

# SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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SIXTIETH DAY

(Wednesday, May 27, 2015)

The Senate met at 8:50 p.m. pursuant to adjournment and was called to order by the President.

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

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

Senator Kolkhorst offered the invocation as follows:

Father, we thank You for allowing us to gather here today in this Chamber, in this state, and in this nation. You have blessed us so richly and we thank You for that. We thank You for the rains that You have sent, but we pray for those that have been affected by the floods. We pray for those that have been displaced and those that are missing. For the hardships and the heartaches, be with them, Father, guide them, comfort them. And in the final days here, we ask Your blessings upon us for discernment, to always have You in mind as we make those decisions to be servant leaders, Father. Again, all the love, the grace, and the power which You give us shall be used for Your good. Amen.

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

The motion prevailed without objection.

## HOUSE BILL 3623 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **HB 3623** at this time on its second reading:

**HB 3623**, Relating to the exemption from ad valorem taxation of property owned by the National Hispanic Institute.

The motion prevailed.

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

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

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

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

### **HOUSE BILL 3623 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3623** be placed on its third reading and final passage.

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

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

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

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

### **HOUSE BILL 1396 ON SECOND READING**

Senator Burton moved to suspend the regular order of business to take up for consideration **HB 1396** at this time on its second reading:

**HB 1396**, Relating to the construction of certain statutes and rules that create or define criminal offenses and penalties and a review of certain penal laws of this state.

The motion prevailed.

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

The bill was read second time.

Senator Burton offered the following amendment to the bill:

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

Amend **HB 1396** (senate committee printing) as follows:

(1) In SECTION 3 of the bill (page 2, line 27), between "made by this Act" and "applies only", insert "in adding Section 311.035, Government Code,".

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

SECTION \_\_\_\_ . Article 18.02(a), Code of Criminal Procedure, is amended to read as follows:

(a) A search warrant may be issued to search for and seize:

(1) property acquired by theft or in any other manner which makes its acquisition a penal offense;

(2) property specially designed, made, or adapted for or commonly used in the commission of an offense;

- (3) arms and munitions kept or prepared for the purposes of insurrection or riot;
- (4) weapons prohibited by the Penal Code;
- (5) gambling devices or equipment, altered gambling equipment, or gambling paraphernalia;
- (6) obscene materials kept or prepared for commercial distribution or exhibition, subject to the additional rules set forth by law;
- (7) a drug, controlled substance, immediate precursor, chemical precursor, or other controlled substance property, including an apparatus or paraphernalia kept, prepared, or manufactured in violation of the laws of this state;
- (8) any property the possession of which is prohibited by law;
- (9) implements or instruments used in the commission of a crime;
- (10) property or items, except the personal writings by the accused, constituting evidence of an offense or constituting evidence tending to show that a particular person committed an offense;
- (11) persons;
- (12) contraband subject to forfeiture under Chapter 59 of this code; ~~or~~
- (13) electronic customer data held in electronic storage, including the contents of and records and other information related to a wire communication or electronic communication held in electronic storage; or
- (14) a cellular telephone or other wireless communications device, subject to Article 18.0215.

SECTION \_\_\_\_\_. Chapter 18, Code of Criminal Procedure, is amended by adding Article 18.0215 to read as follows:

Art. 18.0215. ACCESS TO CELLULAR TELEPHONE OR OTHER WIRELESS COMMUNICATIONS DEVICE. (a) A peace officer may not search a person's cellular telephone or other wireless communications device, pursuant to a lawful arrest of the person or otherwise, without obtaining a warrant under this article.

(b) A warrant under this article may be issued only by a district judge in the same judicial district as the site of:

(1) the law enforcement agency that employs the peace officer, if the cellular telephone or other wireless communications device is in the officer's possession; or

(2) the likely location of the telephone or device.

(c) A district judge may issue a warrant under this article only on the application of a peace officer. An application must be written and signed and sworn to or affirmed before the judge. The application must:

(1) state the name, department, agency, and address of the applicant;

(2) identify the cellular telephone or other wireless communications device to be searched;

(3) state the name of the owner or possessor of the telephone or device to be searched;

(4) state the judicial district in which:

(A) the law enforcement agency that employs the peace officer is located, if the telephone or device is in the officer's possession; or

(B) the telephone or device is likely to be located; and

(5) state the facts and circumstances that provide the applicant with probable cause to believe that:

(A) criminal activity has been, is, or will be committed; and

(B) searching the telephone or device is likely to produce evidence in the investigation of the criminal activity described in Paragraph (A).

(d) Notwithstanding any other law, a peace officer may search a cellular telephone or other wireless communications device without a warrant if:

(1) the owner or possessor of the telephone or device consents to the search;

(2) the telephone or device is reported stolen by the owner or possessor; or

(3) the officer reasonably believes that:

(A) the telephone or device is in the possession of a fugitive from justice for whom an arrest warrant has been issued for committing a felony offense; or

(B) there exists an immediate life-threatening situation, as defined by Section 1, Article 18.20.

(e) A peace officer must apply for a warrant to search a cellular telephone or other wireless communications device as soon as practicable after a search is conducted under Subsection (d)(3)(A) or (B). If the district judge finds that the applicable situation under Subsection (d)(3)(A) or (B) did not occur and declines to issue the warrant, any evidence obtained is not admissible in a criminal action.

The amendment to **HB 1396** was read and was adopted without objection.

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

Senator Burton offered the following amendment to the bill:

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

Amend **HB 1396** (senate committee report) as follows:

(1) Strike SECTION 3 of the bill (page 2, lines 27-32).

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

SECTION \_\_\_\_ . Sections 28.03(b), (f), (h), and (j), Penal Code, are amended to read as follows:

(b) Except as provided by Subsections (f) and (h), an offense under this section is:

(1) a Class C misdemeanor if:

(A) the amount of pecuniary loss is less than \$100 [~~\$50~~]; or

(B) except as provided in Subdivision (3)(A) or (3)(B), it causes substantial inconvenience to others;

(2) a Class B misdemeanor if the amount of pecuniary loss is \$100 [~~\$50~~] or more but less than \$750 [~~\$500~~];

(3) a Class A misdemeanor if:

(A) the amount of pecuniary loss is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~]; or

(B) the actor causes in whole or in part impairment or interruption of any public water supply, or causes to be diverted in whole, in part, or in any manner, including installation or removal of any device for any such purpose, any public water supply, regardless of the amount of the pecuniary loss;

(4) a state jail felony if the amount of pecuniary loss is:

(A) \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(B) less than \$2,500 [~~\$1,500~~], if the property damaged or destroyed is a habitation and if the damage or destruction is caused by a firearm or explosive weapon;

(C) less than \$2,500 [~~\$1,500~~], if the property was a fence used for the production or containment of:

(i) cattle, bison, horses, sheep, swine, goats, exotic livestock, or exotic poultry; or

(ii) game animals as that term is defined by Section 63.001, Parks and Wildlife Code; or

(D) less than \$30,000 [~~\$20,000~~] and the actor causes wholly or partly impairment or interruption of public communications, public transportation, public gas or power supply, or other public service, or causes to be diverted wholly, partly, or in any manner, including installation or removal of any device for any such purpose, any public communications or public gas or power supply;

(5) a felony of the third degree if the amount of the pecuniary loss is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) a felony of the second degree if the amount of pecuniary loss is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) a felony of the first degree if the amount of pecuniary loss is \$300,000 [~~\$200,000~~] or more.

(f) An offense under this section is a state jail felony if the damage or destruction is inflicted on a place of worship or human burial, a public monument, or a community center that provides medical, social, or educational programs and the amount of the pecuniary loss to real property or to tangible personal property is \$750 or more but less than \$30,000 [~~\$20,000~~].

(h) An offense under this section is a state jail felony if the amount of the pecuniary loss to real property or to tangible personal property is \$750 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~] and the damage or destruction is inflicted on a public or private elementary school, secondary school, or institution of higher education.

(j) Notwithstanding Subsection (b), an offense under this section is a felony of the third degree if:

(1) the tangible property damaged, destroyed, or tampered with is transportation communications equipment or a transportation communications device; and

(2) the amount of the pecuniary loss to the tangible property is less than \$150,000 [~~\$100,000~~].

SECTION \_\_\_\_\_. Section 28.06(d), Penal Code, is amended to read as follows:

(d) If the amount of pecuniary loss cannot be ascertained by the criteria set forth in Subsections (a) through (c), the amount of loss is deemed to be greater than \$750 [~~\$500~~] but less than \$2,500 [~~\$1,500~~].

SECTION \_\_\_\_\_. Section 28.07(e), Penal Code, is amended to read as follows:

(e) An offense under Subsection (b)(2)(B), (b)(2)(C), or (b)(2)(D) is a Class C misdemeanor unless the person causes pecuniary loss of \$100 or more, in which event the offense is:

(1) a Class B misdemeanor if the amount of pecuniary loss is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

(2) a Class A misdemeanor if the amount of pecuniary loss is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(3) a state jail felony if the amount of pecuniary loss is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(4) a felony of the third degree if the amount of the pecuniary loss is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(5) a felony of the second degree if the amount of pecuniary loss is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(6) a felony of the first degree if the amount of the pecuniary loss is \$300,000 [~~\$200,000~~] or more.

SECTION \_\_\_\_\_. Sections 28.08(b) and (d), Penal Code, are amended to read as follows:

(b) Except as provided by Subsection (d), an offense under this section is:

(1) a Class C misdemeanor if the amount of pecuniary loss is less than \$100;

(2) a Class B misdemeanor if the amount of pecuniary loss is \$100 or more but less than \$750 [~~\$500~~];

(3) [~~(2)~~] a Class A misdemeanor if the amount of pecuniary loss is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) [~~(3)~~] a state jail felony if the amount of pecuniary loss is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(5) [~~(4)~~] a felony of the third degree if the amount of pecuniary loss is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) [~~(5)~~] a felony of the second degree if the amount of pecuniary loss is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) [~~(6)~~] a felony of the first degree if the amount of pecuniary loss is \$300,000 [~~\$200,000~~] or more.

(d) An offense under this section is a state jail felony if:

(1) the marking is made on a school, an institution of higher education, a place of worship or human burial, a public monument, or a community center that provides medical, social, or educational programs; and

(2) the amount of the pecuniary loss to real property or to tangible personal property is \$750 or more but less than \$30,000 [~~\$20,000~~].

SECTION \_\_\_\_\_. Article 14.06(d), Code of Criminal Procedure, is amended to read as follows:

(d) Subsection (c) applies only to a person charged with committing an offense under:

(1) Section 481.121, Health and Safety Code, if the offense is punishable under Subsection (b)(1) or (2) of that section;

(1-a) Section 481.1161, Health and Safety Code, if the offense is punishable under Subsection (b)(1) or (2) of that section;

(2) Section 28.03, Penal Code, if the offense is punishable under Subsection (b)(2) of that section;

(3) Section 28.08, Penal Code, if the offense is punishable under Subsection (b)(2) or (3) ~~(b)(1)~~ of that section;

(4) Section 31.03, Penal Code, if the offense is punishable under Subsection (e)(2)(A) of that section;

(5) Section 31.04, Penal Code, if the offense is punishable under Subsection (e)(2) of that section;

(6) Section 38.114, Penal Code, if the offense is punishable as a Class B misdemeanor; or

(7) Section 521.457, Transportation Code.

SECTION \_\_\_\_\_. Section 31.03(e), Penal Code, is amended to read as follows:

(e) Except as provided by Subsection (f), an offense under this section is:

(1) a Class C misdemeanor if the value of the property stolen is less than \$100~~±~~

~~[(A) \$50; or~~

~~[(B) \$20 and the defendant obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06];~~

(2) a Class B misdemeanor if:

(A) the value of the property stolen is \$100~~±~~

~~[(i) \$50] or more but less than 750 ~~[\$500; or~~~~

~~[(ii) \$20 or more but less than 500 and the defendant obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06];~~

(B) the value of the property stolen is less than \$100~~±~~

~~[(i) \$50] and the defendant has previously been convicted of any grade of theft; or~~

~~[(ii) \$20, the defendant has previously been convicted of any grade of theft, and the defendant obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06; or]~~

(C) the property stolen is a driver's license, commercial driver's license, or personal identification certificate issued by this state or another state;

(3) a Class A misdemeanor if the value of the property stolen is \$750 ~~[\$500] or more but less than 2,500 ~~[\$1,500]~~~~;

(4) a state jail felony if:

(A) the value of the property stolen is \$2,500 ~~[\$1,500] or more but less than 30,000 ~~[\$20,000]~~~~, or the property is less than 10 head of sheep, swine, or goats or any part thereof under the value of \$30,000 ~~[\$20,000]~~;

(B) regardless of value, the property is stolen from the person of another or from a human corpse or grave, including property that is a military grave marker;

(C) the property stolen is a firearm, as defined by Section 46.01;

(D) the value of the property stolen is less than \$2,500 [~~\$1,500~~] and the defendant has been previously convicted two or more times of any grade of theft;

(E) the property stolen is an official ballot or official carrier envelope for an election; or

(F) the value of the property stolen is less than \$30,000 [~~\$20,000~~] and the property stolen is:

- (i) aluminum;
- (ii) bronze;
- (iii) copper; or
- (iv) brass;

(5) a felony of the third degree if the value of the property stolen is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~], or the property is:

(A) cattle, horses, or exotic livestock or exotic fowl as defined by Section 142.001, Agriculture Code, stolen during a single transaction and having an aggregate value of less than \$150,000 [~~\$100,000~~]; or

(B) 10 or more head of sheep, swine, or goats stolen during a single transaction and having an aggregate value of less than \$150,000 [~~\$100,000~~];

(6) a felony of the second degree if:

(A) the value of the property stolen is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(B) the value of the property stolen is less than \$300,000 [~~\$200,000~~] and the property stolen is an automated teller machine or the contents or components of an automated teller machine; or

(7) a felony of the first degree if the value of the property stolen is \$300,000 [~~\$200,000~~] or more.

SECTION \_\_\_\_\_. Sections 31.04(b) and (e), Penal Code, are amended to read as follows:

(b) For purposes of this section, intent to avoid payment is presumed if:

(1) the actor absconded without paying for the service or expressly refused to pay for the service in circumstances where payment is ordinarily made immediately upon rendering of the service, as in hotels, campgrounds, recreational vehicle parks, restaurants, and comparable establishments;

(2) the actor failed to make payment under a service agreement within 10 days after receiving notice demanding payment;

(3) the actor returns property held under a rental agreement after the expiration of the rental agreement and fails to pay the applicable rental charge for the property within 10 days after the date on which the actor received notice demanding payment; or

(4) the actor failed to return the property held under a rental agreement:

(A) within five days after receiving notice demanding return, if the property is valued at less than \$2,500 [~~\$1,500~~]; or

(B) within three days after receiving notice demanding return, if the property is valued at \$2,500 [~~\$1,500~~] or more.

(e) An offense under this section is:

(1) a Class C misdemeanor if the value of the service stolen is less than \$100 [~~\$20~~];

(2) a Class B misdemeanor if the value of the service stolen is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

(3) a Class A misdemeanor if the value of the service stolen is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) a state jail felony if the value of the service stolen is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(5) a felony of the third degree if the value of the service stolen is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) a felony of the second degree if the value of the service stolen is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) a felony of the first degree if the value of the service stolen is \$300,000 [~~\$200,000~~] or more.

SECTION \_\_\_\_\_. Section 31.08(c), Penal Code, is amended to read as follows:

(c) If property or service has value that cannot be reasonably ascertained by the criteria set forth in Subsections (a) and (b), the property or service is deemed to have a value of \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~].

SECTION \_\_\_\_\_. Sections 31.16(c) and (d), Penal Code, are amended to read as follows:

(c) An offense under this section is:

(1) a Class C misdemeanor if the total value of the merchandise involved in the activity is less than \$100;

(2) a Class B misdemeanor if the total value of the merchandise involved in the activity is \$100 or more but less than \$750 [~~\$50~~];

(3) [~~(2)~~] a Class A misdemeanor if the total value of the merchandise involved in the activity is \$750 [~~\$50~~] or more but less than \$2,500 [~~\$500~~];

(4) [~~(3)~~] a state jail felony if the total value of the merchandise involved in the activity is \$2,500 [~~\$500~~] or more but less than \$30,000 [~~\$1,500~~];

(5) [~~(4)~~] a felony of the third degree if the total value of the merchandise involved in the activity is \$30,000 [~~\$1,500~~] or more but less than \$150,000 [~~\$20,000~~];

(6) [~~(5)~~] a felony of the second degree if the total value of the merchandise involved in the activity is \$150,000 [~~\$20,000~~] or more but less than \$300,000 [~~\$100,000~~]; or

(7) [~~(6)~~] a felony of the first degree if the total value of the merchandise involved in the activity is \$300,000 [~~\$100,000~~] or more.

(d) An offense described for purposes of punishment by Subsections (c)(1)-(6) [~~(c)(1)-(5)~~] is increased to the next higher category of offense if it is shown on the trial of the offense that:

(1) the person organized, supervised, financed, or managed one or more other persons engaged in an activity described by Subsection (b); or

(2) during the commission of the offense, a person engaged in an activity described by Subsection (b) intentionally, knowingly, or recklessly:

(A) caused a fire exit alarm to sound or otherwise become activated;

(B) deactivated or otherwise prevented a fire exit alarm or retail theft detector from sounding; or

(C) used a shielding or deactivation instrument to prevent or attempt to prevent detection of the offense by a retail theft detector.

SECTION \_\_\_\_\_. Section 32.02(c), Penal Code, is amended to read as follows:

(c) If property or service has value that cannot be reasonably ascertained by the criteria set forth in Subsections (a) and (b), the property or service is deemed to have a value of \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~].

SECTION \_\_\_\_\_. Section 32.23(e), Penal Code, is amended to read as follows:

(e) An offense under this section is a:

(1) Class C misdemeanor if the retail value of the item or service is less than \$100 [~~\$20~~];

(2) Class B misdemeanor if the retail value of the item or service is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

(3) Class A misdemeanor if the retail value of the item or service is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) state jail felony if the retail value of the item or service is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(5) felony of the third degree if the retail value of the item or service is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) felony of the second degree if the retail value of the item or service is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) felony of the first degree if the retail value of the item or service is \$300,000 [~~\$200,000~~] or more.

SECTION \_\_\_\_\_. Section 32.32(c), Penal Code, is amended to read as follows:

(c) An offense under this section is:

(1) a Class C misdemeanor if the value of the property or the amount of credit is less than \$100 [~~\$50~~];

(2) a Class B misdemeanor if the value of the property or the amount of credit is \$100 [~~\$50~~] or more but less than \$750 [~~\$500~~];

(3) a Class A misdemeanor if the value of the property or the amount of credit is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) a state jail felony if the value of the property or the amount of credit is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(5) a felony of the third degree if the value of the property or the amount of credit is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) a felony of the second degree if the value of the property or the amount of credit is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) a felony of the first degree if the value of the property or the amount of credit is \$300,000 [~~\$200,000~~] or more.

SECTION \_\_\_\_\_. Sections 32.33(d) and (e), Penal Code, are amended to read as follows:

(d) An offense under Subsection (b) is a:

(1) Class C misdemeanor if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is less than \$100 [~~\$20~~];

(2) Class B misdemeanor if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

(3) Class A misdemeanor if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) state jail felony if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(5) felony of the third degree if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) felony of the second degree if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) felony of the first degree if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is \$300,000 [~~\$200,000~~] or more.

(e) A person who is a debtor under a security agreement, and who does not have a right to sell or dispose of the secured property or is required to account to the secured party for the proceeds of a permitted sale or disposition, commits an offense if the person sells or otherwise disposes of the secured property, or does not account to the secured party for the proceeds of a sale or other disposition as required, with intent to appropriate (as defined in Chapter 31) the proceeds or value of the secured property. A person is presumed to have intended to appropriate proceeds if the person does not deliver the proceeds to the secured party or account to the secured party for the proceeds before the 11th day after the day that the secured party makes a lawful demand for the proceeds or account. An offense under this subsection is:

(1) a Class C misdemeanor if the proceeds obtained from the sale or other disposition are money or goods having a value of less than \$100 [~~\$20~~];

(2) a Class B misdemeanor if the proceeds obtained from the sale or other disposition are money or goods having a value of \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

(3) a Class A misdemeanor if the proceeds obtained from the sale or other disposition are money or goods having a value of \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) a state jail felony if the proceeds obtained from the sale or other disposition are money or goods having a value of \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(5) a felony of the third degree if the proceeds obtained from the sale or other disposition are money or goods having a value of \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) a felony of the second degree if the proceeds obtained from the sale or other disposition are money or goods having a value of \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) a felony of the first degree if the proceeds obtained from the sale or other disposition are money or goods having a value of \$300,000 [~~\$200,000~~] or more.

SECTION \_\_\_\_\_. Section 32.34(f), Penal Code, is amended to read as follows:

(f) An offense under Subsection (b)(1), (b)(2), or (b)(3) is:

- (1) a state jail felony if the value of the motor vehicle is less than \$30,000 [~~\$20,000~~]; ~~or~~
- (2) a felony of the third degree if the value of the motor vehicle is \$30,000 [~~\$20,000~~] or more but less than \$150,000;
- (3) a felony of the second degree if the value of the motor vehicle is \$150,000 or more but less than \$300,000; or
- (4) a felony of the first degree if the value of the motor vehicle is \$300,000 or more.

SECTION \_\_\_\_\_. Section 32.35(e), Penal Code, is amended to read as follows:

(e) An offense under this section is a:

- (1) Class C misdemeanor if the amount of the record of a sale is less than \$100 [~~\$20~~];
- (2) Class B misdemeanor if the amount of the record of a sale is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];
- (3) Class A misdemeanor if the amount of the record of a sale is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];
- (4) state jail felony if the amount of the record of a sale is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];
- (5) felony of the third degree if the amount of the record of a sale is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];
- (6) felony of the second degree if the amount of the record of a sale is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or
- (7) felony of the first degree if the amount of the record of a sale is \$300,000 [~~\$200,000~~] or more.

SECTION \_\_\_\_\_. Section 32.441(e), Penal Code, is amended to read as follows:

(e) An offense under this section is a:

- (1) Class C misdemeanor if the value of the benefit is less than \$100 [~~\$20~~];
- (2) Class B misdemeanor if the value of the benefit is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];
- (3) Class A misdemeanor if the value of the benefit is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];
- (4) state jail felony if the value of the benefit is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];
- (5) felony of the third degree if the value of the benefit is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];
- (6) felony of the second degree if the value of the benefit is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or
- (7) felony of the first degree if the value of the benefit is \$300,000 [~~\$200,000~~] or more.

SECTION \_\_\_\_\_. Section 32.45(c), Penal Code, is amended to read as follows:

(c) An offense under this section is:

- (1) a Class C misdemeanor if the value of the property misapplied is less than \$100 [~~\$20~~];
- (2) a Class B misdemeanor if the value of the property misapplied is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

(3) a Class A misdemeanor if the value of the property misapplied is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) a state jail felony if the value of the property misapplied is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(5) a felony of the third degree if the value of the property misapplied is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) a felony of the second degree if the value of the property misapplied is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) a felony of the first degree if the value of the property misapplied is \$300,000 [~~\$200,000~~] or more.

SECTION \_\_\_\_\_. Section 32.46(b), Penal Code, is amended to read as follows:

(b) An offense under Subsection (a)(1) is a:

(1) Class C misdemeanor if the value of the property, service, or pecuniary interest is less than \$100 [~~\$20~~];

(2) Class B misdemeanor if the value of the property, service, or pecuniary interest is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

(3) Class A misdemeanor if the value of the property, service, or pecuniary interest is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) state jail felony if the value of the property, service, or pecuniary interest is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(5) felony of the third degree if the value of the property, service, or pecuniary interest is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) felony of the second degree if the value of the property, service, or pecuniary interest is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) felony of the first degree if the value of the property, service, or pecuniary interest is \$300,000 [~~\$200,000~~] or more.

SECTION \_\_\_\_\_. Section 33.02(b-2), Penal Code, is amended to read as follows:

(b-2) An offense under Subsection (b-1) is:

(1) a Class C misdemeanor if the aggregate amount involved is less than \$100;

(2) a Class B misdemeanor if the aggregate amount involved is \$100 or more but less than \$750;

(3) a Class A misdemeanor if the aggregate amount involved is \$750 or more but less than \$2,500;

(4) [~~(1)~~] a state jail felony if the aggregate amount involved is \$2,500 or more but less than \$30,000 [~~\$20,000~~];

(5) [~~(2)~~] a felony of the third degree if the aggregate amount involved is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) [~~(3)~~] a felony of the second degree if:  
 (A) the aggregate amount involved is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~];

(B) the aggregate amount involved is any amount less than \$300,000 [~~\$200,000~~] and the computer, computer network, or computer system is owned by the government or a critical infrastructure facility; or

(C) the actor obtains the identifying information of another by accessing only one computer, computer network, or computer system; or

(7) ~~(4)~~ a felony of the first degree if:

(A) the aggregate amount involved is \$300,000 ~~[\$200,000]~~ or more; or

(B) the actor obtains the identifying information of another by accessing more than one computer, computer network, or computer system.

SECTION \_\_\_\_\_. Section 33A.02(b), Penal Code, is amended to read as follows:

(b) An offense under this section is:

(1) a Class C misdemeanor if the value of the telecommunications service used or diverted is less than \$100;

(2) a Class B misdemeanor if the value of the telecommunications service used or diverted is \$100 or more but less than \$750 ~~[\$500];~~

(3) ~~(2)~~ a Class A misdemeanor if:

(A) the value of the telecommunications service used or diverted is \$750 ~~[\$500]~~ or more but less than \$2,500 ~~[\$1,500];~~ or

(B) the value of the telecommunications service used or diverted is less than \$750 ~~[\$500]~~ and the defendant has been previously convicted of an offense under this chapter;

(4) ~~(3)~~ a state jail felony if:

(A) the value of the telecommunications service used or diverted is \$2,500 ~~[\$1,500]~~ or more but less than \$30,000 ~~[\$20,000];~~ or

(B) the value of the telecommunications service used or diverted is less than \$2,500 ~~[\$1,500]~~ and the defendant has been previously convicted two or more times of an offense under this chapter;

(5) ~~(4)~~ a felony of the third degree if the value of the telecommunications service used or diverted is \$30,000 ~~[\$20,000]~~ or more but less than \$150,000 ~~[\$100,000];~~

(6) ~~(5)~~ a felony of the second degree if the value of the telecommunications service used or diverted is \$150,000 ~~[\$100,000]~~ or more but less than \$300,000 ~~[\$200,000];~~ or

(7) ~~(6)~~ a felony of the first degree if the value of the telecommunications service used or diverted is \$300,000 ~~[\$200,000]~~ or more.

SECTION \_\_\_\_\_. Section 33A.04(b), Penal Code, is amended to read as follows:

(b) An offense under this section is:

(1) a Class C misdemeanor if the value of the telecommunications service obtained or attempted to be obtained is less than \$100;

(2) a Class B misdemeanor if the value of the telecommunications service obtained or attempted to be obtained is \$100 or more but less than \$750 ~~[\$500];~~

(3) ~~(2)~~ a Class A misdemeanor if:

(A) the value of the telecommunications service obtained or attempted to be obtained is \$750 ~~[\$500]~~ or more but less than \$2,500 ~~[\$1,500];~~ or

(B) the value of the telecommunications service obtained or attempted to be obtained is less than \$750 ~~[\$500]~~ and the defendant has been previously convicted of an offense under this chapter;

(4) ~~(3)~~ a state jail felony if:

(A) the value of the telecommunications service obtained or attempted to be obtained is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~]; or

(B) the value of the telecommunications service obtained or attempted to be obtained is less than \$2,500 [~~\$1,500~~] and the defendant has been previously convicted two or more times of an offense under this chapter;

(5) [~~(4)~~] a felony of the third degree if the value of the telecommunications service obtained or attempted to be obtained is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) [~~(5)~~] a felony of the second degree if the value of the telecommunications service obtained or attempted to be obtained is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) [~~(6)~~] a felony of the first degree if the value of the telecommunications service obtained or attempted to be obtained is \$300,000 [~~\$200,000~~] or more.

SECTION \_\_\_\_\_. Section 34.02(e), Penal Code, is amended to read as follows:

(e) An offense under this section is:

(1) a state jail felony if the value of the funds is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(2) a felony of the third degree if the value of the funds is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(3) a felony of the second degree if the value of the funds is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(4) a felony of the first degree if the value of the funds is \$300,000 [~~\$200,000~~] or more.

SECTION \_\_\_\_\_. Section 35.02(c), Penal Code, is amended to read as follows:

(c) An offense under Subsection (a) or (b) is:

(1) a Class C misdemeanor if the value of the claim is less than \$100 [~~\$50~~];

(2) a Class B misdemeanor if the value of the claim is \$100 [~~\$50~~] or more but less than \$750 [~~\$500~~];

(3) a Class A misdemeanor if the value of the claim is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) a state jail felony if the value of the claim is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(5) a felony of the third degree if the value of the claim is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) a felony of the second degree if the value of the claim is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) a felony of the first degree if:

(A) the value of the claim is \$300,000 [~~\$200,000~~] or more; or

(B) an act committed in connection with the commission of the offense places a person at risk of death or serious bodily injury.

SECTION \_\_\_\_\_. Section 35.025(b), Penal Code, is amended to read as follows:

(b) If goods or services that are the subject of a claim cannot be reasonably ascertained under Subsection (a), the goods or services are considered to have a value of \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~].

SECTION \_\_\_\_\_. Section 35A.02(b), Penal Code, is amended to read as follows:

(b) An offense under this section is:

(1) a Class C misdemeanor if the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under the Medicaid program, directly or indirectly, as a result of the conduct is less than \$100 [~~\$50~~];

(2) a Class B misdemeanor if the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under the Medicaid program, directly or indirectly, as a result of the conduct is \$100 [~~\$50~~] or more but less than \$750 [~~\$500~~];

(3) a Class A misdemeanor if the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under the Medicaid program, directly or indirectly, as a result of the conduct is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) a state jail felony if:

(A) the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under the Medicaid program, directly or indirectly, as a result of the conduct is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(B) the offense is committed under Subsection (a)(11); or

(C) it is shown on the trial of the offense that the amount of the payment or value of the benefit described by this subsection cannot be reasonably ascertained;

(5) a felony of the third degree if:

(A) the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under the Medicaid program, directly or indirectly, as a result of the conduct is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~]; or

(B) it is shown on the trial of the offense that the defendant submitted more than 25 but fewer than 50 fraudulent claims under the Medicaid program and the submission of each claim constitutes conduct prohibited by Subsection (a);

(6) a felony of the second degree if:

(A) the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under the Medicaid program, directly or indirectly, as a result of the conduct is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(B) it is shown on the trial of the offense that the defendant submitted 50 or more fraudulent claims under the Medicaid program and the submission of each claim constitutes conduct prohibited by Subsection (a); or

(7) a felony of the first degree if the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under the Medicaid program, directly or indirectly, as a result of the conduct is \$300,000 [~~\$200,000~~] or more.

SECTION \_\_\_\_\_. Section 39.02(c), Penal Code, is amended to read as follows:

(c) An offense under Subsection (a)(2) is:

(1) a Class C misdemeanor if the value of the use of the thing misused is less than \$100 [~~\$20~~];

(2) a Class B misdemeanor if the value of the use of the thing misused is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

(3) a Class A misdemeanor if the value of the use of the thing misused is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) a state jail felony if the value of the use of the thing misused is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(5) a felony of the third degree if the value of the use of the thing misused is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) a felony of the second degree if the value of the use of the thing misused is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) a felony of the first degree if the value of the use of the thing misused is \$300,000 [~~\$200,000~~] or more.

SECTION \_\_\_\_\_. (a) Except as provided by Subsection (b) of this section, the changes in law made by this Act apply 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 subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b) The change in law made by Section 311.035, Government Code, as added by this Act, applies only to a criminal proceeding that commences on or after the effective date of this Act. A criminal proceeding that commences before the effective date of this Act is governed by the law in effect on the date the proceeding commenced, and the former law is continued in effect for that purpose.

The amendment to **HB 1396** was read and was adopted without objection.

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

Senator Burton offered the following amendment to the bill:

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

Amend **HB 1396** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Article 32A.01, Code of Criminal Procedure, is amended to read as follows:

Art. 32A.01. TRIAL PRIORITIES. (a) Insofar as is practicable, the trial of a criminal action shall be given preference over trials of civil cases, and the trial of a criminal action against a defendant who is detained in jail pending trial of the action shall be given preference over trials of other criminal actions not described by Subsection (b).

(b) Unless extraordinary circumstances require otherwise, the trial of a criminal action in which the alleged victim is younger than 14 years of age shall be given preference over other matters before the court, whether civil or criminal.

The amendment to **HB 1396** 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 Burton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**HB 1396** as amended was passed to third reading by a viva voce vote.

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

Nays: Bettencourt.

#### **HOUSE BILL 1396 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 1396** be placed on its third reading and final passage.

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

Nays: Bettencourt.

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

#### **HOUSE BILL 1000 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **HB 1000** at this time on its second reading:

**HB 1000**, Relating to state support for general academic teaching institutions in this state.

The motion prevailed.

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

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

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

Nays: Birdwell, Burton, Creighton, Hall.

#### **HOUSE BILL 1000 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1000** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Burton, Creighton, Hall.

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 74 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSHB 74** at this time on its second reading:

**CSHB 74**, Relating to certain financial assistance administered by the Texas Department of Housing and Community Affairs in certain rural areas.

The motion prevailed.

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

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 74** (senate committee printing), in SECTION 2 of the bill, in added Section 2306.6740, Government Code, by striking added Subsection (b) and substituting the following:

(b) Rules adopted under this section must:

(1) provide procedures by which a political subdivision or a census-designated place may apply for a rural designation;

(2) provide guidelines for designating an area as rural, including specifying:  
(A) conditions under which a rural designation is not appropriate, including the proximity of the area to or the presence of major amenities commonly associated with urban or suburban areas; and

(B) conditions under which a rural designation is appropriate, including areas with low population density, the proximity of the area to or the absence of major amenities commonly associated with urban or suburban areas, a high level of undeveloped land, a significant presence of unimproved roads, or significant agricultural activity; and

(3) ensure that any housing tax credits allocated to a designated rural area comply with applicable federal requirements regarding that assistance.

The amendment to **CSHB 74** was read and was adopted without objection.

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

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

**CSHB 74** 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: Creighton, Hall, Huffines, Perry, Schwertner.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 74 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 74** be placed on its third reading and final passage.

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

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

Nays: Creighton, Hall, Huffines, Perry, Schwertner.

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

**HOUSE BILL 2486 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **HB 2486** at this time on its second reading:

**HB 2486**, Relating to the right of a person to enter the person's residence or former residence accompanied by a peace officer to recover certain personal property; creating an offense.

The motion prevailed.

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

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 2486** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 24A.002(b)(3), Property Code (page 1, lines 51-52), between "applicant's" and "dependent", insert "minor".

(2) In added Section 24A.002(b)(3), Property Code (page 1, lines 52-58), strike all of Subdivision (3) after "residence" and substitute the following:  
that are only of the following types:

(A) medical records;

(B) medicine and medical supplies;

(C) clothing;

(D) child-care items;

(E) legal or financial documents;

(F) checks or bank or credit cards in the name of the applicant;

(G) employment records; or

(H) personal identification documents;

(3) In added Section 24A.002(b)(5), Property Code (page 2, line 1), strike "or financial".

(4) Immediately after added Section 24A.002(b), Property Code (page 2, between lines 5 and 6), insert the following appropriately lettered subsections:

( ) Before the justice of the peace may issue an order under this section, the applicant must execute a bond that:

(1) has two or more good and sufficient non-corporate sureties or one corporate surety authorized to issue bonds in this state;

(2) is payable to the occupant of the residence;

(3) is in an amount required by the justice; and

(4) is conditioned on the applicant paying all damages and costs adjudged against the applicant for wrongful property retrieval.

( ) The applicant shall deliver the bond to the justice of the peace issuing the order for the justice's approval. The bond shall be filed with the justice court.

(5) In added Section 24A.002(c), Property Code (page 2, line 6), strike "hardship and urgency" and substitute the following:

urgency and potential harm to the health and safety of any person and after sufficient notice to the current occupant and an opportunity to be heard

(6) In added Section 24.002(c)(3), Property Code (page 2, line 23), strike "or financial".

(7) In added Section 24A.002(c)(3), Property Code (page 2, line 25), strike "and".

(8) In added Section 24A.002(c)(4), Property Code (page 2, line 28), strike the underlined period and substitute the following:

; and

(5) the current occupant received notice of the application and was provided an opportunity to appear before the court to contest the application.

(9) Reletter subsections of added Section 24A.002, Property Code, and cross-references to those subsections as necessary.

The amendment to **HB 2486** 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: Huffines.

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

**HB 2486** as amended was passed to third reading by a viva voce vote.

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

Nays: Huffines.

### HOUSE BILL 2486 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 2486** be placed on its third reading and final passage.

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

Nays: Huffines.

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

### **VOTE RECONSIDERED ON HOUSE BILL 1633**

On motion of Senator Uresti and by unanimous consent, the vote by which **HB 1633** was finally passed was reconsidered:

**HB 1633**, Relating to application and notification requirements for a permit to drill an oil or gas well in or near an easement held by the Texas Department of Transportation.

Question: Shall **HB 1633** be finally passed?

Senator Uresti offered the following amendment to the bill:

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

Amend **HB 1633** on third reading by striking the SECTION of the bill added by Floor Amendment No. 1 on second reading adding Section 85.2021(c-1), Natural Resources Code, and renumbering the existing SECTIONS of the bill as appropriate.

The amendment to **HB 1633** was read and was adopted without objection.

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

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

**HB 1633** as again amended was again finally passed by the following vote: Yeas 23, Nays 8.

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

Nays: Estes, Fraser, Hinojosa, Huffines, Kolkhorst, Menéndez, Nichols, Watson.

### **HOUSE BILL 23 ON SECOND READING**

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 23** at this time on its second reading:

**HB 23**, Relating to disclosure of certain relationships with local government officers and vendors; creating criminal offenses.

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 23 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 23** 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 Bettencourt and by unanimous consent, the remarks by Senators Huffman and Bettencourt regarding **HB 23** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Bettencourt:** Senator Huffman, for purposes of establishing legislative intent, I want to ask you a question regarding purchases only, not gifts. If the contract to purchase or purchase from vendor is being made at the same price and terms available to the general public, then no reporting of that contract or purchase is intended to be required. Is that correct?

**Senator Huffman:** Yes, that is correct. No reporting of that contract or purchase would be required.

**HOUSE BILL 4168 ON SECOND READING**

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **HB 4168** at this time on its second reading:

**HB 4168**, Relating to the composition of the board of directors and the powers of the Gulf Coast Water Authority.

The motion prevailed.

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

The bill was read second time.

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

**Floor Amendment No. 1**

Amend **HB 4168** (senate committee report) as follows:

(1) In SECTION 2 of the bill, in amended Section 5 of Chapter 712, Acts of the 59th Legislature, Regular Session, 1965 (page 1, line 41), strike "nine" and substitute "10 ~~nine~~".

(2) In SECTION 2 of the bill, in amended Section 5(a) of Chapter 712, Acts of the 59th Legislature, Regular Session, 1965 (page 1, lines 53-56), strike Subdivision (1) and substitute the following:

(1) five directors appointed by the Galveston County Commissioners Court, one of whom represents municipal interests, two of whom represent industrial interests, and two of whom represent the county at large;

The amendment to **HB 4168** was read and was adopted without objection.

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

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

**HB 4168** as amended was passed to third reading by a viva voce vote.

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

Nays: Hall.

### **HOUSE BILL 4168 ON THIRD READING**

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4168** be placed on its third reading and final passage.

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

Nays: Hall.

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

### **HOUSE BILL 2684 ON THIRD READING**

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

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

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

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

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

The bill was read third time.

Senator Perry offered the following amendment to the bill:

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

Amend **HB 2684** on third reading as follows:

- (1) On page 1, line 25, strike "5,000" and insert "30,000".
- (2) On page 2, strike 26, strike "5,000" and insert "30,000".
- (3) On page 2, strike line 66 strike "10,000" and insert "30,000".
- (4) On page 3, line 6, strike "5,000" and insert "30,000".

The amendment to **HB 2684** was read and was adopted without objection.

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

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

**HB 2684** as again amended was finally passed by the following vote: Yeas 24, Nays 7.

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

Nays: Creighton, Hall, Hancock, Huffines, Seliger, L. Taylor, V. Taylor.

### **HOUSE BILL 416 ON SECOND READING**

Senator Campbell moved to suspend the regular order of business to take up for consideration **HB 416** at this time on its second reading:

**HB 416**, Relating to requiring personnel of abortion facilities and certain other facilities performing abortions to complete training on human trafficking.

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

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.

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

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

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

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

### **HOUSE BILL 416 ON THIRD READING**

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 416** be placed on its third reading and final passage.

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

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

Nays: Ellis, Watson, West, Whitmire, Zaffirini.

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

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

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 6 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 6** at this time on its second reading:

**CSHB 6**, Relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 6** (senate committee printing) as follows:

- (1) Strike SECTION 9 of the bill (page 2, lines 38-49).
- (2) In SECTION 10 of the bill, at the end of the section heading (page 2, line 51), between "ACCOUNT" and the period, insert "; REPEALER".
- (3) In SECTION 10 of the bill, at the end of the first sentence of the section (page 2, line 59), between "that purpose" and the period, insert the following:  
, except that Sections 401.207(d-1), (d-2), and (d-3), Health and Safety Code, as added by Section 4, Chapter 1159 (S.B. 347), Acts of the 83rd Legislature, Regular Session, 2013, are repealed. The Texas Commission on Environmental Quality may use revenue dedicated to the environmental radiation and perpetual care account deposited to the credit of the low-level radioactive waste fund as a result of a contract subject to former Sections 401.207(d-1), (d-2), and (d-3), Health and Safety Code, entered into before the effective date of this Act.

(4) Add the following at the end of SECTION 11 of the bill (page 2, line 68):  
If that law provides that the comptroller may not deposit to the credit of the general revenue fund money received from the federal government or accrued interest or other earnings on money received from the federal government, Section 4 of this Act does not apply to federal funds to which that law applies.

(5) In SECTION 12 of the bill, strike amended Section 403.095(e), Government Code (page 3, line 32), and substitute the following:

(e) Notwithstanding Subsection (b), dedicated revenues in the following accounts or funds or that by law are directed to be deposited to the credit of the following accounts or funds are not available for general governmental purposes and are not considered available for certification under Section 403.121:

- (1) the lifetime license endowment account no. 0544;
- (2) the permanent fund for health and tobacco education and enforcement account no. 5044;
- (3) the permanent fund for children and public health account no. 5045;
- (4) the permanent fund for emergency medical services and trauma care account no. 5046;
- (5) the permanent fund for rural health facility capital improvement account no. 5047;

(6) the permanent hospital fund for capital improvements and the Texas Center for Infectious Disease account no. 5048;

(7) the child abuse and neglect prevention operating fund account no. 5084;

(8) the child abuse and neglect prevention trust fund account no. 5085; and

(9) the separate fund account of each institution of higher education in the general revenue fund.

(f) This section expires September 1, 2017 [~~2015~~].

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

SECTION \_\_\_\_\_. ACCOUNTS IN GENERAL REVENUE FUND. Effective on the later of the effective date of the Act creating or re-creating the specified account or August 31, 2015, the following accounts and the revenue deposited to the credit of those accounts are exempt from Section 2 of this Act and the accounts are created or re-created in the general revenue fund, if created or re-created by an Act of the 84th Legislature, Regular Session, 2015, that become law:

(1) the veterans recovery account, created as an account in the general revenue fund by House Bill No. 175 or similar legislation;

(2) the Texas B-On-time student loan account, continued as an account in the general revenue fund by House Bill No. 700 or similar legislation;

(3) the Texas farm and ranch lands conservation fund, continued as an account in the general revenue fund by House Bill No. 1925 or similar legislation;

(4) the Global Agricultural Innovation Institute account, created as an account in the general revenue fund by House Bill No. 3983 or similar legislation;

(5) the hospital perpetual care account, created as an account in the general revenue fund by Senate Bill No. 424 or similar legislation;

(6) the mathematics and science teacher investment fund, continued as an account in the general revenue fund by Senate Bill No. 686 or similar legislation;

(7) the account in the general revenue fund to which certain fee revenue is deposited by the Texas Medical Board as provided by Senate Bill No. 848 or similar legislation;

(8) the wine industry development fund, re-created as an account in the general revenue fund by Senate Bill No. 880, Senate Bill No. 881, or similar legislation;

(9) the professional development account, continued as an account in the general revenue fund by Senate Bill No. 893 or similar legislation;

(10) the compensation to child pornography victims fund, created as an account in the general revenue fund by Senate Bill No. 1010 or similar legislation;

(11) the truancy prevention and diversion fund, recreated as an account in the general revenue fund by Senate Bill No. 1925 or similar legislation; and

(12) the deferred maintenance fund, created as an account in the general revenue fund by Senate Bill No. 2004 or similar legislation.

SECTION \_\_\_\_\_. SEPARATE FUNDS. Effective on the later of the effective date of the Act creating or re-creating the specified fund or August 31, 2015, the following funds, if created or re-created by an Act of the 84th Legislature, Regular Session, 2015, the revenue deposited to the funds, and the revenue dedicated for

deposit to the funds, are exempt from Section 2 of this Act, and the funds are created or re-created as separate funds inside or outside of the state treasury, as specified by the Act creating or re-creating the fund:

(1) a separate fund established in the treasury of a political subdivision or maintained by a state law enforcement agency for scholarships for children of peace officers killed in the line of duty as authorized by House Bill No. 530 or similar legislation;

(2) the Texas research university fund, the Texas comprehensive research fund, and the core research support fund created or re-created as provided by House Bill No. 1000 or similar legislation;

(3) a special fund in the state treasury created to receive certain fees payable to the State Securities Board, as provided by House Bill No. 2493 or similar legislation;

(4) the county road oil and gas fund, created as a trust fund outside the treasury to be held and administered by the comptroller of public accounts by House Bill No. 2521 or similar legislation;

(5) the permanent fund supporting graduate medical education, created as a special fund in the treasury by Senate Bill No. 18 or similar legislation;

(6) a special fund to be maintained by the Texas Appraiser Licensing and Certification Board, created as provided by Senate Bill No. 1007 or similar legislation;

(7) the grain producer indemnity fund, created as a trust fund outside the treasury by Senate Bill No. 1099 or similar legislation; and

(8) the Texas Department of Motor Vehicles fund, re-created as a special fund in the treasury by Senate Bill No. 1512 or similar legislation.

SECTION \_\_\_\_\_. REVENUE DEDICATIONS. Effective on the later of the effective date of the Act dedicating or rededicating the specified revenue or August 31, 2015, the following dedications or rededications of revenue collected for a particular purpose are exempt from Section 2 of this Act, if dedicated or rededicated by an Act of the 84th Legislature, Regular Session, 2015:

(1) the dedication of revenue to the clean air account provided by House Bill No. 14 or similar legislation;

(2) the dedication of certain fee revenue provided by House Bill No. 984 or similar legislation;

(3) the dedication of certain revenue consisting of penalties, payments, or civil restitution to the judicial fund provided by House Bill No. 1079 or similar legislation;

(4) the dedication of voluntary contributions to the fund for veterans' assistance provided by House Bill No. 1584 or similar legislation;

(5) the dedication of fee revenue to the Texas Department of Motor Vehicles fund by House Bill No. 2085 or similar legislation;

(6) the dedication of tax revenue imposed under Chapter 151, Tax Code, for deposit to the rural volunteer fire department insurance fund as provided by Section 151.801(c-2), Tax Code, as added by House Bill No. 2113, Senate Bill No. 761, or similar legislation;

- (7) the dedication of certain fee revenue by House Bill No. 2145 or similar legislation;
- (8) the dedication of certain penalty revenue to the Texas Department of Insurance operating account as provided by House Bill No. 2466 or similar legislation;
- (9) the dedication of fee revenue to the Texas Department of Insurance operating account by House Bill No. 2491 or similar legislation;
- (10) the dedication of fee revenue to the state highway fund as provided by House Bill No. 2861 or similar legislation;
- (11) the dedication of voluntary contributions to the Glenda Dawson Donate Life-Texas Registry fund provided by House Bill No. 3283, Senate Bill No. 1561, or similar legislation;
- (12) the dedication of voluntary contributions to the fund for veterans' assistance provided by House Bill No. 3710 or similar legislation;
- (13) the dedication of certain money received by the Texas Department of Transportation to the state highway fund by House Bill No. 3868 or similar legislation;
- (14) the dedication of tax revenue to the oil and gas regulation and cleanup fund by House Bill No. 4034 or similar legislation;
- (15) the dedication of fee revenue by Senate Bill No. 195 or similar legislation;
- (16) the dedication of revenue by Senate Bill No. 204 or similar legislation;
- (17) the dedication of revenue by Senate Bill No. 208 or similar legislation;
- (18) the dedication of penalty revenue to the compensation to victims of crime fund as provided by Senate Bill No. 273 or similar legislation;
- (19) the dedication of fee revenue to the state highway fund and the Texas Department of Motor Vehicles fund provided by Senate Bill No. 562 or similar legislation;
- (20) the dedication of certain money received by the Texas Department of Transportation to the state highway fund provided by Senate Bill No. 638 or similar legislation;
- (21) the dedication of fee revenue by Senate Bill No. 699 or similar legislation;
- (22) the dedication of certain revenue to the insurance fraud unit as provided by Senate Bill No. 783 or similar legislation;
- (23) the dedication of fee revenue to the Texas Department of Housing and Community Affairs by Senate Bill No. 976 or similar legislation;
- (24) the dedication of money received by the Parks and Wildlife Department to the game, fish, and water safety account and the state parks account by Senate Bill No. 1132 or similar legislation;
- (25) the dedication of fee revenue by House Bill No. 2439 or similar legislation; and
- (26) the dedication of fee revenue by House Bill No. 872 or similar legislation.

SECTION \_\_\_\_\_. CREATION OF NEW ACCOUNTS FOR LICENSE PLATE FEES. Section 2 of this Act does not apply to a new account created for receipt of fees for special license plates or for receipt of related revenue, gifts, or grants as provided by an Act of the 84th Legislature, Regular Session, 2015, or to the dedication of revenue to or contained in the new account. All license plate revenue shall be deposited to the credit of appropriate subaccounts of the License Plate Trust Fund No. 802.

SECTION \_\_\_\_\_. GOVERNOR'S UNIVERSITY RESEARCH INITIATIVE FUND; DEDICATION OF REVENUE. Section 2 of this Act does not apply to the governor's university research initiative fund or any other fund created by House Bill No. 7, House Bill No. 26, Senate Bill No. 632, or similar legislation of the 84th Legislature, Regular Session, 2015, that becomes law, any dedication of revenue made to the fund, or any dedication of revenue contained in the legislation creating the fund.

SECTION \_\_\_\_\_. ACCOUNTS IN STATE BULLION DEPOSITORY. Section 2 of this Act does not apply to an account in the state bullion depository created by House Bill No. 483 or similar legislation of the 84th Legislature, Regular Session, 2015, that becomes law, or any dedication of revenue made to such an account.

SECTION \_\_\_\_\_. FUND, ACCOUNT, OR REVENUE DEDICATION: HOUSE BILL NO. 7. Section 2 of this Act does not apply to a fund, account, or dedication of revenue created or re-created by House Bill No. 7 or similar legislation of the 84th Legislature, Regular Session, 2015.

SECTION \_\_\_\_\_. CONSUMER DIRECTED HEALTH PLAN ACCOUNTS. Section 2 of this Act does not apply to a consumer directed health plan account created by House Bill No. 966 or similar legislation of the 84th Legislature, Regular Session, 2015, that becomes law.

SECTION \_\_\_\_\_. TEXASSURE FUND. (a) Effective September 1, 2015, Sections 502.357(b) and (c), Transportation Code, are amended to read as follows:

(b) Fees collected under this section shall be deposited to the credit of the state highway fund except that the comptroller shall provide for a portion of the fees to be deposited first to the credit of a special fund in the state treasury outside the general revenue fund to be known as the TexasSure Fund in a total amount that is necessary to cover the total amount appropriated to the Texas Department of Insurance from that fund and for the remaining fees to be deposited to the state highway fund. Subject to appropriations, the money deposited to the credit of the state highway fund under this section ~~may~~ shall be used by the Department of Public Safety to:

(1) support the Department of Public Safety's reengineering of the driver's license system to provide for the issuance by the Department of Public Safety of a driver's license or personal identification certificate, to include use of image comparison technology;

(2) establish and maintain a system to support the driver responsibility program under Chapter 708; and

(3) make lease payments to the master lease purchase program for the financing of the driver's license reengineering project.

(c) ~~[Fees collected under this section shall be deposited to the credit of the state highway fund.]~~ Subject to appropriation, fees collected under this section ~~[the money]~~ may be used by the Department of Public Safety, the Texas Department of Insurance, the Department of Information Resources, and the department to carry out Subchapter N, Chapter 601.

(b) Section 2 of this Act does not apply to the TexasSure Fund or revenue dedicated to that fund.

(7) Renumber the SECTIONS of the bill accordingly.

The amendment to **CSHB 6** 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 Amendment No. \_\_\_ to **CSHB 6** (senate committee printing) by adding the appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_. FLOODPLAIN PLANNING, MANAGEMENT, AND EDUCATION. On September 1, 2015, the Floodplain Management Account created by Section 16.3161, Texas Water Code, as enacted by Section 7, Chapter 1323 (S.B. 1436), Acts of the 80th Legislature, Regular Session 2007, is re-created by this Act as a special fund in the state treasury outside the general revenue fund, and all revenue dedicated for deposit to the credit of the Floodplain Management Account by a provision of Chapter 1323 (S.B. 1436), Acts of the 80th Legislature, Regular Session 2007, is rededicated by this Act for that purpose, except that revenue deposited to the Floodplain Management Account may be transferred to the Disaster Contingency Fund No. 453 to be used for extraordinary costs associated with flood risk analysis, planning, and public education. On September 1, 2015, The Comptroller of Public Accounts shall transfer all revenue estimated to be collected for deposit to the credit of the Floodplain Management Account in the 2016-17 biennium to the Disaster Contingency Fund No. 453. Section 2 of this Act does not apply to the Floodplain Management Account as re-created by this Act or a dedication of revenue to the account or fund as dedicated or rededicated by this Act.

The amendment to **CSHB 6** was read and was adopted without objection.

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

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

**CSHB 6** 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 6 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 **CSHB 6** 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 18 ON SECOND READING**

Senator Perry moved to suspend the regular order of business to take up for consideration **HB 18** at this time on its second reading:

**HB 18**, Relating to college and career readiness training for certain public school counselors and postsecondary advisors.

The motion prevailed.

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

The bill was read second time.

Senator Perry offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 18** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 28.009(b), Education Code, is amended to read as follows:

(b) The agency shall coordinate with the Texas Higher Education Coordinating Board as necessary in administering this section. The commissioner may adopt rules as necessary concerning the duties under this section of a school district. The Texas Higher Education Coordinating Board may adopt rules as necessary concerning the duties under this section of a public institution of higher education. A rule may not limit the number of dual credit courses or hours in which a student may enroll while in high school or limit the number of dual credit courses or hours in which a student may enroll each semester or academic year.

SECTION 2. (a) Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.015 to read as follows:

Sec. 28.015. PUBLIC OUTREACH MATERIALS TO PROMOTE CURRICULUM CHANGE AWARENESS. (a) The agency shall develop uniform public outreach materials that explain the importance and outline the details of public school curriculum changes under Chapter 211 (H.B. 5), Acts of the 83rd Legislature, Regular Session, 2013, and subsequent associated decisions by the State Board of Education. The agency shall make the materials available to school districts.

(b) The materials developed under this section must:

(1) be available in English, Spanish, and Vietnamese;

(2) be in a form that would allow school districts to mail the information to

students and parents; and

(3) include an explanation of:

(A) the basic career and college readiness components of each endorsement under Section 28.025(c-1);

(B) the curriculum requirements to gain automatic college admission under Section 51.803; and

(C) applicable course, graduation plan, and endorsement requirements for financial aid authorized under Title 3, including curriculum requirements for:

(i) the TEXAS grant as provided under Subchapter M, Chapter 56;

(ii) the Texas Educational Opportunity Grant Program as provided under Subchapter P, Chapter 56; and

(iii) the Texas B-On-time loan program as provided under Subchapter Q, Chapter 56.

(c) This section expires September 1, 2018.

(b) The Texas Education Agency shall develop the materials described under Section 28.015, Education Code, as added by this section, no later than December 1, 2015.

SECTION 3. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.016 to read as follows:

Sec. 28.016. INSTRUCTION IN HIGH SCHOOL, COLLEGE, AND CAREER PREPARATION. (a) Each school district shall provide instruction to students in grade seven or eight in preparing for high school, college, and a career.

(b) The instruction must include information regarding:

(1) the creation of a high school personal graduation plan under Section 28.02121;

(2) the distinguished level of achievement described by Section 28.025(b-15);

(3) each endorsement described by Section 28.025(c-1);

(4) college readiness standards; and

(5) potential career choices and the education needed to enter those careers.

(c) A school district may:

(1) provide the instruction as part of an existing course in the required curriculum;

(2) provide the instruction as part of an existing career and technology course designated by the State Board of Education as appropriate for that purpose; or

(3) establish a new elective course through which to provide the instruction.

(d) Each school district shall ensure that at least once in grade seven or eight each student receives the instruction under this section.

SECTION 4. Subchapter A, Chapter 33, Education Code, is amended by adding Section 33.009 to read as follows:

Sec. 33.009. POSTSECONDARY EDUCATION AND CAREER COUNSELING ACADEMIES. (a) In this section, "center" means the Center for Teaching and Learning at The University of Texas at Austin.

(b) The center shall develop and make available postsecondary education and career counseling academies for school counselors and other postsecondary advisors employed by a school district at a middle school, junior high school, or high school.

(c) In developing academies under this section, the center shall solicit input from the agency, school counselors, the Texas Workforce Commission, institutions of higher education, and business, community, and school leaders.

(d) An academy developed under this section must provide counselors and other postsecondary advisors with knowledge and skills to provide counseling to students regarding postsecondary success and productive career planning and must include information relating to:

(1) each endorsement described by Section 28.025(c-1), including:

(A) the course requirements for each endorsement; and

(B) the postsecondary educational and career opportunities associated with each endorsement;

(2) available methods for a student to earn credit for a course not offered at the school in which the student is enrolled, including enrollment in an electronic course provided through the state virtual school network under Chapter 30A;

(3) general academic performance requirements for admission to an institution of higher education, including the requirements for automatic admission to a general academic teaching institution under Section 51.803;

(4) regional workforce needs, including information about the required education and the average wage or salary for careers that meet those workforce needs; and

(5) effective strategies for engaging students and parents in planning for postsecondary education and potential careers, including participation in mentorships and business partnerships.

(e) The center shall develop an online instructional program that school districts may use in providing the instruction in high school, college, and career preparation required by Section 28.016. The program must be structured for use as part of an existing course.

(f) The center may access the P-20/Workforce Data Repository established under Section 1.005(j-1) in developing training, instructional programs, and technological tools under this section and conducting related evaluations. The center may be provided access to the data repository through collaboration with the Texas Higher Education Coordinating Board or a center for education research established under Section 1.005. The agency and the coordinating board may not condition the center's access to the data repository on agency or board review of the proposed training, instructional programs, technological tools, or related evaluations developed by the center.

(g) A teacher of a course described by Section 28.016(c)(2) or (3) may attend an academy developed under this section.

(h) From funds appropriated for that purpose, a school counselor who attends the academy under this section is entitled to receive a stipend in the amount determined by the center. If funds are available after all eligible school counselors have received a stipend under this subsection, the center shall pay a stipend in the amount determined by the center to a teacher who attends the academy under this section. A stipend received under this subsection is not considered in determining whether a district is paying the school counselor or teacher the minimum monthly salary under Section 21.402.

(i) From available funds appropriated for purposes of this section, the center may provide to school counselors and other educators curricula, instructional materials, and technological tools relating to postsecondary education and career counseling.

(j) The center shall comply with any applicable provision of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) in performing its duties or exercising its authority under this section.

SECTION 5. Section 130.008, Education Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) A course offered for joint high school and junior college credit under this section must be taught by a qualified instructor approved or selected by the public junior college. For purposes of this subsection, an instructor is qualified if the instructor holds:

(1) a doctoral or master's degree in the discipline that is the subject of the course; or

(2) a master's degree in another discipline with a concentration that required completion of a minimum of 18 graduate semester hours in the discipline that is the subject of the course.

(h) Not later than the 60th day after receipt, a public junior college shall approve or reject an application for approval to teach a course at a high school that is submitted by an instructor employed by the school district, organization, or other person that operates the high school with which the junior college entered into an agreement under this section to offer the course.

SECTION 6. Section 303.003(b-2), Labor Code, is amended to read as follows:

(b-2) In addition to the purposes described by Subsections (b) and (b-1), in each state fiscal biennium, an amount of money from the skills development fund not to exceed five percent of the amount of general revenue appropriated to the skills development fund for that biennium may be used as provided by this subsection. Funds available to the commission from other sources may also be used as provided by this subsection. Funds may be awarded under this subsection to a lower-division institution of higher education to be used under an agreement with a school district, or to a school district to be used under an agreement with a lower-division institution of higher education, to support courses offered for joint high school and college-level credit or offered under a college credit career or technical education program that leads to an industry-recognized license, credential, or certificate. Appropriate uses of funds awarded under this subsection include purchasing or repairing necessary equipment for a course and developing a course curriculum. A course or program supported under this subsection must:

(1) have the endorsement of, or a letter of support from, at least one employer in this state; and

(2) be targeted to address the needs of high-demand fields or occupations, as identified by the applicable local workforce development board.

SECTION 7. Section 28.016, Education Code, as added by this Act, applies beginning with the 2015-2016 school year.

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

The amendment to **HB 18** was read.

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

**Floor Amendment No. 2**

Amend the Floor Amendment No. 1 to **HB 18** as follows:

- (1) On page 1, line 17, between "or" and "hours", insert "semester credit".
- (2) On page 1, on line 18, between "or" and "hours", insert "semester credit".
- (3) On page 7, line 2, strike "or".
- (4) On page 7, line 5, between "course" and the underlined period, insert the following:

following:

; or

(3) for a course that is offered in an associate degree program and that is not designed for transfer to a baccalaureate degree program:

(A) a degree described by Subdivision (1) or (2);

(B) a baccalaureate degree in the discipline that is the subject of the

course; or

(C) an associate degree and demonstrated competencies in the discipline that is the subject of the course, as determined by the Texas Higher Education Coordinating Board.

The amendment to Floor Amendment No. 1 to **HB 18** was read and was adopted without objection.

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

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

**Floor Amendment No. 3**

Amend Floor Amendment No. 1 to **HB 18** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.017 to read as follows:

Sec. 28.017. COLLEGE READINESS MEMORANDUM OF UNDERSTANDING. (a) Each school district shall enter into a memorandum of understanding with at least one institution of higher education to coordinate efforts in ensuring students are prepared for postsecondary education opportunities. A memorandum of understanding must:

(1) provide for joint professional development opportunities for school counselors and academic advisors to promote collaboration and support the creation of common practices and terminology relating to college readiness;

(2) identify a common method of determining college readiness;

(3) identify the pathways between the endorsements under Section 28.025(c-1) that are available to students in the school district and degree programs and fields of study relating to those endorsements that are available at the institution of higher education;

(4) develop tools based on the pathways identified under Subdivision (3) for school counselors and academic advisors to assist students in selecting a suitable program of study; and

(5) identify opportunities to increase the cost efficiency of related programs in areas that include the following:

(A) technology;

(B) facilities and equipment;

(C) dual credit course staffing and certification; and

(D) transportation.

(b) A school district and institution of higher education shall annually review and update a memorandum of understanding under this section.

The amendment to Floor Amendment No. 1 to **HB 18** was read and was adopted without objection.

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

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

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

Amend Floor Amendment No. 1 to **HB 18** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 25.0811, Education Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (a), a school district located in a county with a population less than 20,000 that has only one campus, that offers instruction from prekindergarten through grade 12 and that has been granted an Early College Start Date waiver from the commissioner, may start school on any date that aligns with the first week of the fall semester of an institution of higher education or a private or independent institution of higher education, as those terms are defined under Section 61.003, with which the district partners to offer dual credit courses.

The amendment to Floor Amendment No. 1 to **HB 18** was read and was adopted without objection.

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

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

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

Amend Floor Amendment No. 1 to **HB 18** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 51.3062, Education Code, is amended by adding Subsections (u) and (u-1) to read as follows:

(u) An institution of higher education that administers an assessment instrument to students under this section shall report to each school district from which assessed students graduated high school all available information involving student scores and performance on the assessment instrument and student demographics.

(u-1) The board shall adopt rules as necessary to implement Subsection (u), including rules for implementing that subsection in a manner that complies with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information.

**(Senator Bettencourt in Chair)**

The amendment to Floor Amendment No. 1 to **HB 18** was read and was adopted without objection.

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

**(President in Chair)**

**VOTE RECONSIDERED ON  
FLOOR AMENDMENT NO. 4**

On motion of Senator L. Taylor and by unanimous consent, the vote by which Floor Amendment No. 4 was adopted was reconsidered.

Question: Shall Floor Amendment No. 4 to Floor Amendment No. 1 to **HB 18** be adopted?

Senator Perry withdrew Floor Amendment No. 4.

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

**Floor Amendment No. 6**

Amend Floor Amendment No. 1 to **HB 18** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Sections 7.0561(b), (c), (d), and (j), Education Code, are amended to read as follows:

(b) The Texas High Performance Schools Consortium is established to inform the governor, legislature, State Board of Education, and commissioner concerning methods for transforming public schools in this state by improving student learning through the development of innovative, next-generation learning standards and assessment and accountability systems, including standards and systems relating to career and college readiness.

(c) From among school districts and eligible open-enrollment charter schools that apply using the form and in the time and manner established by commissioner rule, the commissioner may select not more than 30 [~~20~~] participants for the consortium. The districts selected by the commissioner must represent a range of district types, sizes, and diverse student populations, as determined by the commissioner in accordance with commissioner rule. To be eligible to participate in the consortium, an open-enrollment charter school must have been awarded a [~~an exemplary~~] distinction designation under Subchapter G, Chapter 39, during the preceding school year.

(d) The number of students enrolled in consortium participants may not be greater than a number equal to 10 [~~five~~] percent of the total number of students enrolled in public schools in this state according to the most recent agency data.

(j) The [~~With the assistance of the~~] school districts and open-enrollment charter schools participating in the consortium[~~, the commissioner~~] shall submit reports concerning the performance and progress of the consortium to the governor, [~~and~~] the legislature, the State Board of Education, and the commissioner not later than December 1 of each even-numbered year[~~, 2012, and not later than December 1, 2014~~]. [~~The report submitted not later than December 1, 2012, must include any recommendation by the commissioner concerning legislative authorization for the commissioner to waive a prohibition, requirement, or restriction that applies to a consortium participant. That report must also include a plan for an effective and efficient accountability system for consortium participants that balances academic excellence and local values to inspire learning and, at the state level, contingent on any necessary waiver of federal law, may incorporate use of a stratified random sampling of students or other objective methodology to hold consortium participants accountable while attempting to reduce the number of state assessment instruments that are required to be administered to students. The commissioner shall seek a federal waiver, to any extent necessary, to prepare for implementation of the plan if enacted by the legislature. This subsection expires January 1, 2018.~~]

The amendment to Floor Amendment No. 1 to **HB 18** was read and was adopted without objection.

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

Question recurring on the adoption of Floor Amendment No. 1 to **HB 18**, 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 Perry and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**HB 18** as amended was passed to third reading by a viva voce vote.

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

Nays: Burton.

**HOUSE BILL 18 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 18** 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)

**VOTE RECONSIDERED ON  
HOUSE BILL 4175**

On motion of Senator L. Taylor and by unanimous consent, the vote by which **HB 4175** was finally passed was reconsidered:

**HB 4175**, Relating to eminent domain powers of certain conservation and reclamation districts.

Question: Shall **HB 4175** be finally passed?

Senator Campbell offered the following amendment to the bill:

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

Amend **HB 4175** on third reading by striking the SECTIONS of the bill added by Floor Amendment No. 1 on second reading amending Sections 8471.104, 8471.105, and 8471.103(c), Special District Local Laws Code, and renumbering the existing SECTIONS of the bill as appropriate.

The amendment to **HB 4175** was read and was adopted without objection.

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

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

**HB 4175** as amended was again finally passed by the following vote: Yeas 26, Nays 4, Present-not voting 1.

Yeas: Bettencourt, 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: Birdwell, Burton, Hall, V. Taylor.

Present-not voting: Huffines.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 20 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 20** at this time on its second reading:

**CSHB 20**, Relating to the operations of and transportation planning and expenditures by the Texas Department of Transportation and planning organizations.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 20** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 201.809(g)(1), Transportation Code (page 1, line 46), between "operating" and the underscored semicolon, insert "in accordance with the requirements of 23 U.S.C. Section 134 or 135, as applicable".

(2) In SECTION 4 of the bill, in added Section 201.9991(c), Transportation Code (page 2, line 69), between "commission" and the underscored period, insert "in accordance with the requirements of 23 U.S.C. Section 134 or 135, as applicable".

(3) In SECTION 6 of the bill, in amended Section 223.242(d), Transportation Code (page 3, line 27), by striking "\$250" and substituting "\$150".

(4) In SECTION 6 of the bill, in added Section 223.242(f), Transportation Code (page 3, line 35), between "substantially designed" and "by the department", insert ", to the extent described by Section 223.246(a)(5)".

(5) In SECTION 7 of the bill, in Subsection (g) (page 4, line 39), strike "December" and substitute "September".

(6) In SECTION 7 of the bill, in Subsection (g) (page 4, line 43), strike "May 31" and substitute "March 31".

The amendment to **CSHB 20** was read and was adopted without objection.

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

Senator Seliger offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSHB 20** (senate committee report) in SECTION 6 of the bill, in Subsection 223.242(d), Transportation Code, (page 3, line 27), by striking "250" and substituting "150".

The amendment to **CSHB 20** was read.

Senator Seliger withdrew Floor Amendment No. 2.

Senator Perry offered the following amendment to the bill:

**Floor Amendment No. 3**

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

SECTION \_\_\_\_\_. Section 222.001(a), Transportation Code, is amended to read as follows:

(a) Money that is required to be used for public roadways by the Texas Constitution or federal law and that is deposited in the state treasury to the credit of the state highway fund, including money deposited to the credit of the state highway fund under Title 23, United States Code, may be used only:

- (1) to improve the state highway system; or
- (2) to mitigate adverse environmental effects that result directly from construction or maintenance of a state highway by the department[~~;~~ ~~or~~
- ~~[(3) by the Department of Public Safety to police the state highway system and to administer state laws relating to traffic and safety on public roads].~~

The amendment to **CSHB 20** was read and was adopted without objection.

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

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

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

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

SECTION \_\_\_\_\_. Section 228.201, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The department may not operate a nontolled state highway or a segment of a nontolled state highway as a toll project, and may not transfer a highway or segment to another entity for operation as a toll project, unless:

- (1) the commission by order designated the highway or segment as a toll project before the contract to construct the highway or segment was awarded;
- (2) the project was designated as a toll project in a plan or program of a metropolitan planning organization on or before September 1, 2005;
- (3) the highway or segment is reconstructed so that the number of nontolled lanes on the highway or segment is greater than or equal to the number in existence before the reconstruction; or
- (4) a facility is constructed adjacent to the highway or segment so that the number of nontolled lanes on the converted highway or segment and the adjacent facility together is greater than or equal to the number in existence on the converted highway or segment before the conversion[~~;~~ ~~or~~

(5) subject to Subsections [~~Subsection~~] (b) and (c), the highway or segment was open to traffic as a high-occupancy vehicle lane on May 1, 2005.

(c) The department may not operate or transfer a high-occupancy vehicle lane under Subsection (a)(5) as a tolled lane if the lane is part of U.S. Highway 75.

The amendment to **CSHB 20** was read.

Senator V. Taylor withdrew Floor Amendment No. 4.

Senator Hall offered the following amendment to the bill:

**Floor Amendment No. 5**

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

SECTION \_\_\_\_\_. Subchapter F, Chapter 223, Transportation Code, is amended by adding Section 223.251 to read as follows:

Sec. 223.251. DEPARTMENT PILOT FINANCING PROJECT USING EXPIRING REVENUE ENHANCEMENT. (a) The department shall conduct a study to assess whether the use of revenue described by Subsection (c)(2) to finance a highway project under a design-build contract is feasible.

(b) The department may implement a pilot financing project for a highway project under a design-build contract if, after conducting a study under Subsection (a), the department determines that:

(1) the use of revenue described by Subsection (c)(2) for the highway project is feasible; and

(2) all other funding options available for the highway project will be insufficient to complete the project.

(c) A highway project financed under this section may be financed through:

(1) traditional methods, including the use of money in:

(A) the state highway fund, including money transferred to that fund under Section 49-g, Article III, Texas Constitution, to the extent that the transferred money is used for the highway project's frontage lanes; or

(B) the Texas mobility fund; or

(2) other methods available to the department, including:

(A) the use of bonds;

(B) agreements with other entities for the use of revenue available to the entity; or

(C) an economic impact zone under Subsection (d).

(d) If the department implements a pilot financing project under this section, the department may establish an economic impact zone for an area that extends not more than one mile on either side of the centerline of the highway project. If a zone is created:

(1) the department shall notify the comptroller of the establishment of the zone not later than the 30th day after the date the zone is established;

(2) the comptroller shall:

(A) at the beginning of each calendar year, estimate the increase in state sales tax revenue in the zone during the calendar year over the amount of state sales tax revenue in the zone during the calendar year in which the zone was established;

(B) monthly deposit into a separate account outside the treasury, without the necessity of an appropriation, an amount based on the estimated increase calculated under Paragraph (A); and

(C) at the end of each calendar year:

(i) transfer from the account to the department for the purpose of financing the highway project, an amount necessary to pay the costs of the project as described by Subsection (f), not to exceed the actual increase in state sales tax revenue in the zone during the calendar year over the amount of the state sales tax revenue in the zone during the calendar year in which the zone was established; and

(ii) transfer to the general revenue fund any amounts remaining in the account after the transfer; and

(3) the department shall terminate the zone and the comptroller shall cease making deposits and transfers under Subdivisions (2)(B) and (C) not later than the date specified under Subsection (e).

(e) The authority to use revenue under Subsection (c)(2) expires on the earlier of:

(1) the date all debt and other obligations are retired; or

(2) the 35th anniversary of the date the highway project opens for revenue service.

(f) Revenue described by Subsection (c)(2) may be used only for:

(1) development and construction of the highway project; and

(2) payment of debt incurred for the highway project.

(g) Financing agreements for the highway project must contain provisions to allow the early retirement of debt using money from an economic impact zone under Subsection (d) or money appropriated by the legislature.

(h) The maturity date of any bonds issued for the highway project may not be extended after the bonds are issued, including through the use of refinancing bonds and other refinancing agreements, unless the extension of the maturity date will decrease the total amount of interest to be paid until maturity.

The amendment to **CSHB 20** was read.

Senator Hall withdrew Floor Amendment No. 5.

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

**CSHB 20** 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 20 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 20** 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 3184 ON SECOND READING**

Senator Menéndez moved to suspend the regular order of business to take up for consideration **CSHB 3184** at this time on its second reading:

**CSHB 3184**, Relating to the establishment, operation, and funding of victim-offender mediation programs; authorizing fees.

The motion prevailed.

Senators Bettencourt, Creighton, Estes, Hancock, Huffines, Huffman, Nichols, 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 22, Nays 9.

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

Nays: Bettencourt, Creighton, Estes, Hancock, Huffines, Huffman, Nichols, L. Taylor, V. Taylor.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3184 ON THIRD READING**

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3184** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Estes, Huffines, Nichols, L. Taylor, V. Taylor.

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

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

Nays: Bettencourt, Creighton, Estes, Hancock, Huffman, Nichols, L. Taylor, V. Taylor.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 13 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 13** at this time on its second reading:

**CSHB 13**, Relating to categories of and funding allocation for transportation projects by the Texas Department of Transportation and local transportation entities.

The bill was read second time.

Senator Hall offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 13** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Section 542.2035, Transportation Code, is amended to read as follows:

Sec. 542.2035. AUTOMATED TRAFFIC CONTROL SYSTEM PROHIBITED [~~LIMITATION ON MUNICIPALITIES~~]. (a) A local authority [~~municipality~~] may not implement or operate an automated traffic control system with respect to a highway or street under its jurisdiction for a purpose other than collecting or enforcing a toll [~~the purpose of enforcing compliance with posted speed limits~~]. The attorney general shall enforce this subsection.

(b) In this section, "automated traffic control system" means a photographic traffic signal enforcement system, as defined by Section 707.001 [~~a photographic device, radar device, laser device, or other electrical or mechanical device designed to:~~

~~(1) record the speed of a motor vehicle; and~~

~~(2) obtain one or more photographs or other recorded images of:~~

~~[(A) the vehicle;~~

~~[(B) the license plate attached to the vehicle; or~~

~~[(C) the operator of the vehicle].~~

(c) For the purposes of this section, "local authority" includes a school district, a governmental agency that provides services to a school district, and an intermediate educational agency.

SECTION \_\_\_\_ . The heading to Chapter 707, Transportation Code, is amended to read as follows:

CHAPTER 707. PHOTOGRAPHIC TRAFFIC SIGNAL  
ENFORCEMENT SYSTEM PROHIBITED

SECTION \_\_\_\_ . Sections 707.001(3) and (4), Transportation Code, are amended to read as follows:

(3) "Photographic traffic signal enforcement system" means a device or system that:

(A) consists of:

(i) a camera system and vehicle sensor that are:

(a) installed to exclusively work in conjunction with an electrically operated traffic-control signal; and

(b) [~~is~~] capable of producing [at least two] recorded images that depict the operator of a motor vehicle or the license plate attached to the front or the rear of a motor vehicle that is not being operated in compliance with the instructions of the traffic-control signal; or

(ii) a radar unit or sensor linked to:

(a) a camera or other recording device that is capable of producing a photograph, microphotograph, videotape, or other recorded image of the operator of a motor vehicle or the license plate attached to the front or the rear of a motor vehicle; or

(b) a device that is capable of reading a license plate attached to the front or the rear of a motor vehicle or otherwise identifying a motor vehicle; or

(B) is capable of taking photographic, electronic, video, or digital images of vehicles that pass a bus.

(4) "Recorded image" means a photographic or digital image that depicts the front or the rear of a motor vehicle or the operator of a motor vehicle.

SECTION \_\_\_\_. Chapter 707, Transportation Code, is amended by adding Section 707.0015 to read as follows:

Sec. 707.0015. TOLL ENFORCEMENT EXCEPTED. This chapter does not apply to a photographic traffic signal enforcement system that is used for the purpose of collecting or enforcing tolls.

SECTION 5. Chapter 707, Transportation Code, is amended by adding Section 707.020 to read as follows:

Sec. 707.020. USE OF EVIDENCE FROM PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM PROHIBITED. Notwithstanding any other law, the state, a school district, a governmental agency that provides services to a school district, an intermediate educational agency, or another political subdivision of the state may not issue a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic signal enforcement system.

SECTION \_\_\_\_. Section 27.031(a), Government Code, is amended to read as follows:

(a) In addition to the jurisdiction and powers provided by the constitution and other law, the justice court has original jurisdiction of:

(1) civil matters in which exclusive jurisdiction is not in the district or county court and in which the amount in controversy is not more than \$10,000, exclusive of interest;

(2) cases of forcible entry and detainer; and

(3) foreclosure of mortgages and enforcement of liens on personal property in cases in which the amount in controversy is otherwise within the justice court's jurisdiction[; ~~and~~

~~[(4) cases arising under Chapter 707, Transportation Code, outside a municipality's territorial limits].~~

SECTION \_\_\_\_. Section 133.004, Local Government Code, as amended by Chapters 718 (H.B. 2359), 1027 (H.B. 1623), and 1149 (S.B. 1119), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and amended to read as follows:

Sec. 133.004. CIVIL FEES. This chapter applies to the following civil fees:

(1) the consolidated fee on filing in district court imposed under Section 133.151;

(2) the filing fee in district court for basic civil legal services for indigents imposed under Section 133.152;

(3) the filing fee in courts other than district court for basic civil legal services for indigents imposed under Section 133.153;

(4) the filing fees for the judicial fund imposed in certain statutory county courts under Section 51.702, Government Code;

(5) the filing fees for the judicial fund imposed in certain county courts under Section 51.703, Government Code;

(6) the filing fees for the judicial fund imposed in statutory probate courts under Section 51.704, Government Code;

(7) fees collected under Section 118.015;

(8) marriage license fees for the family trust fund collected under Section 118.018;

(9) marriage license or declaration of informal marriage fees for the child abuse and neglect prevention trust fund account collected under Section 118.022; and

(10) the filing fee for the judicial fund imposed in district court, statutory county court, and county court under Section 133.154[~~;~~ and

~~[(11) the portion of the civil or administrative penalty described by Section 542.406(e)(1), Transportation Code, imposed by a local authority to enforce compliance with the instructions of a traffic control signal;~~

~~[(11) the portion of the civil or administrative penalty described by Section 707.008(a)(1), Transportation Code, imposed by a local authority to enforce compliance with the instructions of a traffic control signal].~~

SECTION \_\_\_\_ . The following are repealed:

(1) Section 29.003(g), Government Code;

(2) Sections 542.405, 542.406, and 544.012, Transportation Code; and

(3) Sections 707.002, 707.0021, 707.003, 707.004, 707.005, 707.006, 707.007, 707.008, 707.009, 707.010, 707.011, 707.012, 707.013, 707.014, 707.015, 707.016, 707.017, 707.018, and 707.019, Transportation Code.

SECTION \_\_\_\_ . (a) The repeal by this Act of Sections 542.405 and 542.406, Transportation Code, and provisions of Chapter 707, Transportation Code, does not affect the validity of a proceeding initiated or a civil penalty imposed under those provisions before the effective date of this Act. A proceeding initiated or a civil penalty imposed under those provisions before the effective date of this Act is governed by the applicable law in effect before the effective date of this Act, and the former law is continued in effect for that purpose.

(b) Notwithstanding the repeal by this Act of Sections 542.405 and 542.406 and provisions of Chapter 707, Transportation Code, if before June 1, 2015, a local authority had enacted an ordinance under those provisions to implement a photographic traffic signal enforcement system and entered into a contract for the administration and enforcement of the system, the local authority may continue to operate the system under that ordinance and under the terms of that contract until the expiration date specified in the contract as the contract existed on June 1, 2015.

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.

The amendment to **CSHB 13** 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: Ellis, Garcia, Watson.

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

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

Amend **CSHB 13** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 228.201, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The department may not operate a nontolled state highway or a segment of a nontolled state highway as a toll project, and may not transfer a highway or segment to another entity for operation as a toll project, unless:

(1) the commission by order designated the highway or segment as a toll project before the contract to construct the highway or segment was awarded;

(2) the project was designated as a toll project in a plan or program of a metropolitan planning organization on or before September 1, 2005;

(3) the highway or segment is reconstructed so that the number of nontolled lanes on the highway or segment is greater than or equal to the number in existence before the reconstruction; or

(4) a facility is constructed adjacent to the highway or segment so that the number of nontolled lanes on the converted highway or segment and the adjacent facility together is greater than or equal to the number in existence on the converted highway or segment before the conversion~~[-or~~

(5) subject to Subsections ~~[Subsection]~~ (b) and (c), the highway or segment was open to traffic as a high-occupancy vehicle lane on May 1, 2005.

(c) The department may not operate or transfer a high-occupancy vehicle lane under Subsection (a)(5) as a tolled lane if the lane is part of U.S. Highway 75.

The amendment to **CSHB 13** was read and was adopted without objection.

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

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

**CSHB 13** 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 13 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 13** 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 930 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 930** at this time on its second reading:

**HB 930**, Relating to water well drillers and pump installers; authorizing fees.

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

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

### HOUSE BILL 930 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 930** be placed on its third reading and final passage.

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

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

### SENATE BILL 523 WITH HOUSE AMENDMENT (Motion In Writing)

Senator Birdwell called **SB 523** from the President's table for consideration of the House amendment to the bill.

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

#### Amendment

Amend **SB 523** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the sunset review of river authorities.

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

SECTION 1. SUNSET ACT. Chapter 325, Government Code, is amended by adding Section 325.025 to read as follows:

Sec. 325.025. RIVER AUTHORITIES SUBJECT TO REVIEW. (a) A river authority listed in Subsection (b) is subject to a limited review under this chapter as if it were a state agency but may not be abolished.

(b) This section applies to the:

- (1) Angelina and Neches River Authority;
- (2) Bandera County River Authority and Groundwater District;
- (3) Brazos River Authority;
- (4) Central Colorado River Authority;
- (5) Guadalupe-Blanco River Authority;
- (6) Lavaca-Navidad River Authority;
- (7) Lower Colorado River Authority;
- (8) Lower Neches Valley Authority;

- (9) Nueces River Authority;
- (10) Palo Duro River Authority;
- (11) Red River Authority of Texas;
- (12) Sabine River Authority of Texas;
- (13) San Antonio River Authority;
- (14) San Jacinto River Authority;
- (15) Sulphur River Basin Authority;
- (16) Trinity River Authority of Texas;
- (17) Upper Colorado River Authority; and
- (18) Upper Guadalupe River Authority.

(c) The limited review under this chapter must assess each river authority's:

- (1) governance;
- (2) management;
- (3) operating structure; and
- (4) compliance with legislative requirements.

(d) A river authority shall pay the cost incurred by the commission in performing a review of the authority under this section. The commission shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the commission detailing the cost.

(e) A river authority reviewed by the commission under this section may not be required to conduct a management audit under Chapter 292, Title 30, Texas Administrative Code.

SECTION 2. ANGELINA AND NECHES RIVER AUTHORITY. Subchapter A, Chapter 8501, Special District Local Laws Code, is amended by adding Section 8501.0015 to read as follows:

Sec. 8501.0015. APPLICATION OF SUNSET ACT. (a) The authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the authority were a state agency scheduled to be abolished September 1, 2019, and every 12th year after that year.

(b) The authority shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 3. BANDERA COUNTY RIVER AUTHORITY AND GROUNDWATER DISTRICT. Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971, is amended by adding Section 1A to read as follows:

Sec. 1A. (a) The district is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the district were a state agency scheduled to be abolished September 1, 2023, and every 12th year after that year.

(b) The district shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the district shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 4. CENTRAL COLORADO RIVER AUTHORITY. Subchapter A, Chapter 8505, Special District Local Laws Code, is amended by adding Section 8505.0021 to read as follows:

Sec. 8505.0021. APPLICATION OF SUNSET ACT. (a) The authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the authority were a state agency scheduled to be abolished September 1, 2017, and every 12th year after that year.

(b) The authority shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 5. GUADALUPE-BLANCO RIVER AUTHORITY. Chapter 75, Acts of the 43rd Legislature, 1st Called Session, 1933, is amended by adding Section 1A to read as follows:

Sec. 1A. (a) The District is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the District were a state agency scheduled to be abolished September 1, 2017, and every 12th year after that year.

(b) The District shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the District shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 6. LAVACA-NAVIDAD RIVER AUTHORITY. Chapter 186, Acts of the 50th Legislature, Regular Session, 1947, is amended by adding Section 1A to read as follows:

Sec. 1A. (a) The District is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the District were a state agency scheduled to be abolished September 1, 2019, and every 12th year after that year.

(b) The District shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the District shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 7. LOWER COLORADO RIVER AUTHORITY. Chapter 8503, Special District Local Laws Code, is amended by adding Section 8503.0021 to read as follows:

Sec. 8503.0021. APPLICATION OF SUNSET ACT. (a) The authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall not include the management of the generation or transmission of electricity under the wholesale electricity operation of the authority and the authority's affiliated nonprofit corporations. The review shall

be conducted under Section 325.025, Government Code, as if the authority were a state agency scheduled to be abolished September 1, 2019, and every 12th year after that year.

(b) The authority shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 8. LOWER NECHES VALLEY AUTHORITY. Subchapter A, Chapter 8504, Special District Local Laws Code, is amended by adding Section 8504.0021 to read as follows:

Sec. 8504.0021. APPLICATION OF SUNSET ACT. (a) The authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the authority were a state agency scheduled to be abolished September 1, 2019, and every 12th year after that year.

(b) The authority shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 9. NUECES RIVER AUTHORITY. Chapter 427, Acts of the 44th Legislature, 1st Called Session, 1935, is amended by adding Section 1.02A to read as follows:

Sec. 1.02A. APPLICATION OF SUNSET ACT. (a) The authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the authority were a state agency scheduled to be abolished September 1, 2019, and every 12th year after that year.

(b) The authority shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 10. PALO DURO RIVER AUTHORITY. Chapter 438, Acts of the 63rd Legislature, Regular Session, 1973, is amended by adding Section 1A to read as follows:

Sec. 1A. (a) The Authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the Authority were a state agency scheduled to be abolished September 1, 2021, and every 12th year after that year.

(b) The Authority shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the Authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 11. RED RIVER AUTHORITY OF TEXAS. Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, is amended by adding Section 1A to read as follows:

Sec. 1A. (a) The Authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the Authority were a state agency scheduled to be abolished September 1, 2021, and every 12th year after that year.

(b) The Authority shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the Authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 12. SABINE RIVER AUTHORITY OF TEXAS. Chapter 110, Acts of the 51st Legislature, Regular Session, 1949, is amended by adding Section 2A to read as follows:

Sec. 2A. (a) The district is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the district were a state agency scheduled to be abolished September 1, 2021, and every 12th year after that year.

(b) The district shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the district shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 13. BRAZOS RIVER AUTHORITY. Chapter 8502, Special District Local Laws Code, is amended by adding Section 8502.0021 to read as follows:

Sec. 8502.0021. APPLICATION OF SUNSET ACT. (a) The authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the authority were a state agency scheduled to be abolished September 1, 2017, and every 12th year after that year.

(b) The authority shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 14. SAN ANTONIO RIVER AUTHORITY. Chapter 276, Acts of the 45th Legislature, Regular Session, 1937, is amended by adding Section 1-a to read as follows:

Sec. 1-a. APPLICATION OF SUNSET ACT. (a) The District is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the District were a state agency scheduled to be abolished September 1, 2023, and every 12th year after that year.

(b) The District shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the District shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 15. SAN JACINTO RIVER AUTHORITY. Chapter 426, Acts of the 45th Legislature, Regular Session, 1937, is amended by adding Section 1A to read as follows:

Sec. 1A. (a) The District is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the District were a state agency scheduled to be abolished September 1, 2023, and every 12th year after that year.

(b) The District shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the District shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 16. SULPHUR RIVER BASIN AUTHORITY. Sections 1A(a) and (c), Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, are amended to read as follows:

(a) The authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter ~~[as if it were a state agency].~~ The review shall be conducted under Section 325.025, Government Code, as if the authority were a state agency scheduled to be abolished September 1, 2023, and every 12th year after that year ~~[Unless the authority is continued in existence, the authority is abolished and this Act expires September 1, 2017].~~

(c) The authority shall pay the costs incurred by the Sunset Advisory Commission in performing the [a] review ~~[of the authority under this section].~~ The Sunset Advisory Commission shall determine the costs, and the authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the costs.

SECTION 17. TRINITY RIVER AUTHORITY OF TEXAS. Chapter 518, Acts of the 54th Legislature, Regular Session, 1955, is amended by adding Section 1A to read as follows:

Sec. 1A. (a) The Authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the Authority were a state agency scheduled to be abolished September 1, 2023, and every 12th year after that year.

(b) The Authority shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the Authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 18. UPPER COLORADO RIVER AUTHORITY. Chapter 126, General Laws, Acts of the 44th Legislature, Regular Session, 1935, is amended by adding Section 1A to read as follows:

Sec. 1A. (a) The District is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the District were a state agency scheduled to be abolished September 1, 2021, and every 12th year after that year.

(b) The District shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the District shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 19. UPPER GUADALUPE RIVER AUTHORITY. Chapter 5, page 1062, Special Laws, Acts of the 46th Legislature, Regular Session, 1939, is amended by adding Section 1A to read as follows:

Sec. 1A. (a) The District is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the District were a state agency scheduled to be abolished September 1, 2021, and every 12th year after that year.

(b) The District shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the District shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

SECTION 20. REPEALER. Sections 1A(b) and (d), Chapter 3, Acts of the 69th Legislature, 1st Called Session, 1985, are repealed.

SECTION 21. EFFECTIVE DATE. 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 Birdwell submitted a Motion In Writing 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 In Writing was read and prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 523** 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; Fraser, Watson, Perry, and Creighton.

### CONFERENCE COMMITTEE REPORT ON SENATE BILL 733

Senator Fraser submitted the following Conference Committee Report:

Austin, Texas  
May 25, 2015

Honorable Dan Patrick  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 733** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

FRASER  
 ELTIFE  
 HUFFMAN  
 NICHOLS  
 ZAFFIRINI

WORKMAN  
 ISAAC  
 ISRAEL  
 LARSON

On the part of the Senate

On the part of the House

A BILL TO BE ENTITLED  
 AN ACT

relating to the authority of certain political subdivisions to change the date of their general elections.

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

SECTION 1. Section 41.0052(a), Election Code, is amended to read as follows:

(a) The governing body of a political subdivision, other than a county or municipal utility district, that holds its general election for officers on a date other than the November uniform election date may, not later than December 31, 2016 [~~2012~~], change the date on which it holds its general election for officers to the November uniform election date.

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 Conference Committee Report on **SB 733** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
 SENATE JOINT RESOLUTION 5**

Senator Nichols submitted the following Conference Committee Report:

Austin, Texas  
 May 25, 2015

Honorable Dan Patrick  
 President of the Senate

Honorable Joe Straus  
 Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SJR 5** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

NICHOLS  
 ELTIFE  
 HALL  
 NELSON  
 WHITMIRE

On the part of the Senate

PICKETT  
 Y. DAVIS  
 HARLESS  
 OTTO  
 SIMMONS

On the part of the House

### A JOINT RESOLUTION

proposing a constitutional amendment dedicating a portion of the revenue derived from the state sales and use tax and the tax imposed on the sale, use, or rental of a motor vehicle to the state highway fund.

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

SECTION 1. Article VIII, Texas Constitution, is amended by adding Section 7-c to read as follows:

Sec. 7-c. (a) Subject to Subsections (d) and (e) of this section, in each state fiscal year, the comptroller of public accounts shall deposit to the credit of the state highway fund \$2.5 billion of the net revenue derived from the imposition of the state sales and use tax on the sale, storage, use, or other consumption in this state of taxable items under Chapter 151, Tax Code, or its successor, that exceeds the first \$28 billion of that revenue coming into the treasury in that state fiscal year.

(b) Subject to Subsections (d) and (e) of this section, in each state fiscal year, the comptroller of public accounts shall deposit to the credit of the state highway fund an amount equal to 35 percent of the net revenue derived from the tax authorized by Chapter 152, Tax Code, or its successor, and imposed on the sale, use, or rental of a motor vehicle that exceeds the first \$5 billion of that revenue coming into the treasury in that state fiscal year.

(c) Money deposited to the credit of the state highway fund under this section may be appropriated only to:

(1) construct, maintain, or acquire rights-of-way for public roadways other than toll roads; or

(2) repay the principal of and interest on general obligation bonds issued as authorized by Section 49-p, Article III, of this constitution.

(d) The legislature by adoption of a resolution approved by a record vote of two-thirds of the members of each house of the legislature may direct the comptroller of public accounts to reduce the amount of money deposited to the credit of the state highway fund under Subsection (a) or (b) of this section. The comptroller may be directed to make that reduction only:

(1) in the state fiscal year in which the resolution is adopted, or in either of the following two state fiscal years; and

(2) by an amount or percentage that does not result in a reduction of more than 50 percent of the amount that would otherwise be deposited to the fund in the affected state fiscal year under the applicable subsection of this section.

(e) Subject to Subsection (f) of this section, the duty of the comptroller of public accounts to make a deposit under this section expires:

(1) August 31, 2032, for a deposit required by Subsection (a) of this section;  
and

(2) August 31, 2029, for a deposit required by Subsection (b) of this section.

(f) The legislature by adoption of a resolution approved by a record vote of a majority of the members of each house of the legislature may extend, in 10-year increments, the duty of the comptroller of public accounts to make a deposit under Subsection (a) or (b) of this section beyond the applicable date prescribed by Subsection (e) of this section.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 84th Legislature, Regular Session, 2015, dedicating a portion of the revenue derived from the state sales and use tax and the tax imposed on the sale, use, or rental of a motor vehicle to the state highway fund.

(b) Section 7-c(a), Article VIII, of this constitution takes effect September 1, 2017.

(c) Section 7-c(b), Article VIII, of this constitution takes effect September 1, 2019.

(d) Beginning on the dates prescribed by Subsections (b) and (c) of this section, the legislature may not appropriate any revenue to which Section 7-c(a) or (b), Article VIII, of this constitution applies that is deposited to the credit of the state highway fund for any purpose other than a purpose described by Section 7-c(c), Article VIII, of this constitution.

(e) This temporary provision expires September 1, 2020.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 3, 2015. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment dedicating certain sales and use tax revenue and motor vehicle sales, use, and rental tax revenue to the state highway fund to provide funding for nontolled roads and the reduction of certain transportation-related debt."

The Conference Committee Report on **SJR 5** was filed with the Secretary of the Senate.

### CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1454

Senator Eltife submitted the following Conference Committee Report:

Austin, Texas  
May 25, 2015

Honorable Dan Patrick  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1454** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

ELTIFE  
 WATSON  
 ELLIS  
 L. TAYLOR  
 CREIGHTON  
 On the part of the Senate

RANEY  
 PARKER  
 KACAL  
 CAPRIGLIONE  
 GUERRA  
 On the part of the House

The Conference Committee Report on **HB 1454** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
 SENATE BILL 1574**

Senator Uresti submitted the following Conference Committee Report:

Austin, Texas  
 May 27, 2015

Honorable Dan Patrick  
 President of the Senate

Honorable Joe Straus  
 Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1574** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

URESTI  
 V. TAYLOR  
 HUFFMAN  
 ESTES  
 HINOJOSA  
 On the part of the Senate

MARTINEZ  
 ZERWAS  
 S. DAVIS  
 PADDIE  
 BERNAL  
 On the part of the House

**A BILL TO BE ENTITLED  
 AN ACT**

relating to emergency response employees or volunteers and others exposed or potentially exposed to certain diseases or parasites.

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

SECTION 1. Article 18.22(a), Code of Criminal Procedure, is amended to read as follows:

(a) A person who is arrested for a misdemeanor or felony and who during the commission of that offense or an arrest following the commission of that offense causes an emergency response employee or volunteer, as defined by Section 81.003, Health and Safety Code, ~~[a peace officer]~~ to come into contact with the person's bodily fluids shall, at the direction of the court having jurisdiction over the arrested person, undergo a medical procedure or test designed to show or help show whether the person has a communicable disease. The court may direct the person to undergo the procedure or test on its own motion or on the request of the emergency response

employee or volunteer [peace officer]. If the person refuses to submit voluntarily to the procedure or test, the court shall require the person to submit to the procedure or test. Notwithstanding any other law, the person performing the procedure or test shall make the test results available to the local health authority and the designated infection control officer of the entity that employs or uses the services of the affected emergency response employee or volunteer, and the local health authority or the designated infection control officer of the affected employee or volunteer shall notify the emergency response employee or volunteer [peace officer] of the test result. The state may not use the fact that a medical procedure or test was performed on a person under this article, or use the results of the procedure or test, in any criminal proceeding arising out of the alleged offense.

SECTION 2. Section 607.102, Government Code, is amended to read as follows:

Sec. 607.102. NOTIFICATION. An [A firefighter or] emergency response employee or volunteer, as defined by Section 81.003, Health and Safety Code, [medical technician] who is exposed to methicillin-resistant Staphylococcus aureus or a disease caused by a select agent or toxin identified or listed under 42 C.F.R. Section 73.3 is entitled to receive notification of the exposure in the manner prescribed by Section 81.048, Health and Safety Code.

SECTION 3. Section 12.0127, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

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

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

(2) a medically underserved area; or

(3) a health professional shortage area.

SECTION 4. Section 81.003, Health and Safety Code, is amended by adding Subdivisions (1-a) and (1-b) and amending Subdivision (8) to read as follows:

(1-a) "Emergency response employee or volunteer" means an individual acting in the course and scope of employment or service as a volunteer as emergency medical service personnel, a peace officer, a detention officer, a county jailer, or a fire fighter.

(1-b) "Designated infection control officer" means the person serving as an entity's designated infection control officer under Section 81.012.

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

SECTION 5. Subchapter A, Chapter 81, Health and Safety Code, is amended by adding Sections 81.012 and 81.013 to read as follows:

Sec. 81.012. DESIGNATED INFECTION CONTROL OFFICER. (a) An entity that employs or uses the services of an emergency response employee or volunteer shall nominate a designated infection control officer and an alternate designated infection control officer to:

(1) receive notification of a potential exposure to a reportable disease from a health care facility;

(2) notify the appropriate health care providers of a potential exposure to a reportable disease;

(3) act as a liaison between the entity's emergency response employees or volunteers who may have been exposed to a reportable disease during the course and scope of employment or service as a volunteer and the destination hospital of the patient who was the source of the potential exposure;

(4) investigate and evaluate an exposure incident, using current evidence-based information on the possible risks of communicable disease presented by the exposure incident; and

(5) monitor all follow-up treatment provided to the affected emergency response employee or volunteer, in accordance with applicable federal, state, and local law.

(b) The executive commissioner by rule shall prescribe the qualifications required for a person to be eligible to be designated as an infection control officer under this section. The qualifications must include a requirement that the person be trained as a health care provider or have training in the control of infectious and communicable diseases.

(c) The entity that employs or uses the services of an emergency response employee or volunteer is responsible for notifying the local health authorities or local health care facilities, according to any local rules or procedures, that the entity has a designated infection control officer or alternate designated infection control officer.

Sec. 81.013. CONSIDERATION OF FEDERAL LAW AND REGULATIONS.

The executive commissioner shall review the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Pub. L. No. 111-87) or any successor law and any regulations adopted under the law and determine whether adopting by rule any part of the federal law or regulations is in the best interest of the state to further achieve the purposes of this chapter. If the executive commissioner determines that adopting the federal law or regulations is in the best interest of the state to further achieve the purposes of this chapter, the executive commissioner may by rule adopt all or a part of the federal law or regulations.

SECTION 6. Section 81.046(c), Health and Safety Code, is amended to read as follows:

(c) Medical or epidemiological information may be released:

(1) for statistical purposes if released in a manner that prevents the identification of any person;

(2) with the consent of each person identified in the information;

(3) to medical personnel treating the individual, appropriate state agencies in this state or another state, a health authority or local health department in this state or another state, or federal, county, or district courts to comply with this chapter and related rules relating to the control and treatment of communicable diseases and health conditions or under another state or federal law that expressly authorizes the disclosure of this information;

(4) to appropriate federal agencies, such as the Centers for Disease Control and Prevention of the United States Public Health Service, but the information must be limited to the name, address, sex, race, and occupation of the patient, the date of disease onset, the probable source of infection, and other requested information relating to the case or suspected case of a communicable disease or health condition; ~~[or]~~

(5) to medical personnel to the extent necessary in a medical emergency to protect the health or life of the person identified in the information; or

(6) to a designated infection control officer.

SECTION 7. The heading to Section 81.048, Health and Safety Code, is amended to read as follows:

Sec. 81.048. NOTIFICATION OF EMERGENCY RESPONSE EMPLOYEE OR VOLUNTEER ~~[PERSONNEL, PEACE OFFICERS, DETENTION OFFICERS, COUNTY JAILERS, AND FIRE FIGHTERS].~~

SECTION 8. Sections 81.048(b) and (c), Health and Safety Code, and Section 81.048(g), Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are amended to read as follows:

(b) Notice of a positive or negative test result for a reportable disease designated under Subsection (a) shall be given to an emergency response employee or volunteer ~~[medical service personnel, peace officer, detention officer, county jailer, or fire fighter]~~ as provided by this section if:

(1) the emergency response employee or volunteer ~~[medical service personnel, peace officer, detention officer, county jailer, or fire fighter]~~ delivered a person to a hospital as defined by Section 74.001, Civil Practice and Remedies Code;

(2) the hospital has knowledge that the person has a reportable disease and has medical reason to believe that the person had the disease when the person was admitted to the hospital; and

(3) the emergency response employee or volunteer ~~[medical service personnel, peace officer, detention officer, county jailer, or fire fighter]~~ was exposed to the reportable disease during the course and scope of the person's employment or service as a volunteer ~~[of duty]~~.

(c) Notice of the possible exposure shall be given:

(1) by the hospital to the local health authority;

(2) by the hospital to the designated infection control officer of ~~[local health authority to the director of the appropriate department of]~~ the entity that employs or uses the services of the affected emergency response employee or volunteer ~~[emergency medical service personnel, peace officer, detention officer, county jailer, or fire fighter]; and~~

(3) by the local health authority or the designated infection control officer of the entity that employs or uses the services of the affected emergency response employee or volunteer [director] to the employee or volunteer affected.

(g) A hospital that gives notice of a possible exposure under Subsection (c) or a local health authority or designated infection control officer that receives notice of a possible exposure under Subsection (c) may give notice of the possible exposure to a person other than the affected emergency response employee or volunteer ~~[emergency medical personnel, a peace officer, a detention officer, a county jailer, or a fire fighter]~~

if the person demonstrates that the person was exposed to the reportable disease while providing emergency care. The executive commissioner shall adopt rules to implement this subsection.

SECTION 9. Section 81.050(b), Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, and Section 81.050(h), Health and Safety Code, are amended to read as follows:

(b) A person whose occupation or whose volunteer service is included in one or more of the following categories may request the department or a health authority to order testing of another person who may have exposed the person to a reportable disease:

- (1) a law enforcement officer;
- (2) a fire fighter;
- (3) an emergency medical service employee or paramedic;
- (4) a correctional officer;
- (5) an employee, contractor, or volunteer, other than a correctional officer,

who performs a service in a correctional facility as defined by Section 1.07, Penal Code, or a secure correctional facility or secure detention facility as defined by Section 51.02, Family Code; ~~or~~

- (6) an employee of a juvenile probation department; or
- (7) any other emergency response employee or volunteer.

(h) The department or the department's designee shall inform the person who requested the order and the designated infection control officer of the person who requested the order, if that person is an emergency response employee or volunteer, of the results of the test. If the person subject to the order is found to have a reportable disease, the department or the department's designee shall inform that person and the person who requested the order of the need for medical follow-up and counseling services. The department or the department's designee shall develop protocols for coding test specimens to ensure that any identifying information concerning the person tested will be destroyed as soon as the testing is complete.

SECTION 10. Sections 81.095(a) and (b), Health and Safety Code, are amended to read as follows:

(a) In a case of accidental exposure of a health care worker to blood or other body fluids of a patient in a licensed hospital, the hospital, following a report of the exposure incident, shall take reasonable steps to test the patient for hepatitis B<sub>2</sub>, ~~or~~ hepatitis C, HIV, or any reportable disease.

(b) This subsection applies only in a case of accidental exposure of certified emergency medical services personnel, an emergency response employee or volunteer ~~[a firefighter, a peace officer]~~, or a first responder who renders assistance at the scene of an emergency or during transport to the hospital to blood or other body fluids of a patient who is transported to a licensed hospital. The hospital receiving the patient, following a report of the exposure incident, shall take reasonable steps to test the patient for hepatitis B<sub>2</sub>, ~~or~~ hepatitis C, HIV, or any reportable disease if the report shows there is significant risk to the person exposed. The organization that employs the person or for which the person works as a volunteer in connection with rendering the assistance is responsible for paying the costs of the test. The hospital shall provide the test results to the department or to the local health authority and to the designated

infection control officer of the entity employing or using the services of an affected emergency response employee or volunteer, which are responsible for following the procedures prescribed by Section 81.050(h) to inform the person exposed and, if applicable, the patient regarding the test results. The hospital shall follow applicable reporting requirements prescribed by Subchapter C. This subsection does not impose a duty on a hospital to provide any further testing, treatment, or services or to perform further procedures.

SECTION 11. Section 81.0955(a), Health and Safety Code, and Section 81.0955(b), Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are amended to read as follows:

(a) This section applies only to the accidental exposure to the blood or other body fluids of a person who dies at the scene of an emergency or during transport to the hospital involving an emergency response employee or volunteer ~~[certified emergency medical services personnel, a firefighter, a peace officer,]~~ or another [a] first responder who renders assistance at the scene of an emergency or during transport of a person to the hospital.

(b) A hospital, certified emergency medical services personnel, a justice of the peace, a medical examiner, or a physician on behalf of the person exposed, following a report of the exposure incident, shall take reasonable steps to have [test] the deceased person tested for reportable [communicable] diseases. The hospital, certified emergency medical services personnel, justice of the peace, medical examiner, or physician shall provide the test results to the department or to the local health authority and to the designated infection control officer of an affected emergency response employee or volunteer responsible for following the procedures prescribed by Section 81.050(h) to inform the person exposed, and, if applicable, the department or the local health authority shall inform the next of kin of the deceased person regarding the test results. The hospital, certified emergency medical services personnel, medical examiner, or physician shall follow applicable reporting requirements prescribed by Subchapter C. This subsection does not impose a duty on a hospital, certified emergency medical services personnel, a medical examiner, or a physician to provide any further testing, treatment, or services or to perform further procedures. This subsection does not impose a duty on a justice of the peace to order that further testing, treatment, or services be provided or further procedures be performed. The executive commissioner shall adopt rules to implement this subsection.

SECTION 12. Section 81.103(b), Health and Safety Code, is amended to read as follows:

(b) A test result may be released to:

- (1) the department under this chapter;
- (2) a local health authority if reporting is required under this chapter;
- (3) the Centers for Disease Control and prevention of the United States Public Health Service if reporting is required by federal law or regulation;
- (4) the physician or other person authorized by law who ordered the test;
- (5) a physician, nurse, or other health care personnel who have a legitimate need to know the test result in order to provide for their protection and to provide for the patient's health and welfare;

(6) the person tested or a person legally authorized to consent to the test on the person's behalf;

(7) the spouse of the person tested if the person tests positive for AIDS or HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS;

(8) a person authorized to receive test results under Article 21.31, Code of Criminal Procedure, concerning a person who is tested as required or authorized under that article;

(9) a person exposed to HIV infection as provided by Section 81.050; ~~and~~

(10) a county or district court to comply with this chapter or rules relating to the control and treatment of communicable diseases and health conditions; and

(11) a designated infection control officer of an affected emergency response employee or volunteer.

SECTION 13. Section 81.107(a), Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) In a case of accidental exposure to blood or other body fluids under Section 81.102(a)(5)(D), the health care agency or facility may test a person who may have exposed the health care worker or other emergency response employee or volunteer to HIV without the person's specific consent to the test.

SECTION 14. Not later than December 1, 2015, the executive commissioner of the Health and Human Services Commission shall adopt the rules required by Section 81.012, Health and Safety Code, as added by this Act.

SECTION 15. This Act takes effect September 1, 2015.

The Conference Committee Report on **SB 1574** was filed with the Secretary of the Senate.

#### **CO-SPONSOR OF HOUSE BILL 18**

On motion of Senator Perry, Senator West will be shown as Co-sponsor of **HB 18**.

#### **CO-SPONSOR OF HOUSE BILL 483**

On motion of Senator Kolkhorst, Senator Burton will be shown as Co-sponsor of **HB 483**.

#### **CO-SPONSOR OF HOUSE BILL 565**

On motion of Senator Kolkhorst, Senator Hall will be shown as Co-sponsor of **HB 565**.

#### **CO-SPONSOR OF HOUSE BILL 839**

On motion of Senator Rodríguez, Senator Garcia will be shown as Co-sponsor of **HB 839**.

#### **CO-SPONSORS OF HOUSE BILL 984**

On motion of Senator Creighton, Senators Bettencourt, Birdwell, Ellis, Estes, Kolkhorst, Lucio, Menéndez, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, and Watson will be shown as Co-sponsors of **HB 984**.

**CO-SPONSORS OF HOUSE BILL 1490**

On motion of Senator Whitmire, Senators Ellis, Garcia, Hinojosa, Rodríguez, Uresti, and Watson will be shown as Co-sponsors of **HB 1490**.

**CO-SPONSOR OF HOUSE BILL 3089**

On motion of Senator Menéndez, Senator Uresti will be shown as Co-sponsor of **HB 3089**.

**CO-SPONSOR OF HOUSE CONCURRENT RESOLUTION 96**

On motion of Senator Hancock, Senator Burton will be shown as Co-sponsor of **HCR 96**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 1025** by Seliger, In memory of W. Winfred Moore.

**Congratulatory Resolutions**

**SCR 49** by V. Taylor, Congratulating G. M. Cox on the occasion of his retirement.

**SR 989** by Perry, Recognizing members of the Texas Band of Yaqui Indians.

**SR 1013** by Ellis, Recognizing Saint Francis of Assisi Catholic Church in Houston on the occasion of its 65th anniversary.

**SR 1014** by Ellis, Recognizing Moorish Americans for their contributions to our state and nation.

**SR 1015** by Menéndez, Recognizing Robert G. Rodriguez of Southwestern Capital Markets.

**SR 1016** by Kolkhorst, Recognizing Edgar Reuben Giesinger for receiving the McCombs School of Business Department of Accounting 2015 Texas Star Award.

**SR 1017** by Menéndez, Recognizing the Trinity University men's and women's teams for winning the 2015 Southern Collegiate Athletic Conference Track & Field Championships.

**SR 1018** by Menéndez, Recognizing Trinity University for receiving the 2015 Southern Collegiate Athletic Conference Presidents' Trophy.

**SR 1020** by Watson, Recognizing Steve Atkinson on the occasion of his retirement.

**SR 1022** by Schwertner, Recognizing Lynn Forney Young for her service to the Daughters of the American Revolution.

**SR 1023** by Watson, Recognizing Ramon Galindo on the occasion of his 94th birthday.

**Official Designation Resolution**

**SR 1021** by Lucio, Recognizing June 1, 2015, as "El Día de la Guayabera" and Guayabera Day in Texas.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 11:00 p.m. adjourned, in memory of Alyssa Ramirez, until 1:00 p.m. tomorrow.

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**APPENDIX**

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**BILLS AND RESOLUTIONS ENROLLED**

May 26, 2015

**SB 18, SB 24, SB 46, SB 133, SB 212, SB 236, SB 318, SB 374, SB 462, SB 494, SB 582, SB 789, SB 880, SB 1148, SB 1902, SR 980, SR 981, SR 982, SR 983, SR 984, SR 990, SR 991, SR 992, SR 993, SR 994, SR 995, SR 996, SR 997, SR 998, SR 999, SR 1000, SR 1001, SR 1002, SR 1003, SR 1004, SR 1005, SR 1006, SR 1007, SR 1008, SR 1009, SR 1010, SR 1011, SR 1012**

**SENT TO GOVERNOR**

May 27, 2015

**SB 18, SB 24, SB 46, SB 133, SB 212, SB 236, SB 318, SB 374, SB 462, SB 494, SB 582, SB 789, SB 880, SB 983, SB 1032, SB 1148, SB 1902**

**SIGNED BY GOVERNOR**

May 27, 2015

**SB 983**