under this chapter;

(2) makes a false statement of a material fact that the person knows or should know is false:

(A) on an application for issuance or renewal of a license or in an attachment to the application; or

(B) with respect to a matter under investigation by the department;

(3) refuses to allow a representative of the department to inspect:

(A) a book, record, or file required to be maintained by an adult day services [~~day care~~] facility; or

(B) any portion of the premises of an adult day services [~~day care~~] facility;

(4) wilfully interferes with the work of a representative of the department or the enforcement of this chapter;

(5) wilfully interferes with a representative of the department preserving evidence of a violation of this chapter, a rule, standard, or order adopted under this chapter, or a term of a license issued under this chapter;

(6) fails to pay a penalty assessed under this chapter not later than the 30th day after the date the assessment of the penalty becomes final; or

(7) fails to notify the department of a change of ownership before the effective date of the change of ownership.

SECTION 39. Section 103.013, Human Resources Code, is amended to read as follows:

Sec. 103.013. RIGHT TO CORRECT BEFORE IMPOSITION OF ADMINISTRATIVE PENALTY. (a) The department may not collect an administrative penalty from an adult day services [~~day care~~] facility under Section 103.012 if, not later than the 45th day after the date the facility receives notice under Section 103.014(c), the facility corrects the violation.

(b) The executive commissioner of the Health and Human Services Commission by rule shall define types of minor violations an adult day services facility may correct under Subsection (a) before assessing an administrative penalty. The executive commissioner shall ensure that all other violations are not subject to a right to correct [~~Subsection (a) does not apply to:~~

~~(1) a violation that the department determines:~~

~~[(A) results in serious harm to or death of a person attending the facility;~~

~~[(B) constitutes a serious threat to the health and safety of a person attending the facility; or~~

~~[(C) substantially limits the facility's capacity to provide care;~~

~~[(2) a violation described by Sections 103.012(a)(2)-(7); or~~

~~[(3) a violation of Section 103.011].~~

(c) An adult day services [~~day care~~] facility that corrects a violation must maintain the correction. If the facility fails to maintain the correction until at least the first anniversary after the date the correction was made, the department may assess and collect an administrative penalty for the subsequent violation. An administrative penalty assessed under this subsection is equal to three times the amount of the original penalty assessed but not collected. The department is not required to provide the facility with an opportunity under this section to correct the subsequent violation.

SECTION 40. Sections 103.014(c) and (e), Human Resources Code, are amended to read as follows:

(c) The department shall give written notice of the report to the person charged with the violation not later than the 10th day after the date on which the report is issued. The notice must include:

(1) a brief summary of the charges;

(2) a statement of the amount of penalty recommended;

(3) a statement of whether the violation is subject to correction under Section 103.013 and, if the violation is subject to correction under that section, a statement of:

(A) the date on which the adult day services [~~day care~~] facility must file a plan of correction with the department that the department shall review and may approve, if satisfactory; and

(B) the date on which the plan of correction must be completed to avoid assessment of the penalty; and

(4) a statement that the person charged has a right to a hearing on the occurrence of the violation, the amount of the penalty, or both.

(e) If the violation is subject to correction under Section 103.013, the adult day services [~~day care~~] facility shall submit a plan of correction to the department for approval not later than the 10th day after the date on which the notice under Subsection (c) is received.

SECTION 41. Section 161.080, Human Resources Code, is amended by adding Subsection (c) to read as follows:

(c) The executive commissioner by rule shall establish a list of services a state supported living center may provide under a contract described by Subsection (a) and a schedule of fees the state supported living center may charge for those services. In establishing the schedule of fees for services, the executive commissioner shall use the reimbursement rate for the applicable service under the Medicaid program.

SECTION 42. Chapter 161, Human Resources Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. POWERS AND DUTIES RELATING TO DAY HABILITATION SERVICES PROVIDERS

Sec. 161.401. DEFINITIONS. In this subchapter:

(1) "Day habilitation services" means services to assist persons with an intellectual or developmental disability in acquiring, retaining, and improving the self-help, socialization, and adaptive skills necessary to reside successfully in the community, including prevocational and educational services.

(2) "Day habilitation services provider" means a person who contracts with a community-based intellectual and developmental disabilities services provider or intermediate care facility to provide federally funded Medicaid day habilitation services authorized under Section 1915(c) of the federal Social Security Act (42 U.S.C. Section 1396n(c)).

Sec. 161.402. DAY HABILITATION SERVICES PROVIDER INFORMATION TRACKING. (a) Each community-based intellectual and developmental disabilities services provider and intermediate care facility shall annually submit to the department a report providing:

(1) an estimate of the number of clients receiving day habilitation services for each month of that year;

(2) the physical address of each day habilitation services provider that provided those services;

(3) the services provided to those clients; and

(4) an estimate of monthly expenditures for the provision of those services to those clients.

(b) The department shall maintain information obtained during a department inspection of a day habilitation services provider concerning conduct or conditions that would constitute a violation of federal or state law or of department rules applicable to the community-based intellectual and developmental disabilities services provider or intermediate care facility with which the day habilitation services provider contracts.

(c) The department shall maintain information concerning an investigation of abuse, neglect, or exploitation concerning a day habilitation services provider that the department receives from the Department of Family and Protective Services under Section 48.15221.

Sec. 161.403. DAY HABILITATION PROGRAM ADVISORY COMMITTEE.

(a) Not later than September 1, 2015, the department shall establish a day habilitation program advisory committee composed of members that represent community-based waiver providers, owners of day habilitation services providers, and advocates for persons with an intellectual or developmental disability.

(b) The day habilitation program advisory committee shall consider and make recommendations concerning whether the provision of day habilitation services in this state should be redesigned and whether day habilitation services providers should be subject to regulation, including by licensure or certification.

(c) In considering the redesign of the provision of day habilitation services in this state, the day habilitation program advisory committee shall examine whether day habilitation service providers currently comply with the requirements of 42 C.F.R. Section 441.301.

(d) The day habilitation program advisory committee shall also consider and make recommendations concerning issues relevant to the provision of day habilitation services, including the appropriate funding for services, reimbursable settings and services, staff-to-client ratio requirements, safety requirements, and other required or applicable standards.

(e) Not later than September 1, 2016, the day habilitation program advisory committee shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over intellectual and developmental disability issues a report containing the committee's recommendations concerning the redesign of the provision of day habilitation services in this state and the necessity for regulation, licensure, or certification of day habilitation services providers.

(f) The day habilitation program advisory committee is abolished and this section expires December 31, 2016.

SECTION 43. (a) Subchapter A, Chapter 161, Human Resources Code, is amended by adding Sections 161.0031 and 161.004 to read as follows:

Sec. 161.0031. INAPPLICABILITY OF CERTAIN LAW. Notwithstanding Section 161.003, Section 325.017, Government Code, does not apply to the department.

Sec. 161.004. MEANING OF CERTAIN REFERENCES IN LAW. (a) A reference in this chapter or in any other law to the department in relation to a function transferred under Section 161.012 means the commission or the division of the commission performing the function after its transfer.

(b) In this chapter or in any other law and notwithstanding any other law, a reference to any of the following state agencies or to the chief executive officer or governing body of any of the following state agencies in relation to a function transferred to the commission under Section 161.012 from the department that the department assumed in accordance with Chapter 198 (H.B. 2292), Acts of the 78th

Legislature, Regular Session, 2003, means the executive commissioner, the commission, or the division of the commission performing the function after its transfer to the commission:

- (1) the Texas Department on Aging;
- (2) the Texas Department of Human Services; and
- (3) the Texas Department of Mental Health and Mental Retardation.

(c) A reference in this chapter or in any other law to the commissioner in relation to a function transferred under Section 161.012 means the executive commissioner, the executive commissioner's designee, or the director of the division of the commission performing the function after its transfer.

(d) A reference in this chapter or in any other law to the council in relation to a function after its transfer under Section 161.012 means the executive commissioner or the executive commissioner's designee, as appropriate, and a function previously performed by the council is a function of that appropriate person.

(b) Chapter 161, Human Resources Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. TRANSFER OF AGING AND DISABILITY SERVICES TO COMMISSION

Sec. 161.011. DEFINITIONS. In this subchapter:

(1) "Administrative support services" has the meaning assigned by Section 531.0055(d), Government Code.

(2) "Function" includes a power, duty, program, or activity of a state agency or entity.

Sec. 161.012. TRANSFER OF AGING AND DISABILITY SERVICES TO COMMISSION. (a) Not later than September 1, 2016, the following functions are transferred to the commission as provided by this subchapter:

(1) appropriate department administrative support services functions, as determined by the executive commissioner in consultation with the department;

(2) all department client services functions, as defined by the executive commissioner by rule; and

(3) all functions of the council.

(b) On or after September 1, 2016, but not later than September 1, 2017, all functions, including administrative support services functions, that remained with the department after the initial transfer of functions under Subsection (a) are transferred to the commission.

Sec. 161.013. EFFECT OF TRANSFERS. (a) All of the following that relate to a function that is transferred under Section 161.012 are transferred to the commission on the date the related function is transferred to the commission:

(1) all obligations and contracts, including obligations and contracts related to a grant program;

(2) all property and records in the custody of the department or council from which the function is transferred;

(3) all funds appropriated by the legislature and other money;

(4) all complaints, investigations, or contested cases that are pending before the department or the commissioner, without change in status; and

(5) all necessary personnel, as determined by the executive commissioner.

(b) A rule, policy, or form adopted by or on behalf of the department or council that relates to a function that is transferred under Section 161.012 becomes a rule, policy, or form of the commission on transfer of the related function and remains in effect:

(1) until altered by the executive commissioner or commission, as appropriate; or

(2) unless it conflicts with a rule, policy, or form of the commission.

(c) A license, permit, or certification in effect that was issued by the department that relates to a function that is transferred under Section 161.012 is continued in effect as a license, permit, or certification of the commission on transfer of the related function until the license, permit, or certification expires, is suspended or revoked, or otherwise becomes invalid.

Sec. 161.014. APPLICABILITY OF FORMER LAW. An action brought or proceeding commenced before the date of a transfer prescribed by this subchapter, including a contested case or a remand of an action or proceeding by a reviewing court, is governed by the laws and rules applicable to the action or proceeding before the transfer.

Sec. 161.015. AUTHORITY OF DEPARTMENT. The powers and authority of the department with respect to a function are not reduced or otherwise limited until the date the function is transferred in accordance with this subchapter, notwithstanding Section 161.003 or any other law.

Sec. 161.016. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2019.

(c) Section 161.003, Human Resources Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 161.003. SUNSET PROVISION. The department is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished ~~[and this chapter expires]~~ September 1, 2015.

(d) As soon as appropriate under Subchapter A-1, Chapter 161, Human Resources Code, as added by this section, and in a manner that minimizes disruption of services, the Health and Human Services Commission shall take appropriate action to be designated as the state agency responsible under federal law for any state or federal program that is transferred to the commission in accordance with that subchapter and for which federal law requires the designation of a responsible state agency.

(e) Effective September 1, 2016, the following provisions of the Human Resources Code, including provisions amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

- (1) Section 161.021;
- (2) Section 161.022;
- (3) Section 161.023;
- (4) Section 161.024;
- (5) Section 161.025;
- (6) Section 161.026;
- (7) Section 161.027;

- (8) Section 161.028;
- (9) Section 161.029; and
- (10) Section 161.030.

(f) Effective September 1, 2017, the following provisions of the Human Resources Code, including provisions added or amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

- (1) Section 161.002;
- (2) Section 161.032;
- (3) Section 161.051;
- (4) Section 161.052;
- (5) Section 161.053;
- (6) Section 161.054;
- (7) Section 161.055;
- (8) Section 161.056;
- (9) Section 161.0711;
- (10) Section 161.0712; and
- (11) Section 161.072.

(g) Notwithstanding Subsections (e) and (f) of this section, the implementation of a provision repealed by one of those subsections ceases on the date all functions of the Department of Aging and Disability Services or the Aging and Disability Services Council are transferred to the Health and Human Services Commission as provided by Subchapter A-1, Chapter 161, Human Resources Code, as added by this section, to the extent the department or council is responsible for the provision's implementation.

(h) This section takes effect only if the Department of Aging and Disability Services is not continued in existence by any legislation of the 84th Legislature, Regular Session, 2015.

(i) Subject to Subsection (h) of this section, this section takes effect September 1, 2015.

SECTION 44. The following laws are repealed:

(1) Section 247.051(b), Health and Safety Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015; and

(2) Section 101A.158, Human Resources Code, as added by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015.

SECTION 45. (a) Not later than September 1, 2016, the executive commissioner of the Health and Human Services Commission shall adopt by rule the matrices of progressive sanctions required by Sections 142.0125, 242.0613, 247.0415, and 252.0615, Health and Safety Code, and Section 103.0085, Human Resources Code, as added by this Act. Before the executive commissioner of the Health and Human Services Commission publishes a notice of a proposed rule under this subsection, the executive commissioner shall solicit input from stakeholders concerning the development of those rules.

(b) Not later than September 1, 2015, the governor shall appoint five members of the state supported living center restructuring commission, as required by Section 555.201, Health and Safety Code, as added by this Act.

(c) Not later than September 1, 2016, the executive commissioner of the Health and Human Services Commission shall adopt the rule listing services a state supported living center may provide under a contract and the schedule of fees for those services as required by Section 161.080, Human Resources Code, as amended by this Act.

SECTION 46. (a) As soon as possible after the effective date of this Act, the Department of Aging and Disability Services or the Health and Human Services Commission, as appropriate, shall apply for any waiver or other authorization from a federal agency that is necessary to implement this Act. The department and commission may delay implementing this Act until the waiver or authorization is granted.

(b) As soon as practicable after the effective date of this Act:

(1) the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Section 531.058(a-1), Government Code, as added by this Act; and

(2) the Department of Aging and Disability Services and the Health and Human Services Commission shall, as appropriate, revise or enter into a memorandum of understanding as required by a federal agency that is necessary to implement Section 531.058(a-1), Government Code, as added by this Act.

SECTION 47. Sections 242.061(a-2) and (a-3), Health and Safety Code, as added by this Act, apply only to a violation committed on or after September 1, 2016. A violation committed before September 1, 2016, is governed by the law in effect on the date the violation was committed, and the former law is continued in effect for that purpose. For purposes of this section, a violation was committed before September 1, 2016, if any element of the violation occurred before that date.

SECTION 48. (a) Except as otherwise provided by this Act, including Subsection (b) of this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

(b) Sections 242.061(a-2) and (a-3), Health and Safety Code, as added by this Act, take effect September 1, 2016.

Floor Amendment No. 1

Amend **CSSB 204** (house committee report) in SECTION 43 of the bill by striking Subsection (h) (page 47, lines 22 through 24) and substituting the following appropriately lettered subsection:

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

Floor Amendment No. 2

Amend **CSSB 204** (house committee report) as follows:

(1) Strike page 39, line 27 through page 40, line 11 and substitute the following:

Sec. 161.402. DAY HABILITATION SERVICES PROVIDER INFORMATION TRACKING. (a) The department shall maintain, annually update, and make available to the public the following information concerning day habilitation services:

(1) the physical address of and contact information for each provider of day habilitation services in this state, and the year or years in which the provider has provided those services;

(2) the Internet website of each provider of day habilitation services in this state that maintains an Internet website, or a description of the services offered by the provider, if the provider does not maintain an Internet website; and

(3) the average number of individuals receiving services from each day habilitation services provider in this state, and the estimated maximum number of individuals each provider is able to serve in a day.

(2) On page 40, between lines 23 and 24, insert the following:

(d) The department may obtain information described by Subsection (a) from community-based intellectual and developmental disabilities services providers and intermediate care facilities as necessary to comply with that subsection.

(e) Subsection (a) does not require the department to maintain, annually update, or make available to the public information concerning individuals receiving in-home day habilitation services or individuals receiving day habilitation services in a facility licensed by the department under Chapter 103, Human Resources Code.

Floor Amendment No. 3

Amend **CSSB 204** (house committee report) as follows:

(1) On page 25, line 20, strike "2017" and substitute "2019".

(2) On page 26, line 13, strike "2018" and substitute "2020".

(3) On page 26, line 18, strike "2018" and substitute "2020".

(4) On page 26, between lines 18 and 19, insert the following:

Sec. 555.204. AUSTIN STATE SUPPORTED LIVING CENTER STUDY. (a)

The department shall conduct a study of possible alternative uses for the Austin State Supported Living Center campus.

(b) In conducting the study, the department shall:

(1) determine the feasibility of collocating the Austin State Hospital and the Austin State Supported Living Center:

(A) on the current campus of the state hospital or the center; or

(B) at a location other than the current location of the state hospital or center that is less than 15 miles from the rotunda of the State Capitol;

(2) consider partnership opportunities for governmental organizations or health care organizations to lease or purchase portions of the campus for use for other purposes, including health care purposes, state agency purposes, or private use;

(3) consider sharing between the Austin State Hospital and the Austin State Supported Living Center the clinical or professional expertise and resources necessary to provide mental health services and intellectual and developmental disability services to residents of both the hospital and the living center, whether colocated together at one campus or located at two separate campuses, and to individuals who live in the community and receive community-based services under a Medicaid waiver program; and

(4) consider use of the Austin State Supported Living Center campus to serve individuals with intellectual and developmental disabilities who are residents of that campus and individuals with intellectual and developmental disabilities who live in the community and receive community-based services through a Medicaid waiver program.

(c) For purposes of considering opportunities described by Subsection (b), the department shall coordinate with the Department of State Health Services or its successor agency and the Texas Facilities Commission to examine potential costs and mitigation strategies, such as:

(1) partnerships for infrastructure improvements;

(2) partnerships for sharing resources to improve operational efficiency, including the sharing of administrative functions, staff resources, buildings, and land maintenance;

(3) potential revenue to be gained by the provision of health care services to individuals in community settings;

(4) potential revenue to be gained by leasing or selling portions of the campus or the whole campus;

(5) infrastructure needs; and

(6) capacity and demand needs of individuals with disabilities in the Central Texas area.

(d) Not later than December 1, 2016, the department shall prepare and submit a report containing the results of the study to the governor, the lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, and the chairs of the standing committees of the senate and house of representatives with primary jurisdiction over state finance, appropriations, and health and human services.

(e) This section expires September 1, 2017.

Floor Amendment No. 4

Amend **CSSB 204** (house committee report), on page 25 of the bill, by striking lines 7 through 9 and substituting "centers recommended for closure."

Floor Amendment No. 5

Amend **CSSB 204** (house committee report), on page 26, between lines 18 and 19, by adding the following:

Sec. 555.2035. STUDY OF FORMER RESIDENTS OF AUSTIN STATE SUPPORTED LIVING CENTER; REPORTS. (a) For each former resident relocated following the closure of the Austin State Supported Living Center, the department shall assess quarterly the health and well-being of the former resident, including whether the former resident has appropriate access to health and dental care.

(b) The department shall prepare quarterly a written report about each former resident of the Austin State Supported Living Center that contains the assessment of the former resident conducted under Subsection (a) and includes details concerning any reports of neglect, abuse, or death of the former resident. The department shall prepare the initial quarterly written reports about each former resident of the Austin State Supported Living Center, as required by this subsection, not later than three

months after the date of the closure of that center. The department shall prepare the subsequent quarterly reports following the expiration of each three-month period following the date the initial quarterly written reports are produced.

(c) The department annually shall aggregate information contained in the four quarterly reports prepared for the preceding 12-month period in an annual report and submit that annual report to the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over intellectual and developmental disability issues, and the standing committees of the senate and house of representatives having primary jurisdiction over state finance issues. The department shall prepare and submit the initial annual report under this subsection not later than 12 months after the date of the closure of the Austin State Supported Living Center, and shall produce subsequent annual reports not later than the anniversary of that date each year.

(d) This section expires January 1, 2023.

Floor Amendment No. 6

Amend **CSSB 204** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 161, Human Resources Code, is amended by adding Section 161.090 to read as follows:

Sec. 161.090. NEIGHBORHOOD AND COMMUNITY ENGAGEMENT PLANS FOR GROUP HOMES WORK GROUP. (a) For purposes of this section, "group home" means:

(1) a residence in which residential support or supervised living is provided through the Home and Community-Based Services waiver program; or

(2) a residence in which fewer than seven persons reside and in which services are provided through the intermediate care facility for individuals with an intellectual disability or related condition program.

(b) The department shall establish a temporary work group composed of all relevant stakeholders to:

(1) study and recommend best practices for keeping residents of group homes safe; and

(2) develop neighborhood and community engagement plans to:

(A) promote positive relationships between community members and residents of group homes;

(B) address barriers to and facilitate meaningful neighborhood and community interaction and involvement by residents of group homes;

(C) protect the civil rights of residents of group homes; and

(D) protect the rights to which residents of group homes are entitled under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) and state and federal fair housing laws.

(c) Not later than September 1, 2016, the temporary work group established under this section shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over intellectual and developmental disability issues a report containing:

(1) recommendations of the work group concerning best practices examined under Subsection (b)(1) to keep residents of group homes safe; and

(2) the neighborhood and community engagement plan developed under Subsection (b)(2).

(d) The work group established under this section is abolished and this section expires September 1, 2016.

Floor Amendment No. 7

Amend **CSSB 204** (house committee report) by striking SECTION 41 of the bill (page 39, lines 2 through 10), and substituting the following:

SECTION 41. Section 161.080, Human Resources Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) The executive commissioner by rule shall establish:

(1) a list of services a state supported living center may provide under a contract described by Subsection (a); and

(2) procedures for the department to create, maintain, and amend as needed a schedule of fees that a state supported living center may charge for a service included in the list established by rule of the executive commissioner.

(d) In creating a schedule of fees, the department shall use the reimbursement rate for the applicable service under the Medicaid program.

(e) Notwithstanding Subsection (c), a state supported living center, based on negotiations between the center and a managed care organization, as defined by Section 533.001, Government Code, may charge a fee for a service other than the fee provided by the schedule of fees created by the department under this section.

Floor Amendment No. 8

Amend **CSSB 204** (house committee report), in added Section 555.201(c), Health and Safety Code (page 22, between lines 23 and 24), by inserting the following appropriately numbered subdivision, and renumbering subsequent subdivisions of that subsection, and cross-references to those subdivisions, accordingly:

() the economic impact of the center's closure on the municipality in which the center is located;

Floor Amendment No. 10

Amend **CSSB 204** (house committee report) on page 23, by striking line 23 and substituting the following:

centers, the repurposing of certain centers based on state or local needs, or the downsizing or consolidating of certain centers to build new, more modern facilities.

Floor Amendment No. 12

Amend **CSSB 204** (house committee report) as follows:

(1) On page 22, line 7, between "consider" and the underlined colon, insert ", in the following order of priority".

(2) Strike page 22, line 11, through page 23, line 10, and substitute the following:

(2) the availability and capacity of community resources and of community service providers who are capable of delivering at least the equivalent quality and level of services and care to each center resident that would be required following the center's closure;

(3) the availability of, level of regulatory compliance of, and quality of services of community service providers in the area served by the center;

(4) the specialty services provided at the center and the ability of the center to serve alleged offenders or high-risk residents or to provide special or unique services to residents;

(5) comments about the center from the parents or guardians of the center's residents;

(6) the center's compliance with the 2009 settlement agreement, as amended, between the department and the United States Department of Justice regarding services provided to individuals with an intellectual or developmental disability in state-operated facilities and the center's incremental progress toward compliance as measured by the department;

(7) the availability of employment opportunities for center employees if the center closes;

(8) whether closure of the center would adversely affect the geographic distribution of centers in the state;

(9) the costs of operating the center and the closure costs; and

(10) any infrastructure deficiency costs relating to the center.

(3) On page 23, between lines 14 and 15, insert the following:

(c-2) In determining the quality of services provided by a center as required under Subsection (c)(1), the restructuring commission shall contract with an institution of higher education with expertise in evaluating quality of care to assist the restructuring commission in that determination.

Floor Amendment No. 13

Amend **CSSB 204** (house committee report), on page 24, line 5, between "have a" and "financial interest", by inserting "current or future".

Floor Amendment No. 14

Amend **CSSB 204** (house committee report), in added Section 555.201(c), Health and Safety Code (page 22, line 2, through page 23, line 10), by adding the following appropriately numbered subdivision to that subsection, and renumbering subsequent subdivisions of that subsection, and any cross-references to those subdivisions, accordingly:

() input from parents or guardians of residents of the center;

Floor Amendment No. 15

Amend **CSSB 204** (house committee report), on page 23, line 14, after the underlined period, by adding the following:

The restructuring commission must hold a public hearing at each of the state supported living centers in this state.

Floor Amendment No. 16

Amend **CSSB 204** (house committee report) on page 23, by striking lines 16-23 and substituting the following:
commission shall:

(1) submit to the governor, the lieutenant governor, the speaker of the house of representatives, and each other member of the legislature a report detailing:

(A) the restructuring commission's evaluation of each state supported living center; and

(B) if applicable, the restructuring commission's proposal to close certain centers and the basis for each proposed closure; and

(2) provide an electronic copy of the report described by Subdivision (1) to the department for posting on the department's Internet website.

Floor Amendment No. 17

Amend **CSSB 204** (house committee report), on page 25, between lines 15 and 16, by inserting the following:

Sec. 555.2025. TRACKING MORTALITY OF FORMER RESIDENTS OF STATE SUPPORTED LIVING CENTERS. (a) Following the closure of a state supported living center under legislation described by Section 555.202(a) or under Section 555.203 and for a period adopted as provided by Subsection (b), the department periodically shall assess the health of each former resident of that center for the purpose of tracking mortality information for those individuals. The department shall maintain and make available on request a record that indicates the number of former residents of each state supported living center that have died since that center closed.

(b) The executive commissioner shall adopt rules as necessary to implement this section, including a rule specifying the period of time, which may not be shorter than five years, during which the department is required to record mortality information for each former resident of a state supported living center, as described by Subsection (a), following the closure of that center under legislation described by Section 555.202(a) or under Section 555.203.

Floor Amendment No. 18

Amend **CSSB 204** (house committee printing) on page 26, between lines 18 and 19, by adding the following appropriately numbered section to added Subchapter F, Chapter 555, Health and Safety Code:

Sec. 555. . . . MEDICAID SERVICE OPTIONS EDUCATION INITIATIVE. (a) In this section, "Section 1915(c) waiver program" has the meaning assigned by Section 531.001, Government Code.

(b) In connection with the closing of a state supported living center closed under legislation described by Section 555.202(a) or under Section 555.203, the department, in cooperation with the commission, shall educate the parent or guardian of a former resident of a state supported living center on:

(1) the availability of home and community-based services under a Medicaid state plan program, including the primary home care and community attendant services programs, and under a Section 1915(c) waiver program; and

(2) the various service delivery options available under the Medicaid program, including the consumer direction models available to recipients under Section 531.051, Government Code.

Floor Amendment No. 20

Amend **CSSB 204** (house committee report) as follows:

(1) On page 22, between lines 1 and 2, insert the following:

(b-1) An elected member of the legislature may propose to the restructuring commission the closure of a state supported living center located in the member's legislative district.

(2) In added Section 555.201(c), Health and Safety Code (page 22, line 2, through page 23, line 10), add the following appropriately numbered subdivision and renumber subsequent subdivisions of that subsection and any cross-references to those subdivisions accordingly:

() whether an elected member of the legislature has proposed closure of the center under Subsection (b-1);

Floor Amendment No. 21

Amend Amendment 20 by King of Taylor (84R32027), on page 1, by striking lines 11 and 12, and substituting the following:

() whether an elected member of the legislature in whose legislative district the center is located supports closure of the center;

Floor Amendment No. 22

Amend Amendment No. 12 by King of Taylor (84R30376) by striking the text of the amendment and substituting the following:

Amend **CSSB 204** (house committee report) as follows:

(1) Strike page 21, line 15 through page 26 line 18, and substitute the following:
SUBCHAPTER F. AUSTIN STATE SUPPORTED LIVING CENTER STUDY

(2) In SECTION 45 of the bill, strike Subsection (b) (page 48, lines 16 through 19) and redesignate subsequent subsections of that SECTION accordingly.

Floor Amendment No. 23

Amend Floor Amendment No. 18 by Peña to **CSSB 204** (house committee report) to read as follows:

1) On line 15 of the amendment delete the words "and community attendant services programs"

2) On line 19 of the amendment after the word "Code" insert the words "and intermediate care facilities under Section 252, Health and Safety Code"

The amendments were read.

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

The motion prevailed by a viva voce vote.

Senators Garcia and Watson asked to be recorded as voting "Nay" on the motion to not concur.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 204** before appointment.

There were no motions offered.

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

SENATE BILL 207 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 207** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 207** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to the authority and duties of the office of inspector general of the Health and Human Services Commission.

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

SECTION 1. Section 531.1011(4), Government Code, is amended to read as follows:

(4) "Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to that person or some other person ~~[, including any act that constitutes fraud under applicable federal or state law].~~ The term does not include unintentional technical, clerical, or administrative errors.

SECTION 2. Section 531.102, Government Code, is amended by amending Subsections (g) and (k), amending Subsection (f) as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, and adding Subsections (a-2), (a-3), (a-4), (a-5), (a-6), (f-1), (p), (q), (r), (s), (t), (u), (v), and (w) to read as follows:

(a-2) Pursuant to federal law, the office shall work in consultation with the executive commissioner to adopt rules necessary to implement a power or duty of the office related to the operations of the office. Rules adopted under this section may not affect Medicaid policies.

(a-3) The executive commissioner is responsible for performing all administrative support services functions necessary to operate the office in the same manner that the executive commissioner is responsible for providing administrative support services functions for the health and human services system, including functions of the office related to the following:

- (1) procurement processes;
- (2) contracting policies;
- (3) information technology services;

- (4) legal services;
- (5) budgeting; and
- (6) personnel and employment policies.

(a-4) The commission's internal audit division shall regularly audit the office as part of the commission's internal audit program and shall include the office in the commission's risk assessments.

(a-5) The office shall closely coordinate with the executive commissioner and the relevant staff of health and human services system programs that the office oversees in performing functions relating to the prevention of fraud, waste, and abuse in the delivery of health and human services and the enforcement of state law relating to the provision of those services, including audits, utilization reviews, provider education, and data analysis.

(a-6) The office shall conduct investigations independent of the executive commissioner and the commission but shall rely on the coordination required by Subsection (a-5) to ensure that the office has a thorough understanding of the health and human services system for purposes of knowledgeable and effectively performing the office's duties under this section and any other law.

(f)(1) If the commission receives a complaint or allegation of Medicaid fraud or abuse from any source, the office must conduct a preliminary investigation as provided by Section 531.118(c) to determine whether there is a sufficient basis to warrant a full investigation. A preliminary investigation must begin not later than the 30th day, and be completed not later than the 45th day, after the date the commission receives a complaint or allegation or has reason to believe that fraud or abuse has occurred. [A preliminary investigation shall be completed not later than the 90th day after it began.]

(2) If the findings of a preliminary investigation give the office reason to believe that an incident of fraud or abuse involving possible criminal conduct has occurred in Medicaid, the office must take the following action, as appropriate, not later than the 30th day after the completion of the preliminary investigation:

(A) if a provider is suspected of fraud or abuse involving criminal conduct, the office must refer the case to the state's Medicaid fraud control unit, provided that the criminal referral does not preclude the office from continuing its investigation of the provider, which investigation may lead to the imposition of appropriate administrative or civil sanctions; or

(B) if there is reason to believe that a recipient has defrauded Medicaid, the office may conduct a full investigation of the suspected fraud, subject to Section 531.118(c).

(f-1) The office shall complete a full investigation of a complaint or allegation of Medicaid fraud or abuse against a provider not later than the 180th day after the date the full investigation begins unless the office determines that more time is needed to complete the investigation. Except as otherwise provided by this subsection, if the office determines that more time is needed to complete the investigation, the office shall provide notice to the provider who is the subject of the investigation stating that the length of the investigation will exceed 180 days and specifying the reasons why

the office was unable to complete the investigation within the 180-day period. The office is not required to provide notice to the provider under this subsection if the office determines that providing notice would jeopardize the investigation.

(g)(1) Whenever the office learns or has reason to suspect that a provider's records are being withheld, concealed, destroyed, fabricated, or in any way falsified, the office shall immediately refer the case to the state's Medicaid fraud control unit. However, such criminal referral does not preclude the office from continuing its investigation of the provider, which investigation may lead to the imposition of appropriate administrative or civil sanctions.

(2) As [In addition to other instances] authorized under state and [or] federal law, and except as provided by Subdivisions (8) and (9), the office shall impose without prior notice a payment hold on claims for reimbursement submitted by a provider only to compel production of records, when requested by the state's Medicaid fraud control unit, or on the determination that a credible allegation of fraud exists, subject to Subsections (l) and (m), as applicable. The payment hold is a serious enforcement tool that the office imposes to mitigate ongoing financial risk to the state. A payment hold imposed under this subdivision takes effect immediately. The office must notify the provider of the payment hold in accordance with 42 C.F.R. Section 455.23(b) and, except as provided by that regulation, not later than the fifth day after the date the office imposes the payment hold. In addition to the requirements of 42 C.F.R. Section 455.23(b), the notice of payment hold provided under this subdivision must also include:

(A) the specific basis for the hold, including identification of the claims supporting the allegation at that point in the investigation, [and] a representative sample of any documents that form the basis for the hold, and a detailed summary of the office's evidence relating to the allegation; [and]

(B) a description of administrative and judicial due process rights and remedies, including the provider's option [right] to seek informal resolution, the provider's right to seek a formal administrative appeal hearing, or that the provider may seek both; and

(C) a detailed timeline for the provider to pursue the rights and remedies described in Paragraph (B).

(3) On timely written request by a provider subject to a payment hold under Subdivision (2), other than a hold requested by the state's Medicaid fraud control unit, the office shall file a request with the State Office of Administrative Hearings for an expedited administrative hearing regarding the hold not later than the third day after the date the office receives the provider's request. The provider must request an expedited administrative hearing under this subdivision not later than the 10th [30th] day after the date the provider receives notice from the office under Subdivision (2). The State Office of Administrative Hearings shall hold the expedited administrative hearing not later than the 45th day after the date the State Office of Administrative Hearings receives the request for the hearing. In a hearing held under this subdivision [Unless otherwise determined by the administrative law judge for good cause at an expedited administrative hearing, the state and the provider shall each be responsible for]:

(A) the provider and the office are each limited to four hours of testimony, excluding time for responding to questions from the administrative law judge [~~one half of the costs charged by the State Office of Administrative Hearings~~];

(B) the provider and the office are each entitled to two continuances under reasonable circumstances [~~one half of the costs for transcribing the hearing~~]; and

(C) the office is required to show probable cause that the credible allegation of fraud that is the basis of the payment hold has an indicia of reliability and that continuing to pay the provider presents an ongoing significant financial risk to the state and a threat to the integrity of Medicaid [~~the party's own costs related to the hearing, including the costs associated with preparation for the hearing, discovery, depositions, and subpoenas, service of process and witness expenses, travel expenses, and investigation expenses; and~~

~~(D) all other costs associated with the hearing that are incurred by the party, including attorney's fees~~].

(4) Unless otherwise determined by the administrative law judge for good cause, the office is responsible for the costs of a hearing held under Subdivision (3), but a provider is responsible for the provider's own costs incurred in preparing for the hearing [~~The executive commissioner and the State Office of Administrative Hearings shall jointly adopt rules that require a provider, before an expedited administrative hearing, to advance security for the costs for which the provider is responsible under that subdivision~~].

(5) In a hearing held under Subdivision (3), the administrative law judge shall decide if the payment hold should continue but may not adjust the amount or percent of the payment hold. Notwithstanding any other law, including Section 2001.058(e), the decision of the administrative law judge is final and may not be appealed [~~Following an expedited administrative hearing under Subdivision (3), a provider subject to a payment hold, other than a hold requested by the state's Medicaid fraud control unit, may appeal a final administrative order by filing a petition for judicial review in a district court in Travis County~~].

(6) The executive commissioner, in consultation with the office, shall adopt rules that allow a provider subject to a payment hold under Subdivision (2), other than a hold requested by the state's Medicaid fraud control unit, to seek an informal resolution of the issues identified by the office in the notice provided under that subdivision. A provider must request an initial informal resolution meeting under this subdivision not later than the deadline prescribed by Subdivision (3) for requesting an expedited administrative hearing. On receipt of a timely request, the office shall decide whether to grant the provider's request for an initial informal resolution meeting, and if the office decides to grant the request, the office shall schedule the [~~an~~] initial informal resolution meeting [~~not later than the 60th day after the date the office receives the request, but the office shall schedule the meeting on a later date, as determined by the office, if requested by the provider~~]. The office shall give notice to the provider of the time and place of the initial informal resolution meeting [~~not later than the 30th day before the date the meeting is to be held~~]. A provider may request a second informal resolution meeting [~~not later than the 20th day~~] after the date of the initial informal resolution meeting. On receipt of a timely request, the office shall

decide whether to grant the provider's request for a second informal resolution meeting, and if the office decides to grant the request, the office shall schedule the [a] second informal resolution meeting [not later than the 45th day after the date the office receives the request, but the office shall schedule the meeting on a later date, as determined by the office, if requested by the provider]. The office shall give notice to the provider of the time and place of the second informal resolution meeting [not later than the 20th day before the date the meeting is to be held]. A provider must have an opportunity to provide additional information before the second informal resolution meeting for consideration by the office. A provider's decision to seek an informal resolution under this subdivision does not extend the time by which the provider must request an expedited administrative hearing under Subdivision (3). The informal resolution process shall run concurrently with the administrative hearing process, and the informal resolution process shall be discontinued once the State Office of Administrative Hearings issues a final determination on the payment hold. [However, a hearing initiated under Subdivision (3) shall be stayed until the informal resolution process is completed.]

(7) The office shall, in consultation with the state's Medicaid fraud control unit, establish guidelines under which [payment holds or] program exclusions:

- (A) may permissively be imposed on a provider; or
- (B) shall automatically be imposed on a provider.

(7-a) The office shall, in consultation with the state's Medicaid fraud control unit, establish guidelines regarding the imposition of payment holds authorized under Subdivision (2).

(8) In accordance with 42 C.F.R. Sections 455.23(e) and (f), on the determination that a credible allegation of fraud exists, the office may find that good cause exists to not impose a payment hold, to not continue a payment hold, to impose a payment hold only in part, or to convert a payment hold imposed in whole to one imposed only in part, if any of the following are applicable:

(A) law enforcement officials have specifically requested that a payment hold not be imposed because a payment hold would compromise or jeopardize an investigation;

(B) available remedies implemented by the state other than a payment hold would more effectively or quickly protect Medicaid funds;

(C) the office determines, based on the submission of written evidence by the provider who is the subject of the payment hold, that the payment hold should be removed;

(D) Medicaid recipients' access to items or services would be jeopardized by a full or partial payment hold because the provider who is the subject of the payment hold:

(i) is the sole community physician or the sole source of essential specialized services in a community; or

(ii) serves a large number of Medicaid recipients within a designated medically underserved area;

(E) the attorney general declines to certify that a matter continues to be under investigation; or

(F) the office determines that a full or partial payment hold is not in the best interests of Medicaid.

(9) The office may not impose a payment hold on claims for reimbursement submitted by a provider for medically necessary services for which the provider has obtained prior authorization from the commission or a contractor of the commission unless the office has evidence that the provider has materially misrepresented documentation relating to those services.

(k) A final report on an audit or investigation is subject to required disclosure under Chapter 552. All information and materials compiled during the audit or investigation remain confidential and not subject to required disclosure in accordance with Section 531.1021(g). A confidential draft report on an audit or investigation that concerns the death of a child may be shared with the Department of Family and Protective Services. A draft report that is shared with the Department of Family and Protective Services remains confidential and is not subject to disclosure under Chapter 552.

(p) The executive commissioner, in consultation with the office, shall adopt rules establishing criteria:

(1) for opening a case;

(2) for prioritizing cases for the efficient management of the office's workload, including rules that direct the office to prioritize:

(A) provider cases according to the highest potential for recovery or risk to the state as indicated through the provider's volume of billings, the provider's history of noncompliance with the law, and identified fraud trends;

(B) recipient cases according to the highest potential for recovery and federal timeliness requirements; and

(C) internal affairs investigations according to the seriousness of the threat to recipient safety and the risk to program integrity in terms of the amount or scope of fraud, waste, and abuse posed by the allegation that is the subject of the investigation; and

(3) to guide field investigators in closing a case that is not worth pursuing through a full investigation.

(q) The executive commissioner, in consultation with the office, shall adopt rules establishing criteria for determining enforcement and punitive actions with regard to a provider who has violated state law, program rules, or the provider's Medicaid provider agreement that include:

(1) direction for categorizing provider violations according to the nature of the violation and for scaling resulting enforcement actions, taking into consideration:

(A) the seriousness of the violation;

(B) the prevalence of errors by the provider;

(C) the financial or other harm to the state or recipients resulting or potentially resulting from those errors; and

(D) mitigating factors the office determines appropriate; and

(2) a specific list of potential penalties, including the amount of the penalties, for fraud and other Medicaid violations.

(r) The office shall review the office's investigative process, including the office's use of sampling and extrapolation to audit provider records. The review shall be performed by staff who are not directly involved in investigations conducted by the office.

(s) The office shall arrange for the Association of Inspectors General or a similar third party to conduct a peer review of the office's sampling and extrapolation techniques. Based on the review and generally accepted practices among other offices of inspectors general, the executive commissioner, in consultation with the office, shall by rule adopt sampling and extrapolation standards to be used by the office in conducting audits.

(t) At each quarterly meeting of any advisory council responsible for advising the executive commissioner on the operation of the commission, the inspector general shall submit a report to the executive commissioner, the governor, and the legislature on:

- (1) the office's activities;
- (2) the office's performance with respect to performance measures established by the executive commissioner for the office;
- (3) fraud trends identified by the office; and
- (4) any recommendations for changes in policy to prevent or address fraud, waste, and abuse in the delivery of health and human services in this state.

(u) The office shall publish each report required under Subsection (t) on the office's Internet website.

(v) In accordance with Section 533.015(b), the office shall consult with the executive commissioner regarding the adoption of rules defining the office's role in and jurisdiction over, and the frequency of, audits of managed care organizations participating in Medicaid that are conducted by the office and the commission.

(w) The office shall coordinate all audit and oversight activities relating to providers, including the development of audit plans, risk assessments, and findings, with the commission to minimize the duplication of activities. In coordinating activities under this subsection, the office shall:

- (1) on an annual basis, seek input from the commission and consider previous audits and on-site visits made by the commission for purposes of determining whether to audit a managed care organization participating in Medicaid; and

(2) request the results of any informal audit or on-site visit performed by the commission that could inform the office's risk assessment when determining whether to conduct, or the scope of, an audit of a managed care organization participating in Medicaid.

SECTION 3. Section 531.1021(a), Government Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) The office of inspector general may issue ~~[request that the executive commissioner or the executive commissioner's designee approve the issuance by the office of]~~ a subpoena in connection with an investigation conducted by the office. A

~~[If the request is approved, the office may issue a]~~ subpoena may be issued under this section to compel the attendance of a relevant witness or the production, for inspection or copying, of relevant evidence that is in this state.

SECTION 4. Subchapter C, Chapter 531, Government Code, is amended by adding Section 531.10225 to read as follows:

Sec. 531.10225. ADDITIONAL PEACE OFFICERS. (a) Pursuant to federal law, the commission's office of inspector general shall employ and commission peace officers for the purpose of assisting the office in carrying out, in coordination and conjunction with the appropriate federal entities, the duties of the office relating to the investigation of fraud, waste, and abuse in the supplemental nutrition assistance program under Chapter 33, Human Resources Code, and the temporary assistance for needy families program under Chapter 31, Human Resources Code.

(b) A peace officer employed and commissioned by the office under this section is a peace officer for purposes of Article 2.12, Code of Criminal Procedure.

(c) The office shall supervise a peace officer employed and commissioned under this section.

SECTION 5. Section 531.1031(a), Government Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) In this section and Sections 531.1032, 531.1033, and 531.1034:

(1) "Health care professional" means a person issued a license~~[-registration, or certification]~~ to engage in a health care profession.

(1-a) "License" means a license, certificate, registration, permit, or other authorization that:

(A) is issued by a licensing authority; and

(B) must be obtained before a person may practice or engage in a particular business, occupation, or profession.

(1-b) "Licensing authority" means a department, commission, board, office, or other agency of the state that issues a license.

(1-c) "Office" means the commission's office of inspector general unless a different meaning is plainly required by the context in which the term appears.

(2) "Participating agency" means:

(A) the Medicaid fraud enforcement divisions of the office of the attorney general;

(B) each licensing authority ~~[board or agency]~~ with authority to issue a license to~~[-register, regulate, or certify]~~ a health care professional or managed care organization that may participate in Medicaid; and

(C) the ~~[commission's]~~ office ~~[of inspector general]~~.

(3) "Provider" has the meaning assigned by Section 531.1011(10)(A).

SECTION 6. Subchapter C, Chapter 531, Government Code, is amended by adding Sections 531.1032, 531.1033, and 531.1034 to read as follows:

Sec. 531.1032. OFFICE OF INSPECTOR GENERAL: CRIMINAL HISTORY RECORD INFORMATION CHECK. (a) The office and each licensing authority that requires the submission of fingerprints for the purpose of conducting a criminal history record information check of a health care professional shall enter into a memorandum of understanding to ensure that only persons who are licensed and in

good standing as health care professionals participate as providers in Medicaid. The memorandum under this section may be combined with a memorandum authorized under Section 531.1031(c-1) and must include a process by which:

(1) the office may confirm with a licensing authority that a health care professional is licensed and in good standing for purposes of determining eligibility to participate in Medicaid; and

(2) the licensing authority immediately notifies the office if:

(A) a provider's license has been revoked or suspended; or

(B) the licensing authority has taken disciplinary action against a provider.

(b) The office may not, for purposes of determining a health care professional's eligibility to participate in Medicaid as a provider, conduct a criminal history record information check of a health care professional who the office has confirmed under Subsection (a) is licensed and in good standing. This subsection does not prohibit the office from performing a criminal history record information check of a provider that is required or appropriate for other reasons, including for conducting an investigation of fraud, waste, or abuse.

(c) For purposes of determining eligibility to participate in Medicaid and subject to Subsection (d), the office, after seeking public input, shall establish and the executive commissioner by rule shall adopt guidelines for the evaluation of criminal history record information of providers and potential providers. The guidelines must outline conduct, by provider type, that may be contained in criminal history record information that will result in exclusion of a person from Medicaid as a provider, taking into consideration:

(1) the extent to which the underlying conduct relates to the services provided under Medicaid;

(2) the degree to which the person would interact with Medicaid recipients as a provider; and

(3) any previous evidence that the person engaged in fraud, waste, or abuse under Medicaid.

(d) The guidelines adopted under Subsection (c) may not impose stricter standards for the eligibility of a person to participate in Medicaid than a licensing authority described by Subsection (a) requires for the person to engage in a health care profession without restriction in this state.

(e) The office and the commission shall use the guidelines adopted under Subsection (c) to determine whether a provider participating in Medicaid continues to be eligible to participate in Medicaid as a provider.

(f) The provider enrollment contractor, if applicable, and a managed care organization participating in Medicaid shall defer to the office regarding whether a person's criminal history record information precludes the person from participating in Medicaid as a provider.

Sec. 531.1033. MONITORING OF CERTAIN FEDERAL DATABASES. The office shall routinely check appropriate federal databases, including databases referenced in 42 C.F.R. Section 455.436, to ensure that a person who is excluded from participating in Medicaid or in the Medicare program by the federal government is not participating as a provider in Medicaid.

Sec. 531.1034. TIME TO DETERMINE PROVIDER ELIGIBILITY; PERFORMANCE METRICS. (a) Not later than the 10th day after the date the office receives the complete application of a health care professional seeking to participate in Medicaid, the office shall inform the commission or the health care professional, as appropriate, of the office's determination regarding whether the health care professional should be denied participation in Medicaid based on:

(1) information concerning the licensing status of the health care professional obtained as described by Section 531.1032(a);

(2) information contained in the criminal history record information check that is evaluated in accordance with guidelines adopted under Section 531.1032(c);

(3) a review of federal databases under Section 531.1033;

(4) the pendency of an open investigation by the office; or

(5) any other reason the office determines appropriate.

(b) Completion of an on-site visit of a health care professional during the period prescribed by Subsection (a) is not required.

(c) The office shall develop performance metrics to measure the length of time for conducting a determination described by Subsection (a) with respect to applications that are complete when submitted and all other applications.

SECTION 7. Section 531.113, Government Code, is amended by adding Subsection (d-1) and amending Subsection (e) as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, to read as follows:

(d-1) The commission's office of inspector general, in consultation with the commission, shall:

(1) investigate, including by means of regular audits, possible fraud, waste, and abuse by managed care organizations subject to this section;

(2) establish requirements for the provision of training to and regular oversight of special investigative units established by managed care organizations under Subsection (a)(1) and entities with which managed care organizations contract under Subsection (a)(2);

(3) establish requirements for approving plans to prevent and reduce fraud and abuse adopted by managed care organizations under Subsection (b);

(4) evaluate statewide fraud, waste, and abuse trends in Medicaid and communicate those trends to special investigative units and contracted entities to determine the prevalence of those trends;

(5) assist managed care organizations in discovering or investigating fraud, waste, and abuse, as needed; and

(6) provide ongoing, regular training to appropriate commission and office staff concerning fraud, waste, and abuse in a managed care setting, including training relating to fraud, waste, and abuse by service providers and recipients.

(e) The executive commissioner, in consultation with the office, shall adopt rules as necessary to accomplish the purposes of this section, including rules defining the investigative role of the commission's office of inspector general with respect to the investigative role of special investigative units established by managed care organizations under Subsection (a)(1) and entities with which managed care organizations contract under Subsection (a)(2). The rules adopted under this section must specify the office's role in:

(1) reviewing the findings of special investigative units and contracted entities;

(2) investigating cases in which the overpayment amount sought to be recovered exceeds \$100,000; and

(3) investigating providers who are enrolled in more than one managed care organization.

SECTION 8. Section 531.118(b), Government Code, is amended to read as follows:

(b) If the commission receives an allegation of fraud or abuse against a provider from any source, the commission's office of inspector general shall conduct a preliminary investigation of the allegation to determine whether there is a sufficient basis to warrant a full investigation. A preliminary investigation must begin not later than the 30th day, and be completed not later than the 45th day, after the date the commission receives or identifies an allegation of fraud or abuse.

SECTION 9. Section 531.120, Government Code, is amended to read as follows:

Sec. 531.120. NOTICE AND INFORMAL RESOLUTION OF PROPOSED RECOUPMENT OF OVERPAYMENT OR DEBT. (a) The commission or the commission's office of inspector general shall provide a provider with written notice of any proposed recoupment of an overpayment or debt and any damages or penalties relating to a proposed recoupment of an overpayment or debt arising out of a fraud or abuse investigation. The notice must include:

(1) the specific basis for the overpayment or debt;

(2) a description of facts and supporting evidence;

(3) a representative sample of any documents that form the basis for the overpayment or debt;

(4) the extrapolation methodology;

(4-a) information relating to the extrapolation methodology used as part of the investigation and the methods used to determine the overpayment or debt in sufficient detail so that the extrapolation results may be demonstrated to be statistically valid and are fully reproducible;

(5) the calculation of the overpayment or debt amount;

(6) the amount of damages and penalties, if applicable; and

(7) a description of administrative and judicial due process remedies, including the provider's ~~option~~ right to seek informal resolution, ~~the provider's right to seek a formal administrative appeal hearing, or that the provider may seek both.~~

(b) A provider may ~~must~~ request an ~~initial~~ informal resolution meeting under this section, and on ~~not later than the 30th day after the date the provider receives notice under Subsection (a). On~~ receipt of the ~~[a timely]~~ request, the office shall schedule the ~~[an initial]~~ informal resolution meeting ~~[not later than the 60th day after the date the office receives the request, but the office shall schedule the meeting on a later date, as determined by the office if requested by the provider].~~ The office shall give notice to the provider of the time and place of the ~~initial~~ informal resolution meeting ~~[not later than the 30th day before the date the meeting is to be held].~~ The informal resolution process shall run concurrently with the administrative hearing process, and the administrative hearing process may not be delayed on account of the

~~informal resolution process. [A provider may request a second informal resolution meeting not later than the 20th day after the date of the initial informal resolution meeting. On receipt of a timely request, the office shall schedule a second informal resolution meeting not later than the 45th day after the date the office receives the request, but the office shall schedule the meeting on a later date, as determined by the office if requested by the provider. The office shall give notice to the provider of the time and place of the second informal resolution meeting not later than the 20th day before the date the meeting is to be held. A provider must have an opportunity to provide additional information before the second informal resolution meeting for consideration by the office.]~~

SECTION 10. Sections 531.1201(a) and (b), Government Code, are amended to read as follows:

(a) A provider must request an appeal under this section not later than the 30th ~~15th~~ day after the date the provider is notified that the commission or the commission's office of inspector general will seek to recover an overpayment or debt from the provider. On receipt of a timely written request by a provider who is the subject of a recoupment of overpayment or recoupment of debt arising out of a fraud or abuse investigation, the office of inspector general shall file a docketing request with the State Office of Administrative Hearings or the Health and Human Services Commission appeals division, as requested by the provider, for an administrative hearing regarding the proposed recoupment amount and any associated damages or penalties. The office shall file the docketing request under this section not later than the 60th day after the date of the provider's request for an administrative hearing or not later than the 60th day after the completion of the informal resolution process, if applicable.

(b) Unless otherwise determined by the administrative law judge for good cause, the commission's office of inspector general is responsible for the costs of an administrative hearing held under Subsection (a), but a provider is responsible for the provider's own costs incurred in preparing for the hearing ~~[at any administrative hearing under this section before the State Office of Administrative Hearings, the state and the provider shall each be responsible for:~~

~~[(1) one half of the costs charged by the State Office of Administrative Hearings;~~

~~[(2) one half of the costs for transcribing the hearing;~~

~~[(3) the party's own costs related to the hearing, including the costs associated with preparation for the hearing, discovery, depositions, and subpoenas, service of process and witness expenses, travel expenses, and investigation expenses; and~~

~~[(4) all other costs associated with the hearing that are incurred by the party, including attorney's fees].~~

SECTION 11. Section 531.1202, Government Code, is amended to read as follows:

Sec. 531.1202. RECORD AND CONFIDENTIALITY OF INFORMAL RESOLUTION MEETINGS. (a) On the written request of the provider, the ~~[The]~~ commission shall, at no expense to the provider who requested the meeting, provide for an informal resolution meeting held under Section 531.102(g)(6) or 531.120(b) to

be recorded. The recording of an informal resolution meeting shall be made available to the provider who requested the meeting. The commission may not record an informal resolution meeting unless the commission receives a written request from a provider under this subsection.

(b) Notwithstanding Section 531.1021(g) and except as provided by this section, an informal resolution meeting held under Section 531.102(g)(6) or 531.120(b) is confidential, and any information or materials obtained by the commission's office of inspector general, including the office's employees or the office's agents, during or in connection with an informal resolution meeting, including a recording made under Subsection (a), are privileged and confidential and not subject to disclosure under Chapter 552 or any other means of legal compulsion for release, including disclosure, discovery, or subpoena.

SECTION 12. Subchapter C, Chapter 531, Government Code, is amended by adding Sections 531.1023, 531.1024, 531.1025, and 531.1203 to read as follows:

Sec. 531.1023. COMPLIANCE WITH FEDERAL CODING GUIDELINES. The commission's office of inspector general, including office staff and any third party with which the office contracts to perform coding services, shall comply with federal coding guidelines, including guidelines for diagnosis-related group (DRG) validation and related audits.

Sec. 531.1024. HOSPITAL UTILIZATION REVIEWS AND AUDITS: PROVIDER EDUCATION PROCESS. The executive commissioner, in consultation with the office, shall by rule develop a process for the commission's office of inspector general, including office staff and any third party with which the office contracts to perform coding services, to communicate with and educate providers about the diagnosis-related group (DRG) validation criteria that the office uses in conducting hospital utilization reviews and audits.

Sec. 531.1025. PERFORMANCE AUDITS AND COORDINATION OF AUDIT ACTIVITIES. (a) Notwithstanding any other law, the commission's office of inspector general may conduct a performance audit of any program or project administered or agreement entered into by the commission or a health and human services agency, including an audit related to:

(1) contracting procedures of the commission or a health and human services agency; or

(2) the performance of the commission or a health and human services agency.

(b) In addition to the coordination required by Section 531.102(w), the office shall coordinate the office's other audit activities with those of the commission, including the development of audit plans, the performance of risk assessments, and the reporting of findings, to minimize the duplication of audit activities. In coordinating audit activities with the commission under this subsection, the office shall:

(1) seek input from the commission and consider previous audits conducted by the commission for purposes of determining whether to conduct a performance audit; and

(2) request the results of an audit conducted by the commission if those results could inform the office's risk assessment when determining whether to conduct, or the scope of, a performance audit.

Sec. 531.1203. RIGHTS OF AND PROVISION OF INFORMATION TO PHARMACIES SUBJECT TO CERTAIN AUDITS. (a) A pharmacy has a right to request an informal hearing before the commission's appeals division to contest the findings of an audit conducted by the commission's office of inspector general or an entity that contracts with the federal government to audit Medicaid providers if the findings of the audit do not include findings that the pharmacy engaged in Medicaid fraud.

(b) In an informal hearing held under this section, staff of the commission's appeals division, assisted by staff responsible for the commission's vendor drug program who have expertise in the law governing pharmacies' participation in Medicaid, make the final decision on whether the findings of an audit are accurate. Staff of the commission's office of inspector general may not serve on the panel that makes the decision on the accuracy of an audit.

(c) In order to increase transparency, the commission's office of inspector general shall, if the office has access to the information, provide to pharmacies that are subject to audit by the office, or by an entity that contracts with the federal government to audit Medicaid providers, information relating to the extrapolation methodology used as part of the audit and the methods used to determine whether the pharmacy has been overpaid under Medicaid in sufficient detail so that the audit results may be demonstrated to be statistically valid and are fully reproducible.

SECTION 13. Section 533.015, Government Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 533.015. COORDINATION OF EXTERNAL OVERSIGHT ACTIVITIES.

(a) To the extent possible, the commission shall coordinate all external oversight activities to minimize duplication of oversight of managed care plans under Medicaid and disruption of operations under those plans.

(b) The executive commissioner, after consulting with the commission's office of inspector general, shall by rule define the commission's and office's roles in and jurisdiction over, and frequency of, audits of managed care organizations participating in Medicaid that are conducted by the commission and the commission's office of inspector general.

(c) In accordance with Section 531.102(w), the commission shall share with the commission's office of inspector general, at the request of the office, the results of any informal audit or on-site visit that could inform that office's risk assessment when determining whether to conduct, or the scope of, an audit of a managed care organization participating in Medicaid.

SECTION 14. The following provisions are repealed:

(1) Section 531.1201(c), Government Code; and

(2) Section 32.0422(k), Human Resources Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015.

SECTION 15. Notwithstanding Section 531.004, Government Code, the Sunset Advisory Commission shall conduct a special-purpose review of the overall performance of the Health and Human Services Commission's office of inspector general. In conducting the review, the Sunset Advisory Commission shall particularly focus on the office's investigations and the effectiveness and efficiency of the office's processes, as part of the Sunset Advisory Commission's review of agencies for the 87th Legislature. The office is not abolished solely because the office is not explicitly continued following the review.

SECTION 16. Section 531.102, Government Code, as amended by this Act, applies only to a complaint or allegation of Medicaid fraud or abuse received by the Health and Human Services Commission or the commission's office of inspector general on or after the effective date of this Act. A complaint or allegation received before the effective date of this Act is governed by the law as it existed when the complaint or allegation was received, and the former law is continued in effect for that purpose.

SECTION 17. Not later than March 1, 2016, the executive commissioner of the Health and Human Services Commission, in consultation with the inspector general of the commission's office of inspector general, shall adopt rules necessary to implement the changes in law made by this Act to Section 531.102(g)(2), Government Code, regarding the circumstances in which a payment hold may be placed on claims for reimbursement submitted by a Medicaid provider.

SECTION 18. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission, in consultation with the inspector general of the commission's office of inspector general, shall adopt the rules establishing the process for communicating with and educating providers about diagnosis-related group (DRG) validation criteria under Section 531.1024, Government Code, as added by this Act.

SECTION 19. Not later than September 1, 2016, the executive commissioner of the Health and Human Services Commission shall adopt the guidelines required under Section 531.1032(c), Government Code, as added by this Act.

SECTION 20. Sections 531.120 and 531.1201, Government Code, as amended by this Act, apply only to a proposed recoupment of an overpayment or debt of which a provider is notified on or after the effective date of this Act. A proposed recoupment of an overpayment or debt that a provider was notified of before the effective date of this Act is governed by the law as it existed when the provider was notified, and the former law is continued in effect for that purpose.

SECTION 21. (a) Not later than March 1, 2016, the executive commissioner of the Health and Human Services Commission, in consultation with the inspector general of the commission's office of inspector general, shall adopt rules necessary to implement Section 531.1203, Government Code, as added by this Act.

(b) Section 531.1203, Government Code, as added by this Act, applies to:

(1) the findings of an audit that are made on or after the effective date of this Act; or

(2) an audit the results of which are the subject of a dispute pending on the effective date of this Act.

SECTION 22. Not later than September 1, 2016, the executive commissioner of the Health and Human Services Commission shall adopt rules required by Section 533.015(b), Government Code, as added by this Act.

SECTION 23. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 24. This Act takes effect September 1, 2015.

The amendment was read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 207** before appointment.

There were no motions offered.

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

(Senator L. Taylor in Chair)

SENATE BILL 654 WITH HOUSE AMENDMENT

Senator Eltife called **SB 654** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 654** (house committee printing) as follows:

(1) On page 3, line 27, strike "exempt or".

(2) On page 4, line 1, between "forms for" and "commercial lines", insert "standard".

(3) Insert the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 2301.004, Insurance Code, is amended to read as follows:

Sec. 2301.004. EXEMPTION FOR LARGE RISKS. Sections 2301.006, 2301.007(a) and (b), and 2301.008 do not apply to forms for use with an insured that has:

- (1) total insured property values of \$10 [~~\$5~~] million or more;
- (2) total annual gross revenues of \$20 [~~\$10~~] million or more; or
- (3) a total premium of \$100,000 [~~\$25,000~~] or more for property insurance, \$100,000 [~~\$25,000~~] or more for general liability insurance, or \$100,000 [~~\$50,000~~] or more for multiperil insurance.

SECTION _____. Section 2301.004, Insurance Code, as amended by this Act, applies only to an insurance policy that is delivered, issued for delivery, or renewed on or after September 1, 2015. A policy delivered, issued for delivery, or renewed before September 1, 2015, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

The amendment was read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 654** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Eltife, Chair; Creighton, Seliger, Whitmire, and Estes.

CONFERENCE COMMITTEE ON HOUSE BILL 1454

Senator Eltife called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1454** and moved that the request be granted.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1454** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Eltife, Chair; Watson, Ellis, L. Taylor, and Creighton.

SENATE BILL 789 WITH HOUSE AMENDMENT

Senator Eltife called **SB 789** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 789** (house committee printing) as follows:

- (1) On page 2, line 14, between "the" and "commission" insert "utility".
- (2) On page 2, line 21, between "the" and "commission" insert "utility".
- (3) On page 2, line 25, between "the" and "commission" insert "utility".
- (4) On page 3, line 9, strike "Texas Commission on Environmental Quality" and substitute "Public Utility Commission of Texas".

The amendment was read.

Senator Eltife moved to concur in the House amendment to **SB 789**.

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

(Senator Eltife in Chair)

SENATE BILL 18 WITH HOUSE AMENDMENTS

Senator Nelson called **SB 18** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 18** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to measures to support or enhance graduate medical education in this state, including the transfer of certain assets from the Texas Medical Liability Insurance Underwriting Association to the permanent fund supporting graduate medical education and the authority of the association to issue new policies.

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

SECTION 1. Section 58A.001, Education Code, is amended to read as follows:

Sec. 58A.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Board" [~~"board"~~] means the Texas Higher Education Coordinating Board.

(2) "Center" means the comprehensive health professions resource center established under Chapter 105, Health and Safety Code.

(3) "Community-based, ambulatory patient care center" includes:

(A) a federally qualified health center, as defined by Section 1905(l)(2)(B), Social Security Act (42 U.S.C. Section 1396d(l)(2)(B));

(B) a community mental health center, as defined by Section 1861(ff)(3)(B), Social Security Act (42 U.S.C. Section 1395x(ff)(3)(B));

(C) a rural health clinic, as defined by Section 1861(aa)(2), Social Security Act (42 U.S.C. Section 1395x(aa)(2)); and

(D) a teaching health center, as defined by 42 U.S.C. Section 2931-1(f)(3)(A).

(4) "First-year residency position" means a residency position offering first year training in a graduate medical education program.

(5) "Graduate medical education program" means a nationally accredited post-doctor of medicine (M.D.) or post-doctor of osteopathic medicine (D.O.) program that prepares physicians for the independent practice of medicine in a specific specialty area.

(6) "Hospital" means:

(A) a facility licensed as a hospital under Chapter 241, Health and Safety Code, or as a mental hospital under Chapter 577, Health and Safety Code; or

(B) a similar facility owned or operated by this state or an agency of this state.

(7) "Medical school" means a public or independent educational institution that awards a doctor of medicine (M.D.) or doctor of osteopathic medicine (D.O.) degree.

(8) "Sponsoring institution" means the entity that assumes the ultimate financial or academic responsibility for a graduate medical education program.

(9) "Teaching hospital" means a hospital that:

(A) is formally affiliated with a medical school for purposes of providing a graduate medical education program; or

(B) serves as the sponsoring institution for a graduate medical education program.

SECTION 2. Subchapter A, Chapter 58A, Education Code, is amended by adding Sections 58A.002 and 58A.003 to read as follows:

Sec. 58A.002. PERMANENT FUND SUPPORTING GRADUATE MEDICAL EDUCATION. (a) In this section, "trust company" means the Texas Treasury Safekeeping Trust Company.

(b) The permanent fund supporting graduate medical education is a special fund in the treasury outside the general revenue fund. The fund is composed of:

(1) money transferred or appropriated to the fund by the legislature;

(2) gifts and grants contributed to the fund; and

(3) the returns received from investment of money in the fund.

(c) The trust company shall administer the fund. The trust company shall determine the amount available for distribution from the fund, determined in accordance with a distribution policy that is adopted by the comptroller and designed to preserve the purchasing power of the fund's assets and to provide a stable and predictable stream of annual distributions. Expenses of managing the fund's assets shall be paid from the fund. Except as provided by this section, money in the fund may not be used for any purpose. Sections 403.095 and 404.071, Government Code, do not apply to the fund.

(d) In managing the assets of the fund, through procedures and subject to restrictions the trust company considers appropriate, the trust company may acquire, exchange, sell, supervise, manage, or retain any kind of investment that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the fund then prevailing, taking into consideration the investment of all the assets of the fund rather than a single investment.

(e) The amount available for distribution from the fund may be appropriated only:

(1) to the board to fund the programs created under this chapter; or

(2) as otherwise directed by the legislature.

(f) A public or private institution of higher education or other entity that may receive money under a program described by Subsection (e) may solicit and accept gifts and grants to be deposited to the credit of the fund. A gift or grant to the fund must be distributed and appropriated for the purposes of the fund, subject to any limitation or requirement placed on the gift or grant by the donor or granting entity.

Sec. 58A.003. REDUCTION IN FUNDING. (a) The board shall limit or withhold funding from any grant recipient under this chapter that does not comply with reporting requirements or that uses grant funds for a purpose not authorized by this chapter for the grant awarded.

(b) The board shall seek reimbursement with respect to any grant funds that are not used for purposes authorized by this chapter for the grant awarded.

SECTION 3. Section 58A.022, Education Code, is amended to read as follows:

Sec. 58A.022. GRADUATE MEDICAL EDUCATION PLANNING AND PARTNERSHIP GRANTS. (a) The board shall award one-time graduate medical education planning and partnership grants to hospitals, medical schools, and community-based, ambulatory patient care centers [entities] located in this state that seek to develop new graduate medical education programs with first-year residency positions, regardless of whether the grant recipient currently offers or has previously offered[+]

[(1) have never had] a graduate medical education program with first-year residency positions[+ and

[(2) are eligible for Medicare funding of graduate medical education].

(b) The board shall award graduate medical education planning and partnership grants on a competitive basis according to criteria adopted by the board. The board shall determine the number of grants awarded and the amount of each grant consistent with any conditions provided by legislative appropriation. A grant received under this section must be used for the purpose of planning a new graduate medical education program with [additional] first-year residency positions.

(c) A hospital, medical school, or community-based, ambulatory patient care center [An application for a planning grant for a state fiscal year must be submitted to the board not later than July 15 preceding that fiscal year. Not later than August 15, the board shall make decisions about grant awards for the following state fiscal year.

[(d) An entity] that is awarded a graduate medical education planning and partnership grant and that establishes new first-year residency positions after receipt of the grant is eligible to apply for additional funds under Section 58A.024 for each such position established, as provided by appropriation.

(d) A hospital, medical school, or community-based, ambulatory patient care center may partner with an existing graduate medical education program or sponsoring institution for purposes of planning a new graduate medical education program using grant funds awarded under this section.

SECTION 4. Section 58A.023, Education Code, is amended to read as follows:

Sec. 58A.023. GRANTS FOR UNFILLED RESIDENCY POSITIONS. (a) The board shall award grants to graduate medical education programs to enable those programs to fill first-year residency positions that are accredited but unfilled as of July 1, 2013 [first-year residency positions]. The board shall determine the number of grants awarded and the amount of each grant consistent with any conditions provided by legislative appropriation.

(b) A grant received under this section must be expended to support:

(1) resident stipends and benefits; and

(2) other ~~[the]~~ direct resident costs to the program~~[-including the resident stipend and benefits].~~

(c) A grant application must include proof of the accredited but unfilled positions to which the application applies. ~~[An application for a grant must be submitted to the board not later than October 1 preceding the period for which the grant is made. The board shall make decisions about grant awards not later than January 1 preceding the grant period.]~~

(d) The board may distribute a grant amount for a residency position only on receiving verification that the applicable residency position has been filled.

(e) Grant amounts are awarded under this section for the duration of the period in which the resident who initially fills the residency position continues to hold that position ~~[two consecutive state fiscal years. For each first year residency position for which a program receives an initial grant amount in a fiscal year, the board shall award the program an equal grant amount for the following fiscal year].~~

SECTION 5. Section 58A.024, Education Code, is amended to read as follows:

Sec. 58A.024. GRANTS FOR PROGRAM EXPANSION OR NEW PROGRAM. (a) The board shall award grants to enable new or existing graduate medical education programs to increase the number of first-year residency positions ~~[or to provide for the establishment of new graduate medical education programs with first year residency positions].~~ The board shall determine the number of grants awarded and the amount of each grant consistent with any conditions provided by legislative appropriation.

(b) ~~[A grant received under this section must be expended to support the direct resident costs to the program, including the resident stipend and benefits.]~~

~~[(c)]~~ (c) A grant application must include a plan for receiving accreditation for the increased number of positions or for the new program, as applicable. ~~[An application for a grant must be submitted to the board not later than October 1 preceding the period for which the grant is made. The board shall make decisions about grant awards not later than January 1 preceding the grant period.]~~

(c) ~~[(c)]~~ The board may distribute a grant amount for a residency position only on receiving verification that the applicable residency position has been filled.

(d) ~~[(d)]~~ Grant amounts are awarded under this section for the duration of the period in which the resident who initially fills the residency position continues to hold that position ~~[three consecutive state fiscal years. For each first year residency position for which a program receives an initial grant amount in a fiscal year, the board shall award the program an equal grant amount for the following two fiscal years].~~

SECTION 6. Subchapter B, Chapter 58A, Education Code, is amended by adding Sections 58A.0245 and 58A.0246 to read as follows:

Sec. 58A.0245. CRITICAL SHORTAGE LEVELS. (a) If the board determines that the number of first-year residency positions proposed by eligible applicants under Sections 58A.023 and 58A.024 exceeds the number of first-year residency positions for which grant funding under those sections is appropriated, in awarding grants under those sections the board shall prioritize the awarding of new grants to medical specialties determined by the board to be at critical shortage levels.

(b) In determining critical shortage levels under this section, the board shall consider:

(1) the available results of research conducted by the center under Section 105.009, Health and Safety Code;

(2) other relevant research and criteria, including research and criteria related to the designation of health professional shortage areas; and

(3) research performed by other appropriate entities.

Sec. 58A.0246. CONTINUATION OF GRANTS AWARDED FOR 2015 STATE FISCAL YEAR. The board shall award additional grants to fund eligible graduate medical education programs that, for the state fiscal year ending on August 31, 2015, received a grant awarded under Section 58A.023 or 58A.024 or under Section 61.511, as that section existed immediately before September 1, 2015, if those programs continue to meet the applicable grant requirements that existed at the time of the initial award.

SECTION 7. Chapter 105, Health and Safety Code, is amended by adding Section 105.009 to read as follows:

Sec. 105.009. RESEARCH REGARDING GRADUATE MEDICAL EDUCATION SYSTEM. (a) The comprehensive health professions resource center shall conduct research:

(1) to identify all medical specialties and subspecialties that are at critical shortage levels in this state, together with the geographic location of the physicians in those specialties and subspecialties; and

(2) regarding the overall supply of physicians in this state and any other issues that are relevant to the status of the state's graduate medical education system and the ability of that system to meet the current and future health care needs of this state.

(b) Not later than May 1 of each even-numbered year, the council shall report the results of the center's research to the Legislative Budget Board, the Texas Higher Education Coordinating Board, the office of the governor, and the standing committees of each house of the legislature with primary jurisdiction over state finance or appropriations.

SECTION 8. Chapter 2203, Insurance Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. TRANSFER OF ASSETS; SUSPENSION OF NEW BUSINESS

Sec. 2203.451. TRANSFER OF ASSETS. (a) Not later than the 90th day after the effective date of this section, the department shall complete an actuarial study to determine the amount of assets necessary for:

(1) the association's known and unknown insurance claims and costs associated with those claims; and

(2) administrative expenses of the association, including liabilities for employee retirement plans.

(b) The association shall cooperate with the department in completing the actuarial study required by Subsection (a).

(c) Not later than the 60th day after the date on which the department completes the actuarial study required by Subsection (a), the association shall transfer the amount of association assets not necessary for the purposes described by Subsection

(a) to the permanent fund supporting graduate medical education established under Section 58A.002, Education Code. If that fund is not in existence on the date of transfer, the association shall transfer the assets to an account created by the comptroller outside of the state treasury, and the comptroller shall hold the assets in trust pending creation of the fund.

Sec. 2203.4515. SUSPENSION OF NEW BUSINESS. (a) Promptly after the completion of the actuarial study required by Section 2203.451, the commissioner, after notice and hearing, shall determine whether a necessity exists to suspend the association's authority to issue new insurance policies pending a future enactment by the legislature that becomes law or the expiration of this subchapter under Section 2203.452, whichever occurs earlier.

(b) If the commissioner determines that a necessity described by Subsection (a) exists, the commissioner shall order the association to cease issuing new policies immediately, and the association may not issue a new policy before the expiration of this subchapter under Section 2203.452 unless authorized by a law that takes effect before the expiration of this subchapter.

(c) Notwithstanding any order under this section, the association may continue to renew policies in effect immediately before the effective date of the order in accordance with the association's plan of operation.

Sec. 2203.452. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2017.

SECTION 9. The following provisions of the Education Code are repealed:

- (1) Section 58A.025; and
- (2) Section 61.511.

SECTION 10. This Act takes effect September 1, 2015.

Floor Amendment No. 1 on Third Reading

Amend **CSSB 18** on third reading as follows:

(1) On Page 10, between lines 23 and 24, insert "(c) Notwithstanding any other provision of this code, all association reserve funds and policyholder stabilization reserve funds under Subchapter G, including funds held on behalf of the department under Section 2203.303(c), not necessary for the purposes described by Subsection (a) may be transferred under subsection (d) to the permanent fund supporting graduate medical education established under Section 58A.002, Education Code."

(2) On page 10, line 24, strike "(c)" and substitute "(d)"

The amendments were read.

Senator Nelson moved to concur in the House amendments to **SB 18**.

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

SENATE BILL 24 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 24** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 24** (house committee report) as follows:

(1) On page 2, lines 9-10, strike "September 1, 2015" and substitute "January 1, 2016".

(2) On page 4, line 21, strike "September 1, 2015" and substitute "January 1, 2016".

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 24**.

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

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

Nays: Creighton, Fraser, Kolkhorst, Nelson, V. Taylor.

SENATE BILL 318 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 318** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 318** (house committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 5), strike "436.202(b) and (c)" and substitute "436.202(a), (b), and (c)".

(2) In SECTION 1 of the bill, immediately preceding amended Section 436.202(b), Government Code (page 1, between lines 6 and 7), insert the following:

(a) From money appropriated for this purpose, the commission may make a grant to an eligible local governmental entity to:

(1) enable the entity to match money or meet an investment requirement necessary to receive federal assistance provided to the local governmental entity for responding to or recovering from an event described by Section 436.201(b);

(2) match the entity's contribution for a purpose described by Section 436.203 at a closed or realigned defense facility; ~~or~~

(3) construct infrastructure and other projects necessary to accommodate a new, ~~or~~ expanded, or retained military mission at a military base or to reduce the impact of an action of the United States Department of Defense that will negatively impact a defense facility located in or near the entity; or

(4) construct infrastructure and other projects necessary to prevent the reduction or closing of a defense facility.

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

SECTION ____ . Section 436.203(c), Government Code, is amended to read as follows:

(c) An eligible local governmental entity described by Section 436.201(a)(3), ~~or~~ (4), or (5) may use the proceeds of the grant to purchase or lease equipment to train defense workers whose jobs have been threatened or lost because of an event described by Section 436.201(b) or to train workers to support the mission at military installations or defense facilities.

The amendment was read.

Senator Hinojosa moved to concur in the House amendment to **SB 318**.

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

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

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

SENATE BILL 462 WITH HOUSE AMENDMENT

Senator Huffman called **SB 462** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 462** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to authorizing a revocable deed that transfers real property at the transferor's death.

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

SECTION 1. Subtitle C, Title 2, Estates Code, is amended by adding Chapter 114 to read as follows:

CHAPTER 114. TRANSFER ON DEATH DEED SUBCHAPTER A. GENERAL PROVISIONS

Sec. 114.001. SHORT TITLE. This chapter may be cited as the Texas Real Property Transfer on Death Act.

Sec. 114.002. DEFINITIONS. (a) In this chapter:

(1) "Beneficiary" means a person who receives real property under a transfer on death deed.

(2) "Designated beneficiary" means a person designated to receive real property in a transfer on death deed.

(3) "Joint owner with right of survivorship" or "joint owner" means an individual who owns real property concurrently with one or more other individuals with a right of survivorship. The term does not include a tenant in common or an owner of community property with or without a right of survivorship.

(4) "Person" has the meaning assigned by Section 311.005, Government Code.

(5) "Real property" means an interest in real property located in this state.

(6) "Transfer on death deed" means a deed authorized under this chapter and does not refer to any other deed that transfers an interest in real property on the death of an individual.

(7) "Transferor" means an individual who makes a transfer on death deed.

(b) In this chapter, the terms "cancel" and "revoke" are synonymous.

Sec. 114.003. APPLICABILITY. This chapter applies to a transfer on death deed executed and acknowledged on or after September 1, 2015, by a transferor who dies on or after September 1, 2015.

Sec. 114.004. NONEXCLUSIVITY. This chapter does not affect any method of transferring real property otherwise permitted under the laws of this state.

Sec. 114.005. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to the subject matter of this chapter among states that enact a law similar to this chapter.

Sec. 114.006. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. Section 7001 et seq.), except that this chapter does not modify, limit, or supersede Section 101(c) of that Act (15 U.S.C. Section 7001(c)) or authorize electronic delivery of any of the notices described in Section 103(b) of that Act (15 U.S.C. Section 7003(b)).

SUBCHAPTER B. AUTHORIZATION, EXECUTION, AND REVOCATION OF
TRANSFER ON DEATH DEED

Sec. 114.051. TRANSFER ON DEATH DEED AUTHORIZED. An individual may transfer the individual's interest in real property to one or more beneficiaries effective at the transferor's death by a transfer on death deed.

Sec. 114.052. TRANSFER ON DEATH DEED REVOCABLE. A transfer on death deed is revocable regardless of whether the deed or another instrument contains a contrary provision.

Sec. 114.053. TRANSFER ON DEATH DEED NONTESTAMENTARY. A transfer on death deed is a nontestamentary instrument.

Sec. 114.054. CAPACITY OF TRANSFEROR; USE OF POWER OF ATTORNEY. (a) The capacity required to make or revoke a transfer on death deed is the same as the capacity required to make a contract.

(b) A transfer on death deed may not be created through use of a power of attorney.

Sec. 114.055. REQUIREMENTS. To be effective, a transfer on death deed must:

(1) except as otherwise provided in Subdivision (2), contain the essential elements and formalities of a recordable deed;

(2) state that the transfer of an interest in real property to the designated beneficiary is to occur at the transferor's death; and

(3) be recorded before the transferor's death in the deed records in the county clerk's office of the county where the real property is located.

Sec. 114.056. NOTICE, DELIVERY, ACCEPTANCE, OR CONSIDERATION NOT REQUIRED. A transfer on death deed is effective without:

(1) notice or delivery to or acceptance by the designated beneficiary during the transferor's life; or

(2) consideration.

Sec. 114.057. REVOCATION BY CERTAIN INSTRUMENTS; EFFECT OF WILL OR MARRIAGE DISSOLUTION. (a) Subject to Subsections (d) and (e), an instrument is effective to revoke a recorded transfer on death deed, or any part of it, if the instrument:

(1) is one of the following:

(A) a subsequent transfer on death deed that revokes the preceding transfer on death deed or part of the deed expressly or by inconsistency; or

(B) except as provided by Subsection (b), an instrument of revocation that expressly revokes the transfer on death deed or part of the deed;

(2) is acknowledged by the transferor after the acknowledgment of the deed being revoked; and

(3) is recorded before the transferor's death in the deed records in the county clerk's office of the county where the deed being revoked is recorded.

(b) A will may not revoke or supersede a transfer on death deed.

(c) If a marriage between the transferor and a designated beneficiary is dissolved after a transfer on death deed is recorded, a final judgment of the court dissolving the marriage operates to revoke the transfer on death deed as to that designated beneficiary if notice of the judgment is recorded before the transferor's death in the deed records in the county clerk's office of the county where the deed is recorded, notwithstanding Section 111.052.

(d) If a transfer on death deed is made by more than one transferor, revocation by a transferor does not affect the deed as to the interest of another transferor who does not make that revocation.

(e) A transfer on death deed made by joint owners with right of survivorship is revoked only if it is revoked by all of the living joint owners.

(f) This section does not limit the effect of an inter vivos transfer of the real property.

SUBCHAPTER C. EFFECT OF TRANSFER ON DEATH DEED; LIABILITY OF TRANSFERRED PROPERTY FOR CREDITORS' CLAIMS

Sec. 114.101. EFFECT OF TRANSFER ON DEATH DEED DURING TRANSFEROR'S LIFE. During a transferor's life, a transfer on death deed does not:

(1) affect an interest or right of the transferor or any other owner, including:

(A) the right to transfer or encumber the real property that is the subject of the deed;

(B) homestead rights in the real property, if applicable; and

(C) ad valorem tax exemptions, including exemptions for residence homestead, persons 65 years of age or older, persons with disabilities, and veterans;

(2) affect an interest or right of a transferee of the real property that is the subject of the deed, even if the transferee has actual or constructive notice of the deed;

(3) affect an interest or right of a secured or unsecured creditor or future creditor of the transferor, even if the creditor has actual or constructive notice of the deed;

(4) affect the transferor's or designated beneficiary's eligibility for any form of public assistance, subject to applicable federal law;

(5) constitute a transfer triggering a "due on sale" or similar clause;

(6) invoke statutory real estate notice or disclosure requirements;

(7) create a legal or equitable interest in favor of the designated beneficiary;

or

(8) subject the real property to claims or process of a creditor of the designated beneficiary.

Sec. 114.102. EFFECT OF SUBSEQUENT CONVEYANCE ON TRANSFER ON DEATH DEED. An otherwise valid transfer on death deed is void as to any interest in real property that is conveyed by the transferor during the transferor's lifetime after the transfer on death deed is executed and recorded if:

(1) a valid instrument conveying the interest is recorded in the deed records in the county clerk's office of the same county in which the transfer on death deed is recorded; and

(2) the recording of the instrument occurs before the transferor's death.

Sec. 114.103. EFFECT OF TRANSFER ON DEATH DEED AT TRANSFEROR'S DEATH. (a) Except as otherwise provided in the transfer on death deed, this section, or any other statute or the common law of this state governing a decedent's estate, on the death of the transferor, the following rules apply to an interest in real property that is the subject of a transfer on death deed and owned by the transferor at death:

(1) if the designated beneficiary survives the transferor by 120 hours, the interest in the real property is transferred to the designated beneficiary in accordance with the deed;

(2) the interest of a designated beneficiary that fails to survive the transferor by 120 hours lapses, notwithstanding Section 111.052;

(3) subject to Subdivision (4), concurrent interests are transferred to the beneficiaries in equal and undivided shares with no right of survivorship; and

(4) notwithstanding Subdivision (2), if the transferor has identified two or more designated beneficiaries to receive concurrent interests in the real property, the share of a designated beneficiary who predeceases the transferor lapses and is subject to and passes in accordance with Subchapter D, Chapter 255, as if the transfer on death deed were a devise made in a will.

(b) If a transferor is a joint owner with right of survivorship who is survived by one or more other joint owners, the real property that is the subject of the transfer on death deed belongs to the surviving joint owner or owners. If a transferor is a joint owner with right of survivorship who is the last surviving joint owner, the transfer on death deed is effective.

(c) If a transfer on death deed is made by two or more transferors who are joint owners with right of survivorship, the last surviving joint owner may revoke the transfer on death deed subject to Section 114.057.

(d) A transfer on death deed transfers real property without covenant of warranty of title even if the deed contains a contrary provision.

Sec. 114.104. TRANSFER ON DEATH DEED PROPERTY SUBJECT TO LIENS AND ENCUMBRANCES AT TRANSFEROR'S DEATH; CREDITORS' CLAIMS. (a) Subject to Section 13.001, Property Code, a beneficiary takes the real property subject to all conveyances, encumbrances, assignments, contracts, mortgages, liens, and other interests to which the real property is subject at the

transferor's death. For purposes of this subsection and Section 13.001, Property Code, the recording of the transfer on death deed is considered to have occurred at the transferor's death.

(b) If a personal representative has been appointed for the transferor's estate, an administration of the estate has been opened, and the real property transferring under a transfer on death deed is subject to a lien or security interest, including a deed of trust or mortgage, the personal representative shall give notice to the creditor of the transferor as the personal representative would any other secured creditor under Section 308.053. The creditor shall then make an election under Section 355.151 in the period prescribed by Section 355.152 to have the claim treated as a matured secured claim or a preferred debt and lien claim, and the claim is subject to the claims procedures prescribed by this section.

(c) If the secured creditor elects to have the claim treated as a preferred debt and lien claim, Sections 355.154 and 355.155 apply as if the transfer on death deed were a devise made in a will, and the creditor may not pursue any other claims or remedies for any deficiency against the transferor's estate.

(d) If the secured creditor elects to have the claim treated as a matured secured claim, Section 355.153 applies as if the transfer on death deed were a devise made in a will, and the claim is subject to the procedural provisions of this title governing creditor claims.

Sec. 114.105. DISCLAIMER. A designated beneficiary may disclaim all or part of the designated beneficiary's interest as provided by Chapter 122.

Sec. 114.106. LIABILITY FOR CREDITOR CLAIMS; ALLOWANCES IN LIEU OF EXEMPT PROPERTY AND FAMILY ALLOWANCES. (a) To the extent the transferor's estate is insufficient to satisfy a claim against the estate, expenses of administration, any estate tax owed by the estate, or an allowance in lieu of exempt property or family allowance to a surviving spouse, minor children, or incapacitated adult children, the personal representative may enforce that liability against real property transferred at the transferor's death by a transfer on death deed to the same extent the personal representative could enforce that liability if the real property were part of the probate estate.

(b) Notwithstanding Subsection (a), real property transferred at the transferor's death by a transfer on death deed is not considered property of the probate estate for any purpose, including for purposes of Section 531.077, Government Code.

(c) If a personal representative does not commence a proceeding to enforce a liability under Subsection (a) on or before the 90th day after the date the representative receives a demand for payment, a proceeding to enforce the liability may be brought by a creditor, a distributee of the estate, a surviving spouse of the decedent, a guardian or other appropriate person on behalf of a minor child or adult incapacitated child of the decedent, or any taxing authority.

(d) If more than one real property interest is transferred by one or more transfer on death deeds or if there are other nonprobate assets of the transferor that may be liable for the claims, expenses, and other payments specified in Subsection (a), the liability for those claims, expenses, and other payments may be apportioned among those real property interests and other assets in proportion to their net values at the transferor's death.

(e) A proceeding to enforce liability under this section must be commenced not later than the second anniversary of the transferor's death, except for any rights arising under Section 114.104(d).

(f) In connection with any proceeding brought under this section, a court may award costs and reasonable and necessary attorney's fees in amounts the court considers equitable and just.

SUBCHAPTER D. FORMS FOR TRANSFER ON DEATH DEED

Sec. 114.151. OPTIONAL FORM FOR TRANSFER ON DEATH DEED. The following form may be used to create a transfer on death deed.

REVOCABLE TRANSFER ON DEATH DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

IMPORTANT NOTICE TO OWNER: You should carefully read all the information included in the instructions to this form. You may want to consult a lawyer before using this form.

MUST RECORD DEED: Before your death, this deed must be recorded with the county clerk where the property is located, or it will not be effective.

MARRIED PERSONS: If you are married and want your spouse to own the property on your death, you must name your spouse as the primary beneficiary. If your spouse does not survive you, the property will transfer to any listed alternate beneficiary or beneficiaries on your death.

1. Owner (Transferor) Making this Deed:

Printed name

Mailing address

2. Legal Description of the Property:

3. Address of the Property (if any) (include county):

4. Primary Beneficiary (Transferee) or Beneficiaries (Transferees)

I designate the following beneficiary or beneficiaries, if the beneficiary survives me:

Printed name

Mailing address

5. Alternate Beneficiary or Beneficiaries (Optional)

If no primary beneficiary survives me, I designate the following alternate beneficiary or beneficiaries:

Printed name

Mailing address

6. Transfer on Death

At my death, I grant and convey to the primary beneficiary or beneficiaries my interest in the property, to have and hold forever. If at my death I am not survived by any primary beneficiary, I grant and convey to the alternate beneficiary or

beneficiaries, if designated, my interest in the property, to have and hold forever. If the primary and alternate beneficiaries do not survive me, this transfer on death deed shall be deemed canceled by me.

7. Printed Name and Signature of Owner Making this Deed:

Printed Name _____ Date _____
Signature _____

BELOW LINE FOR NOTARY ONLY

Acknowledgment

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on the _____ day of _____, 20____, by _____.

Notary Public, State of _____

After recording, return to:

(insert name and mailing address)

INSTRUCTIONS FOR TRANSFER ON DEATH DEED
DO NOT RECORD THESE INSTRUCTIONS

Instructions for Completing the Form

1. Owner (Transferor) Making this Deed: Enter your first, middle (if any), and last name here, along with your mailing address.
2. Legal Description of the Property: Enter the formal legal description of the property. This information is different from the mailing and physical address for the property and is necessary to complete the form. To find this information, look on the deed you received when you became an owner of the property. This information may also be available in the office of the county clerk for the county where the property is located. Do NOT use your tax bill to find this information. If you are not absolutely sure, consult a lawyer.
3. Address of the Property: Enter the physical address of the property.
4. Primary Beneficiary or Beneficiaries: Enter the first and last name of each person you want to get the property when you die. If you are married and want your spouse to get the property when you die, enter your spouse's first and last name (even if you and your spouse own the property together).
5. Alternate Beneficiary or Beneficiaries: Enter the first and last name of each person you want to get the property if no primary beneficiary survives you.
6. Transfer on Death: No action needed.
7. Printed Name and Signature of Owner: Do not sign your name or enter the date until you are before a notary. Include your printed name.
8. Acknowledgment: This deed must be signed before a notary. The notary will fill out this section of the deed.

Sec. 114.152. OPTIONAL FORM OF REVOCATION. The following form may be used to create an instrument of revocation under this chapter.

CANCELLATION OF TRANSFER ON DEATH DEED

IMPORTANT NOTICE TO OWNER: You should carefully read all the information included in the instructions to this form. You may want to consult a lawyer before using this form.

MUST RECORD FORM: Before your death, this cancellation form must be recorded with the county clerk where the property is located, or it will not be effective. This cancellation is effective only as to the interests in the property of owners who sign this cancellation form.

1. Owner (Transferor) Making this Cancellation:

Printed name _____ Mailing address _____

2. Legal Description of the Property:

3. Address of the Property (if any) (include county): _____

4. Cancellation

I cancel all my previous transfers of this property by transfer on death deed.

5. Printed Name and Signature of Owner (Transferor) Making this Cancellation:

Printed Name _____ Date _____

Signature _____

BELOW LINE FOR NOTARY ONLY

Acknowledgment

STATE OF _____

COUNTY OF _____

This instrument was acknowledged before me on the ____ day of _____, 20____,

by _____.

Notary Public, State of

After recording, return to:

(insert name and mailing address)

INSTRUCTIONS FOR CANCELING A TRANSFER ON DEATH (TOD) DEED

DO NOT RECORD THESE INSTRUCTIONS

Instructions for Completing the Form

1. Owner (Transferor) Making this Cancellation: Enter your first, middle (if any), and last name here, along with your mailing address.

2. Legal Description of the Property: Enter the formal legal description of the property. This information is different from the mailing and physical address for the property and is necessary to complete the form. To find this information, look on the

deed you received when you became an owner of the property. This information may also be available in the office of the county clerk for the county where the property is located. Do NOT use your tax bill to find this information. If you are not absolutely sure, consult a lawyer.

3. Address of the Property: Enter the physical address of the property.

4. Cancellation: No action needed.

5. Printed Name and Signature of Owner: Do not sign your name or enter the date until you are before a notary. Include your printed name.

6. Acknowledgment: This cancellation form must be signed before a notary. The notary will fill out this section of the form.

SECTION 2. Section 22.027(b), Estates Code, is amended to read as follows:

(b) Except as otherwise provided by this code, the [The] definition of "person" assigned by Section 311.005, Government Code, does not apply to any provision in this code.

SECTION 3. Section 122.001(1), Estates Code, is amended to read as follows:

(1) "Beneficiary" includes a person who would have been entitled, if the person had not made a disclaimer, to receive property as a result of the death of another person:

(A) by inheritance;

(B) under a will;

(C) by an agreement between spouses for community property with a right of survivorship;

(D) by a joint tenancy with a right of survivorship;

(E) by a survivorship agreement, account, or interest in which the interest of the decedent passes to a surviving beneficiary;

(F) by an insurance, annuity, endowment, employment, deferred compensation, or other contract or arrangement; ~~[or]~~

(G) under a pension, profit sharing, thrift, stock bonus, life insurance, survivor income, incentive, or other plan or program providing retirement, welfare, or fringe benefits with respect to an employee or a self-employed individual; or

(H) by a transfer on death deed.

SECTION 4. This Act takes effect September 1, 2015.

The amendment was read.

Senator Huffman moved to concur in the House amendment to **SB 462**.

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

SENATE BILL 212 WITH HOUSE AMENDMENTS

Senator Birdwell called **SB 212** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 212** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to the abolishment of the Texas Council on Purchasing from People with Disabilities and the transfer of its functions to the Texas Workforce Commission.

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

SECTION 1. Sections 2155.138(a) and (b), Government Code, are amended to read as follows:

(a) The competitive bidding provisions of this chapter do not apply to a state purchase of goods or services that:

(1) are made or provided by blind or visually impaired persons;

(2) are offered for sale to a state agency through efforts made under Chapter 122, Human Resources Code ~~[law by the Texas Council on Purchasing from People with Disabilities]~~;

(3) meet state specifications for quantity, quality, delivery, and life cycle costs; and

(4) cost not more than the fair market price of similar items.

(b) The Texas Workforce Commission ~~[council]~~ shall test the goods and services to the extent necessary to ensure quality. The Texas Workforce Commission ~~[council]~~ may enter into a contract with a private or public entity to assist with testing.

SECTION 2. The heading to Chapter 122, Human Resources Code, is amended to read as follows:

CHAPTER 122. ~~[TEXAS COUNCIL ON]~~ PURCHASING FROM PEOPLE WITH
DISABILITIES

SECTION 3. Section 122.0012, Human Resources Code, is amended to read as follows:

Sec. 122.0012. SUNSET PROVISION. (a) The comptroller's authority to perform any act under this chapter that relates to state purchasing is subject to Chapter 325, Government Code (Texas Sunset Act). Notwithstanding any other law, that authority expires September 1, 2021, unless continued in existence as provided by Chapter 325, Government Code.

(b) The Texas Workforce Commission's authority to administer and oversee the program administered under this chapter is subject to Chapter 325, Government Code (Texas Sunset Act). Notwithstanding any other law, that authority expires September 1, 2021, unless continued in existence as provided by Chapter 325, Government Code.

SECTION 4. Section 122.002, Human Resources Code, is amended by adding Subdivision (6) to read as follows:

(6) "Workforce commission" means the Texas Workforce Commission.

SECTION 5. Section 122.0057, Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 122.0057. ADVISORY COMMITTEE. (a) The workforce commission shall [council may] establish an advisory committee to assist the workforce commission in establishing:

(1) performance goals for the program administered under this chapter; and
(2) criteria for certifying a community rehabilitation program for participation in the program administered under this chapter [~~if the council considers the committee necessary. The membership of the committee is determined by the council~~].

(b) The advisory committee consists of 13 members appointed by the workforce commission as follows:

(1) four representatives from community rehabilitation programs that participate in the program administered under this chapter;

(2) four representatives from organizations that advocate for persons with disabilities;

(3) one representative from a state agency that provides vocational rehabilitation services to persons with disabilities; and

(4) four persons with disabilities, of whom two are employed by a community rehabilitation program that participates in the program administered under this chapter [~~The council shall specify the purpose and duties of the advisory committee, which must include:~~

~~[(1) reviewing the effectiveness of the program administered under this chapter; and~~

~~[(2) recommending procedures to create higher skilled and higher paying employment opportunities].~~

(c) Members of the ~~an~~ advisory committee serve at the will of the workforce commission [~~council. The council may dissolve an advisory committee when appropriate~~].

(d) The workforce commission shall appoint a presiding officer from among the advisory committee members [~~The council shall make reasonable attempts to have balanced representation on all advisory committees, including attempting to seek representation from:~~

~~[(1) the Lighthouse for the Blind and Visually Impaired community rehabilitation programs;~~

~~[(2) the Goodwill community rehabilitation programs;~~

~~[(3) other community rehabilitation programs;~~

~~[(4) representatives from central nonprofit agencies;~~

~~[(5) representatives of disability advocacy groups;~~

~~[(6) government purchasing agents with knowledge of this chapter;~~

~~[(7) private industry representatives with knowledge of this chapter; and~~

~~[(8) private citizens with disabilities who have knowledge of the sale of products and services].~~

(e) The members of the advisory committee serve staggered four-year terms, with the terms of either six or seven members expiring February 1 of each odd-numbered year. A member may not serve more than two terms.

(f) A vacancy on the committee shall be filled in the same manner as the original appointment for that position.

(g) The advisory committee shall meet semiannually.

(h) The advisory committee shall:

(1) establish specific objectives for the program administered under this chapter that are appropriate given the program's status as one of several employment-related services this state offers to persons with disabilities;

(2) develop performance measures that may be used by the workforce commission to evaluate whether the program is meeting the objectives established under Subdivision (1); and

(3) recommend criteria for certifying community rehabilitation programs for participation in the program.

(i) In developing the performance measures under Subsection (h), the advisory committee must consider the following factors as applicable to the program administered under this chapter:

(1) the percentage of total sales revenue attributable to the program:

(A) paid in wages to persons with disabilities; and

(B) spent on direct training and professional development services for persons with disabilities;

(2) the average hourly wage earned by a person participating in the program;

(3) the average annual salary earned by a person participating in the program;

(4) the number of persons with disabilities participating in the program paid less than minimum wage;

(5) the average number of hours worked each week by a person with a disability who participates in the program;

(6) the percentage of persons with disabilities who participate in the program and who are placed into competitive positions, including competitive management or administrative positions within community rehabilitation programs; and

(7) the percentage of work performed by persons with disabilities who participate in the program that is purely repackaging labor.

(j) The advisory committee shall meet at the call of the presiding officer at least once each fiscal year to review and, if necessary, recommend changes to program objectives, performance measures, and criteria established under Subsection (h).

(k) The advisory committee shall provide input to the workforce commission in adopting rules applicable to the program administered under this chapter relating to the employment-first policies described by Sections 531.02447 and 531.02448, Government Code.

(l) The advisory committee may request administrative support from the workforce commission. The workforce commission shall provide the requested assistance.

(m) The advisory committee is not subject to Chapter 2110, Government Code.

SECTION 6. Chapter 122, Human Resources Code, is amended by adding Section 122.0058 to read as follows:

Sec. 122.0058. APPLICATION OF OPEN MEETINGS LAW, OPEN RECORDS LAW, AND ADMINISTRATIVE PROCEDURE LAW TO ADVISORY COMMITTEE. The advisory committee established under Section 122.0057 is

subject to the requirements of the open meetings law, Chapter 551, Government Code, the open records law, Chapter 552, Government Code, and Chapter 2001, Government Code.

SECTION 7. Sections 122.007(a) and (c), Human Resources Code, and Section 122.007(d), Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are amended to read as follows:

(a) The workforce commission [council] shall determine the fair market price of all products and services manufactured or provided by persons with disabilities and offered for sale to the various agencies and departments of the state and its political subdivisions by a community rehabilitation program participating in the program administered under this chapter. The workforce commission [council] shall ensure that the products and services offered for sale offer the best value for the state or a political subdivision. The comptroller shall provide the workforce commission with the information and resources necessary for the workforce commission to comply with this subsection.

(c) The workforce commission [council] shall revise the prices periodically to reflect changing market conditions.

(d) Before offering for sale products and services manufactured or provided by persons with disabilities to state agencies and political subdivisions, the workforce commission [council] shall test the goods and services in accordance with Section 2155.069, Government Code, to the extent necessary to ensure quality. The workforce commission [council] may enter into a contract with a private or public entity to assist with testing. The comptroller shall make awards under this section based on proposed goods and services meeting formal state specifications developed by the comptroller or meeting commercial specifications approved by the comptroller.

SECTION 8. Section 122.008, Human Resources Code, is amended to read as follows:

Sec. 122.008. PROCUREMENT AT DETERMINED PRICE. A suitable product or service that meets applicable specifications established by the state or its political subdivisions and that is available within the time specified must be procured from a community rehabilitation program at the price determined by the workforce commission [council] to be the fair market price under Section 122.007.

SECTION 9. Section 122.009, Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 122.009. RECORDS. ~~(a)~~ The records of the workforce commission [council] and of a central nonprofit agency shall, to the extent that the records pertain specifically to state purchases of the products and services of persons with disabilities, be made available upon request to the inspection of representatives of the state auditor, the governor's budget office, or the Legislative Budget Board. The inspection of the records shall be conducted with due regard to the privacy rights of persons with disabilities. A document that is available for inspection under this subsection is an open record for purposes of Chapter 552, Government Code.

~~[(b) The comptroller is the depository for all records concerning the council's operations.~~

~~[(c) The council is subject to Chapter 552, Government Code.]~~

SECTION 10. Sections 122.0095(a) and (e), Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are amended to read as follows:

(a) Each state agency that purchases products or services through a program under this chapter shall:

(1) designate an agency employee to ensure that the agency complies with this chapter; and

(2) report to the comptroller and the workforce commission ~~[council]~~ the purchase of products or services available from a central nonprofit agency or community rehabilitation program under this chapter, but purchased from another business that is not a central nonprofit agency or community rehabilitation program under this chapter.

(e) The workforce commission ~~[council]~~ shall review and analyze the information contained in the reports under this section and Sections 122.012 and 122.016. The comptroller shall assist the workforce commission ~~[council]~~ in reviewing and analyzing the reports in order to improve state agency compliance with this chapter.

SECTION 11. Section 122.010, Human Resources Code, is amended to read as follows:

Sec. 122.010. COOPERATION WITH DEPARTMENT OF CRIMINAL JUSTICE. The workforce commission ~~[council]~~ may cooperate with the Texas Department of Criminal Justice to accomplish the purposes of this chapter and to contribute to the economy of state government. The workforce commission ~~[council]~~ and the department may enter into contractual agreements, cooperative working relationships, or other arrangements necessary for effective coordination and the realization of the objectives of both entities.

SECTION 12. Section 122.011, Human Resources Code, is amended to read as follows:

Sec. 122.011. CORRELATION WITH RELATED FEDERAL PROGRAMS. The workforce commission ~~[council]~~ may adopt procedures, practices, and standards used for federal programs similar to the state program established in this chapter.

SECTION 13. Sections 122.012(a), (b), and (e), Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are amended to read as follows:

(a) The comptroller shall cooperate with, and provide any ~~[legal and other]~~ necessary support to, the workforce commission ~~[council]~~ in accordance with legislative appropriation~~[- The comptroller shall assign an upper level management employee to ensure that the comptroller meets the requirements of this chapter].~~

(b) State agencies responsible for the provision of rehabilitation and related services to persons with disabilities shall cooperate with the workforce commission ~~[council]~~ in the operation of the program. The Department of Assistive and Rehabilitative Services and other state human services agencies responsible for assisting persons with disabilities may, through written agreements or interagency contracts, provide space, storage, logistical support, consultation, expert services, communications services, or financial assistance with respect to the program administered under this chapter ~~[any function or responsibility of the council].~~

(e) After any audit or review the comptroller conducts with regard to state agency compliance with purchasing laws and procedures, the comptroller shall report to the workforce commission [~~council~~] a state agency that is not complying with this chapter.

SECTION 14. Sections 122.013(a) and (c), Human Resources Code, are amended to read as follows:

(a) The workforce commission [~~council~~] shall adopt rules for the implementation, extension, administration, or improvement of the program authorized by this chapter in accordance with Chapter 2001, Government Code.

(c) The workforce commission [~~council~~] shall adopt rules to:

(1) address possible conflicts of interest for central nonprofit agencies and community rehabilitation programs;

(2) establish a process for the certification of community rehabilitation programs;

(3) establish a minimum percentage of disabled labor an organization must employ to be considered a community rehabilitation program under this chapter; and

(4) define the terms "value-added" and "direct labor" for products manufactured and services provided that are offered for sale under this chapter.

SECTION 15. Section 122.015, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) In determining the fair market value of products or services offered for sale under this chapter, the workforce commission [~~subcommittee established under Section 122.007(b) and the council~~] shall give due consideration to the following type of factors:

(1) to the extent applicable, the amounts being paid for similar articles in similar quantities by federal agencies purchasing the products or services under the authorized federal program of like effect to the state program authorized by this chapter;

(2) the amounts which private business would pay for similar products or services in similar quantities if purchasing from a reputable corporation engaged in the business of selling similar products or services;

(3) to the extent applicable, the amount paid by the state in any recent purchases of similar products or services in similar quantities, making due allowance for general inflationary or deflationary trends;

(4) the actual cost of manufacturing the product or performing a service at a community rehabilitation program offering employment services on or off premises to persons with disabilities, with adequate weight to be given to legal and moral imperatives to pay workers with disabilities equitable wages; and

(5) the usual, customary, and reasonable costs of manufacturing, marketing, and distribution.

(d) The comptroller shall provide the workforce commission with the information and resources necessary for the workforce commission to comply with this section.

SECTION 16. Section 122.016(b), Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(b) Each month, the comptroller shall provide the workforce commission [~~council~~] with a list of all items purchased under the exception provided by Subsection (a). The workforce commission [~~council~~] shall adopt the form in which the list is to be provided and may require the list to include the date of requisition, the type of product or service requested, the reason for purchase under the exception, and any other information that the workforce commission [~~council~~] considers relevant to a determination of why the product or service was not purchased in accordance with Section 122.014.

SECTION 17. Section 122.019, Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 122.019. CENTRAL NONPROFIT AGENCY. (a) The workforce commission [~~council~~] may select and contract with one or more central nonprofit agencies through a request for proposals for a period not to exceed five years. Once the selection process is completed, the workforce commission may [~~council shall~~] contract with a central nonprofit agency to:

(1) recruit and assist community rehabilitation programs in developing and submitting applications for the selection of suitable products and services;

(2) facilitate the distribution of orders among community rehabilitation programs;

(3) manage and coordinate the day-to-day operation of the program, including the general administration of contracts with community rehabilitation programs;

(4) promote increased supported employment opportunities for persons with disabilities; and

(5) recruit and assist qualified nonprofit organizations that are managed by members of racial minorities, women, or persons with disabilities and that are in the process of qualifying as community rehabilitation programs.

(b) The services of a central nonprofit agency may include marketing and marketing support services, such as:

(1) assistance to community rehabilitation programs regarding solicitation and negotiation of contracts;

(2) direct marketing of products and services to consumers;

(3) research and development of products and services;

(4) public relations activities to promote the program;

(5) customer relations;

(6) education and training;

(7) accounting services related to purchase orders, invoices, and payments to community rehabilitation programs; and

(8) other duties designated by the workforce commission [~~council~~].

(c) Each year, the workforce commission [~~council~~] shall review services provided by a central nonprofit agency and the revenues required to accomplish the program to determine whether each agency's performance complies with contractual specifications. Not later than the 60th day before the review, the workforce

commission [council] shall publish in the Texas Register a request for comment on the services of a central nonprofit agency that participates in community rehabilitation programs.

(d) At least once during each five-year period, the workforce commission [council] may review and renegotiate the contract with a central nonprofit agency. Not later than the 60th day before the date the workforce commission [council] adopts or renews a contract, the workforce commission [council] shall publish notice of the proposed contract in the Texas Register.

(e) The workforce commission shall determine the best method to structure the maximum management fee rate charged by a central nonprofit agency for its services [must be computed as a percentage of the selling price of the product or the contract price of a service, must be included in the selling price or contract price, and must be paid at the time of sale]. The management fee rate must be ~~[approved by the council and must be]~~ reviewed on an annual basis.

(f) A percentage of the management fee described by Subsection (e) shall be paid to the workforce commission [council] and is subject to Section 122.023. The percentage shall be set by the workforce commission [council] in the amount necessary to reimburse the general revenue fund for direct and reasonable costs incurred by the comptroller and ~~[;] the workforce commission [council, and the council staff]~~ in administering the comptroller's and workforce commission's [council's] duties under this chapter, including any costs associated with providing support to the advisory committee.

(g) The workforce commission [council] may terminate a contract with a central nonprofit agency if:

(1) the workforce commission [council] finds substantial evidence of the central nonprofit agency's noncompliance with contractual obligations; and

(2) the workforce commission [council] has provided at least 30 days' notice to the central nonprofit agency of the termination of the contract.

(h) The workforce commission [council] may request an audit by the state auditor of:

(1) the management fee set by a central nonprofit agency; or

(2) the financial condition of a central nonprofit agency.

(i) A person may not operate a community rehabilitation program and at the same time contract with the workforce commission [council] as a central nonprofit agency.

SECTION 18. Section 122.020, Human Resources Code, is amended to read as follows:

Sec. 122.020. CONSUMER INFORMATION; COMPLAINTS. (a) The workforce commission [council] shall prepare information of consumer interest describing the activities of the workforce commission under this chapter [council] and describing the workforce commission's [council's] procedures by which consumer complaints are filed with and resolved by the workforce commission under this chapter [council]. The workforce commission [council] shall make the information available to the general public and appropriate state agencies.

(b) The workforce commission [council] shall keep an information file about each complaint filed with the workforce commission [council]. The file must include:

- (1) the name of the person who filed the complaint;
 - (2) the date the complaint is received by the workforce commission [council];
 - (3) the subject matter of the complaint;
 - (4) the name of each person contacted in relation to the complaint;
 - (5) a summary of the results of the review or investigation of the complaint;
- and
- (6) an explanation of the reason the file was closed, if the workforce commission [council] closed the file without taking action other than to investigate the complaint.

(c) If a written complaint is filed with the workforce commission [council], the workforce commission [council], at least as frequently as quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless the notice would jeopardize an undercover investigation.

(d) The workforce commission [council] shall provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the workforce commission's [council's] policies and procedures relating to complaint investigation and resolution.

SECTION 19. Sections 122.0205(a) and (c), Human Resources Code, are amended to read as follows:

(a) A dispute between the workforce commission [council] and a central nonprofit agency or a community rehabilitation program shall first be submitted to alternative dispute resolution.

(c) This section does not limit the workforce commission's [council's] ability to request opinions from the attorney general.

SECTION 20. Section 122.0215, Human Resources Code, is amended to read as follows:

Sec. 122.0215. ACCESS TO INFORMATION AND RECORDS; INSPECTION. (a) The workforce commission [council and the council's staff] may access financial or other information and records from a central nonprofit agency or a community rehabilitation program if the workforce commission [council] determines the information and records are necessary for the effective administration of this chapter and rules adopted under this chapter.

(b) Information and records must be obtained under Subsection (a) in recognition of the privacy interest of persons employed by central nonprofit agencies or community rehabilitation programs. The information and records may not be released or made public on subpoena or otherwise, except that release may be made:

- (1) for statistical purposes, but only if a person is not identified;
- (2) with the consent of each person identified in the information released; or
- (3) regarding a compensation package of any central nonprofit agency employee or subcontractor if determined by the workforce commission [council] to be relevant to the administration of this chapter.

(c) The workforce commission [council] shall adopt rules establishing procedures to ensure that the information and records maintained by the workforce commission [council] under this chapter are kept confidential and protected from release to unauthorized persons.

(d) The workforce commission ~~[council]~~ or a central nonprofit agency at the workforce commission's ~~[council's]~~ direction may inspect a community rehabilitation program for compliance with certification criteria established under Section ~~[Sections 122.003(j) and]~~ 122.013(c). ~~[The committee designated under Section 122.003(j) shall review the inspection results and recommend appropriate action to the council.]~~

SECTION 21. Section 122.022, Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 122.022. REPORTS. (a) On or before November 1 of each year, the workforce commission ~~[council]~~ shall prepare an annual financial report in the form prescribed by Section 2101.011, Government Code, relating to the workforce commission's activities under this chapter and file the report with the governor and the presiding officer of each house of the legislature ~~[a copy of the annual financial report prepared by the council under Section 2101.011, Government Code].~~

(b) As part of the report filed under Subsection (a), the workforce commission ~~[council]~~ shall provide:

- (1) the number of persons with disabilities, according to their type of disability, who are employed in community rehabilitation programs participating in the programs established by this chapter or who are employed by businesses or workshops that receive supportive employment from community rehabilitation programs;
- (2) the amount of annual wages paid to a person participating in the program;
- (3) a summary of the sale of products offered by a community rehabilitation program;
- (4) a list of products and services offered by a community rehabilitation program;
- (5) the geographic distribution of the community rehabilitation programs;
- (6) the number of workers without disabilities who are employed in community rehabilitation programs under this chapter; and
- (7) the average and range of weekly earnings for workers with disabilities and workers without disabilities who are employed in community rehabilitation programs under this chapter.

SECTION 22. Section 122.023, Human Resources Code, is amended to read as follows:

Sec. 122.023. ~~[COUNCIL]~~ FUNDS. All money paid to the workforce commission ~~[council]~~ under this chapter is subject to Subchapter F, Chapter 404, Government Code.

SECTION 23. Section 122.024, Human Resources Code, is amended to read as follows:

Sec. 122.024. STRATEGIC PLAN; FINAL OPERATING PLAN. The workforce commission ~~[council]~~ shall prepare a [an agency] strategic plan and a final operating plan relating to the workforce commission's activities under this chapter as required by Subchapter E, Chapter 2054, Government Code.

SECTION 24. Section 122.028, Human Resources Code, is amended to read as follows:

Sec. 122.028. PROGRAM PROMOTION. The workforce commission [~~council~~] shall establish procedures for the promotion of the program administered under this chapter.

SECTION 25. Section 122.029, Human Resources Code, is amended to read as follows:

Sec. 122.029. DUTIES OF STATE AUDITOR. (a) As part of an audit of a state agency authorized under Section 2161.123, Government Code, the state auditor shall:

- (1) conduct an audit of a state agency for compliance with this chapter; and
- (2) report to the workforce commission [~~council~~] a state agency that is not complying with this chapter.

(b) If the state auditor reports to the workforce commission [~~council~~] that a state agency is not complying with this chapter, the workforce commission [~~council~~] shall assist the agency in complying.

SECTION 26. Section 122.030, Human Resources Code, is amended to read as follows:

Sec. 122.030. MANAGEMENT FEE RATE; REVIEW PROCESS. (a) The workforce commission [~~council~~] shall develop a formal review process for the annual review conducted under Section 122.019(e). The review process must include:

- (1) notice to affected parties, including community rehabilitation programs;
- (2) solicitation of public comment; and
- (3) documentation provided by a central nonprofit agency in support of a proposed management fee rate change.

(b) Before making a decision relating to the management fee rate, the workforce commission [~~council~~] shall consider:

- (1) any public comment received;
- (2) documentation provided by a central nonprofit agency; and
- (3) any documentation provided by a community rehabilitation program or the public.

(c) The workforce commission [~~council~~] shall adopt rules to implement this section.

SECTION 27. The following provisions of the Human Resources Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

- (1) Section 122.002(4);
- (2) Section 122.003;
- (3) Section 122.004;
- (4) Section 122.005;
- (5) Section 122.0055;
- (6) Section 122.006;
- (7) Section 122.007(b);
- (8) Section 122.013(b);
- (9) Section 122.0206;
- (10) Section 122.021;
- (11) Section 122.025; and
- (12) Section 122.027.

SECTION 28. (a) The Texas Council on Purchasing from People with Disabilities is abolished.

(b) The validity of an action taken by or in connection with the authority of the Texas Council on Purchasing from People with Disabilities before it is abolished is not affected by the abolition.

SECTION 29. (a) All powers and duties of the Texas Council on Purchasing from People with Disabilities are transferred to the Texas Workforce Commission.

(b) A rule, form, policy, procedure, or decision of the Texas Council on Purchasing from People with Disabilities continues in effect as a rule, form, policy, procedure, or decision of the Texas Workforce Commission until superseded by an act of the Texas Workforce Commission.

(c) A reference in law to the Texas Council on Purchasing from People with Disabilities means the Texas Workforce Commission.

(d) Any action or proceeding before the Texas Council on Purchasing from People with Disabilities is transferred without change in status to the Texas Workforce Commission and the Texas Workforce Commission assumes, without a change in status, the position of the Texas Council on Purchasing from People with Disabilities in any action or proceeding to which the Texas Council on Purchasing from People with Disabilities is a party.

(e) All money, contracts, leases, rights, bonds, and obligations of the Texas Council on Purchasing from People with Disabilities are transferred to the Texas Workforce Commission.

(f) All personal property, including records, in the custody of the Texas Council on Purchasing from People with Disabilities becomes the property of the Texas Workforce Commission.

(g) All funds appropriated by the legislature to the Texas Council on Purchasing from People with Disabilities are transferred to the Texas Workforce Commission.

SECTION 30. The terms of the current members of the advisory committee amended by this Act expire on the effective date of this Act. On that date or as soon as possible after that date, the Texas Workforce Commission shall appoint new members to the advisory committee in accordance with the requirements of Section 122.0057, Human Resources Code, as amended by this Act. The Texas Workforce Commission shall designate the six members of the committee whose terms expire on February 1, 2017, and the seven members of the committee whose terms expire on February 1, 2019.

SECTION 31. This Act takes effect September 1, 2015.

Floor Amendment No. 1

Amend **CSSB 212** as follows:

(1) On page 3, strike line 14 through line 16 and replace with "(3) the executive commissioner of the health and human services commission or designee; and"

(2) On page 6, strike line 15 through line 17 and replace with "(1) The workforce commission shall provide administrative support to the advisory committee."

The amendments were read.

Senator Birdwell moved to concur in the House amendments to **SB 212**.

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

SENATE BILL 1148 WITH HOUSE AMENDMENT

Senator Watson called **SB 1148** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 1148** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to the functions of the Public Utility Commission of Texas in relation to the economic regulation of water and sewer service.

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

SECTION 1. Section 5.315, Water Code, is amended to read as follows:

Sec. 5.315. DISCOVERY IN CASES USING PREFILED WRITTEN TESTIMONY. In a contested case hearing delegated by the commission to the State Office of Administrative Hearings that uses prefiled written testimony, all discovery must be completed before the deadline for the submission of that testimony [~~except for water and sewer ratemaking proceedings~~].

SECTION 2. Section 5.507, Water Code, is amended to read as follows:

Sec. 5.507. EMERGENCY ORDER FOR OPERATION OF UTILITY THAT DISCONTINUES OPERATION OR IS REFERRED FOR APPOINTMENT OF RECEIVER. The commission [~~or the Public Utility Commission of Texas~~] may issue an emergency order appointing a willing person to temporarily manage and operate a utility under Section 13.4132. Notice of the action is adequate if the notice is mailed or hand delivered to the last known address of the utility's headquarters.

SECTION 3. Section 13.041(d), Water Code, is amended to read as follows:

(d) In accordance with Subchapter K-1, the [The] utility commission may issue emergency orders, with or without a hearing:

(1) to compel a water or sewer service provider that has obtained or is required to obtain a certificate of public convenience and necessity to provide continuous and adequate water service, sewer service, or both, if the discontinuance of the service is imminent or has occurred because of the service provider's actions or failure to act; and

(2) to compel a retail public utility to provide an emergency interconnection with a neighboring retail public utility for the provision of temporary water or sewer service, or both, for not more than 90 days if service discontinuance or serious impairment in service is imminent or has occurred.

SECTION 4. Section 13.043, Water Code, is amended by adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(b-1) A municipally owned utility shall:

(1) disclose to any person, on request, the number of ratepayers who reside outside the corporate limits of the municipality; and

(2) provide to any person, on request, a list of the names and addresses of the ratepayers who reside outside the corporate limits of the municipality.

(b-2) If a ratepayer has requested that a municipally owned utility keep the ratepayer's personal information confidential under Section 182.052, Utilities Code, the municipally owned utility may not disclose the address of the ratepayer under Subsection (b-1)(2).

(b-3) The municipally owned utility may not charge a fee for disclosing the information under Subsection (b-1)(1). The municipally owned utility may charge a reasonable fee for providing information under Subsection (b-1)(2). The municipally owned utility shall provide information requested under Subsection (b-1)(1) by telephone or in writing as preferred by the person making the request.

SECTION 5. Section 13.187(g-1), Water Code, is amended to read as follows:

(g-1) If the regulatory authority is the utility commission, the utility commission shall give reasonable notice of the hearing, including notice to the governing body of each affected municipality and county. The utility commission may delegate to an administrative law judge of the State Office of Administrative Hearings the responsibility and authority to give reasonable notice of the hearing, including notice to the governing body of each affected municipality and county. The utility is not required to provide a formal answer or file any other formal pleading in response to the notice, and the absence of an answer does not affect an order for a hearing.

SECTION 6. Sections 13.1871(g), (h), (j), (m), and (p), Water Code, are amended to read as follows:

(g) After written notice to the utility, the utility commission may suspend the effective date of a rate change for not more than 265 ~~[205]~~ days from the proposed effective date. If the utility commission does not make a final determination on the proposed rate before the expiration of the suspension period, the proposed rate shall be considered approved. This approval is subject to the authority of the utility commission thereafter to continue a hearing in progress.

(h) The 265-day ~~[205-day]~~ period described by Subsection (g) shall be extended by two days for each day a hearing exceeds 15 days.

(j) If the regulatory authority receives at least the number of complaints from ratepayers required for the regulatory authority to set a hearing under Subsection (i), the regulatory authority may, pending the hearing and a decision, suspend the date the rate change would otherwise be effective. Except as provided by Subsection (h), the proposed rate may not be suspended for longer than:

- (1) 90 days by a local regulatory authority; or
- (2) 265 ~~[205]~~ days by the utility commission.

(m) The regulatory authority shall give reasonable notice of the hearing, including notice to the governing body of each affected municipality and county. The utility commission may delegate to an administrative law judge of the State Office of Administrative Hearings the responsibility and authority to give reasonable notice for the hearing, including notice to the governing body of each affected municipality and county. The utility is not required to provide a formal answer or file any other formal pleading in response to the notice, and the absence of an answer does not affect an order for a hearing.

(p) A utility may put a changed rate into effect throughout the area in which the utility sought to change its rates, including an area over which the utility commission is exercising appellate or original jurisdiction, by filing a bond with the utility

commission if the suspension period has been extended under Subsection (h) and the utility commission fails to make a final determination before the 266th ~~[206th]~~ day after the date the rate change would otherwise be effective.

SECTION 7. Sections 13.301(a) and (h), Water Code, are amended to read as follows:

(a) A utility or a water supply or sewer service corporation, on or before the 120th day before the effective date of a sale, acquisition, lease, or rental of a water or sewer system owned by an entity that is required by law to possess a certificate of public convenience and necessity or the effective date of a sale or acquisition of or merger or consolidation with such an entity ~~[a utility or water supply or sewer service corporation]~~, shall:

(1) file a written application with the utility commission; and

(2) unless public notice is waived by the utility commission for good cause shown, give public notice of the action.

(h) A sale, acquisition, lease, or rental of any water or sewer system owned by an entity required by law to possess a certificate of public convenience and necessity, or a sale or acquisition of or merger or consolidation with such an entity, that is not completed in accordance with the provisions of this section is void.

SECTION 8. Sections 13.4133(a) and (c), Water Code, are amended to read as follows:

(a) Notwithstanding the requirements of Subchapter F, the utility commission may authorize an emergency rate increase for a utility for which a person has been appointed under Section 13.4132 or for which a receiver has been appointed under Section 13.412 if the increase is necessary to ensure the provision of continuous and adequate services to the utility's customers. The commission and utility commission shall coordinate as needed to carry out this section.

(c) An emergency order may be issued under this section for a term not to exceed 15 months. The utility commission shall schedule a hearing to establish a final rate within 15 months after the date on which an emergency rate increase takes effect. The utility commission shall require the utility to provide notice of the hearing to each customer. The additional revenues collected under an emergency rate increase are subject to refund if the utility commission finds that the rate increase was larger than necessary to ensure continuous and adequate service.

SECTION 9. Chapter 13, Water Code, is amended by adding Subchapter K-1 to read as follows:

SUBCHAPTER K-1. EMERGENCY ORDERS

Sec. 13.451. ISSUANCE OF EMERGENCY ORDER. (a) The utility commission may issue an emergency order authorized under this chapter after providing the notice and opportunity for a hearing that the utility commission considers practicable under the circumstances or without notice or opportunity for a hearing. If the utility commission considers the provision of notice and opportunity for a hearing practicable, the utility commission shall provide the notice not later than the 10th day before the date set for the hearing.

(b) The utility commission by order or rule may delegate to the utility commission's executive director the authority to:

(1) receive applications and issue emergency orders under this subchapter;
and

(2) authorize, in writing, a representative or representatives to act on the utility commission's executive director's behalf under this subchapter.

(c) Chapter 2001, Government Code, does not apply to the issuance of an emergency order under this subchapter without a hearing.

(d) A law under which the utility commission acts that requires notice of hearing or that prescribes procedures for the issuance of emergency orders does not apply to a hearing on an emergency order issued under this subchapter unless the law specifically requires notice for an emergency order. The utility commission shall give notice of the hearing as it determines is practicable under the circumstances.

(e) An emergency order issued under this subchapter does not vest any rights in a person affected by the order and the order expires according to its terms.

(f) The utility commission may adopt rules necessary to administer this subchapter.

Sec. 13.452. APPLICATION FOR EMERGENCY ORDER. A person other than the utility commission or the staff of the utility commission who desires the issuance of an emergency order under this subchapter must submit a sworn written application to the utility commission. The application must:

(1) describe the emergency condition or other condition justifying the issuance of the order;

(2) allege facts to support the findings required under this subchapter;

(3) estimate the dates on which the proposed order should begin and end;

(4) describe the action sought and the activity proposed to be allowed, mandated, or prohibited; and

(5) include any other statement, including who must sign the application for the order, and any information required by the utility commission.

Sec. 13.453. NOTICE OF ISSUANCE. Notice of the issuance of an emergency order must be provided as required by utility commission rule.

Sec. 13.454. HEARING TO AFFIRM, MODIFY, OR SET ASIDE ORDER. (a) If the utility commission or the utility commission's executive director issues an emergency order under this subchapter without a hearing, a hearing must be held to affirm, modify, or set aside the emergency order unless the person affected by the order waives the right to a hearing. If the person does not waive the right to a hearing, the utility commission or the utility commission's executive director shall set a time and place for a hearing to be held before the utility commission or the State Office of Administrative Hearings, which must be as soon as practicable after the order is issued.

(b) At a hearing required under Subsection (a), or within a reasonable time after the hearing, the utility commission shall affirm, modify, or set aside the emergency order.

(c) A hearing to affirm, modify, or set aside an emergency order must be conducted in accordance with Chapter 2001, Government Code, and utility commission rules. Utility commission rules relating to a hearing to affirm, modify, or

set aside an emergency order must provide for presentation of evidence by the applicant, if any, under oath, presentation of rebuttal evidence under oath, and cross-examination of witnesses under oath.

Sec. 13.455. TERM OF ORDER. An emergency order issued under this subchapter must be limited to a reasonable time as specified in the order. Except as otherwise provided by this chapter, the term of an emergency order may not exceed 180 days. An emergency order may be renewed once for a period not to exceed 180 days.

SECTION 10. Section 5.508, Water Code, is repealed.

SECTION 11. This Act takes effect September 1, 2015.

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 1148**.

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

SENATE BILL 880 WITH HOUSE AMENDMENT

Senator Nelson called **SB 880** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 880** (House committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 205.03(p), Alcoholic Beverage Code, is amended to read as follows:

(p) This section expires September 1, 2025 [~~2015~~].

The amendment was read.

Senator Nelson moved to concur in the House amendment to **SB 880**.

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

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

Nays: Burton, Hall.

SENATE BILL 1902 WITH HOUSE AMENDMENTS

Senator Perry called **SB 1902** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 1902** (house committee report) as follows:

(1) On page 6, line 5, strike "or".

(2) On page 6, line 6, strike "49.065, or 71.021" and substitute "or 49.065, Penal Code, or Chapter 71".

(3) On page 7, line 21, strike "or".

(4) On page 7, line 22, strike "49.065, or 71.021" and substitute "or 49.065, Penal Code, or Chapter 71".

Floor Amendment No. 3

Amend **SB 1902** (house committee report) as follows:

(1) On page 17, line 19, strike "and".

(2) On page 18, line 1, between "institution" and the period, insert the following:
; and

(31) an employer that has a facility that handles or has the capability of handling, transporting, storing, processing, manufacturing, or controlling hazardous, explosive, combustible, or flammable materials, if:

(A) the facility is critical infrastructure, as defined by 42 U.S.C. Section 5195c(e), or the employer is required to submit to a risk management plan under Section 112(r) of the federal Clean Air Act (42 U.S.C. Section 7412) for the facility;
and

(B) the information concerns an employee, applicant for employment, contractor, or subcontractor whose duties involve or will involve the handling, transporting, storing, processing, manufacturing, or controlling hazardous, explosive, combustible, or flammable materials and whose background is required to be screened under a federal provision described by Paragraph (A)

The amendments were read.

Senator Perry moved to concur in the House amendments to **SB 1902**.

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

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

Nays: Bettencourt, Huffman, Nelson, Nichols, L. Taylor.

SENATE BILL 582 WITH HOUSE AMENDMENT

Senator Kolkhorst called **SB 582** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 582** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to training courses for certain food handlers.

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

SECTION 1. Section 438.046, Health and Safety Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A food service worker trained in a food handler training course accredited by the American National Standards Institute is considered to have met a local health jurisdiction's training, testing, and permitting requirements. A local health jurisdiction may require a food establishment, as that term is defined by Section 438.101, to maintain on the premises of the food establishment a certificate of completion of the training course for employees of the food establishment.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

The amendment was read.

Senator Kolkhorst moved to concur in the House amendment to **SB 582**.

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

REMARKS ORDERED PRINTED

On motion of Senator Creighton and by unanimous consent, the exchange between Senators Kolkhorst and Creighton regarding **SB 582** was ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Creighton: Senator Kolkhorst, the language that was amended in the House provides that a person that takes an ANSI accredited course is deemed to have met the local jurisdiction's permitting requirements. Does the language added by the House regarding permitting requirements include the fees that are paid with the local food handler permit?

Senator Kolkhorst: Thanks for your question. Yes, it is the intent of SB 582 that all local permitted fees associated with food handler permits could no longer be collected by a local jurisdiction for a food handler certificate obtained from an ANSI accredited course. ANSI accredited courses have increased security, fraud protection, and easy confirmation of course completion. Therefore, there is no need to require a local food handler permit or charge a fee to a person that takes an ANSI accredited course. SB 582 adds new Subsection (b-1) to Section 438.046, Health and Safety Code, which is the authority for local jurisdictions to impose a local permit fee for food handlers. Since SB 582 is amending the local fee statute, it is clear that SB 582 prohibits the imposition or collection of a local food handler permit fees associated with an ANSI accredited course.

SENATE BILL 46 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 46** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1 on Third Reading

Amend **SB 46** on third reading in SECTION 1 of the bill by adding a new subsection (c-1):

(c-1) Notwithstanding any other law, a photograph described by Subsection (a) may be used to ascertain the location of equipment used to produce or transmit oil and gas for purposes of taxation if that equipment is located on January 1 in the appraisal district that appraises property for the equipment for the preceding 365 consecutive days.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 46**.

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

SENATE BILL 866 WITH HOUSE AMENDMENTS

Senator L. Taylor called **SB 866** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 866** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of amusement redemption machine game rooms in certain counties.

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

SECTION 1. Section 234.132, Local Government Code, as added by Chapter 1284 (H.B. 2123), Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

Sec. 234.132. APPLICABILITY. This subchapter applies only to:

- (1) a county that has ~~[with]~~ a population of less than 25,000, ~~[that]~~ is adjacent to the Gulf of Mexico, and is within 50 miles of an international border;
- (2) a county that has a population of four million or more; and
- (3) a county that is adjacent to the Gulf of Mexico and to a county that has a population of four million or more.

SECTION 2. Subchapter E, Chapter 234, Local Government Code, as added by Chapter 1377 (H.B. 1127), Acts of the 83rd Legislature, Regular Session, 2013, is repealed.

SECTION 3. This Act takes effect September 1, 2015.

Floor Amendment No. 1

Amend **CSSB 866** (house committee printing) as follows:

- (1) On page 1, line 14, strike "and".
- (2) On page 1, line 16, between "four million or more" and the period, insert the following:

; and

- (4) a county located on the Texas-Mexico border that has a population of less than 300,000 and contains a municipality with a population of 200,000 or more

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 866** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators L. Taylor, Chair; Lucio, Bettencourt, Creighton, and Kolkhorst.

HOUSE BILL 1455 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **HB 1455** at this time on its second reading:

HB 1455, Relating to procedures required before certain condominium associations file a suit or initiate an arbitration proceeding for a defect or design claim.

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

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

Nays: Ellis, Garcia, Hinojosa, Rodríguez, Schwertner, Uresti, Watson, Whitmire.

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

HOUSE BILL 1455 ON THIRD READING

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1455** 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, Eltife, Estes, Fraser, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Seliger, L. Taylor, V. Taylor, Watson, West, Zaffirini.

Nays: Ellis, Garcia, Rodríguez, Schwertner, Uresti, Whitmire.

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

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

Nays: Ellis, Garcia, Hinojosa, Rodríguez, Schwertner, Uresti, Watson, Whitmire.

REMARKS ORDERED PRINTED

On motion of Senator Watson and by unanimous consent, the remarks by Senators Creighton and Watson regarding **HB 1455** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Watson: Senator Creighton, I am concerned that your bill makes it harder for residents of a condominium to bring a suit for a design or construction defect. However, in the negotiations on this bill, a change was made in the House, regarding the number of votes a condo association must have in order to bring a suit. At one time, that threshold was 67 percent of the members of the association, and this bill now sets that requirement that a vote of 50 percent of the members of the association, the bill says that 50 percent of the members of a condo association are needed in order to bring a suit for a design defect or claim. Is it your understanding that it is clear that nothing in your bill allows for there to be a threshold higher than 50 percent?

Senator Creighton: That's correct. The original version of the bill, as you mentioned, was set at 67 percent, and through the committee process, through negotiation with stakeholders and working with the House, the language, as it is now, is a simple majority. It still protects the owner's ability to bring, bring a suit if necessary.

Senator Watson: Even the provisions of the bill that allow a condo association's declarations or bylaws to set out a process for resolving the claim, nothing in this bill allows there to be a different or more burdensome way for bringing a claim?

Senator Creighton: That's correct. This is limited to strictly condo associations because of their ability to burden units owned by multiple owners in litigation and that directly affects their marketability. So, yes, that is my understanding.

Senator Watson: Thank you, Senator Creighton. Respectfully, I will still be voting no on your bill, but I appreciate you clarifying this for me.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2590 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2590** at this time on its second reading:

CSHB 2590, Relating to providing a remedy for fraud committed in certain real estate transactions.

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 2590 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2590** 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 483 ON SECOND READING**

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **CSHB 483** at this time on its second reading:

CSHB 483, Relating to the establishment and administration of a state bullion depository; authorizing fees.

The motion prevailed.

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

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

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

Nays: Ellis, Garcia, Watson.

**COMMITTEE SUBSTITUTE
HOUSE BILL 483 ON THIRD READING**

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 483** 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, Eltife, Estes, Fraser, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, West, Whitmire, Zaffirini.

Nays: Ellis, Garcia, 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 2286 ON SECOND READING

On motion of Senator Burton and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2286** at this time on its second reading:

HB 2286, Relating to the eligibility of certain victims of trafficking of persons for an order of nondisclosure; authorizing a fee.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2286** (senate committee printing) as follows:

(1) Designate SECTIONS 1 through 7 of the bill (page 1, line 20, through page 4, line 47) as ARTICLE 1 of the bill and renumber those SECTIONS appropriately.

(2) After original SECTION 7 of the bill (page 4, between lines 47 and 48), add the following appropriately numbered SECTION to ARTICLE 1 of the bill:

SECTION 1.____. This article takes effect only if S.B. 1902, Acts of the 84th Legislature, Regular Session, 2015, does not become law. If that bill becomes law, this article has no effect.

(3) After added ARTICLE 1 of the bill and before original SECTION 8 of the bill, add a new ARTICLE 2 of the bill to read as follows:

ARTICLE 2

SECTION 2.01. Subchapter E-1, Chapter 411, Government Code, is amended by adding Section 411.0728 to read as follows:

Sec. 411.0728. PROCEDURE FOR CERTAIN VICTIMS OF TRAFFICKING OF PERSONS. (a) This section applies only to a person who on conviction for an offense under Section 43.02, Penal Code, is placed on community supervision under Article 42.12, Code of Criminal Procedure, and with respect to whom the conviction is subsequently set aside by the court under Section 20(a) of that article.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) who satisfies the requirements of Section 411.074 may petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information under this section on the grounds that the person committed the offense solely as a victim of trafficking of persons.

(c) After notice to the state, an opportunity for a hearing, and a determination by the court that the person committed the offense solely as a victim of trafficking of persons and that issuance of the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense under Section 43.02, Penal Code, giving rise to the community supervision.

(d) A person may petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information under this section only after the person's conviction under Section 43.02, Penal Code, is set aside.

SECTION 2.02. Section 552.142(b), Government Code, is amended to read as follows:

(b) A person who is the subject of information that is excepted from the requirements of Section 552.021 under this section may deny the occurrence of the criminal proceeding [~~arrest and prosecution~~] to which the information relates and the exception of the information under this section, unless the information is being used against the person in a subsequent criminal proceeding.

SECTION 2.03. This article takes effect only if S.B. 1902, Acts of the 84th Legislature, Regular Session, 2015, becomes law. If that bill does not become law, this article has no effect.

(4) Designate SECTIONS 8 and 9 of the bill (page 4, lines 48-55) as ARTICLE 3 of the bill and renumber those SECTIONS appropriately.

(5) In original SECTION 8 of the bill (page 4, lines 48-49), strike "Section 411.081(d-1), Government Code, as added by this Act," and substitute "this Act".

The amendment to **HB 2286** 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 Burton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 2286 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 2286 ON THIRD READING

Senator Burton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2286** 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 3002 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **HB 3002** at this time on its second reading:

HB 3002, Relating to the fee imposed on certain property owners by a county for the establishment of street lights along a county road.

The motion prevailed.

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

The bill was read second time and was passed to third reading by the following vote: Yeas 25, Nays 6.

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

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

HOUSE BILL 3002 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3002** be placed on its third reading and final passage.

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

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

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 530 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSHB 530** at this time on its second reading:

CSHB 530, Relating to the use of proceeds from criminal asset forfeiture to provide college scholarships to children of peace officers killed in the line of duty and to an annual report regarding the total value of forfeited property in this state.

The motion prevailed.

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

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

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

Nays: Burton, Campbell, Creighton, Hancock, Huffines.

**COMMITTEE SUBSTITUTE
HOUSE BILL 530 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 530** be placed on its third reading and final passage.

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

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

Nays: Burton, Campbell, Creighton, Hancock, Huffines.

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

HOUSE BILL 2775 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 2775** at this time on its second reading:

HB 2775, Relating to a petition filed in connection with an application for a place on the ballot.

The motion prevailed.

Senators Bettencourt, Hancock, Kolkhorst, and Schwertner 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, Hancock, Kolkhorst, Schwertner.

HOUSE BILL 2775 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 2775** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Hancock, Kolkhorst, Schwertner.

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

COMMITTEE SUBSTITUTE HOUSE BILL 4025 ON SECOND READING

Senator Uresti moved to suspend the regular order of business to take up for consideration **CSHB 4025** at this time on its second reading:

CSHB 4025, Relating to funding to counties for transportation infrastructure projects located in areas of the state affected by increased oil and gas production, including money from county energy transportation reinvestment zones.

The motion prevailed.

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

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 4025** (senate committee printing) as follows:

(1) In SECTION 5 of the bill, in amended Section 256.103(b)(3), Transportation Code (page 3, line 6), strike "10" and substitute "20".

(2) In SECTION 5 of the bill, in amended Section 256.103(b)(4), Transportation Code (page 3, line 12), strike "40" and substitute "30".

The amendment to **CSHB 4025** was read and was adopted without objection.

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

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

CSHB 4025 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, V. Taylor.

COMMITTEE SUBSTITUTE HOUSE BILL 4025 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 4025** be placed on its third reading and final passage.

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

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

Nays: Huffines, V. Taylor.

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

HOUSE BILL 30 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 30** at this time on its second reading:

HB 30, Relating to the development of seawater and brackish groundwater.

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 30 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 30** 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.

REMARKS ORDERED PRINTED

On motion of Senator Nichols and by unanimous consent, the remarks by Senators Perry and Nichols regarding **HB 30** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Nichols: So, what I'm asking is, what is the significance of being designated as a brackish groundwater production zone under your bill?

Senator Perry: The sole purpose is to be used as a tool to qualify the study. All of the regulatory provisions that were in there originally, as far as who would regulate brackish water, that study part has all been removed, but it's strictly a planning tool for the board to study and report on the brackish groundwater.

Senator Nichols: Okay, and so this bill is not intended to define what constitutes brackish groundwater or make any proclamations as to how brackish groundwater will be regulated.

Senator Perry: That is correct.

Senator Nichols: Is that correct?

Senator Perry: Yes.

Senator Nichols: That is correct. Alright.

HOUSE BILL 1908 ON SECOND READING

Senator Garcia moved to suspend the regular order of business to take up for consideration **HB 1908** at this time on its second reading:

HB 1908, Relating to the continuity of care for offenders with mental impairments.

The motion prevailed.

Senator Creighton 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.

HOUSE BILL 1908 ON THIRD READING

Senator Garcia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1908** be placed on its third reading and final passage.

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

Nays: Creighton.

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

HOUSE BILL 408 ON SECOND READING

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 408** at this time on its second reading:

HB 408, Relating to the retirement benefits for certain elected state officials.

The bill was read second time.

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

Floor Amendment No. 1

Amend **HB 408** (senate committee report) by adding the following appropriately numbered SECTIONS to read as follows and renumbering the subsequent SECTIONS accordingly:

SECTION _____. Article 42.01, Code of Criminal Procedure, is amended by adding Section 12 to read as follows:

Sec. 12. In addition to the information described by Section 1, the judgment should reflect affirmative findings entered pursuant to Article 42.0199.

SECTION _____. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0199 to read as follows:

Art. 42.0199. FINDING REGARDING OFFENSE RELATED TO PERFORMANCE OF PUBLIC SERVICE. (a) In the trial of an offense described by Section 802.004, Government Code, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that the offense committed was related to the defendant's performance of public service as a member of a public retirement system.

(b) A judge that makes the affirmative finding described by this article shall make the determination and enter the order required by Section 802.004(k), Government Code.

SECTION _____. Subchapter A, Chapter 802, Government Code, is amended by adding Section 802.004 to read as follows:

Sec. 802.004. CERTAIN EMPLOYEES AND ANNUITANTS INELIGIBLE FOR RETIREMENT ANNUITY; RESUMPTION OR RESTORATION OF ELIGIBILITY. (a) This section applies only to a person who is a member or an annuitant of a public retirement system and holds or has held an elective office included in the coverage of that public retirement system.

(b) To the extent ordered by a court under Subsection (k), a person is not eligible to receive a full service retirement annuity from a public retirement system if the person is finally convicted of an offense that is related to the person's performance of public service arising from the person's official duties as an elected officer while a member of the retirement system and is:

(1) a felony; or

(2) punishable under Title 8, Penal Code, as a Class A or Class B misdemeanor.

(c) To the extent ordered by a court under Subsection (k), the public retirement system shall suspend making full annuity payments to a person who is not eligible to receive a full service retirement annuity under Subsection (b) on receipt by the retirement system of notice and terms of the person's conviction.

(d) The public retirement system shall resume making full annuity payments if the person made ineligible for a full annuity under Subsection (b):

(1) is subsequently found to be not guilty of the offense; or

(2) meets the requirements for innocence under Section 103.001(a)(2), Civil Practice and Remedies Code.

(e) The public retirement system as applicable shall:

(1) for a person whose full annuity payments are resumed under Subsection (d), reimburse the person for any portion of the annuity payments withheld during a period of suspension; or

(2) restore the full eligibility of a person convicted of an offense described by Subsection (b) to receive a service retirement annuity, including the restoration of all service credits accrued by the person before the conviction, if the person satisfies the condition under Subsection (d)(1) or (2).

(f) Except as provided by Subsection (g), a person convicted of an offense described by Subsection (b) whose eligibility for a service retirement annuity is not fully restored under Subsection (e)(2) is eligible to accrue service credit toward a service retirement annuity from a public retirement system if the person:

(1) was placed on community supervision for the offense for which the person was convicted and:

(A) successfully completed the period of community supervision; and

(B) received a discharge and dismissal under Section 20, Article 42.12,

Code of Criminal Procedure; or

(2) was sentenced to serve a term of confinement in a penal institution for the offense for which the person was convicted and completely discharged the person's sentence, including any term of confinement and any period of parole or other form of conditional release.

(g) In determining a person's eligibility for retirement benefits under Subsection (f), a public retirement system may include only those service credits that were:

(1) accrued by the person before the person's conviction for an offense described by Subsection (b) and remaining after conviction of the offense; or

(2) earned after fulfilling the requirements under Subsection (f).

(h) Except as provided by Subsection (i), a person who is not eligible to receive a full service retirement annuity under Subsection (b) is entitled to request and receive a refund of the person's retirement annuity contributions, not including any interest earned on those contributions. A person who accepts a refund under this subsection terminates the person's membership in the public retirement system.

(i) Benefits payable to an alternate payee under Chapter 804, including a spouse or dependent child, are not affected by a person's ineligibility to receive a full service retirement annuity under Subsection (b).

(j) The governing body of a public retirement system shall adopt rules and procedures to implement this section.

(k) A court shall:

(1) determine and order as applicable for a person convicted of an offense described by Subsection (b) the amount by which the person's:

(A) service retirement annuity payments are to be reduced; or

(B) accrued service credits are to be reduced; and

(2) notify the affected public retirement system of the terms of a conviction ordered under Subdivision (1).

SECTION _____. Section 802.004, Government Code, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect

on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION _____. Section 12, Article 42.01, Code of Criminal Procedure, and Article 42.0199, Code of Criminal Procedure, as added by this Act, apply only to a judgment of conviction entered on or after the effective date of this Act.

The amendment to **HB 408** 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.

HB 408 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 408 ON THIRD READING

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 408** 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 1681 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 1681** at this time on its second reading:

CSHB 1681, Relating to the authority of a county clerk to require an individual to present photo identification to file certain documents.

The bill was read second time.

Senator Garcia offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1681** (senate committee report) in SECTION 1 of the bill as follows:

(1) In the heading to added Section 191.010, Local Government Code (page 1, line 25), between "DOCUMENTS" and the underlined period, insert "IN CERTAIN COUNTIES".

(2) In added Section 191.010(a), Local Government Code, between Subdivisions (3) and (4) (page 1, between lines 37 and 38), insert the following appropriately numbered subdivisions and renumber subsequent subdivisions of Subsection (a) accordingly:

() a United States Permanent Resident Card that has not expired or that expired no earlier than 60 days before the date of presentation;

() an identification card issued by a municipality intended to serve as a general identification card for the holder that has not expired or that expired no earlier than 60 days before the date of presentation;

() a federally recognized tribal enrollment card or other form of tribal identification that has not expired or that expired no earlier than 60 days before the date of presentation;

(3) In added Section 191.010(b), Local Government Code (page 1, line 46), between "clerk" and "may", insert "in a county with a population of 3.3 million or more".

The amendment to **CSHB 1681** 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: Nelson, Nichols, Schwertner.

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

CSHB 1681 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: Nelson, Nichols.

COMMITTEE SUBSTITUTE HOUSE BILL 1681 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 1681** be placed on its third reading and final passage.

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

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

Nays: Nelson, Nichols.

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

HOUSE BILL 2206 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 2206** at this time on its second reading:

HB 2206, Relating to transfer of the oversight of the Texas State Cemetery to the State Preservation Board.

The bill was read second time.

Senator Hancock offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2206** (house engrossment) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:
SECTION _____. Subchapter F, Chapter 2165, Government Code, is amended by adding Section 2165.2565 to read as follows:

Sec. 2165.2565. STATE CEMETERY PRESERVATION TRUST FUND.

(a) The State Cemetery preservation trust fund is created as a trust fund outside the state treasury to be held with the comptroller in trust. The State Preservation Board shall administer the fund as trustee on behalf of the people of this state. The fund consists of money:

(1) transferred or appropriated to the fund; and

(2) received by the State Cemetery Committee under Section 2165.256(s) and deposited to the fund by the State Preservation Board for the committee.

(b) The interest received from investment of money in the fund shall be credited to the fund.

(c) Money in the fund may be used only to:

(1) maintain, renovate, make major repairs or capital improvements to, or preserve the State Cemetery, as determined by the State Preservation Board; or

(2) acquire land in close proximity to the State Cemetery for expansion of the cemetery.

SECTION _____. Notwithstanding Section 222.002, Transportation Code, or any other law, as soon as practicable after the sale of property that is the subject of Section 2165.256(b-1), Government Code, as that section existed immediately before the effective date of this Act, the comptroller of public accounts shall transfer from the state highway fund to the State Cemetery preservation trust fund, as created by this Act, an amount of money equal to the portion of the proceeds attributable to the sale of that property that is required to be deposited by the Texas Department of Transportation in a subaccount in the state highway fund for use by the State Preservation Board for the State Cemetery Committee under the terms of a memorandum of understanding entered into between the department and the State Cemetery Committee.

SECTION _____. To the extent of any conflict, this Act controls over another Act of the 84th Legislature, Regular Session, 2015, that is enacted and becomes law, relating to the creation of the State Cemetery preservation trust fund.

The amendment to **HB 2206** was read.

Senator Hancock offered the following amendment to Committee Amendment No. 1:

Floor Amendment No. 1

Amend Committee Amendment No. 1 to **HB 2206** (senate committee report), on page 1, line 24, between "Board" and "shall", insert ", in consultation with the State Cemetery Committee,".

The amendment to Committee Amendment No. 1 to **HB 2206** was read and was adopted without objection.

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

Question recurring on the adoption of Committee Amendment No. 1 to **HB 2206**, the amendment as amended was adopted without objection.

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

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

HB 2206 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 2206 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 2206** 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)

(Senator Uresti in Chair)

HOUSE BILL 2472 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2472** at this time on its second reading:

HB 2472, Relating to the automatic admission of undergraduate students to The University of Texas at Austin.

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 2472 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 2472** 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 1535 ON SECOND READING

Senator Fraser moved to suspend the regular order of business to take up for consideration **HB 1535** at this time on its second reading:

HB 1535, Relating to rates of and certificates of convenience and necessity for certain non-ERCOT electric utilities; authorizing a surcharge.

The motion prevailed.

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

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

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

Nays: Burton.

HOUSE BILL 1535 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1535** 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)

REASON FOR VOTE

Senator Rodríguez submitted the following reason for vote on **HB 1535**:

Today, I voted for the passage of H.B. 1535 because of the express commitments made by El Paso Electric Company to Chairman Fraser and myself regarding the filing of two separate cases for recovery of expenses associated with Montana Power Stations 1 through 4. Specifically, through a letter from their CEO, Mr. Tom Shockley, dated May 13, 2015, El Paso Electric has agreed to file two rate cases. The first rate case will be filed for Montana Power Stations 1 and 2 during the summer of 2015. The second rate case to recover the expenses of Montana Power Stations 3 and 4 will be filed in 2017 sometime after the units commence commercial operation. El Paso Electric has also made these commitments to the Public Utility Commission and the City of El Paso.

RODRÍGUEZ

REMARKS ORDERED PRINTED

On motion of Senator Rodríguez and by unanimous consent, the remarks by Senators Fraser and Rodríguez regarding **HB 1535** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Rodríguez: First of all, thank you very much for your extremely hard work on this bill and bringing all of the sides together. I know this was a not an easy matter. You did a lot of work over the session on it. And it included, as you pointed out, the City of El Paso, which is the non-ERCOT regions of the state. And so, I wanted to ask you a question regarding the City of El Paso's initial concerns, Senator, regarding House Bill 1535, if I might.

Senator Fraser: I will answer the questions.

Senator Rodríguez: Thank you, Senator. Now, you're aware that the City of El Paso had concerns about the impact of this bill on the city's local ratemaking oversight of the El Paso Electric Company. And I believe you're also aware that to address those concerns, the city worked with the electric company to reach an understanding. Is that correct?

Senator Fraser: That is correct.

Senator Rodríguez: Yes. And, specifically, prior to passage of House Bill 1535 out of your committee, you, the Public Utility Commission, and I received a letter from the CEO of El Paso Electric stating that the utility will file two rate cases to recover the expenses associated with the Montana Power Stations. The first rate case to recover the expenses of Montana Power Stations 1 and 2 sometime this summer, then a second rate case to recover the expenses associated with Montana Power Stations 3 and 4 will be filed sometime in 2017, after they are in commercial operation. Can you confirm, Senator, that these representations were made by the El Paso Electric Company in a letter dated, to you, May 13, 2015?

Senator Fraser: Senator, I have a copy of the letter that you're referencing from El Paso Electric. I would also add to your comments that in the hearing I called up both El Paso Electric and the City of El Paso to confirm that that was the agreement, that the electric company had agreed with it, and that the City of El Paso accepted the terms of the letter. Both of them agreed so, yes, we believe that both of them have agreed on the content of the letter.

Senator Rodríguez: Based on the contents of the letter dated May 13, 2015. Thank you, Senator Fraser.

HOUSE BILL 4174 ON SECOND READING

Senator Ellis moved to suspend the regular order of business to take up for consideration **HB 4174** at this time on its second reading:

HB 4174, Relating to the creation of a defined area in the Fort Bend County Water Control and Improvement District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

The motion prevailed.

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

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

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

Nays: Hall, V. Taylor.

HOUSE BILL 4174 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4174** be placed on its third reading and final passage.

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

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

Nays: Hall, V. Taylor.

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

HOUSE BILL 2647 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **HB 2647** at this time on its second reading:

HB 2647, Relating to a limitation on the authority to curtail groundwater production from wells used for power generation or mining.

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

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Huffines, Lucio, Menéndez, Nelson, Nichols, Rodríguez, L. Taylor, V. Taylor, Uresti, West, Whitmire.

Nays: Burton, Hancock, Hinojosa, Huffman, Kolkhorst, Perry, Schwertner, Seliger, Watson, Zaffirini.

The bill was read second time and was passed to third reading by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a KIPP Truth Academy fifth-grade class delegation, accompanied by their teachers and parents.

The Senate welcomed its guests.

HOUSE BILL 1559 ON SECOND READING

Senator L. Taylor moved to suspend the regular order of business to take up for consideration **HB 1559** at this time on its second reading:

HB 1559, Relating to public school Internet website information concerning local programs and services available to assist homeless students.

The motion prevailed.

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

The bill was read second time.

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

Floor Amendment No. 1

Amend **HB 1559** (senate committee report), in SECTION 1 of the bill, immediately following proposed Section 33.906(e), Education Code (page 1, between lines 52 and 53), insert the following subsection:

(f) This section expires September 1, 2025.

The amendment to **HB 1559** was read and was adopted without objection.

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

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 1559** (senate committee printing) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.020 to read as follows:

Sec. 38.020. PARENTAL NOTIFICATION CONCERNING NURSES. (a) In this section, "nurse" means a nurse licensed under Chapter 301, Occupations Code.

(b) A public school, including an open-enrollment charter school, that does not have a full-time nurse or the equivalent of a full-time nurse assigned to be present on the campus for more than 30 consecutive instructional days during the same school year shall provide written notice of the absence of a nurse to the parent of or other person standing in parental relation to each student enrolled in the school.

(c) A school has the equivalent of a full-time nurse under Subsection (b) if the school has two or more nurses assigned to the school and those nurses' combined presence covers all regular student instructional hours at a campus during the regular school day.

(d) The principal of the school shall provide the notice required by Subsection (b) not later than the 30th instructional day after the first day the school does not have a full-time nurse assigned to be present on the campus.

(e) The school shall:

(1) make a good faith effort to ensure that the notice required by this section is provided in a bilingual form to any parent or other person standing in parental relation whose primary language is not English; and

(2) retain a copy of any notice provided under this section.

(f) A school may satisfy the notice requirement under Subsection (d) by posting the notice on the school's Internet website. Notice posted under this subsection must be accessible from the home page of the Internet website by use of not more than three links.

(g) A school district that is located in a county with a population of less than 100,000 is not required to provide the notice required by this section.

The amendment to **HB 1559** was read.

POINT OF ORDER

Senator V. Taylor raised a point of order that Floor Amendment No. 2 was not germane to the bill.

POINT OF ORDER WITHDRAWN

Senator V. Taylor withdrew the point of order.

Question recurring on the adoption of Floor Amendment No. 2 to **HB 1559**, the amendment 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: V. Taylor.

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 1559 as amended was passed to third reading by a viva voce vote.

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

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

HOUSE BILL 1559 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 1559** be placed on its third reading and final passage.

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

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

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

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

HOUSE BILL 2647 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 2647** be placed on its third reading and final passage:

HB 2647, Relating to a limitation on the authority to curtail groundwater production from wells used for power generation or mining.

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

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

Nays: Burton, Kolkhorst, Perry, Schwertner, Seliger, Zaffirini.

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

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Huffines, Lucio, Menéndez, Nelson, Nichols, Rodríguez, L. Taylor, V. Taylor, Uresti, West, Whitmire.

Nays: Burton, Hancock, Hinojosa, Huffman, Kolkhorst, Perry, Schwertner, Seliger, Watson, Zaffirini.

REMARKS ORDERED PRINTED

On motion of Senator Seliger and by unanimous consent, the remarks by Senators Estes and Seliger regarding **HB 2647** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Seliger: Senator, I think it's a fact, as a total user that power plants are a small percentage user, but don't you think it's also true that in certain areas a power plant may be one of the largest users of water, consumers of water, in a given area, over a given aquifer?

Senator Estes: Senator, we had a discussion on this in committee and because of the questions you brought up we did a lot of studying. There are two places in the state where the groundwater pumping is significant, and they're both in East Texas. Panola County, there's a 10.24 percent groundwater used and in Rusk County about 25 percent of the groundwater. So, those were the only areas we could see that were over 10 percent. Most of them are much less.

Senator Seliger: But you acknowledge that's a substantial—

Senator Estes: Yes.

Senator Seliger: —amount of use.

Senator Estes: In those—

Senator Seliger: What this—

Senator Estes: —two counties.

Senator Seliger: —bill is saying, though, is it not, that in the case of a drought, when a groundwater conservation district feels the need to cut everyone back, municipalities and everyone else, that a power plant then does not have to cut back, seek alternative sources, implement recycling.

Senator Estes: Well, they go through a process, as I was talking about, where the groundwater conservation district, along with the PUC, would go through the process and look at the ideas of public health, safety, and reliability of the grid. And so, it's

not necessarily an absolute but what it is is a process whereby their curtailment can be delayed so that they may find alternative sources of water, and that can take years to do.

Senator Seliger: The question was not what could happen in this case, but really the viability of the grid is important, but what the bill says is that at a time of drought, we're seeing substantial drawdown in the aquifer, and everybody's being cut back, like cities if they're in a groundwater conservation district, industrial users, that under this bill that the utility can keep on pumping at the rate that they were pumping beforehand, or more, if they so choose to do.

Senator Estes: That's correct. That's correct.

Senator Seliger: It is correct. No matter that they cut back a city but they can't cut back a utility or make them seek—

Senator Estes: Well, they go—

Senator Seliger: —alternative sources.

Senator Estes: —they go through a process to see if the health and public safety and reliability of the grid is threatened.

Senator Seliger: But they can't do that for a city if—

Senator Estes: That's correct.

Senator Seliger: —a city says the reliability of our water supply to our citizens, and the health and welfare will be affected, the city's got to cut back no matter what, but the utility does not. Isn't that correct?

Senator Estes: No, a city can be cut back, those that are exempt from, from this are domestic use, livestock, and oil and gas. So, those are exempt, those, those people are exempt. Others are subject to curtailment.

Senator Seliger: Like cities.

Senator Estes: Yeah, that's correct.

Senator Seliger: Like industrials.

Senator Estes: Yes.

Senator Seliger: Senator, aren't we creating now, a senior water right—

Senator Estes: No, Sir.

Senator Seliger: —only and exclusively for power generators?

Senator Estes: No, Senator, I don't think so. I don't—

Senator Seliger: How else would you describe it?

Senator Estes: The way I would describe it is this, electric power plants are willing to do their fair share, okay. But they need time to develop alternative sources of water. And the idea of having curtailments that jeopardize the grid is a negative for every citizen of this state. So—

Senator Seliger: It could be argued that curtailments that would affect agriculture or affect cities would also be detrimental, but yet they'll get cut back.

Senator Estes: I think that the, the reliability of the grid is something that takes precedence over many other things.

Senator Seliger: When we talk about developing alternative water sources, it would seem to me that to wait until there is a substantial drought to develop alternative water sources would seem to be the sort of irresponsible behavior that we would not want to encourage or support. Maybe now is a good time, when there's plenty of water, to be talking about those alternative water sources. To give somebody the freedom to wait until things are absolutely critical in a big, big effective drought, really is not in the best interest of health, safety, the grid, or anything else. Would you agree?

Senator Estes: This bill does nothing to disallow electric generators to go seek alternative sources of water. In fact, we encourage them to do that.

Senator Seliger: There is nothing in this bill that encourages that at all. If you're a power plant and you know that no matter what happens you can pump whatever you want, in whatever kind of drought, what about that would induce you to go and look for alternative sources?

Senator Estes: I think you're mischaracterizing this bill when you can say you can pump whatever you want, whenever you want. No, curtailment will be in effect, but it just is delayed seven years so that they can go, it takes a minimum of five years to develop these alternate sources of water.

Senator Seliger: But what, curtailment in seven years, that can really affect an aquifer for pumping in seven years, don't you think?

Senator Estes: We talked about this question, Senator Seliger, in committee, and there again, you made me go back to the drawing board and think about that. Let me just say this, and I believe your question in committee was what if this endangers the aquifer itself, was the gist of your question. Isn't that correct?

Senator Seliger: Indeed.

Senator Estes: And you've caused us to even study it even more than we did. I don't think that that is a realistic scenario given the amount, the percentage of water that's pumped by electric generators, which is very low, which is very low. And the idea that electrical, electrical generator would damage the aquifer, I think, is far-fetched.

Senator Seliger: Are you saying, Senator, that in a case of a drought in a non-rechargeable aquifer, which we have in the State of Texas, are you saying that during seven years of uninterrupted pumping that if there was a drought, and a minimum recharge, that it would not affect the aquifer?

Senator Estes: I think it would be a minimal effect because of the small percentage that, that's being pumped for the electric generator.

Senator Seliger: I think where we have a fundamental disagreement, I think you are creating far outside Chapter 36, or any part of the Water Code, a senior water right exclusively belonging to electrical generators. Therein lies my problem, but I appreciate your patience.

Senator Estes: Senator, thank you for those questions. And what I'm trying to do is make sure the lights do not go out for Texans. Thank you.

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

On motion of Senator Hancock and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to 7:00 p.m. today for the Wednesday, May 27, 2015, Intent Calendar.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet today.

RECESS

On motion of Senator Whitmire, the Senate at 2:09 p.m. recessed until 3:00 p.m. today.

AFTER RECESS

The Senate met at 3:00 p.m. and was called to order by the President.

BILLS SIGNED

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

HB 21, HB 127, HB 394, HB 418, HB 484, HB 499, HB 606, HB 635, HB 700, HB 735, HB 763, HB 764, HB 801, HB 804, HB 855, HB 943, HB 1036, HB 1044, HB 1049, HB 1079, HB 1080, HB 1111, HB 1119, HB 1311, HB 1321, HB 1336, HB 1463, HB 1464, HB 1492, HB 1542, HB 1665, HB 1692, HB 1717, HB 1741, HB 1779, HB 1853, HB 1874, HB 1881, HB 2035, HB 2066, HB 2068, HB 2135, HB 2193, HB 2332, HB 2340, HB 2354, HB 2396, HB 2401, HB 2428, HB 2430, HB 2533, HB 2679, HB 2747, HB 2776, HB 2778, HB 3024, HB 3060, HB 3160, HB 3185, HB 3225, HB 3286, HB 3291, HB 3342, HB 3433, HB 3729, HB 3747, HB 4003, HB 4086, HB 4112, HB 4131, HB 4152.

**COMMITTEE SUBSTITUTE
HOUSE BILL 48 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 48** at this time on its second reading:

CSHB 48, Relating to the creation of a commission to review convictions after exoneration and to prevent wrongful convictions.

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 48 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 48** 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 Schwertner in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 11 ON SECOND READING**

Senator Birdwell moved to suspend the regular order of business to take up for consideration **CSHB 11** at this time on its second reading:

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.

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

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 11** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill as appropriate:

SECTION ____ . (a) The lieutenant governor and the speaker of the house of representatives shall create a joint interim committee to study border security.

(b) The committee shall be composed of 10 members as follows:

(1) five members of the senate appointed by the lieutenant governor; and

(2) five members of the house of representatives appointed by the speaker of the house of representatives.

(c) The lieutenant governor and speaker of the house of representatives shall each designate a co-chair from among the committee members.

(d) The committee shall submit a full report, including findings and recommendations, to the 85th Legislature before it convenes in regular session in January of 2017.

(e) The lieutenant governor and the speaker of the house of representatives shall appoint the members of the committee created under this section as soon as possible after the effective date of this Act.

The amendment to **CSHB 11** was read.

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

Floor Amendment No. 2

Amend Amendment No. 1 by Birdwell to **CSHB 11** on page 1, after line 22, by adding the following:

(f) Not later than January 30, 2016, the Department of Public Safety shall report to the joint interim committee the number of arrests and seizures made by the department in each county along the Texas-Mexico border during the 2015 calendar year.

(g) Not later than September 1, 2016, the Department of Public Safety shall report to the joint interim committee the number of arrests and seizures made by the department in each county along the Texas-Mexico border during the period beginning on January 1, 2016 and ending on August 31, 2016.

The amendment to Floor Amendment No. 1 to **CSHB 11** was read.

On motion of Senator Birdwell, Floor Amendment No. 2 was tabled by the following vote: Yeas 19, Nays 12.

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

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

Question recurring on the adoption of Floor Amendment No. 1 to **CSHB 11**, the amendment was adopted without objection.

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

Senator Garcia offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 11** (senate committee printing) in SECTION 9 of the bill, by striking added Section 411.0209, Government Code (page 5, lines 40-54), and substituting the following:

Sec. 411.0209. ASSISTANCE AT INTERNATIONAL BORDER CHECKPOINTS PROHIBITED; FEASIBILITY STUDY. (a) The department may not provide assistance to federal authorities at an international border checkpoint.

(b) To prevent human trafficking and the unlawful transfer of firearms and bulk currency from this state to the United Mexican States, the department shall study the feasibility of providing to federal authorities at international border checkpoints assistance in the interdiction of weapons, bulk currency, stolen vehicles, and other contraband, and of fugitives, being smuggled into the United Mexican States.

(c) Not later than December 31, 2016, the department shall report its findings and recommendations to the legislature regarding the study required by Subsection (b).

(d) This subsection and Subsections (b) and (c) expire September 1, 2017.

The amendment to **CSHB 11** was read.

On motion of Senator Birdwell, Floor Amendment No. 3 was tabled by the following vote: Yeas 20, Nays 11.

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

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

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 11** (senate committee printing) as follows:

(1) In SECTION 9 of the bill, in added Section 411.0209, Government Code (page 5, between lines 54 and 55), insert the following:

(d) The department may investigate the feasibility of participating in an intelligent transportation system in border counties to monitor international border checkpoints, international bridges, each international port of entry, and each transportation system to achieve the goals of Subsection (a).

(2) Strike SECTION 13 of the bill (page 6, line 53, through page 7, line 18), and substitute the following:

SECTION 13. Chapter 362, Local Government Code, is amended by adding Section 362.005 to read as follows:

Sec. 362.005. TEXAS TRANSNATIONAL INTELLIGENCE CENTER. (a) The sheriff's department of a county with a population of at least 700,000 but not more than 800,000 that borders the Texas-Mexico border and the police department of the municipality having the largest population in that county shall jointly establish and operate the Texas Transnational Intelligence Center as a central repository of real-time information relating to criminal activity in the counties along the Texas-Mexico border.

(b) The center shall:

(1) serve as a central repository of real-time information relating to criminal activity in the counties served by the center;

(2) provide necessary functions related to crime and emergency operations along the Texas-Mexico border served by the center, including border monitoring, crime incident management, and hurricane disaster evacuations;

(3) provide a means for first responders in counties served by the center, including the Texas Department of Transportation, the Texas Department of Public Safety, county and municipal law enforcement agencies, the Texas National Guard, and United States Customs and Border Protection and other appropriate federal agencies, to communicate effectively to safely protect and evacuate residents in the area; and

(4) expand the intelligent transportation system and current network infrastructure using a fiber-optic network that connects media and government agencies described by Subdivision (3) in the counties served by the center to monitor the international bridges, each international port of entry, and each transportation system in the counties served by the center.

(c) The Texas Department of Public Safety shall assist the county sheriff's department described by Subsection (a) and the municipal police department described by that subsection in the establishment and operation of the center.

(d) Each law enforcement agency in a county located along the Texas-Mexico border and the Texas Alcoholic Beverage Commission and Parks and Wildlife Department shall report to the Texas Transnational Intelligence Center information regarding criminal activity in the law enforcement agency's jurisdiction, including details on kidnappings, home invasions, and incidents of impersonation of law enforcement officers.

(e) The information in the Texas Transnational Intelligence Center shall be made available to each law enforcement agency in the state and the Texas Alcoholic Beverage Commission and Parks and Wildlife Department.

The amendment to **CSHB 11** was read.

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

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

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

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 11** (senate committee printing) as follows:

(1) In SECTION 13 of the bill, strike added Sections 362.005(a)(2) and (3), Local Government Code (page 6, lines 64-67), and substitute the following:

(2) transnational criminal activity in the state; and

(3) other criminal activity in the state.

(2) In SECTION 13 of the bill, in added Section 362.005(c), Local Government Code (page 7, lines 2-4), strike "in a county located along the Texas-Mexico border or in a county that contains a federal checkpoint".

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The amendment to **CSHB 11** was read.

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

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

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

Senator Garcia offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSHB 11** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill as appropriate:

SECTION _____. Subchapter I, Chapter 411, Government Code, is amended by adding Section 411.244 to read as follows:

Sec. 411.244. OMBUDSMAN FOR BORDER OPERATIONS-RELATED CONCERNS. (a) In this section, "ombudsman" means the ombudsman for border operations-related concerns established under this section.

(b) The director shall appoint an ombudsman for border operations-related concerns. The ombudsman shall report directly to the director.

(c) To serve as ombudsman, a person must be knowledgeable in civil and human rights law.

(d) The ombudsman shall receive and resolve complaints from individuals and employers and assist in resolving problems with the border operations components of the department.

(e) Not later than March 1 and September 1 of each year, the ombudsman shall submit a report to the director, the office of inspector general, and each standing committee of the legislature with jurisdiction over homeland and border security summarizing complaints received during the six-month period preceding the date that the report is due. Each report must contain:

(1) a full and substantive analysis of the complaints, in addition to statistical information; and

(2) recommendations for improving the services and responsiveness of the department and any responses received from the department regarding the recommendations.

SECTION _____. As soon as possible after the effective date of this Act, the public safety director, as required by Section 411.244, Government Code, as added by this Act, shall appoint the ombudsman for border operations-related concerns.

The amendment to **CSHB 11** was read.

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

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

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

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSHB 11** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering remaining SECTIONS of the bill as appropriate:

SECTION _____. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.00711 to read as follows:

Sec. 411.00711. TRAINING FOR COMMISSIONED OFFICERS ASSIGNED TO TEXAS-MEXICO BORDER REGION. Department officers assigned to work in a department region that includes one or more counties along the Texas-Mexico border must be annually certified regarding appropriate training, including academy and in-service training, in the following:

- (1) immigration law as it relates to protections for victims of crime or persecution;
- (2) use of force and tactical withdrawal as a way to reduce need for use of lethal force;
- (3) social and cultural sensitivity toward border communities and the impact of border operations on communities and residents;
- (4) language and basic cultural awareness of major migrant-sending nations;
- (5) best practices in community policing;
- (6) how to respond to grievances and where to refer complaints; and
- (7) how to identify and address vulnerable populations, including persons expressing potential grounds for asylum, children, victims of crime and human trafficking, and individuals fleeing persecution or torture.

SECTION _____. Subchapter E, Chapter 437, Government Code, is amended by adding Section 437.232 to read as follows:

Sec. 437.232. TRAINING FOR MEMBERS OF TEXAS MILITARY FORCES ASSIGNED TO COUNTIES ALONG TEXAS-MEXICO BORDER. A member of the Texas military forces serving on state active duty in a county along the Texas-Mexico border must be annually certified regarding appropriate training in the following:

- (1) immigration law as it relates to protections for victims of crime or persecution;
- (2) use of force and tactical withdrawal as a way to reduce need for use of lethal force;
- (3) social and cultural sensitivity toward border communities and the impact of border operations on communities and residents;
- (4) language and basic cultural awareness of major migrant-sending nations;
- (5) best practices in community policing;
- (6) how to respond to grievances and where to refer complaints; and
- (7) how to identify and address vulnerable populations, including persons expressing potential grounds for asylum, children, victims of crime and human trafficking, and individuals fleeing persecution or torture.

The amendment to **CSHB 11** was read.

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

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

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

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSHB 11** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 421.0025, Government Code, is transferred to Subchapter B, Chapter 421, Government Code, redesignated as Section 421.0255, Government Code, and amended to read as follows:

Sec. 421.0255 [~~421.0025~~]. BORDER SECURITY ADVISORY COUNCIL. (a) The Border Security Advisory Council consists of:

(1) the executive head of each state agency receiving state appropriations for purposes related to security at or near this state's international border, or the executive head's designee;

(2) representatives of at least three local governmental entities receiving local border security grant funding from the Department of Public Safety, appointed by the governor, or, if fewer than three entities receive that grant funding, representatives of at least one-third of the entities that receive that grant funding, appointed by the governor; and

(3) at least three mayors of municipalities in which state appropriations for purposes related to security at or near this state's international border are spent, appointed by the governor, or representatives designated by those mayors [~~members appointed by the governor~~].

~~[(a 1) At least one third of the members appointed under Subsection (a) must be residents of the Texas Mexico border region, as defined by Section 2056.002.]~~

(b) The Border Security Advisory Council shall develop and recommend to the Homeland Security Council [~~office of the governor~~] performance standards, reporting requirements, audit methods, and other procedures to ensure that funds allocated [~~by the office of the governor~~] for purposes related to security at or near this state's international border are used properly and that the recipients of the funds are accountable for the proper use of the funds. The advisory council shall publish on the office of the governor's website the recommendations made to the Homeland Security Council under this subsection.

(c) The Border Security Advisory Council shall advise the Homeland Security Council [~~office of the governor~~] regarding the allocation of funds [~~by the office~~] for purposes related to security at or near this state's international border. Recommendations relating to the allocation of those funds must be made by a majority of the members of the advisory council.

(d) The governor shall designate one member of the Border Security Advisory Council as the chair. The chair shall arrange meetings of the Border Security Advisory Council at times determined by the members of the advisory council.

(e) The meetings of the Border Security Advisory Council are subject to the requirements of Chapter 551 to the same extent as similar meetings of the Public Safety Commission. The plans and recommendations of the Border Security

Advisory Council are subject to the requirements of Chapter 552 to the same extent as similar plans and recommendations of the Department of Public Safety of the State of Texas.

(f) Service on the Border Security Advisory Council by a state officer or employee or by an officer or employee of a local government is an additional duty of the member's office or employment.

SECTION _____. Section 421.026, Government Code, is amended to read as follows:

Sec. 421.026. REPORT. The council shall annually submit to the governor a report stating:

(1) the status and funding of state programs designed to detect and deter homeland security emergencies, including the status and funding of counterterrorism efforts;

(2) recommendations on actions to reduce threats to homeland security, including threats related to terrorism; ~~and~~

(3) recommendations for improving the alert, response, and recovery capabilities of state and local agencies; and

(4) an assessment of the performance of, reporting requirements for, and allocation of state agency funding for this state's border security activities.

SECTION _____. (a) The positions of the members of the Border Security Council are abolished on the effective date of this Act.

(b) As soon as practicable on or after the effective date of this Act, the governor shall appoint members of the Border Security Advisory Council under Sections 421.0255(a)(2) and (3), Government Code, as transferred, redesignated, and amended by this Act.

The amendment to **CSHB 11** was read.

On motion of Senator Birdwell, Floor Amendment No. 8 was tabled by the following vote: Yeas 20, Nays 11.

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

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

(Senator V. Taylor in Chair)

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSHB 11** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS as appropriate:

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

SUBCHAPTER P. STATE LAW ENFORCEMENT OPERATIONS OVERSIGHT
COMMITTEE

Sec. 411.431. DEFINITIONS. In this subchapter:

(1) "Border" means the border between this state and Mexico.

(2) "Committee" means the State Law Enforcement Operations Oversight Committee established under this subchapter.

Sec. 411.432. STATE LAW ENFORCEMENT OPERATIONS OVERSIGHT COMMITTEE. (a) A State Law Enforcement Operations Oversight Committee is established to ensure transparency of state operations targeting transnational gang and cartel activity.

(b) Members of the committee are appointed as follows:

(1) five members of the senate appointed by the lieutenant governor;

(2) five members of the house of representatives appointed by the speaker of the house of representatives; and

(3) one public member appointed by the governor.

(c) A member of the committee serves at the will of the appointing official.

(d) The lieutenant governor and the speaker of the house of representatives shall appoint the chair of the committee on an alternating basis. The chair of the committee serves a one-year term that expires September 1 of each year.

(e) A member of the committee is not entitled to receive compensation for service on the committee or reimbursement for expenses incurred in the performance of official duties as a member of the committee.

(f) Chapter 2110 does not apply to the committee.

Sec. 411.433. POWERS AND DUTIES. (a) The committee has the powers and duties of a general investigating committee under Sections 301.020, 301.024, and 301.028, including access to confidential and law enforcement sensitive information.

(b) The committee:

(1) shall monitor and regularly report to the legislature on the progress of state operations targeting transnational gang and cartel activity, including monitoring conditions at the local level;

(2) shall monitor and regularly report to the legislature regarding the impact of operations targeting transnational gang and cartel activity on the protection of due process, the civil and human rights of border residents and visitors, and the private property rights of landowners;

(3) may request from the department, the Parks and Wildlife Department, and the Texas military forces reports and any other information related to border operations considered necessary by the committee;

(4) if necessary, shall cooperate with local and federal officials to perform the committee's duties; and

(5) shall meet monthly to carry out the committee's duties.

(c) The committee may meet and consult with and advise local governments and federal authorities.

Sec. 411.434. REPORTS TO COMMITTEE. (a) The department, the Parks and Wildlife Department, and the Texas military forces shall submit monthly reports to the committee:

(1) on the status and progress of law enforcement operations, activities, programs, and investigations targeting transnational gang and cartel activity;

(2) providing a detailed analysis of spending, including any incremental costs, for operations, activities, programs, and investigations targeting transnational gang and cartel activity, including:

(A) salaries, equipment, and capital purchases; and

(B) any contracts related to operations, activities, programs, and investigations targeting transnational gang and cartel activity, and for each contract:

(i) the procurement process for the contract;

(ii) to whom the contract was awarded;

(iii) the amount of the contract; and

(iv) if the contract was an emergency purchase under Section 2155.137, state that fact and the reason why it was considered an emergency; and

(3) that include:

(A) the impact of state operations, activities, programs, and investigations targeting transnational gang and cartel activity on the resources of local law enforcement authorities and the attrition of local law enforcement officers; and

(B) recommendations on minimizing the disruption to local law enforcement authorities from state operations, activities, programs, and investigations targeting transnational gang and cartel activity.

(b) The department, the Parks and Wildlife Department, and the Texas military forces shall:

(1) brief the committee in person at the request of the committee; and

(2) respond to any committee request for reports or other information under Section 411.433.

SECTION ____. As soon as possible after the effective date of this Act, but not later than September 1, 2015, the appointing officials described by Section 411.432, Government Code, as added by this Act, shall appoint the members of the State Law Enforcement Operations Oversight Committee established under that section. The speaker of the house of representatives shall make the first appointment to chair the committee as provided by that section.

The amendment to **CSHB 11** was read.

On motion of Senator Birdwell, Floor Amendment No. 9 was tabled by the following vote: Yeas 20, Nays 11.

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

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

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSHB 11** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.129 to read as follows:

Art. 2.129. CERTAIN INQUIRIES BY DEPARTMENT OF PUBLIC SAFETY OFFICER. (a) Subject to Subsection (b), in the course of investigating an alleged criminal offense, a peace officer described by Article 2.12(4) may inquire as to the nationality or immigration status of a victim of or witness to the offense only if the officer determines that the inquiry is necessary to:

(1) investigate the offense; or

(2) provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement.

(b) Subsection (a) does not prevent a peace officer described by Article 2.12(4) from:

(1) conducting a separate investigation of any other alleged criminal offense; or

(2) inquiring as to the nationality or immigration status of a victim of or witness to a criminal offense if the officer has probable cause to believe that the victim or witness has engaged in specific conduct constituting a separate criminal offense.

The amendment to **CSHB 11** was read.

On motion of Senator Birdwell, Floor Amendment No. 10 was tabled by the following vote: Yeas 20, Nays 11.

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

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

(President in Chair)

Senator Hall offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSHB 11** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION _____. Title 7, Government Code, is amended by adding Chapter 793 to read as follows:

CHAPTER 793. INTERSTATE COMPACT FOR BORDER SECURITY

Sec. 793.001. DEFINITION. In this chapter, "illegal alien" means a person who:

(1) is not a citizen or national of the United States; and

(2) is unlawfully present in the United States according to the terms of 8 U.S.C. Section 1101 et seq.

Sec. 793.002. AUTHORITY TO EXECUTE INTERSTATE COMPACT. On behalf of this state, the governor shall:

(1) coordinate, develop, and execute an interstate compact for border security among interested states; and

(2) seek the approval of the United States Congress for the compact.

Sec. 793.003. INTERSTATE COMPACT PROVISIONS. The compact required by this chapter must provide for joint action among compacting states on matters that include:

(1) the operational control of this state's border with Mexico by the total detection and apprehension or deflection of illegal aliens attempting to cross the border into this state; and

(2) otherwise enforcing federal immigration laws, including detecting, apprehending, detaining, prosecuting, releasing, and monitoring of illegal aliens.

The amendment to **CSHB 11** was read.

Senator Hall withdrew Floor Amendment No. 11.

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

CSHB 11 as amended was passed to third reading 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.

HOUSE BILL 12 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 12** at this time on its second reading:

HB 12, Relating to the border prosecution unit.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 12** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 772, Government Code, is amended by designating Sections 772.001, 772.002, 772.003, 772.004, 772.005, 772.006, 772.0061, 772.007, 772.0071, 772.008, 772.009, 772.010 as reenacted and amended by Chapter 1215 (H.B. 925), Acts of the 79th Legislature, Regular Session, 2005, 772.010 as added by Chapter 429 (S.B. 1136), Acts of the 76th Legislature, Regular Session, 1999, 772.010 as added by Chapter 1339 (H.B. 564), Acts of the 76th Legislature, Regular Session, 1999, 772.0101, 772.0102, and 772.011 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. PLANNING ENTITIES

SECTION 2. Sections 772.0071(a)(1), (2), and (4), Government Code, are amended to read as follows:

(1) "Border crime" means any crime involving transnational criminal activity that ~~[occurs in the border region and that]~~ undermines public safety or security, including an offense:

(A) during the prosecution of which an affirmative finding may be requested under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure;

(B) under Chapter 19, 20, 20A, 21, 22, 46, 47, or 71, Penal Code;

(C) under Title 7 or 8, Penal Code;

(D) under Chapter 481, Health and Safety Code;

(E) committed by a person who is not a citizen or national of the United States and is not lawfully present in the United States; or

(F) that is coordinated with or related to activities or crimes that occur or are committed in the United Mexican States.

(2) "Border region" means the portion of this state that is located in a county that:

(A) is adjacent to~~±~~

~~[(A)]~~ an international border; ~~[or]~~

(B) is adjacent to a county described by Paragraph (A); or

(C) is served by a prosecuting attorney whose jurisdiction includes a county described by Paragraph (A) or (B).

(4) "Eligible prosecuting attorney" means an attorney ~~[in a border region]~~ who represents the state in the prosecution of felonies and who:

(A) serves a county located in the border region; or

(B) serves a county or counties that the criminal justice division determines to be significantly affected by border crime.

SECTION 3. Chapter 772, Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. BORDER PROSECUTION UNIT

Sec. 772.051. DEFINITIONS. In this subchapter:

(1) "Border crime" and "border region" have the meanings assigned by Section 772.0071.

(2) "Border prosecuting attorney" means a prosecuting attorney in a border region who represents the state in the prosecution of felony border crimes.

(3) "Criminal justice division" means the criminal justice division established under Section 772.006.

(4) "Prosecuting attorney" means a district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction.

(5) "Unit" means the border prosecution unit.

Sec. 772.052. GENERAL FUNCTION OF BORDER PROSECUTION UNIT. The governor shall establish the border prosecution unit within the criminal justice division to cooperate with and support members of the unit in prosecuting border crime.

Sec. 772.053. MEMBERSHIP. (a) The unit is composed of the following prosecuting attorneys:

(1) the district attorney for the 34th Judicial District;

(2) the district attorney for the 38th Judicial District;

(3) the district attorney for the 49th Judicial District;

- (4) the district attorney for the 63rd Judicial District;
- (5) the district attorney for the 79th Judicial District;
- (6) the district attorney for the 81st Judicial District;
- (7) the district attorney for the 83rd Judicial District;
- (8) the district attorney for the 112th Judicial District;
- (9) the district attorney for the 143rd Judicial District;
- (10) the district attorney for the 156th Judicial District;
- (11) the district attorney for the 229th Judicial District;
- (12) the district attorney for the 293rd Judicial District;
- (13) the district attorney for the 452nd Judicial District;
- (14) the criminal district attorney for Hidalgo County;
- (15) the county attorney with felony criminal jurisdiction for Cameron

County;

- (16) the district attorney for Kleberg and Kenedy Counties;
- (17) the county attorney with felony criminal jurisdiction for Willacy

County; and

(18) any other prosecuting attorney who represents the state in the prosecution of felonies for a judicial district that is created by the legislature in the border region or who receives a grant under the prosecution of border crime grant program established under Section 772.0071.

(b) A prosecuting attorney described by Subsection (a) shall serve on the unit in addition to the other duties of the prosecuting attorney assigned by law.

(c) Each member of the unit shall enter into a memorandum of understanding with the criminal justice division to collaborate and cooperate in the prosecution of border crime.

Sec. 772.054. OFFICERS. (a) The unit, on a majority vote, shall elect from among its membership a presiding officer and an assistant presiding officer.

(b) The presiding officer and the assistant presiding officer serve terms of one year.

(c) The assistant presiding officer serves as presiding officer in the presiding officer's absence or if a vacancy occurs in that office until a new presiding officer is elected as provided by Subsection (d).

(d) If a vacancy occurs in the office of presiding officer or assistant presiding officer before the end of the vacating officer's term, the unit shall elect a person to serve the remainder of the term.

Sec. 772.055. REIMBURSEMENT FOR EXPENSES. A member of the unit is not entitled to compensation for service on the unit but is entitled to be reimbursed for necessary expenses incurred in carrying out the duties and responsibilities of a member of the unit as provided by the General Appropriations Act.

Sec. 772.056. DUTIES OF UNIT. (a) The unit shall meet at least once annually to provide the governor, the lieutenant governor, the speaker of the house of representatives, and the members of the legislature with information regarding:

- (1) the status of border crime and its effect on prosecutorial resources;
- (2) the border crimes prosecuted by members of the unit; and
- (3) the number of border crimes that are committed by a person who is not

lawfully present in the United States.

(b) The unit shall advise the criminal justice division on:

(1) the allocation of grants under the prosecution of border crime grant program established under Section 772.0071;

(2) the division of the border region into two or more subregions for training purposes; and

(3) any additional prosecutorial needs of the border prosecuting attorneys, including a need for the employment of regional counsel described by Section 772.057 to assist with the prosecution of border crimes.

(c) The unit shall facilitate the coordination and collaboration of the border prosecuting attorneys with any regional counsel described by Section 772.057 and with other law enforcement agencies, including the Department of Public Safety, in the investigation and prosecution of border crime.

(d) The unit shall develop a nonexclusive list of offenses not otherwise described by Section 772.0071(a)(1) that constitute border crime to provide guidance and enhance uniformity in the investigation and prosecution of border crime.

(e) The unit shall serve as a clearinghouse for information related to the investigation and prosecution of border crime and shall develop best practices and guidelines, including best practices for the collection and protection of confidential law enforcement information.

(f) The unit shall assist in developing a training program and providing training to members of the unit and law enforcement agencies in the border region on specific issues and techniques relating to the investigation and prosecution of border crime.

(g) The unit shall develop accountability and performance measures for members of the unit who receive a grant under the prosecution of border crime grant program established under Section 772.0071.

Sec. 772.057. DUTIES OF REGIONAL COUNSEL. (a) An attorney employed by a border prosecuting attorney as regional counsel shall assist the border prosecuting attorneys and other regional counsel, as needed, in:

(1) the prosecution of border crime;

(2) the screening of cases involving border crime;

(3) the presenting of cases involving border crime to a grand jury; and

(4) the preparation and trial of cases involving border crime.

(b) The regional counsel shall serve as a liaison between the unit and other criminal justice entities, including the Department of Public Safety and federal, state, and local prosecutors and law enforcement agencies located in the border region, by:

(1) working closely with those entities, as needed, to coordinate and assist in the investigation and prosecution of border crime; and

(2) attending multiagency task force hearings and meetings held by federal, state, and local prosecutors and law enforcement agencies on the investigation and prosecution of border crime.

(c) The regional counsel shall provide legal and technical assistance to law enforcement agencies investigating border crime, including by:

(1) providing legal advice and recommendations regarding Fourth Amendment search and seizure issues, relevant statutes, and case law;

(2) drafting and reviewing affidavits requesting the issuance of search warrants, wiretap orders, pen register and trap and trace orders, mobile tracking device orders, and similar court orders; and

(3) drafting requests for court orders authorizing:

(A) the interception of oral, wire, and electronic communications;

(B) the installation and use of a pen register or trap and trace device;

(C) the disclosure of subscriber or customer records and information;

and

(D) other similar court orders that are required to be filed by a

prosecutor.

(d) The regional counsel shall coordinate training with the unit for border prosecuting attorneys and law enforcement agencies, including by:

(1) assisting in identifying training needs in the county or subregion, if any is created, in which the border prosecuting attorney's office or the agency is located;

(2) assisting in the development of training curricula and guidelines for the investigation and prosecution of border crime; and

(3) participating in and hosting training presentations and sessions in each subregion, if any is created.

(e) The regional counsel shall provide legal and technical assistance to border prosecuting attorneys, including by:

(1) performing legal research relating to investigating and prosecuting border crime, if requested; and

(2) coordinating with border prosecuting attorneys and law enforcement agencies to identify experts in the investigation and prosecution of complex, long-term cases against organized criminal enterprises.

Sec. 772.058. GIFTS AND GRANTS. The criminal justice division may apply for and accept gifts, grants, and donations from any organization described in Section 501(c)(3) or (4) of the Internal Revenue Code of 1986 for the purposes of funding any activity of the unit under this subchapter. The criminal justice division may apply for and accept grants under federal and state programs.

Sec. 772.059. EXPIRATION DATE. The unit is abolished and this subchapter expires on August 31, 2019.

SECTION 4. Section 772.0071(d), Government Code, is repealed.

SECTION 5. This Act takes effect September 1, 2015.

The amendment to **HB 12** was read.

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

Floor Amendment No. 2

Amend the Floor Amendment No. 1 to **HB 12** by striking the following language on page 8 lines 26-27 of the amendment:

Sec. 772.059. EXPIRATION DATE. The unit is abolished and this subchapter expires on August 31, 2019.

The amendment to Floor Amendment No. 1 to **HB 12** was read and was adopted without objection.

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

Question recurring on the adoption of Floor Amendment No. 1 to **HB 12**, the amendment as amended was adopted without objection.

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

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

HB 12 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 12 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 12** 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.

GUESTS PRESENTED

Senator Rodríguez was recognized and introduced to the Senate UIL speech competitors: Juan Aranda, Brian Elizalde, and Sammy Apodaca, accompanied by their sponsors, Maria Villalobos and Ryan Tune.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE HOUSE BILL 2 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2** at this time on its second reading:

CSHB 2, Relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.

The bill was read second time.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2** (senate committee printing) by striking SECTION 6 of the bill, regarding a reduction of appropriations to the Higher Education Coordinating Board for the Baylor College of Medicine - UGME (page 2, lines 20 through 26), and renumbering subsequent SECTIONS of the bill accordingly.

The amendment to **CSHB 2** was read and was adopted without objection.

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

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 2** (senate committee printing), in SECTION 17, as follows:

(1) On page 4, line 34, strike "CENTER" and substitute "BUREAU".

(2) On page 4, lines 43 to 47, strike Subsection (b) and substitute the following:

(b) From the money appropriated in Subsection (a) of this section, the Bureau of Economic Geology shall use an amount as determined by the technical advisory committee to enter into collaborative research relationships with other universities in Texas, including the Texas A&M Engineering Experiment Station, for the purpose of modeling of reservoir behavior described by that subsection and other data analysis.

The amendment to **CSHB 2** was read and was adopted without objection.

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

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 2** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. DEPARTMENT OF PUBLIC SAFETY: USE OF STATE HOMELAND SECURITY GRANT PROGRAM FUNDS FOR UNACCOMPANIED MINORS. Subject to any applicable federal law or rule, the Department of Public Safety shall:

(1) prioritize the allocation of money appropriated to the department from the State Homeland Security Grant Program established by 6 U.S.C. Section 605 for state fiscal years 2014 and 2015 and available on or after January 1, 2014; and

(2) transfer projects eligible for disbursements from the State Homeland Security Grant Program in state fiscal year 2014 to state fiscal year 2015 to increase, to the extent possible, the amount of money available from the fund for use by communities in this state that are located on this state's international border with Mexico to provide humanitarian relief or to be reimbursed for the costs related to providing humanitarian relief.

The amendment to **CSHB 2** was read and was adopted without objection.

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

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

CSHB 2 as amended was passed to third reading without objection.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 2 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2** 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 2630 ON SECOND READING**

Senator Uresti moved to suspend the regular order of business to take up for consideration **CSHB 2630** at this time on its second reading:

CSHB 2630, Relating to certain programs provided to families of children at risk for abuse and neglect.

The motion prevailed.

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

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

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

Nays: Hall.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2630 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2630** 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)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 26, 2015 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 36

Burkett

Urging Congress to propose and submit to the states for ratification the Parental Rights Amendment to the U.S. Constitution.

HCR 130

Parker

Designating May 26 as John Wayne Day for a 10-year period beginning in 2015.

SB 133

Schwertner

Sponsor: Coleman

Relating to mental health first aid training for school district employees and school resource officers.

SB 200

Nelson

Sponsor: Price

Relating to the continuation and functions of the Health and Human Services Commission and the provision of health and human services in this state.
(Amended)

SB 208

Campbell

Sponsor: Burkett

Relating to the continuation and functions of the Texas Workforce Commission.
(Committee Substitute/Amended)

SB 236

Schwertner

Sponsor: Farney

Relating to the punishment of certain controlled substance offenses committed in a drug-free zone.

SB 265

Ellis

Sponsor: Davis, Sarah

Relating to student use of sunscreen products in public schools.
(Committee Substitute)

SB 277

Schwertner

Sponsor: Sheffield

Relating to certain health-related and other task forces and advisory committees.
(Committee Substitute/Amended)

SB 313

Seliger

Sponsor: Aycock

Relating to the essential knowledge and skills of the required public school curriculum, the administration of and reports relating to assessment instruments administered to public school students, the instructional materials allotment, and proclamations for the production of instructional materials.
(Committee Substitute/Amended)

SB 374

Schwertner

Sponsor: Dale

Relating to requiring state agencies to participate in the federal electronic verification of employment authorization program, or E-verify.

SB 494

Watson

Sponsor: Muñoz, Jr.

Relating to the availability of certain property and casualty insurance forms on the Internet.

SB 593

Watson

Sponsor: Darby

Relating to pretrial settlement discussions during ad valorem tax appeals.
(Committee Substitute)

SB 632

Fraser

Sponsor: Button

Relating to the abolishment of the Texas emerging technology fund.

(Committee Substitute)

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

HB 9 (146 Yeas, 0 Nays, 2 Present, not voting)

HB 10 (146 Yeas, 0 Nays, 2 Present, not voting)

HB 372 (145 Yeas, 0 Nays, 2 Present, not voting)

HB 685 (143 Yeas, 1 Nays, 1 Present, not voting)

HB 830 (146 Yeas, 0 Nays, 2 Present, not voting)

HB 994 (114 Yeas, 32 Nays, 2 Present, not voting)

HB 1212 (143 Yeas, 0 Nays, 2 Present, not voting)

HB 1217 (146 Yeas, 0 Nays, 2 Present, not voting)

HB 1273 (143 Yeas, 0 Nays, 2 Present, not voting)

HB 1309 (145 Yeas, 1 Nays, 2 Present, not voting)

HB 1338 (140 Yeas, 3 Nays, 3 Present, not voting)

HB 1510 (143 Yeas, 0 Nays, 3 Present, not voting)

HB 2049 (143 Yeas, 1 Nays, 3 Present, not voting)

HB 2084 (139 Yeas, 4 Nays, 2 Present, not voting)

HB 2182 (145 Yeas, 0 Nays, 3 Present, not voting)

HB 2463 (146 Yeas, 0 Nays, 2 Present, not voting)

HB 2481 (133 Yeas, 11 Nays, 2 Present, not voting)

HB 2789 (145 Yeas, 0 Nays, 2 Present, not voting)

HB 2812 (143 Yeas, 1 Nays, 2 Present, not voting)

HB 3014 (141 Yeas, 4 Nays, 2 Present, not voting)

HB 3610 (143 Yeas, 0 Nays, 2 Present, not voting)

HB 4001 (136 Yeas, 6 Nays, 2 Present, not voting)

HB 4097 (145 Yeas, 0 Nays, 2 Present, not voting)

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

HB 189 (non-record vote)

House Conferees: Thompson, Senfronia - Chair/Bohac/Clardy/Raymond/Sheets

HB 311 (non-record vote)

House Conferees: Canales - Chair/Bernal/González, Mary/Lozano/Schubert

HB 1305 (non-record vote)

House Conferees: Bonnen, Greg - Chair/Aycock/Howard/Paul/VanDeaver

HB 2578 (non-record vote)

House Conferees: Price - Chair/Gonzales, Larry/Keough/Klick/Raymond

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives**BILLS SIGNED**

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read: **SB 983, SB 1032.**

**VOTES RECONSIDERED ON
HOUSE BILL 7**

On motion of Senator Nelson and by unanimous consent, the vote by which **HB 7** was finally passed was reconsidered:

HB 7, Relating to the amounts, availability, and use of certain statutorily dedicated revenue and accounts; providing for the dedication and use of certain state revenue; reducing or affecting the amounts or rates of certain statutorily dedicated fees and assessments.

Question: Shall **HB 7** be finally passed?

On motion of Senator Nelson and by unanimous consent, the vote by which **HB 7** was passed to third reading was reconsidered.

Question: Shall **HB 7** be passed to third reading?

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 8

Amend **HB 7** as adopted by the senate on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 151.0515(b), Tax Code, is amended to read as follows:

(b) In each county in this state, a surcharge is imposed on the retail sale, lease, or rental of new or used equipment in an amount equal to 1.5 [~~two~~] percent of the sale price or the lease or rental amount.

SECTION _____. Section 26.3574(b-1), Water Code, is amended to read as follows:

(b-1) The commission by rule shall set the amount of the fee in Subsection (b) in an amount not to exceed the amount necessary to cover the agency's costs of administering this subchapter, as indicated by the amount appropriated by the legislature from the petroleum storage tank remediation account for that purpose, not including any amount appropriated by the legislature from the petroleum storage tank remediation account for the purpose of the monitoring or remediation of releases occurring on or before December 22, 1998.

The amendment to **HB 7** was read and was adopted without objection.

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

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 9

Amend **HB 7** as adopted by the Senate on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 41.002(a), Education Code, is amended to read as follows:

(a) A school district may not have a wealth per student that exceeds:

(1) the wealth per student that generates the amount of maintenance and operations tax revenue per weighted student available to a district with maintenance and operations tax revenue per cent of tax effort equal to the maximum amount provided per cent under Section 42.101(a) or (b), for the district's maintenance and operations tax effort equal to or less than the rate equal to the sum of the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year and any additional tax effort included in calculating the district's compressed tax rate under Section 42.101(a-1);

(2) the wealth per student that generates the amount of maintenance and operations tax revenue per weighted student available to the Austin Independent School District, as determined by the commissioner in cooperation with the Legislative Budget Board, for the first six cents by which the district's maintenance and operations tax rate exceeds the rate equal to the sum of the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year and any additional tax effort included in calculating the district's compressed tax rate under Section 42.101(a-1), subject to Section 41.093(b-1); or

(3) \$319,500, for the district's maintenance and operations tax effort that exceeds the amount of tax effort described by Subdivision (2) [first six cents by which the district's maintenance and operations tax effort exceeds the rate equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year].

SECTION _____. Section 41.093(b-1), Education Code, is amended to read as follows:

(b-1) If the guaranteed level of state and local funds per weighted student per cent of tax effort under Section 42.302(a-1)(1) for which state funds are appropriated for a school year is an amount at least equal to the amount of revenue per weighted student per cent of tax effort available to the Austin Independent School District, as determined by the commissioner in cooperation with the Legislative Budget Board, the commissioner, in computing the amounts described by Subsections (a)(1) and (2) and determining the cost of an attendance credit, shall exclude maintenance and operations tax revenue resulting from the tax rate described by Section 41.002(a)(2) [first six cents by which a district's maintenance and operations tax rate exceeds the

~~rate equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year].~~

SECTION _____. Section 42.101, Education Code, as effective September 1, 2015, is amended by adding Subsections (a-1), (a-2), and (c) to read as follows:

(a-1) Notwithstanding Subsection (a), for a school district that adopted a maintenance and operations tax rate for the 2005 tax year below the maximum rate permitted by law for that year, the district's compressed tax rate ("DCR") includes the portion of the district's current maintenance and operations tax rate in excess of the first six cents above the district's compressed tax rate, as defined by Subsection (a), until the district's compressed tax rate computed in accordance with this subsection is equal to the state maximum compressed tax rate ("MCR").

(a-2) Subsection (a-1) applies beginning with the 2017-2018 school year. For the 2015-2016 and 2016-2017 school years, the board of trustees of a school district that adopted a maintenance and operations tax rate for the 2005 tax year below the maximum rate permitted by law for that year may choose to apply Subsection (a-1) to the calculation of the district's compressed tax rate ("DCR"). A board of trustees that chooses to apply Subsection (a-1) must notify the commissioner of the decision in writing not later than September 1 of the affected school year. This subsection expires September 1, 2018.

(c) This subsection applies to a school district for which the compressed tax rate ("DCR") is determined in accordance with Subsection (a-1). Any reduction in the district's adopted maintenance and operations tax rate is applied to the following components of the district's tax rate in the order specified:

(1) tax effort described by Section 42.302(a-1)(2);

(2) tax effort described by Section 42.302(a-1)(1); and

(3) tax effort included in the determination of the district's compressed tax rate ("DCR") under Subsection (a-1).

SECTION _____. Section 42.2516, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Revenue generated by the portion of a district's maintenance and operations tax rate included in calculating the district's compressed tax rate under Section 42.101(a-1) and local share under Section 42.252(a-1) is included in determining the amount to which a district is entitled under this section, but may not increase the total amount of revenue per weighted student to which the district is entitled under this section. This subsection expires September 1, 2017.

SECTION _____. Section 42.252, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a), for a school district that adopted a maintenance and operations tax rate for the 2005 tax year below the maximum rate permitted by law for that year, the district's tax rate ("TR") includes the tax effort included in calculating the district's compressed tax rate under Section 42.101(a-1).

SECTION _____. Subchapter E, Chapter 42, Education Code, is amended by adding Section 42.262 to read as follows:

Section 42.262. TAX RATE CONVERSION FUND. (a) Each fiscal year, the commissioner shall identify amounts appropriated in the General Appropriations Act from the Foundation School Fund, to be deposited in the tax rate conversion fund in the general revenue fund. The amount identified by the commissioner shall be sufficient to provide additional state aid to school districts to which the compressed tax rate modified under Section 42.101(a-1) applies, in excess of the level of state aid to which the district would have been entitled to had Section 42.101(a-1) not taken effect.

(b) For the purposes of state aid payments to school districts under this chapter, the tax rate conversion fund shall be considered to be used in the same manner as the foundation school fund.

SECTION _____. Section 42.302(a-1), Education Code, is amended to read as follows:

(a-1) ~~[In this section, "wealth per student" has the meaning assigned by Section 41.001.]~~ For purposes of Subsection (a), the dollar amount guaranteed level of state and local funds per weighted student per cent of tax effort ("GL") for a school district is:

(1) the greater of the amount of district tax revenue per weighted student per cent of tax effort that would be available to the Austin Independent School District, as determined by the commissioner in cooperation with the Legislative Budget Board, if the reduction of the limitation on tax increases as provided by Section 11.26(a-1), (a-2), or (a-3), Tax Code, did not apply, or the amount of district tax revenue per weighted student per cent of tax effort used for purposes of this subdivision in the preceding school year, for the first six cents by which the district's maintenance and operations tax rate exceeds the rate equal to the sum of the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year and any additional tax effort included in calculating the district's compressed tax rate under Section 42.101(a-1); and

(2) \$31.95, for the district's maintenance and operations tax effort that exceeds the amount of tax effort described by Subdivision (1).

The amendment to **HB 7** was read and was adopted without objection.

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

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

Question: Shall Floor Amendment No. 2 to **HB 7** be adopted?

Senator Nelson offered the following amendment to Floor Amendment No. 2:

Floor Amendment No. 10

Amend Amendment No. 2 by Fraser, as adopted on 2nd reading, to **HB 7** in Subsection (a) of the fifth SECTION added by the amendment, by striking the last sentence of Subsection (a) of that SECTION and substituting "On the effective date of this Act, any unencumbered fund balance in the Texas emerging technology fund may be appropriated in accordance with Subsection (a-1) of this section".

The amendment to Floor Amendment No. 2 to **HB 7** was read and was adopted without objection.

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

Question recurring on the adoption of Floor Amendment No. 2 to **HB 7**, the amendment as amended was adopted without objection.

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

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

Question: Shall Floor Amendment No. 3 to **HB 7** be adopted?

Senator Fraser withdrew Floor Amendment No. 3.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 11

Amend **HB 7** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 140, Local Government Code, is amended by adding Section 140.011 to read as follows:

Sec. 140.011. LOCAL GOVERNMENTS DISPROPORTIONATELY AFFECTED BY PROPERTY TAX RELIEF FOR DISABLED VETERANS. (a) In this section:

(1) "General fund revenue" means revenue generated by a local government from the following sources during a fiscal year and deposited in the dedicated general operating fund of the local government during that fiscal year:

(A) ad valorem taxes;

(B) sales and use taxes;

(C) franchise taxes, fees, or assessments charged for use of the local government's right-of-way;

(D) building and development fees, including permit and inspection fees;

(E) court fines and fees;

(F) other fees, assessments, and charges; and

(G) interest earned by the local government.

(2) "Local government" means:

(A) a municipality adjacent to a United States military installation; and

(B) a county in which a United States military installation is wholly or partly located.

(3) "Qualified local government" means a local government entitled to a disabled veteran assistance payment under this section.

(b) To serve the state purpose of ensuring that the cost of providing ad valorem tax relief to disabled veterans is shared equitably among the residents of this state, a local government is entitled to a disabled veteran assistance payment from the state

for each fiscal year that the local government is a qualified local government. A local government is a qualified local government for a fiscal year if the amount of lost ad valorem tax revenue calculated under Subsection (c) for that fiscal year is equal to or greater than two percent of the local government's general fund revenue for that fiscal year.

(c) For the purposes of this section, the amount of a local government's lost ad valorem tax revenue for a fiscal year is calculated by multiplying the ad valorem tax rate adopted by the local government under Section 26.05, Tax Code, for the tax year in which the fiscal year begins by the total appraised value of all property located in the local government that is granted an exemption from taxation under Section 11.131, Tax Code, for that tax year.

(d) A disabled veteran assistance payment made to a qualified local government for a fiscal year is calculated by subtracting from the local government's lost ad valorem tax revenue calculated under Subsection (c) for that fiscal year an amount equal to one percent of the local government's general fund revenue for that fiscal year.

(e) Not later than April 1 of the first year following the end of a fiscal year for which a qualified local government is entitled to a disabled veteran assistance payment, a qualified local government may submit an application to the comptroller to receive a disabled veteran assistance payment for that fiscal year. The application must be made on a form prescribed by the comptroller. The comptroller may require the qualified local government to submit an independent audit otherwise required by law to be prepared for the local government for the fiscal year for which a qualified local government is entitled to the payment.

(f) A qualified local government that does not submit an application to the comptroller by the date prescribed by Subsection (e) is not entitled to a disabled veteran assistance payment for the fiscal year for which that deadline applies.

(g) The comptroller shall review each application by a local government to determine whether the local government is entitled to a disabled veteran assistance payment. If the comptroller determines that the local government is entitled to the payment, the comptroller shall remit the payment from available funds to the qualified local government not later than the 30th day after the date the application for the payment is made.

(h) The comptroller shall transfer funds to a newly created account in the state treasury for the purpose of reimbursement of local governments under this section.

(i) The comptroller shall adopt rules necessary to implement this section.

SECTION ____. As soon as practicable, but not later than December 1, 2015, the comptroller of public accounts shall develop the disabled veteran assistance payment form required by Section 140.011(e), Local Government Code, as added by this Act.

SECTION ____. A local government that is a qualified local government, as that term is defined by Section 140.011(a), Local Government Code, as added by this Act, for a fiscal year that began in the 2014 tax year is eligible to apply for a disabled veteran assistance payment as prescribed by Section 140.011, Local Government Code, for that fiscal year.

The amendment to **HB 7** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 11.

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

Question: Shall Floor Amendment No. 5 to **HB 7** be adopted?

Senator Hinojosa withdrew Floor Amendment No. 5.

On motion of Senator Ellis and by unanimous consent, the vote by which Floor Amendment No. 6 was adopted was reconsidered.

Question: Shall Floor Amendment No. 6 to **HB 7** be adopted?

Senator Ellis withdrew Floor Amendment No. 6.

On motion of Senator Seliger and by unanimous consent, the vote by which Floor Amendment No. 7 was adopted was reconsidered.

Question: Shall Floor Amendment No. 7 to **HB 7** be adopted?

Senator Seliger withdrew Floor Amendment No. 7.

On motion of Senator Nelson and by unanimous consent, the vote by which Floor Amendment No. 1 was adopted was reconsidered.

Question: Shall Floor Amendment No. 1 to **HB 7** be adopted?

Senator Nelson withdrew Floor Amendment No. 1.

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

HB 7 as amended was again passed to third reading without objection.

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

HOUSE BILL 7 ON THIRD READING

Senator Nelson again moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 7** 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 finally passed by the following vote: Yeas 31, Nays 0.

SENATE RULE 5.14(a) SUSPENDED (Intent Calendar)

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

RECESS

On motion of Senator Whitmire, the Senate at 6:45 p.m. recessed until 7:00 p.m. today for the Local and Uncontested Calendar Session.

AFTER RECESS

The Senate met at 7:00 p.m. and was called to order by Senator Hancock.

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

CSHB 26 (Fraser)

Relating to state economic development measures, including abolishment of the Texas emerging technology fund, creation of the governor's university research initiative, and the administration of programs to support certain events.
(viva voce vote) (31-0) (31-0)

CSHB 114 (Hinojosa)

Relating to the issuance of certain capital appreciation bonds by political subdivisions.
(viva voce vote) (31-0) (31-0)

HB 207 (Whitmire)

Relating to creating the offense of voyeurism; providing a penalty.
(viva voce vote) (31-0) (31-0)

CSHB 211 (Rodríguez)

Relating to resuming a criminal case after a defendant is determined to be competent to stand trial.
(viva voce vote) (31-0) (31-0)

HB 229 (Zaffirini)

Relating to the disposition of certain surplus motor vehicles and other law enforcement equipment by the Texas Facilities Commission.
(viva voce vote) (31-0) (31-0)

HB 257 (Huffman)

Relating to a judge's or justice's significant interest in a business entity that owns, manages, or operates a private correctional or rehabilitation facility.
(viva voce vote) (31-0) (31-0)

HB 262 (Creighton)

Relating to liability of an owner, lessee, or occupant of land that allows land to be used as a community garden.
(viva voce vote) (31-0) (31-0)

CSHB 263 (Huffman)

Relating to the sealing of certain juvenile records.
(viva voce vote) (31-0) (31-0)

CSHB 281 (Nelson)

Relating to a limitation on the expansion of certain landfills.

(viva voce vote) (30-1) "Nay" V. Taylor (30-1) "Nay" V. Taylor

HB 307 (Burton)

Relating to a study on the feasibility and potential costs and benefits of implementing a pay-for-performance contract program for certain criminal justice programs and services.

(viva voce vote) (31-0) (31-0)

HB 326 (Hall)

Relating to information provided by electronic means in support of the issuance of a search warrant.

(viva voce vote) (31-0) (31-0)

HB 480 (Kolkhorst)

Relating to retaining a reserve investigator by a prosecuting attorney.

(viva voce vote) (31-0) (31-0)

HB 504 (Zaffirini)

Relating to designating the second full week in September as Direct Support Professionals Week.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 518 (Rodríguez)

Relating to certain waivers by a defendant regarding a community supervision revocation hearing.

(viva voce vote) (31-0) (31-0)

HB 634 (Creighton)

Relating to the rights of a guardian of a person in the criminal justice system.

(viva voce vote) (31-0) (31-0)

HB 644 (Hinojosa)

Relating to the contents of a search warrant and to the offense of tampering with a governmental record consisting of a search warrant.

(viva voce vote) (31-0) (31-0)

HB 710 (Rodríguez)

Relating to procedures for certain persons charged with a violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision.

(viva voce vote) (31-0) (31-0)

HB 771 (Creighton)

Relating to funding for the Texas Academy of Leadership in the Humanities.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

CSHB 781 (Perry)

Relating to caregiver screening and training by substitute care providers for children in the conservatorship of the Department of Family and Protective Services.

(viva voce vote) (31-0) (31-0)

HB 790 (Hancock)

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

(viva voce vote) (30-1) "Nay" Perry (30-1) "Nay" Perry

HB 825 (Uresti)

Relating to procedures for identifying any Native American heritage of children in certain hearings in suits affecting the parent-child relationship.

(viva voce vote) (29-2) "Nays" Hall, V. Taylor (29-2) "Nays" Hall, V. Taylor

HB 884 (Nichols)

Relating to the abolishment of the Orange County child support office and to the divorce and contempt fees paid in Orange County.

(viva voce vote) (31-0) (31-0)

CSHB 885 (Eltife)

Relating to certain county bail bond boards.

(viva voce vote) (31-0) (31-0)

HB 905 (Schwertner)

Relating to the regulation of knives by a municipality or county.

(viva voce vote) (31-0) (31-0)

HB 906 (Nichols)

Relating to the qualifications for appointment as a veterans county service officer.

(viva voce vote) (31-0) (31-0)

HB 1015 (Hinojosa)

Relating to notice provided to a court regarding certain defendants placed on state jail felony community supervision.

(viva voce vote) (31-0) (31-0)

HB 1026 (Garcia)

Relating to eligibility for appointment as a tabulation supervisor in an election.

(viva voce vote) (31-0) (31-0)

(Senator Uresti in Chair)**HB 1074** (Creighton)

Relating to the creation of the Montgomery County Municipal Utility District No. 145; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 1083 (Whitmire)

Relating to a mental health assessment of certain inmates of the Texas Department of Criminal Justice.

(viva voce vote) (31-0) (31-0)

CSHB 1094 (Eltife)

Relating to workers' compensation death benefit eligibility for certain spouses of first responders killed in the line of duty.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 1128 (V. Taylor)

Relating to the issuance of specialty license plates for recipients of the Combat Action Badge, Medal, or Ribbon.

(viva voce vote) (31-0) (31-0)

CSHB 1184 (Eltime)

Relating to authorizing certain utility cost savings and alternative fuel programs as eligible for local government energy savings performance contracts.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 1237 (Burton)

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

(viva voce vote) (31-0) (31-0)

HB 1277 (Bettencourt)

Relating to requirements for annexation of certain commercial or industrial areas by a general-law municipality.

(viva voce vote) (31-0) (31-0)

HB 1286 (Lucio)

Relating to the prosecution and punishment of the offense of injury to a child, elderly individual, or disabled individual.

(viva voce vote) (31-0) (31-0)

HB 1287 (Burton)

Relating to a requirement that each state university's Internet website include a link to certain employment data.

(viva voce vote) (31-0) (31-0)

HB 1329 (Zaffirini)

Relating to the payment of costs incurred by the involuntary commitment of persons with mental illness.

(viva voce vote) (31-0) (31-0)

HB 1337 (Zaffirini)

Relating to requiring institutions and assisted living facilities to maintain guardianship orders of residents.

(viva voce vote) (31-0) (31-0)

HB 1360 (Zaffirini)

Relating to the exemption of certain vehicles from registration fees.

(viva voce vote) (31-0) (31-0)

HB 1394 (Birdwell)

Relating to the composition, governance, and authority of a regional tollway authority that has or proposes to have projects located in counties that are not part of the authority.

(viva voce vote) (31-0) (31-0)

HB 1431 (Lucio)

Relating to the development of a career-oriented foreign language program that public schools may offer.

(viva voce vote) (31-0) (31-0)

HB 1449 (Rodríguez)

Relating to child custody evaluations and adoption evaluations conducted and testimony provided in certain suits affecting the parent-child relationship; providing penalties; creating an offense; authorizing fees.

(viva voce vote) (30-1) "Nay" V. Taylor (30-1) "Nay" V. Taylor

HB 1549 (Menéndez)

Relating to nonsubstantive corrections in statutes to references to the Texas Youth Commission and Texas Juvenile Probation Commission.

(viva voce vote) (31-0) (31-0)

HB 1551 (Hancock)

Relating to money distributed by the School Land Board to the available school fund or to the State Board of Education for investment in the permanent school fund.

(viva voce vote) (31-0) (31-0)

HB 1595 (Whitmire)

Relating to testing certain defendants or confined persons for communicable diseases.

(viva voce vote) (31-0) (31-0)

HB 1617 (Nichols)

Relating to authorizing certain real property transactions involving the Department of Public Safety of the State of Texas.

(viva voce vote) (31-0) (31-0)

HB 1628 (Rodríguez)

Relating to authorizing a credit union or other financial institution to conduct savings promotion raffles.

(viva voce vote) (25-5-1) "Nays" Bettencourt, Birdwell, Burton, Creighton, Hall "Present-not voting" V. Taylor (24-6-1) "Nays" Bettencourt, Birdwell, Burton, Campbell, Creighton, Hall "Present-not voting" V. Taylor

HB 1640 (Campbell)

Relating to the compatibility of certain defense community regulations and structures with military operations.

(viva voce vote) (31-0) (31-0)

HB 1661 (Uresti)

Relating to Medicaid billing for the services of substitute dentists.

(viva voce vote) (31-0) (31-0)

HB 1670 (Watson)

Relating to the possession and removal of a placenta from a hospital or birthing center.

(viva voce vote) (31-0) (31-0)

HB 1702 (Rodríguez)

Relating to the elimination of the fee for the Gold Star mother, father, spouse, or family member specialty license plate.

(viva voce vote) (31-0) (31-0)

HB 1733 (Watson)

Relating to automobile liability insurance for transportation network company drivers.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

CSHB 1738 (Campbell)

Relating to the release of certain restrictions on the use of certain highway rights-of-way transferred to a municipality from the Texas Department of Transportation.

(viva voce vote) (31-0) (31-0)

HB 1781 (L. Taylor)

Relating to access by a sibling of a child separated from the sibling due to an action by the Department of Family and Protective Services.

(viva voce vote) (31-0) (31-0)

HB 1793 (Hinojosa)

Relating to reports of certain missing children and to the administration of missing or exploited children prevention grants.

(viva voce vote) (31-0) (31-0)

HB 1807 (Zaffirini)

Relating to requiring the Texas Higher Education Coordinating Board to maintain an inventory of postsecondary educational programs and services for persons with intellectual and developmental disabilities.

(viva voce vote) (31-0) (31-0)

CSHB 1832 (L. Taylor)

Relating to the requirements for and confidentiality of state agency continuity of operations plans.

(viva voce vote) (31-0) (31-0)

HB 1846 (Rodríguez)

Relating to public comments on federal grants and contracts related to the Federal Food, Drug, and Cosmetic Act.

(viva voce vote) (31-0) (31-0)

HB 1855 (Whitmire)

Relating to training, continuing education, and weapons proficiency standards for correctional officers employed by the Texas Department of Criminal Justice.

(viva voce vote) (31-0) (31-0)

HB 1879 (Bettencourt)

Relating to exemptions from continuing education requirements for certain county commissioners.

(viva voce vote) (31-0) (31-0)

CSHB 1887 (Hinojosa)

Relating to the establishment of a regional center for public safety excellence in the Rio Grande Valley.

(viva voce vote) (31-0) (31-0)

(Senator Eltife in Chair)**HB 1914** (Hancock)

Relating to the frequency with which the Board of Pardons and Paroles considers the eligibility of certain inmates for release on parole.

(viva voce vote) (31-0) (31-0)

HB 1924 (Eltife)

Relating to the authority of a psychologist to delegate certain care to an intern.

(viva voce vote) (31-0) (31-0)

CSHB 1927 (Huffman)

Relating to the procedures for applying for a ballot to be voted by mail; creating a criminal offense.

(viva voce vote) (31-0) (31-0)

CSHB 2019 (Seliger)

Relating to the authority of certain counties to impose a hotel occupancy tax.

(viva voce vote) (29-2) "Nays" Huffines, V. Taylor (29-2) "Nays" Huffines, V. Taylor

HB 2031 (Hinojosa)

Relating to the diversion, treatment, and use of marine seawater and the discharge of treated marine seawater and waste resulting from the desalination of marine seawater; adding provisions subject to a criminal penalty.

(viva voce vote) (31-0) (31-0)

HB 2055 (Schwertner)

Relating to the establishment of a sentinel surveillance program for emerging and neglected tropical diseases.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 2063 (Zaffirini)

Relating to the recording and effective date of certain documents relating to nonjudicial foreclosure sales.

(viva voce vote) (31-0) (31-0)

HB 2067 (Zaffirini)

Relating to the rescission or waiver of an acceleration of the maturity date of certain debt secured by a lien on real property.

(viva voce vote) (31-0) (31-0)

CSHB 2070 (Rodríguez)

Relating to certain requirements for certain facilities licensed by the Department of Family and Protective Services and the department's enforcement authority.

(viva voce vote) (31-0) (31-0)

HB 2108 (Garcia)

Relating to a medal for certain members of the military forces who served during the Cold War.

(viva voce vote) (31-0) (31-0)

HB 2121 (Zaffirini)

Relating to the repeal of obsolete laws governing county road systems in certain counties.

(viva voce vote) (31-0) (31-0)

HB 2134 (Hall)

Relating to allowing a governmental body to request clarification of a request for public information by electronic mail.

(viva voce vote) (31-0) (31-0)

HB 2232 (Campbell)

Relating to the creation of regional military sustainability commissions for certain military installations.

(viva voce vote) (31-0) (31-0)

HB 2251 (Hancock)

Relating to an established schedule of payments from the foundation school fund of the yearly entitlement of certain open-enrollment charter schools.

(viva voce vote) (31-0) (31-0)

CSHB 2280 (Eltife)

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

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 2290 (Huffman)

Relating to designating January as Human Trafficking Prevention Month.

(viva voce vote) (31-0) (31-0)

HB 2299 (Whitmire)

Relating to the nonsubstantive revision of certain laws concerning community supervision granted in criminal cases, including conforming amendments.

(viva voce vote) (31-0) (31-0)

HB 2300 (Whitmire)

Relating to eliminating telegraph transmission as a method to communicate certain information in a criminal case.

(viva voce vote) (31-0) (31-0)

HB 2313 (Garcia)

Relating to an exemption from the sales and use tax for items sold by certain nonprofit organizations through a vending machine; adding a provision subject to a criminal offense.

(viva voce vote) (31-0) (31-0)

HB 2372 (Whitmire)

Relating to training requirements for juvenile correctional officers employed by the Texas Juvenile Justice Department.

(viva voce vote) (31-0) (31-0)

HB 2390 (Creighton)

Relating to civil liability arising from an employee wellness program.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

CSHB 2404 (Eltime)

Relating to certain security devices for residential tenancies.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 2407 (Campbell)

Relating to the creation of the Comal Trinity Groundwater Conservation District; providing authority to issue bonds; providing authority to impose assessments, fees, or surcharges.

(viva voce vote) (31-0) (31-0)

CSHB 2439 (Eltime)

Relating to inspections and other activities conducted by engineers in connection with the issuance of certain windstorm and hail insurance; authorizing a fee.

(viva voce vote) (31-0) (31-0)

CSHB 2475 (Eltime)

Relating to the establishment of the center for alternative finance and procurement within the Texas Facilities Commission and to public and private partnerships; authorizing a fee.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

CSHB 2489 (Eltime)

Relating to regulation by a property owners' association of residential leases or rental agreements.

(viva voce vote) (31-0) (31-0)

HB 2499 (Perry)

Relating to the electronic filing of bail bonds.

(viva voce vote) (31-0) (31-0)

HB 2528 (Kolkhorst)

Relating to the authority of a water district to accept donations to fund certain economic development programs.

(viva voce vote) (31-0) (31-0)

HB 2547 (Kolkhorst)

Relating to the transfer of certain state property from the Texas Department of Criminal Justice to Fort Bend County.

(viva voce vote) (31-0) (31-0)

HB 2549 (Hancock)

Relating to the authority and operation of regional tollway authorities.

(viva voce vote) (30-1) "Nay" Campbell (30-1) "Nay" Campbell

HB 2558 (Campbell)

Relating to the length of a billing month for a propane gas customer.

(viva voce vote) (29-2) "Nays" Hall, V. Taylor (29-2) "Nays" Hall, V. Taylor

(Senator Hancock in Chair)

CSHB 2573 (Lucio)

Relating to a deceptive trade practice related to the use of certain words to imply that a person who is not an attorney is authorized to practice law and the prosecution of a cause of action arising from that practice.

(viva voce vote) (31-0) (31-0)

CSHB 2574 (Rodríguez)

Relating to increasing awareness of the danger of heatstroke for a child left unattended in a motor vehicle.

(viva voce vote) (31-0) (31-0)

CSHB 2588 (Zaffirini)

Relating to disclosures by nursing facilities and assisted living facilities regarding certification or classification to provide specialized care, treatment, or personal care services to residents with Alzheimer's disease or related disorders and the authority of the executive commissioner of the Health and Human Services Commission to adopt rules defining those conditions; adding requirements for an occupational license.

(viva voce vote) (31-0) (31-0)

HB 2589 (Nichols)

Relating to the prosecution of and punishment for assaulting a disabled individual; increasing a criminal penalty.

(viva voce vote) (31-0) (31-0)

HB 2598 (Zaffirini)

Relating to the consideration of steel slag as solid waste by the Texas Commission on Environmental Quality.

(viva voce vote) (31-0) (31-0)

HB 2629 (Hancock)

Relating to unauthorized persons at public or private institutions of higher education in this state and to trespass, damage, or defacement occurring on the grounds of those institutions; amending provisions subject to a criminal penalty and creating offenses.

(viva voce vote) (31-0) (31-0)

CSHB 2645 (Hinojosa)

Relating to the prosecution of certain offenses involving family violence and to the violation of certain court orders or conditions of bond in a family violence, sexual assault or abuse, or stalking case.

(viva voce vote) (31-0) (31-0)

HB 2660 (Watson)

Relating to Foundation School Program funding for students enrolled in an optional flexible school day program.

(viva voce vote) (31-0) (31-0)

HB 2680 (L. Taylor)

Relating to allocation of money from the law enforcement officer standards and education fund.

(viva voce vote) (31-0) (31-0)

CSHB 2696 (Zaffirini)

Relating to a study on reducing workplace violence against nurses.

(viva voce vote) (29-2) "Nays" Hall, V. Taylor (29-2) "Nays" Hall, V. Taylor

HB 2706 (Rodríguez)

Relating to the value of personal property exempt from seizure by creditors.

(viva voce vote) (31-0) (31-0)

HB 2763 (Rodríguez)

Relating to a study of the current and potential economic impacts of recycling.

(viva voce vote) (25-6) "Nays" Bettencourt, Campbell, Hall, Hancock, Huffines, V. Taylor (25-6) "Nays" Bettencourt, Campbell, Hall, Hancock, Huffines, V. Taylor

HB 2827 (Garcia)

Relating to the definition of homeland security activity.

(viva voce vote) (31-0) (31-0)

HB 2828 (Burton)

Relating to the authority of a municipality or county to obtain criminal history record information for certain persons, including employees, independent contractors, and volunteers.

(viva voce vote) (30-1) "Nay" Huffines (30-1) "Nay" Huffines

HB 2851 (V. Taylor)

Relating to the limitation on the liability of the nonprofit corporation established by the Texas Public Finance Authority to issue revenue bonds for open-enrollment charter schools to provide educational facilities.

(viva voce vote) (31-0) (31-0)

HB 2945 (Hancock)

Relating to the use of the juvenile case manager fund.

(viva voce vote) (31-0) (31-0)

HB 2946 (Nichols)

Relating to certain laws governing the intersections of railroad tracks and public roadways.

(viva voce vote) (31-0) (31-0)

HB 3074 (Schwertner)

Relating to the provision of artificially administered nutrition and hydration and life-sustaining treatment.

(viva voce vote) (31-0) (31-0)

HB 3092 (West)

Relating to the establishment of a pilot program to provide protective services to certain persons determined to be at risk of future harm from abuse, neglect, or exploitation.

(viva voce vote) (28-3) "Nays" Campbell, Hall, Nichols (28-3) "Nays" Campbell, Hall, Nichols

HB 3264 (Hinojosa)

Relating to the enforcement of permit requirements for the operation of a domestic wastewater treatment facility.

(viva voce vote) (31-0) (31-0)

HB 3283 (Zaffirini)

Relating to contributions and registrations for an anatomical gift registry; authorizing a fee.

(viva voce vote) (31-0) (31-0)

HB 3316 (Hancock)

Relating to the time for recording a durable power of attorney for certain real property transactions.

(viva voce vote) (31-0) (31-0)

HB 3357 (Eltife)

Relating to permitted methods for certain political subdivisions to post notice of a meeting.

(viva voce vote) (31-0) (31-0)

HB 3374 (Lucio)

Relating to information regarding Down syndrome.

(viva voce vote) (31-0) (31-0)

CSHB 3387 (Whitmire)

Relating to sex offender treatment as a condition of parole or mandatory supervision for certain releasees.

(viva voce vote) (31-0) (31-0)

HB 3404 (Lucio)

Relating to a study on providing care to veterans with post-traumatic stress disorder.

(viva voce vote) (31-0) (31-0)

HB 3438 (Zaffirini)

Relating to the transfer of surplus or salvage state agency property.

(viva voce vote) (31-0) (31-0)

HB 3439 (Zaffirini)

Relating to the donation of property from a state agency to an assistance organization or a local governmental entity.

(viva voce vote) (31-0) (31-0)

HB 3517 (Huffman)

Relating to requirements governing registration and authorized activities of certain lobbyists; expanding the applicability of an occupational registration.

(viva voce vote) (31-0) (31-0)

HB 3547 (Campbell)

Relating to a voluntary veteran's employment preference for private employers.
(viva voce vote) (31-0) (31-0)

HB 3595 (Kolkhorst)

Relating to the use of municipal hotel occupancy tax revenue in certain municipalities.
(viva voce vote) (31-0) (31-0)

(Senator Uresti in Chair)**CSHB 3615** (Zaffirini)

Relating to the use of hotel occupancy tax revenues in certain municipalities and the authority of certain counties to impose a county hotel occupancy tax; authorizing the imposition of a tax.
(viva voce vote) (31-0) (31-0)

HB 3629 (Schwertner)

Relating to use and allocation of municipal hotel occupancy tax revenues for certain municipalities.
(viva voce vote) (29-2) "Nays" Burton, Hall (29-2) "Nays" Burton, Hall

CSHB 3666 (Watson)

Relating to the withdrawal of the territory of certain emergency services districts from the territory of a metropolitan rapid transit authority.
(viva voce vote) (31-0) (31-0)

HB 3685 (Lucio)

Relating to the employment status of certain individuals engaged in rehabilitative work-training programs.
(viva voce vote) (31-0) (31-0)

HB 3707 (Perry)

Relating to cloud computing services.
(viva voce vote) (31-0) (31-0)

HB 3710 (Rodríguez)

Relating to a voluntary contribution to the fund for veterans' assistance when applying for a concealed handgun license.
(viva voce vote) (31-0) (31-0)

HB 3748 (West)

Relating to the coordination of educational support services for and information regarding students who are currently or were formerly placed in foster care.
(viva voce vote) (30-1) "Nay" V. Taylor (30-1) "Nay" V. Taylor

HB 3772 (Uresti)

Relating to the use of municipal hotel occupancy tax revenue to construct, enhance, upgrade, and maintain arenas, sports facilities, and fields in certain municipalities.
(viva voce vote) (31-0) (31-0)

CSHB 3777 (Hancock)

Relating to the establishment and governance of certain regional transportation authorities.

(viva voce vote) (31-0) (31-0)

CSHB 3781 (Watson)

Relating to the creation of the Texas Health Improvement Network.

(viva voce vote) (29-2) "Nays" Birdwell, Hall (29-2) "Nays" Birdwell, Hall

HB 3982 (Lucio)

Relating to solicitation of a person to buy drinks for consumption by an alcoholic beverage retailer or the retailer's employee; authorizing a civil penalty; amending a provision that is subject to a criminal penalty.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4030 (Huffman)

Relating to applications for and certain information regarding an applicant for registration or endorsement under the Private Security Act.

(viva voce vote) (31-0) (31-0)

CSHB 4037 (Lucio)

Relating to the authority of certain counties to impose a hotel occupancy tax and the use of revenue from the hotel occupancy tax by certain counties; authorizing an increase in the rate of a tax; authorizing the imposition of a tax.

(viva voce vote) (30-1) "Nay" V. Taylor (30-1) "Nay" V. Taylor

HB 4046 (Ellis)

Relating to the confidentiality of student records.

(viva voce vote) (31-0) (31-0)

HB 4133 (Kolkhorst)

Relating to the creation of the Waller County Municipal Utility District No. 23; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4134 (Kolkhorst)

Relating to the creation of the Waller County Municipal Utility District No. 20; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4183 (Campbell)

Relating to the creation of the Hays County Municipal Utility District No. 7; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

HB 4199 (Eltife)

Relating to the Harrison County Court at Law.

(viva voce vote) (31-0) (31-0)

HB 4207 (Kolkhorst)

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

(viva voce vote) (29-2) "Nays" Hall, V. Taylor (29-2) "Nays" Hall, V. Taylor

HCR 35 (Schwertner)

Designating the cowboy hat as the official State Hat of Texas.

(31-0)

HCR 46 (Rodríguez)

Urging Congress to require the U.S. Department of Veterans Affairs to provide VA services to incarcerated veterans detained in state hospitals and to consider expanding such services to all incarcerated veterans.

(31-0)

HCR 62 (Estes)

Designating Nocona as the official Classic Car Capital of Texas for a 10-year period beginning in 2015.

(30-1) "Nay" Hall

HCR 76 (Uresti)

Designating Poteet as the official Strawberry Capital of Texas for a 10-year period beginning in 2015.

(30-1) "Nay" Hall

HCR 77 (Zaffirini)

Redesignating Jim Hogg County as the official Vaquero Capital of Texas.

(31-0)

HCR 81 (Uresti)

Expressing support for the placement of a monument to Lorenzo de Zavala on the grounds of the Texas State Library and Archives Commission building.

(31-0)

HCR 85 (Birdwell)

Directing the governor of the State of Texas to posthumously award the Texas Legislative Medal of Honor to Chief Petty Officer Christopher Scott Kyle.

(31-0)

HCR 93 (Fraser)

Designating Abilene as the official Storybook Capital of Texas.

(30-1) "Nay" Hall

HCR 94 (Estes)

Urging the U.S. Congress to designate the Chisholm Trail and the Great Western Trail as National Historic Trails.

(31-0)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Campbell and Senator Hancock requested in writing that **HB 988** be removed from the Local and Uncontested Calendar.

Senator Lucio and Senator Hancock requested in writing that **HB 1170** be removed from the Local and Uncontested Calendar.

**SESSION CONCLUDED FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1**

Senator Nelson submitted the following Conference Committee Report:

Austin, Texas
May 26, 2015

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

NELSON
HINOJOSA
SCHWERTNER
HUFFMAN
KOLKHORST
On the part of the Senate

OTTO
S. TURNER
GONZALES
S. DAVIS
ASHBY
On the part of the House

The Conference Committee Report on **HB 1** was filed with the Secretary of the Senate.

CO-AUTHOR OF SENATE RESOLUTION 966

On motion of Senator Watson, Senator Ellis will be shown as Co-author of **SR 966**.

CO-SPONSOR OF HOUSE BILL 48

On motion of Senator Ellis, Senator Rodríguez will be shown as Co-sponsor of **HB 48**.

CO-SPONSOR OF HOUSE BILL 257

On motion of Senator Huffman, Senator Zaffirini will be shown as Co-sponsor of **HB 257**.

CO-SPONSOR OF HOUSE BILL 262

On motion of Senator Creighton, Senator Zaffirini will be shown as Co-sponsor of **HB 262**.

CO-SPONSOR OF HOUSE BILL 634

On motion of Senator Creighton, Senator Zaffirini will be shown as Co-sponsor of **HB 634**.

CO-SPONSOR OF HOUSE BILL 781

On motion of Senator Perry, Senator Zaffirini will be shown as Co-sponsor of **HB 781**.

CO-SPONSOR OF HOUSE BILL 1083

On motion of Senator Whitmire, Senator Zaffirini will be shown as Co-sponsor of **HB 1083**.

CO-SPONSOR OF HOUSE BILL 1128

On motion of Senator V. Taylor, Senator Zaffirini will be shown as Co-sponsor of **HB 1128**.

CO-SPONSOR OF HOUSE BILL 1317

On motion of Senator Seliger, Senator Zaffirini will be shown as Co-sponsor of **HB 1317**.

CO-SPONSOR OF HOUSE BILL 1927

On motion of Senator Huffman, Senator Zaffirini will be shown as Co-sponsor of **HB 1927**.

CO-SPONSOR OF HOUSE BILL 2286

On motion of Senator Burton, Senator Garcia will be shown as Co-sponsor of **HB 2286**.

CO-SPONSOR OF HOUSE BILL 3374

On motion of Senator Lucio, Senator Creighton will be shown as Co-sponsor of **HB 3374**.

CO-SPONSOR OF HOUSE BILL 3623

On motion of Senator Lucio, Senator Burton will be shown as Co-sponsor of **HB 3623**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 981 by Watson, In memory of Marguerite Marie Labasse Knisely.

SR 994 by Hinojosa, In memory of Rosendo DeLeon.

SR 1007 by Lucio, In memory of Alicia Cantu Gomez.

SR 1009 by Lucio, In memory of Gilberto Garza.

SR 1010 by Lucio, In memory of Guadalupe Deanda Sandoval.

SR 1011 by Perry, In memory of John Dolan Poynor.

SR 1012 by Perry, In memory of Dorothy Louise Nelson and Edward M. Nelson Jr.

Welcome and Congratulatory Resolutions

SR 980 by Garcia, Recognizing those who contribute to programs to prevent and treat obesity.

SR 982 by Watson, Recognizing Glenna Rhea Bowman on the occasion of her retirement.

SR 983 by Watson, Recognizing Jorge and Monica Joy Partida on the birth of their daughter, Penelope Joy Partida.

SR 984 by Watson, Recognizing Jorge and Monica Joy Partida on the birth of their son, Patrick Gunnar Miles Partida.

SR 990 by Hinojosa, Recognizing the B. L. Gray Junior High School chess team for its achievements at the National Junior High Chess Championships.

SR 991 by Hinojosa, Recognizing the Sharyland North Junior High School chess team for its achievements at the National Junior High Chess Championships.

SR 992 by Hinojosa, Commending Reece Teplicek for achieving the rank of Eagle Scout.

SR 993 by Hinojosa, Recognizing Kirk and Cassandra Logan of *Gospel Express*.

SR 995 by Campbell, Welcoming Kaitlyn Anderson to the Capitol.

SR 996 by Campbell, Welcoming Jay Nelson to the Capitol.

SR 998 by Watson, Recognizing Cathy Stephens on the occasion of her retirement.

SR 999 by Estes, Recognizing Brenna Moore for winning the 2015 National Collegiate Athletic Association Division II Women's Golf Championship.

SR 1000 by Menéndez, Recognizing the Los Carnales/La Familia Motorcycle Club on the occasion of its 20th anniversary.

SR 1001 by Garcia, Recognizing One Voice Texas on the occasion of its 10th anniversary.

SR 1002 by Garcia, Recognizing Laurie M. Glaze on the occasion of her retirement.

SR 1003 by Zaffirini, Recognizing the Boys and Girls Clubs of America on the occasion of the 25th anniversary of its Alumni Hall of Fame program.

SR 1004 by Lucio and Hinojosa, Recognizing Rick Diaz on the occasion of his retirement.

SR 1005 by Lucio, Recognizing Leopoldo "Polo" Palacios on the occasion of his retirement.

SR 1006 by Lucio, Recognizing the Texas Association of Mexican American Chambers of Commerce for its 40 years of service.

SR 1008 by Lucio, Recognizing Nora de Hoyos Comstock on the occasion of her retirement.

Official Designation Resolution

HCR 130 (Nichols), Designating May 26 as John Wayne Day for a 10-year period beginning in 2015.

ADJOURNMENT

On motion of Senator Uresti, the Senate at 7:59 p.m. adjourned until 8:45 p.m. today.

