

# SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FIFTY-NINTH DAY**

(Continued)

(Wednesday, May 27, 2015)

**AFTER RECESS**

The Senate met at 10:30 a.m. and was called to order by the President.

Rabbi Daniel Septimus, Texas Hillel, Austin, offered the invocation as follows:

Our God and God of our ancestors, we ask Your blessings for our state and country, for its government, for its leaders and advisors, and for all who exercise just and rightful authority. Teach them insights of our faith traditions that they may administer all affairs of state fairly, that peace and security, happiness and prosperity, justice and freedom may forever abide in our midst. May citizens of all races and creeds forge a common bond in true harmony to banish all hatred and bigotry and to safeguard the ideals and free institutions which are the pride and glory of our state and country. May this land under Your providence be an influence for good throughout the world, uniting all people in peace and freedom and helping them to fulfill the vision of Your prophet: Nation shall not lift up sword against nation, neither shall they experience war anymore. And let us say, Amen.

**PHYSICIAN OF THE DAY**

Senator Watson was recognized and presented Dr. Vip Mangalick of San Marcos as the Physician of the Day.

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

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

May 27, 2015  
Austin, Texas

TO THE SENATE OF THE EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION:

On January 15, 2015, former Governor Rick Perry submitted the name of Steffanie R. "Steff" Campbell for appointment to the Correctional Managed Health Care Committee for a term to expire February 1, 2017.

Because she resigned, I hereby withdraw her nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Greg Abbott  
Governor

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Wednesday, May 27, 2015 - 1

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**SB 633** Fraser Sponsor: Isaac  
Relating to certain event trust funds and the abolishment of the special event trust fund.

(Committee Substitute/Amended)

**SB 699** Eltife Sponsor: Kuempel  
Relating to the Texas Real Estate Commission and the regulation of certain real estate professionals.

(Amended)

**SB 724** Perry Sponsor: Craddick  
Relating to the motor vehicle sales tax applicable to motor vehicles used by transportation companies for certain purposes.

**SB 776** Fraser Sponsor: Kacal  
Relating to the operations of a municipally owned utility or municipal power agency; providing authority to issue bonds.

(Committee Substitute)

**SB 923** Watson Sponsor: Zedler  
Relating to the prosecution of the offense of obstruction or retaliation; creating a criminal offense.

- SB 932** Fraser Sponsor: Cook  
Relating to the authority of the Public Utility Commission of Texas to retain assistance for federal proceedings affecting certain electric utilities and consumers.
- SB 933** Fraser Sponsor: Cook  
Relating to the authority of the Public Utility Commission of Texas to review transmission interconnections that enable imports or exports from the ERCOT power grid.  
(Committee Substitute)
- SB 1025** Seliger Sponsor: Smithee  
Relating to supplemental compensation paid to certain county judges.
- SB 1049** Campbell Sponsor: Sheets  
Relating to an exemption from the franchise tax and certain filing fees for certain businesses owned by veterans during an initial period of operation in the state.
- SB 1070** Hinojosa Sponsor: Moody  
Relating to allowing certain defendants to successfully complete education at a substance abuse treatment facility in lieu of attending an education program; changing required conditions of community supervision for certain defendants.
- SB 1101** Eltife Sponsor: Paddie  
Relating to the authority to determine the supply of groundwater in and potential impacts on public health of certain regional water plans.  
(Amended)
- SB 1135** Garcia Sponsor: González, Mary  
Relating to civil and criminal liability for the unlawful disclosure or promotion of certain intimate visual material; creating an offense.
- SB 1213** Kolkhorst Sponsor: Oliveira  
Relating to prohibiting the reidentification of certain deidentified information and the release of reidentified information; creating a criminal offense; providing a civil penalty.  
(Committee Substitute)
- SB 1243** Burton Sponsor: Sheffield  
Relating to a pilot program for donation and redistribution of certain unused prescription medications; authorizing a fee.  
(Committee Substitute/Amended)
- SB 1287** Hinojosa Sponsor: Geren  
Relating to the Texas Forensic Science Commission, the accreditation of crime laboratories, and the licensing and regulation of forensic analysts; authorizing fees; requiring an occupational license.  
(Committee Substitute/Amended)
- SB 1296** West Sponsor: Giddings  
Relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 83rd Legislature to other Acts of that legislature.  
(Committee Substitute/Amended)

- SB 1337** Perry Sponsor: Lucio III  
Relating to the authority of the Texas Water Development Board to provide financial assistance to political subdivisions for water supply projects.  
(Amended)
- SB 1406** Schwertner Sponsor: Dutton  
Relating to the protection of certain children through the operation of the child safety check alert list.  
(Amended)
- SB 1408** Lucio Sponsor: King, Tracy O.  
Relating to the establishment of a matching grant program for community development in certain municipalities and counties.
- SB 1462** West Sponsor: Johnson  
Relating to the prescription, administration, and possession of certain opioid antagonists for the treatment of suspected opioid overdoses.  
(Committee Substitute)
- SB 1474** Garcia Sponsor: Farias  
Relating to the redesignation of veterans court programs as veterans treatment court programs and the eligibility for participation in and administration of those programs.  
(Committee Substitute)
- SB 1517** Seliger Sponsor: Coleman  
Relating to the appointment of counsel to represent indigent defendants in criminal cases.
- SB 1580** Garcia Sponsor: Turner, Sylvester  
Relating to a study on homeless veterans.  
(Amended)
- SB 1630** Whitmire Sponsor: Turner, Sylvester  
Relating to the commitment of juveniles in post-adjudication secure correctional facilities operated by the Texas Juvenile Justice Department and by local probation departments.  
(Amended)
- SB 1743** Hinojosa Sponsor: Herrero  
Relating to expanding the powers and duties of the office of capital writs and renaming the office of capital writs the office of capital and forensic writs.  
(Amended)
- SB 1876** Zaffirini Sponsor: Smithee  
Relating to the appointment of attorneys ad litem, guardians ad litem, mediators, and guardians in certain counties.  
(Committee Substitute/Amended)
- SB 1877** Zaffirini Sponsor: Galindo  
Relating to the development and maintenance by each state agency of a data use agreement for the state agency's employees and to training related to that agreement.  
(Amended)

**SB 1880**

Zaffirini

Sponsor: Raymond

Relating to the authority of the Department of Family and Protective Services to investigate abuse, neglect, or exploitation of individuals receiving services from certain providers.

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

**HB 3519** (non-record vote)

House Conferees: Guerra - Chair/Coleman/Lucio III/Sheffield/Zerwas

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Wednesday, May 27, 2015 - 2

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**SB 881**

Nelson

Sponsor: Springer

Relating to the dedication of certain wine-related revenue.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives**HOUSE BILL 1579 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **HB 1579** at this time on its second reading:

**HB 1579**, Relating to the sale and purchase of shark fins or products derived from shark fins; creating a criminal offense.

The motion prevailed.

Senators Birdwell, Fraser, Hancock, Nelson, Nichols, Perry, and L. 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, Fraser, Hancock, Nelson, Nichols, Perry, L. Taylor.

#### **HOUSE BILL 1579 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 1579** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Fraser, Hancock, Nichols, Perry, L. Taylor.

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

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

Nays: Birdwell, Fraser, Hancock, Nelson, Nichols, Perry, L. Taylor.

#### **HOUSE BILL 2350 ON SECOND READING**

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **HB 2350** at this time on its second reading:

**HB 2350**, Relating to the amount that may be used to guarantee loans under the Texas Agricultural Finance Authority's agricultural loan guarantee program.

The motion prevailed.

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

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

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

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

#### **HOUSE BILL 2350 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 2350** be placed on its third reading and final passage.

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

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

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

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

### **HOUSE BILL 1930 ON SECOND READING**

Senator Menéndez moved to suspend the regular order of business to take up for consideration **HB 1930** at this time on its second reading:

**HB 1930**, Relating to strategic planning for the operation of community supervision and corrections departments.

The motion prevailed.

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

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

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

Nays: Schwertner.

### **HOUSE BILL 1930 ON THIRD READING**

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1930** be placed on its third reading and final passage.

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

Nays: Schwertner.

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

### **COMMITTEE SUBSTITUTE HOUSE BILL 463 ON SECOND READING**

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 463** at this time on its second reading:

**CSHB 463**, Relating to the ability to mow, bale, shred, or hoe material on a state highway right-of-way.

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

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

### **COMMITTEE SUBSTITUTE HOUSE BILL 463 ON THIRD READING**

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 463** 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 2891 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 2891** at this time on its second reading:

**HB 2891**, Relating to certain filing and reporting requirements for certain taxable entities.

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

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

### **HOUSE BILL 2891 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 2891** 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 3424 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 3424** at this time on its second reading:

**HB 3424**, Relating to a central database containing information about certain individuals under guardianship.

The motion prevailed.

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

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

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

Amend **HB 3424** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. (a) In this section, "incapacitated person" means an adult who:

(1) because of a physical or mental condition, is substantially unable to:

(A) provide food, clothing, or shelter for himself or herself;

(B) care for the person's own physical health; or

(C) manage the person's own financial affairs; and

(2) has a guardian appointed under Title 3, Estates Code.

(b) The Office of Court Administration of the Texas Judicial System shall conduct a study on:



(1) the feasibility of developing, implementing, and maintaining a computerized central database that contains:

(A) the names of incapacitated persons; and

(B) for each incapacitated person, the name of the guardian appointed for that person and contact information for the guardian; and

(2) best practices for protecting the privacy of incapacitated persons and the confidentiality of information included in the database.

(c) Not later than December 1, 2016, the director of the office of court administration shall provide a report on the results of the study to the governor, the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the senate and the house of representatives.

(d) This section expires September 1, 2017.

SECTION 2. This Act takes effect September 1, 2015.

The amendment to **HB 3424** was read and was adopted without objection.

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

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

**HB 3424** 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 3424 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3424** 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)

### BILLS SIGNED

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

**SB 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.**

### GUESTS PRESENTED

Senator Menéndez was recognized and introduced to the Senate a Beacon Hill Elementary School delegation.

The Senate welcomed its guests.

(Senator Eltife in Chair)

**HOUSE BILL 3186 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3186** at this time on its second reading:

**HB 3186**, Relating to the qualifications of directors and the use of project funds of certain municipal development districts.

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 3186 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3186** 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 839 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSHB 839** at this time on its second reading:

**CSHB 839**, Relating to the reinstatement of eligibility of certain children released from a juvenile facility for benefits under the medical assistance and child health plan programs.

The motion prevailed.

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

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

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

Nays: Birdwell, Hall, V. Taylor.

**COMMITTEE SUBSTITUTE**

**HOUSE BILL 839 ON THIRD READING**

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 839** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Hall, V. Taylor.

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

**(Senator Schwertner in Chair)**

### **HOUSE BILL 824 ON SECOND READING**

Senator Eltife moved to suspend the regular order of business to take up for consideration **HB 824** at this time on its second reading:

**HB 824**, Relating to the sale of alcoholic beverages to customers of a package store during certain hours.

The motion prevailed.

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

The bill was read second time.

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

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

Amend **HB 824** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION \_\_\_\_\_. Section 14.05(c), Alcoholic Beverage Code, as added by Chapter 106 (S.B. 905), Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

(c) The holder of a distiller's and rectifier's permit may not under Subsection (b) sell more than two 750 milliliter bottles or the equivalent of each distilled spirits product the permit holder produces ~~[or the equivalent]~~ to the same consumer within a 30-day period. Each product sold must have a certificate of label approval issued by the United States Alcohol and Tobacco Tax and Trade Bureau. The total sales made by the holder of a distiller's and rectifier's permit under Subsection (b) to the same consumer may not exceed six 750 milliliter bottles or the equivalent within a 30-day period.

The amendment to **HB 824** 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 Eltife and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**HB 824** as amended was passed to third reading by a viva voce vote.

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

Nays: Birdwell, Hall, Perry.

### **HOUSE BILL 824 ON THIRD READING**

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 824** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Hall, Perry.

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

### **COMMITTEE SUBSTITUTE HOUSE BILL 2259 ON SECOND READING**

Senator Campbell moved to suspend the regular order of business to take up for consideration **CSHB 2259** at this time on its second reading:

**CSHB 2259**, Relating to the Driftwood Economic Development Municipal Management District; removing conditions to imposing a tax on residential property; providing authority to issue bonds.

The motion prevailed.

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

The bill was read second time.

Senator Campbell offered the following amendment to the bill:

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

Amend **CSHB 2259** (senate committee report) as follows:

(1) In the recital for SECTION 6 of the bill (page 3, line 19), strike "Section 3858.1521" and substitute "Sections 3858.1521 and 3858.1522".

(2) In SECTION 6 of the bill, after added Section 3858.1521(b) (page 3, between lines 30 and 31), insert the following:

Sec. 3858.1522. ELECTIONS REGARDING BONDS. (a) The district may issue, without an election, bonds and other obligations secured by revenue from any source other than ad valorem taxes.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may issue bonds payable from ad valorem taxes.

The amendment to **CSHB 2259** was read and was adopted by a viva voce vote.

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

Nays: Fraser.

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

**CSHB 2259** as amended was passed to third reading by a viva voce vote.

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

Nays: Burton, Fraser, Hall.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2259 ON THIRD READING**

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2259** be placed on its third reading and final passage.

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

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

Nays: Burton, Fraser, Hall.

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

**(Senator Eltife in Chair)**

**HOUSE BILL 4187 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4187** at this time on its second reading:

**HB 4187**, Relating to renaming the Corn Hill Regional Water Authority as the Lone Star Regional Water Authority; altering the governing body's membership.

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 4187 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4187** be placed on its third reading and final passage.

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

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

**(President in Chair)****HOUSE BILL 1630 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 1630** at this time on its second reading:

**HB 1630**, Relating to certain limitations on settlement agreements with a governmental unit.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 1630** (senate committee report) in SECTION 1 of the bill, by striking added Section 116.001(c), Civil Practice and Remedies Code (page 1, lines 39-41), and relettering subsequent subsections accordingly.

The amendment to **HB 1630** was read and was adopted without objection.

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

Senator Huffman offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **HB 1630** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 150A to read as follows:

CHAPTER 150A. DISCOVERY BY GOVERNMENTAL UNIT

Sec. 150A.001. DEFINITIONS. In this chapter:

(1) "Governmental unit" has the meaning assigned by Section 101.001.

(2) "Religious organization" means an organization that qualifies as a religious organization under Section 11.20, Tax Code.

(3) "Religious worship" has the meaning assigned by Section 11.20, Tax Code.

Sec. 150A.002. SERMONS PRIVILEGED FROM DISCLOSURE TO GOVERNMENTAL UNIT. A governmental unit may not, in any civil action or other civil or administrative proceeding to which the governmental unit is a party, compel the production or disclosure of a written copy or audio or video recording of a sermon delivered by a religious leader during religious worship of a religious organization or compel the religious leader to testify regarding the sermon.

The amendment to **HB 1630** was read and was adopted without objection.

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

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

**HB 1630** as amended was passed to third reading without objection.

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

### **HOUSE BILL 1630 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 1630** 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 1723 ON SECOND READING**

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSHB 1723** at this time on its second reading:

**CSHB 1723**, Relating to the territory included in, the composition of the board of directors of, and the method of assessment of the Harris County Improvement District No. 10 and to clarifying the law to reflect the prior division of the district.

The motion prevailed.

Senators Birdwell and Campbell 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, Campbell.

### **COMMITTEE SUBSTITUTE HOUSE BILL 1723 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1723** be placed on its third reading and final passage.

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

Yeas: Bettencourt, Burton, 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.

Nays: Birdwell, Campbell.

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

**HOUSE BILL 1307 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **HB 1307** at this time on its second reading:

**HB 1307**, Relating to the authority of the board of directors of certain hospital districts to take certain actions.

The motion prevailed.

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

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

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

Nays: Burton.

**HOUSE BILL 1307 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1307** be placed on its third reading and final passage.

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

Nays: Burton.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3579 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSHB 3579** at this time on its second reading:

**CSHB 3579**, Relating to certain criminal history record information; authorizing a fee.

The motion prevailed.

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

The bill was read second time.

Senator Perry offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 3579** (senate committee printing) as follows:

(1) Designate SECTIONS 1 through 6 of the bill (page 1, line 22, through page 4, line 8) and SECTIONS 16 and 17 of the bill (page 7, line 58, through page 8, line 45) as ARTICLE 1 of the bill and renumber those SECTIONS appropriately.

(2) Designate SECTIONS 7 through 15 of the bill (page 4, line 9, through page 7, line 57) as ARTICLE 2 of the bill and renumber those SECTIONS appropriately.



(3) Add the following appropriately numbered SECTION to the end of ARTICLE 2 of the bill:

SECTION 2. \_\_\_\_ . This article takes effect only if S.B. 1902, Acts of the 84th Legislature, Regular Session, 2015, does not become law. If that bill becomes law, this article has no effect.

(4) After added ARTICLE 2 of the bill, add a new ARTICLE 3 of the bill to read as follows:

### ARTICLE 3

SECTION 3.01. Subchapter E-1, Chapter 411, Government Code, as effective September 1, 2015, is amended by adding Section 411.0729 to read as follows:

Sec. 411.0729. PROCEDURE FOR CERTAIN FINE-ONLY MISDEMEANORS. (a) This section applies only to a person who is convicted of and has satisfied the judgment for or who has received a dismissal after deferral of disposition for a fine-only misdemeanor, other than an offense under the Transportation Code or an offense under a municipal ordinance or county order.

(b) Notwithstanding any other provision of this chapter or Subchapter F, a person described by Subsection (a) may petition the court that convicted or granted a dismissal to the person for an order of nondisclosure of criminal history record information under this section if the person:

(1) satisfies the requirements of Section 411.074; and

(2) has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than an offense under the Transportation Code that is punishable by fine only, regardless of whether that offense is subject to an order of nondisclosure of criminal history record information granted under this subchapter or any other law.

(c) After notice to the state, the court shall hold a hearing on whether the person is entitled to file the petition and whether issuance of the order is in the best interest of justice. In determining whether granting the order is in the best interest of justice, the court may consider the person's criminal history record information among any other factors the court considers relevant. If the court determines that granting the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the fine-only misdemeanor offense that is the subject of the petition. As a condition of granting the petition under this section for a person convicted of the offense, a court may require the person to perform community service, pay a fee, or both perform the community service and pay the fee as if the person had been placed on probation pending deferred disposition under Article 45.051, Code of Criminal Procedure.

(d) A person may petition the court for an order of nondisclosure of criminal history record information under this section only on or after the first anniversary of the conviction or dismissal, as applicable.

SECTION 3.02. Section 411.077, Government Code, as effective September 1, 2015, is amended by adding Subsection (a-1) to read as follows:

(a-1) The clerk of a court that collects a fee paid under Section 411.0745 for a petition filed under Section 411.0729 shall deposit the fee to the credit of the general fund of the municipality or county, as applicable.

SECTION 3.03. This article takes effect only if S.B. 1902, Acts of the 84th Legislature, Regular Session, 2015, becomes law. If that bill does not become law, this article has no effect.

(5) Designate SECTIONS 18 through 21 of the bill (page 8, lines 46-65) as ARTICLE 4 of the bill and renumber those SECTIONS appropriately.

The amendment to **CSHB 3579** 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 Rodríguez and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSHB 3579** as amended was passed to third reading by a viva voce vote.

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

Nays: Kolkhorst.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 3579 ON THIRD READING**

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3579** be placed on its third reading and final passage.

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

Nays: Kolkhorst.

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

#### **COMMITTEE SUBSTITUTE HOUSE BILL 2950 ON SECOND READING**

On motion of Senator V. Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2950** at this time on its second reading:

**CSHB 2950**, Relating to the Task Force on Infectious Disease Preparedness and Response.

The bill was read second time.

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

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

Amend **CSHB 2950** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 81.404(a), Health and Safety Code, insert the following appropriately numbered subdivisions to that subsection and renumber the subsequent subdivisions of that subsection and cross references to those subdivisions accordingly:

( ) at least one member who is a county judge of a county with a population of less than 100,000;

( ) at least one member who is a county judge of a county with a population of 100,000 or more;

(2) In SECTION 1 of the bill, in added Subchapter J, Chapter 81, Health and Safety Code (page 2, between lines 45 and 46), insert the following section:

Sec. 81.409. INFECTIOUS DISEASE EMERGENCY PREPAREDNESS FACILITIES AT HEALTH CARE-RELATED INSTITUTIONS. (a) The commission may enter into contracts or agreements to assist in the establishment of infectious disease emergency preparedness facilities at health care-related institutions in this state. The contracts or agreements may provide for payment by the commission to develop and equip infectious disease emergency preparedness facilities at health care-related institutions in this state, as well as for materials, equipment, services, or other items the commission considers necessary to implement this section.

(b) This section expires September 1, 2017.

(3) Strike SECTION 3 of the bill (page 2, line 57) and substitute the following:

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 2950** was read and was adopted without objection.

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

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

**CSHB 2950** 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 2950 ON THIRD READING**

Senator V. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2950** 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 991 ON SECOND READING**

Senator Huffines moved to suspend the regular order of business to take up for consideration **CSHB 991** at this time on its second reading:

**CSHB 991**, Relating to the display of notice of federal and state tax rates for motor fuel sold at retail.

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

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Hall, Hancock, Hinojosa, Huffines, Kolkhorst, Lucio, Menéndez, Perry, Rodríguez, Schwertner, L. Taylor, V. Taylor, Uresti, Watson, Whitmire.

Nays: Fraser, Garcia, Huffman, Nelson, Nichols, Seliger, West, Zaffirini.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 991 ON THIRD READING**

Senator Huffines moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 991** be placed on its third reading and final passage.

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

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

Nays: Fraser, Huffman, Nichols, Seliger, West.

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

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Hall, Hancock, Hinojosa, Huffines, Kolkhorst, Lucio, Menéndez, Perry, Rodríguez, Schwertner, L. Taylor, V. Taylor, Uresti, Watson, Whitmire.

Nays: Fraser, Garcia, Huffman, Nelson, Nichols, Seliger, West, Zaffirini.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2974 ON SECOND READING**

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2974** at this time on its second reading:

**CSHB 2974**, Relating to the systems and programs administered by the Teacher Retirement System of Texas.

The bill was read second time.

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

**Floor Amendment No. 1**

Amend **CSHB 2974** (senate committee printing), in SECTION 9 of the bill, on page 3, between lines 20 and 21, by inserting the following appropriately lettered subsection and relettering the subsequent subsections of that SECTION and cross-references accordingly:

( ) As part of the study of TRS-ActiveCare described under Subsection (f) of this section, the joint interim committee shall study:

(1) the impact of allowing school districts and other participating entities in the uniform group coverage program for active employees under Chapter 1579, Insurance Code, to opt out of that program;

(2) the impact, should participating entities be authorized to opt out of the program, of allowing or prohibiting future participation by previous participating entities that have opted out; and

(3) the impact of establishing a regional rating method for determining premiums charged in different regions of the state for the benefits provided under a group coverage plan established under the program.

The amendment to **CSHB 2974** was read and was adopted without objection.

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

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

**CSHB 2974** 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 2974 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2974** 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 1783 ON SECOND READING**

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1783** at this time on its second reading:

**HB 1783**, Relating to the right of a school employee to report a crime and persons subject to the prohibition on coercing another into suppressing or failing to report information to a law enforcement agency; creating a criminal offense.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

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

Amend **HB 1783** by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Sections 21.006(b), (b-1), (c), and (d), Education Code, are amended to read as follows:

(b) In addition to the reporting requirement under Section 261.101, Family Code, the superintendent or director of a school district, open-enrollment charter school, regional education service center, or shared services arrangement shall notify the State Board for Educator Certification if ~~the superintendent or director has reasonable cause to believe that~~:

(1) an educator employed by or seeking employment by the district, school, service center, or shared services arrangement has a criminal record and the district, school, service center, or shared services arrangement obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established under Section 411.0845, Government Code;

(2) an educator's employment at the district, school, service center, or shared services arrangement was terminated based on evidence ~~[a determination]~~ that the educator:

(A) abused or otherwise committed an unlawful act with a student or minor;

(A-1) was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor;

(B) possessed, transferred, sold, or distributed a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq. ~~[and its subsequent amendments]~~;

(C) illegally transferred, appropriated, or expended funds or other property of the district, school, service center, or shared services arrangement;

(D) attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for the purpose of promotion or additional compensation; or

(E) committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event;

(3) the educator resigned and there is ~~[reasonable]~~ evidence ~~[supports a recommendation by the superintendent or director to terminate the educator based on a determination]~~ that the educator engaged in misconduct described by Subdivision (2); or

(4) the educator engaged in conduct that violated the assessment instrument security procedures established under Section 39.0301.

(b-1) A superintendent or director of a school district or open-enrollment charter school shall complete an investigation of an educator that is based on evidence that ~~[reasonable cause to believe]~~ the educator may have engaged in misconduct described by Subsection (b)(2)(A) or (A-1), despite the educator's resignation from district or school employment before completion of the investigation.

(c) The superintendent or director must notify the State Board for Educator Certification by filing a report with the board not later than the seventh day after the date the superintendent or director knew ~~[first learns]~~ about an employee's criminal record under Subsection (b)(1) or a termination of employment or resignation following an alleged incident of misconduct described by Subsection (b). The report must be:

(1) in writing; and

(2) in a form prescribed by the board.

(d) The superintendent or director shall notify the board of trustees or governing body of the school district, open-enrollment charter school, regional education service center, or shared services arrangement and the educator of the filing of the report required by Subsection (c).

SECTION \_\_\_\_\_. Section 22.087, Education Code, is amended to read as follows:

Sec. 22.087. NOTIFICATION TO STATE BOARD FOR EDUCATOR CERTIFICATION. The superintendent of a school district or the director of an open-enrollment charter school, private school, regional education service center, or shared services arrangement shall promptly notify the State Board for Educator Certification in writing if:

(1) the person obtains or has knowledge of information showing that an applicant for or holder of a certificate issued under Subchapter B, Chapter 21, has a reported criminal history; and

(2) the person obtained the information by a means other than the criminal history clearinghouse established under Section 411.0845, Government Code.

The amendment to **HB 1783** was read and was adopted without objection.

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

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

**HB 1783** as amended was passed to third reading without objection.

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

### **HOUSE BILL 1783 ON THIRD READING**

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1783** be placed on its third reading and final passage.

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

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

### **GUESTS PRESENTED**

Senator Hancock was recognized and introduced to the Senate MacArthur High School UIL participants.

The Senate welcomed its guests.

### **RECESS**

On motion of Senator Hancock, the Senate at 1:29 p.m. recessed until 2:15 p.m. today for the Local and Uncontested Calendar Session.

### **AFTER RECESS**

The Senate met at 2:30 p.m. and was called to order by Senator Hancock.

**SESSION HELD FOR  
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

**CSHB 2186** (Campbell)

Relating to suicide prevention training for educators in public schools.  
(viva voce vote) (29-2) "Nays" Burton, Hall (29-2) "Nays" Burton, Hall

**CSHB 77** (West)

Relating to a study of the Dallas Men Against Abuse program and other activities in the Dallas community addressing family violence.  
(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**CSHB 324** (Burton)

Relating to a requirement that a peace officer obtain a search warrant before conducting a body cavity search during a traffic stop.  
(viva voce vote) (31-0) (31-0)

**CSHB 583** (Menéndez)

Relating to donations to certain local veteran's charities ordered as a condition of community supervision.  
(viva voce vote) (31-0) (31-0)

**CSHB 603** (Garcia)

Relating to the creation of the offense of unlawful disclosure or promotion of intimate visual material.  
(viva voce vote) (31-0) (31-0)

**HB 621** (Burton)

Relating to the termination of a volunteer deputy registrar appointment.  
(viva voce vote) (31-0) (31-0)

**HB 866** (Huffman)

Relating to the exemption from jury service of a person who is the primary caretaker of another person.  
(viva voce vote) (31-0) (31-0)

**CSHB 928** (Hinojosa)

Relating to state and local planning for and responses to drought.  
(viva voce vote) (31-0) (31-0)



**HB 1039** (Seliger)

Relating to the sale by package stores of containers of liquor with a capacity of less than six fluid ounces.

(viva voce vote) (31-0) (31-0)

**HB 1150** (Nichols)

Relating to the sale of fireworks on and before certain holidays; affecting a provision subject to a criminal penalty.

(viva voce vote) (31-0) (31-0)

**HB 1151** (Garcia)

Relating to sexual harassment protection for unpaid interns.

(viva voce vote) (31-0) (31-0)

**HB 1190** (Zaffirini)

Relating to the compensation of property owners whose property is damaged as a result of a pursuit involving a federal law enforcement agency.

(viva voce vote) (30-1) "Nay" Schwertner (30-1) "Nay" Schwertner

**CSHB 1265** (Eltife)

Relating to a deceptive act or practice involving a solicitation in connection with a good or service or involving the production, sale, distribution, or promotion of certain synthetic substances.

(viva voce vote) (31-0) (31-0)

**HB 1306** (Zaffirini)

Relating to the reimbursement of expenses incurred by court reporters in judicial districts composed of more than one county.

(viva voce vote) (31-0) (31-0)

**HB 1317** (Seliger)

Relating to a report on laws, standards, and policies regarding parking for persons with disabilities to be prepared by the Governor's Committee on People with Disabilities.

(viva voce vote) (31-0) (31-0)

**CSHB 1334** (Menéndez)

Relating to the appeal of a residential eviction suit.

(viva voce vote) (31-0) (31-0)

**HB 1376** (Eltife)

Relating to the application of certain concealed handgun license laws to community supervision and corrections department officers and juvenile probation officers; reducing a fee.

(viva voce vote) (31-0) (31-0)

**CSHB 1424** (Zaffirini)

Relating to increasing penalties for defendants convicted of the manufacture or delivery of certain controlled substances.

(viva voce vote) (31-0) (31-0)

**HB 1447** (Rodríguez)

Relating to protective orders for certain victims of sexual assault or abuse, stalking, or trafficking.

(viva voce vote) (31-0) (31-0)

**CSHB 1491** (Menéndez)

Relating to the publication of confidential criminal and juvenile justice records of certain juveniles; providing civil penalties.

(viva voce vote) (31-0) (31-0)

**CSHB 1583** (Zaffirini)

Relating to block scheduling for certain associate degree and certificate programs at public junior colleges.

(viva voce vote) (31-0) (31-0)

**CSHB 1621** (Seliger)

Relating to utilization review and notice and appeal of certain adverse determinations by utilization review agents.

(viva voce vote) (31-0) (31-0)

**CSHB 1624** (Seliger)

Relating to transparency of certain information related to certain health benefit plan coverage.

(viva voce vote) (31-0) (31-0)

**HB 1666** (Huffman)

Relating to the liability of certain persons for damages arising from training exercises to prepare the persons to respond to certain emergencies.

(viva voce vote) (31-0) (31-0)

**HB 1683** (Huffman)

Relating to an identifying number assigned to a notary public by the secretary of state.

(viva voce vote) (30-1) "Nay" Burton (30-1) "Nay" Burton

**HB 1706** (Burton)

Relating to reducing paperwork and duplicate reports required of a school district.

(viva voce vote) (31-0) (31-0)

**HB 1782** (L. Taylor)

Relating to protective orders against certain persons who are convicted of or placed on deferred adjudication community supervision for an offense involving family violence.

(viva voce vote) (31-0) (31-0)

**HB 1923** (Rodríguez)

Relating to qualifications of special judges.

(viva voce vote) (31-0) (31-0)

**CSHB 1969** (Lucio)

Relating to the issuance of certain permits for the movement of oversize or overweight vehicles on certain highways.

(viva voce vote) (31-0) (31-0)

**CSHB 1982** (Kolkhorst)

Relating to the transfer of certain state property from the Texas Department of Transportation to the University of Houston.

(viva voce vote) (31-0) (31-0)

**HB 2020** (Campbell)

Relating to the scope of duties of an emergency medical technician-paramedic and a licensed paramedic.

(viva voce vote) (31-0) (31-0)

**CSHB 2076** (Nichols)

Relating to notice requirements and other procedures relating to the possession or sale of a motor vehicle, motorboat, vessel, or outboard motor by a possessory lienholder.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 2091** (Kolkhorst)

Relating to the creation of the Fulshear Municipal Utility Districts Nos. 4, 5, and 6; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 2160** (Bettencourt)

Relating to the release of election judges' and clerks' contact information.

(viva voce vote) (31-0) (31-0)

**HB 2194** (Burton)

Relating to the offense of leaving a motor vehicle unattended.

(viva voce vote) (31-0) (31-0)

**HB 2246** (Huffman)

Relating to the restriction of certain intoxication offenders to the operation of a motor vehicle with an ignition interlock device in lieu of a license suspension.

(viva voce vote) (31-0) (31-0)

**CSHB 2255** (Creighton)

Relating to the regulation of plumbing.

(viva voce vote) (31-0) (31-0)

**HB 2257** (Hinojosa)

Relating to certain emergency services districts that are exempted from filing an audit report.

(viva voce vote) (31-0) (31-0)

**HB 2278** (Uresti)

Relating to authorizing certain current and retired associate judges to conduct a marriage ceremony.

(viva voce vote) (31-0) (31-0)

**HB 2303** (Huffman)

Relating to a landowner's liability for injuries incurred during certain recreational activities.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**CSHB 2349** (Kolkhorst)

Relating to public school assessment, performance standards, and course requirements.

(viva voce vote) (31-0) (31-0)

**CSHB 2381** (Rodríguez)

Relating to the appointment and duties of election officers.

(viva voce vote) (30-1) "Nay" Burton (30-1) "Nay" Burton

**HB 2464** (L. Taylor)

Relating to the transfer of a plumber's license on the retirement or death of the plumber.

(viva voce vote) (31-0) (31-0)

**HB 2511** (Huffman)

Relating to the creation of the human trafficking prevention business partnership.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 2583** (Kolkhorst)

Relating to access to criminal history record information by a county sheriff.

(viva voce vote) (31-0) (31-0)

**HB 2610** (L. Taylor)

Relating to the minimum number of minutes of instruction for students to be provided by public school districts and the scheduling of the last day of school for students by public school districts.

(viva voce vote) (31-0) (31-0)

**HB 2697** (Menéndez)

Relating to services provided by continuing care facilities.

(viva voce vote) (31-0) (31-0)

**HB 2710** (Zaffirini)

Relating to the duty of an attorney ad litem to locate and represent a defendant in a suit to collect a delinquent ad valorem tax.

(viva voce vote) (31-0) (31-0)

**HB 2721** (Rodríguez)

Relating to public notice of the time for voting during an early voting period.

(viva voce vote) (31-0) (31-0)

**HB 2849** (Menéndez)

Relating to the qualifications for a coronal polishing certificate.

(viva voce vote) (31-0) (31-0)

**HB 2883** (Nelson)

Relating to the addition of territory to a crime control and prevention district and to a fire control, prevention, and emergency medical services district.

(viva voce vote) (31-0) (31-0)

**HB 3043** (Garcia)

Relating to the licensing and regulation of a journeyman lineman.

(viva voce vote) (29-2) "Nays" Burton, Hall (29-2) "Nays" Burton, Hall

**HB 3070** (Huffman)

Relating to the disposition of remains.

(viva voce vote) (31-0) (31-0)

**HB 3089** (Menéndez)

Relating to fire protection sprinkler systems in certain residential high-rise buildings in certain counties; creating a criminal offense.

(viva voce vote) (28-3) "Nays" Burton, Hall, V. Taylor (28-3) "Nays" Burton, Hall, V. Taylor

**HB 3099** (Estes)

Relating to the effect of municipal annexation of the Venable Ranch Municipal Utility District No. 1 of Denton County; affecting the authority to impose a tax.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**CSHB 3121** (Rodríguez)

Relating to the enforcement of orders in a suit affecting the parent-child relationship.

(viva voce vote) (31-0) (31-0)

**HB 3136** (Zaffirini)

Relating to the use of a small estate affidavit to distribute certain intestate estates.

(viva voce vote) (31-0) (31-0)

**HB 3157** (Huffman)

Relating to notice of cancellation of elections.

(viva voce vote) (31-0) (31-0)

**CSHB 3163** (Watson)

Relating to civil suits filed against board members of a groundwater conservation district and the liability of a member for certain actions taken by the board.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 3190** (Huffines)

Relating to the authority of certain persons to direct, consent to, or disapprove a trustee's decisions.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**CSHB 3193** (Menéndez)

Relating to consideration of location of an offeror's principal place of business in awarding certain municipal contracts.

(viva voce vote) (27-4) "Nays" Burton, Hall, Perry, V. Taylor (27-4) "Nays" Burton, Hall, Perry, V. Taylor

**CSHB 3212** (Menéndez)

Relating to peace officer identification cards.

(viva voce vote) (31-0) (31-0)

**HB 3244** (Hall)

Relating to authorizing broker agreements for the sale of real property held in trust by home-rule municipalities.

(viva voce vote) (31-0) (31-0)

**CSHB 3310** (L. Taylor)

Relating to the funding policies, actuarial valuations, and reporting requirements of certain public retirement systems.

(viva voce vote) (31-0) (31-0)

**HB 3364** (Bettencourt)

Relating to the appeal of a judgment in an eviction suit.

(viva voce vote) (31-0) (31-0)

**HB 3390** (Perry)

Relating to a written agreement concerning a projectile discharged from a firearm that travels across a property line; amending a provision subject to a criminal penalty.

(viva voce vote) (30-1) "Nay" V. Taylor (30-1) "Nay" V. Taylor

**CSHB 3511** (Huffman)

Relating to the contents of financial statements filed by certain persons; adding a provision subject to criminal penalties.

(viva voce vote) (30-1) "Nay" Watson (30-1) "Nay" Watson

**HB 3512** (Huffman)

Relating to lobbying activities and the registration of lobbyists.

(viva voce vote) (30-1) "Nay" Burton (30-1) "Nay" Burton

**HB 3532** (Hinojosa)

Relating to access to certain confidential information provided in an application for an exemption from ad valorem taxation.

(viva voce vote) (31-0) (31-0)

**CSHB 3603** (Birdwell)

Relating to the creation of the Joshua Farms Municipal Management District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments or fees.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**CSHB 3605** (Birdwell)

Relating to the creation of the Joshua Farms Municipal Management District No. 2; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments or fees.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 3668** (Menéndez)

Relating to the definition of peace officer for purposes of intercepting or collecting information in relation to certain communications in an investigation conducted by an arson investigating unit.

(viva voce vote) (31-0) (31-0)

**HB 3683** (Zaffirini)

Relating to the electronic filing of personal financial statements with the Texas Ethics Commission.

(viva voce vote) (31-0) (31-0)

**HB 3750** (Birdwell)

Relating to interim studies on real property owned by the state.

(viva voce vote) (31-0) (31-0)

**HB 3791** (Hinojosa)

Relating to the provision of recordings of certain interactions with a peace officer relating to intoxication offenses.

(viva voce vote) (31-0) (31-0)

**CSHB 3888** (Whitmire)

Relating to the creation of the Barrett Management District.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 3951** (Bettencourt)

Relating to the eligibility of persons to participate in an ad valorem tax sale of real property; creating a criminal offense.

(viva voce vote) (31-0) (31-0)

**HB 3987** (Garcia)

Relating to programs in public schools designed to facilitate planning and saving for higher education and facilitate personal financial literacy instruction.

(viva voce vote) (29-2) "Nays" Burton, Hall (29-2) "Nays" Burton, Hall

**CSHB 4059** (Lucio)

Relating to limitations on annexation by and extraterritorial jurisdiction of certain municipalities.

(viva voce vote) (31-0) (31-0)

**CSHB 4099** (V. Taylor)

Relating to the issuance of K9s4COPs specialty license plates.

(viva voce vote) (31-0) (31-0)

**HB 4103** (Garcia)

Relating to oaths and affirmations of certain judges of municipal courts.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 4130** (Schwertner)

Relating to the qualifications and method of electing directors of the Jonah Water Special Utility District.

(viva voce vote) (31-0) (31-0)

**CSHB 4155** (Schwertner)

Relating to the creation of the Vineyard Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**(Senator Uresti in Chair)**

**CSHB 4156** (Ellis)

Relating to the creation of Missouri City Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 4159** (Fraser)

Relating to the creation of the Bell County Municipal Utility District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 4160** (Fraser)

Relating to the creation of the Burnet County Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 4176** (Nelson)

Relating to the territory, board, and operation of the Lake Cities Municipal Utility Authority.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 4178** (Schwertner)

Relating to the creation of the Williamson County Municipal Utility District No. 31; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 4179** (Schwertner)

Relating to the creation of the Williamson County Municipal Utility District No. 32; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 4180** (Kolkhorst)

Relating to the conversion of the Harris-Fort Bend Counties Municipal Utility District No. 4 to the Katy Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 4184** (Campbell)

Relating to the Hays County Development District No. 1.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 4185** (Campbell)

Relating to the powers and duties of the Headwaters Municipal Utility District; providing authority to issue bonds and impose taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 4192** (Kolkhorst)

Relating to the creation of Simonton Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall



**HB 4196** (Huffman)

Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 65 of Fort Bend County, Texas; providing authority to issue bonds payable from taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 4202** (Kolkhorst)

Relating to the substitution of land within the boundaries of the Harris County Water Control and Improvement District No. 157 after the approval or issuance of district bonds payable wholly or partly from taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 4203** (Kolkhorst)

Relating to the substitution of land within the boundaries of the Harris County Water Control and Improvement District No. 159 after the approval or issuance of district bonds payable wholly or partly from taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 4204** (Schwertner)

Relating to the creation of the Williamson County Municipal Utility District No. 33; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 4206** (Bettencourt)

Relating to the powers and duties of the Dowdell Public Utility District; providing authority to issue bonds; providing authority to impose fees and taxes.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HB 4212** (Eltife)

Relating to the creation of the Mineola Area Medical District; granting the authority to impose a tax and issue bonds; granting the power of eminent domain.

(viva voce vote) (30-1) "Nay" Hall (30-1) "Nay" Hall

**HCR 78** (Huffines)

Designating "the Lone Star State" as the official nickname of Texas.

(31-0)

**HCR 96** (Hancock)

Requesting the speaker of the house of representatives and the lieutenant governor to create a joint interim committee to study the issue of advertising public notices.

(30-1) "Nay" Hall

**HCR 104** (Huffines)

Designating #txlege as the official hashtag of the Texas Legislature.

(29-2) "Nays" Hall, V. Taylor

**HCR 105** (Huffines)

Designating #Texas as the official hashtag of Texas.

(29-2) "Nays" Hall, V. Taylor

**HCR 106** (Huffines)

Designating #TexasToDo as the official state hashtag of Texas Tourism.  
(29-2) "Nays" Hall, V. Taylor

**HCR 119** (Hinojosa)

Designating September as Valley Voter Awareness Month for a 10-year period beginning in 2015.  
(30-1) "Nay" Hall

**HCR 122** (L. Taylor)

Designating the Texas Gulf shrimp as the Official State Crustacean of Texas.  
(30-1) "Nay" Hall

**BILLS REMOVED FROM  
LOCAL AND UNCONTESTED CALENDAR**

Senator Campbell and Senator Hancock requested in writing that **HB 984** be removed from the Local and Uncontested Calendar.

Senator Kolkhorst and Senator Hancock requested in writing that **HB 1066** be removed from the Local and Uncontested Calendar.

Senator Huffines and Senator Hancock requested in writing that **HB 1663** be removed from the Local and Uncontested Calendar.

Senator Seliger and Senator Zaffirini requested in writing that **HB 2525** be removed from the Local and Uncontested Calendar.

Senator Watson and Senator Garcia requested in writing that **HB 3944** be removed from the Local and Uncontested Calendar.

Senator Creighton and Senator Hancock requested in writing that **HB 4154** be removed from the Local and Uncontested Calendar.

**SESSION CONCLUDED FOR  
LOCAL AND UNCONTESTED CALENDAR**

Senator Uresti announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

**AT EASE**

The Presiding Officer at 3:15 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

**IN LEGISLATIVE SESSION**

The President at 3:56 p.m. called the Senate to order as In Legislative Session.

**HOUSE BILL 15 ON SECOND READING**

On motion of Senator Eltife and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 15** at this time on its second reading:

**HB 15**, Relating to the management and oversight of state contracts, including contracts for information technology commodity items.

The bill was read second time.

Senator Hancock offered the following amendment to the bill:

### Floor Amendment No. 1

Amend **HB 15** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in amended Section 825.103(g), Government Code (page 1, lines 43-44), strike "Management and Oversight [Advisory]" and substitute "Advisory".

(2) In SECTION 9 of the bill, in amended Section 2262.0015(a), Government Code (page 2, line 46), between "B," and "and", insert "C,".

(3) In SECTION 9 of the bill, in amended Section 2262.0015(b), Government Code (page 2, line 48), between "B," and "and", insert "C,".

(4) In SECTION 11 of the bill, strike the heading to added Subchapter E, Chapter 2262, Government Code (page 2, line 62), and substitute the following:

SUBCHAPTER E. REVIEW OF AND RECOMMENDATIONS ON STATE  
HIGH-RISK CONTRACTS

(5) In SECTION 11 of the bill, in added Section 2262.201(1)(D)(vi), Government Code (page 3, line 12), strike "or".

(6) In SECTION 11 of the bill, strike added Section 2262.201(1)(E), Government Code (page 3, lines 13-27), and substitute the following:

(E) is awarded by an agency with significant audit findings related to contracting in the previous two fiscal years;

(F) is expected to cost more than 20 percent of the awarding agency's budget available from all sources;

(G) outsources a program or key function of a program of the awarding agency;

(H) has a value of more than \$1 million and is awarded on an emergency basis or is a sole source contract; or

(I) has a value of more than \$1 million and has change orders that increase the cost of the contract by more than 20 percent of the original contract cost, excluding routine contract renewals.

(7) In SECTION 11 of the bill, strike added Sections 2262.201(2) and (3), Government Code (page 3, lines 28-31), and renumber subdivisions of Section 2262.201, Government Code, and cross-references to those subdivisions accordingly.

(8) In SECTION 11 of the bill, strike added Section 2262.203, Government Code (page 3, lines 47-68), and renumber sections of Subchapter E, Chapter 2262, Government Code, and cross-references to those sections accordingly.

(9) In SECTION 11 of the bill, strike added Section 2262.204(d), Government Code (page 4, lines 10-16), and renumber subsections of Section 2262.204, Government Code, and cross-references to those subsections accordingly.

(10) In SECTION 11 of the bill, in added Section 2262.204(e), Government Code (page 4, lines 17-18), strike "If, after receiving notice provided under Subsection (d)," and substitute "If".

(11) In SECTION 11 of the bill, in added Section 2262.205, Government Code (page 4, line 28), strike ", the Legislative Budget Board, the governor," and substitute "and other relevant information that may be available, the governor".

(12) Strike SECTIONS 3, 4, 8, 12, and 13 of the bill and renumber the SECTIONS of the bill accordingly.

The amendment to **HB 15** was read and was adopted without objection.

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

Senator Hancock offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **HB 15** (senate committee printing) as follows:

(1) In the SECTION of the bill providing the effective date of the bill, strike "This Act takes effect September 1, 2015." and substitute "Except as otherwise provided by this Act, this Act takes effect September 1, 2017."

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

SECTION \_\_\_\_\_. (a) The comptroller of public accounts shall conduct a study on the implementation of this Act. The study must consider which procedures would best achieve the purposes of this Act, the most appropriate entities to administer those procedures, and any recommended legislation necessary to best achieve the purposes of this Act.

(b) The comptroller of public accounts, based on the study conducted under Subsection (a) of this section, shall issue a report on its findings to the legislature not later than October 1, 2016.

(c) This section takes effect September 1, 2015.

The amendment to **HB 15** was read and was adopted without objection.

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

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **HB 15** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION \_\_\_\_\_. (a) Section 2157.068, Government Code, is amended by adding Subsections (e-1) and (j) to read as follows:

(e-1) A state agency purchasing an automated information system with a value that exceeds \$50,000 must submit a request for pricing to:

(1) at least three vendors included on the list of commodities available for purchase in the category to which the purchase relates; or

(2) all vendors included on the list in the category if fewer than three vendors are included in the category.

(j) The department shall, in cooperation with state agencies, monitor and verify the purchase transaction reports submitted by vendors reflecting monthly sales made under Subsection (e) to ensure the accuracy of the reports.

(b) Section 2155.504(a), Government Code, is amended to read as follows:

(a) Subject to the requirements of Section 2157.068(e-1), a [A] state agency or local government may purchase goods or services directly from a vendor under a contract listed on a schedule developed under this subchapter. A purchase authorized by this section satisfies any requirement of state law relating to competitive bids or proposals [and satisfies any applicable requirements of Chapter 2157].

(c) The changes in law made by this section apply only in relation to a contract:

- (1) for which a state agency first advertises or otherwise solicits bids, proposals, offers, or qualifications on or after the effective date of this Act;
- (2) that is extended or modified on or after the effective date of this Act; or
- (3) for which a change order is submitted on or after the effective date of this Act.

The amendment to **HB 15** was read and was adopted without objection.

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

Senator Zaffirini offered the following amendment to the bill:

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

Amend **HB 15** (Senate Committee Printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 2262.053(b), Government Code, is amended to read as follows:

(b) The training must provide the contract manager with information regarding how to:

- (1) fairly and objectively select and negotiate with the most qualified contractor;
- (2) establish prices that are cost-effective and that reflect the cost of providing the service;
- (3) include provisions in a contract that hold the contractor accountable for results;
- (4) monitor and enforce a contract;
- (5) make payments consistent with the contract;
- (6) comply with any requirements or goals contained in the contract management guide; ~~and~~
- (7) use and apply advanced sourcing strategies, techniques, and tools;
- (8) maintain required documentation for contracting decisions, changes to a contract, and problems with a contract;
- (9) create a risk evaluation and mitigation strategy;
- (10) create a plan for potential problems with the contract;
- (11) develop an accurate and comprehensive statement of work; and
- (12) complete the contract and evaluate performance under the contract.

The amendment to **HB 15** was read and was adopted without objection.

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

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 5**

Amend **HB 15** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill as appropriate:

SECTION \_\_\_\_\_. Section 2102.005, Government Code, is amended to read as follows:

Sec. 2102.005. INTERNAL AUDITING REQUIRED. A state agency shall conduct a program of internal auditing that includes:

(1) an annual audit plan that is prepared using risk assessment techniques and that identifies the individual audits to be conducted during the year; and

(2) periodic audits of:

(A) the agency's major systems and controls, including:

(i) [~~(A)~~] accounting systems and controls;

(ii) [~~(B)~~] administrative systems and controls; ~~and~~

(iii) [~~(C)~~] electronic data processing systems and controls; and

(iv) contract management processes and controls; and

(B) one or more of the agency's contracts with high-risk factors.

SECTION \_\_\_\_\_. Section 2113.102(a), Government Code, is amended to read as follows:

(a) A state agency may not use appropriated money to contract with a person to audit ~~[the financial records or accounts of]~~ the agency except:

(1) as provided by[+]

[~~(4)~~] Subsections (b), (c), and (d); and

(2) in accordance with Section 321.020 ~~[Chapter 466, pertaining to the state lottery;~~

~~(3) Chapter 2306, pertaining to the Texas Department of Housing and Community Affairs; and~~

~~(4) Chapter 361, Transportation Code, pertaining to the Texas Turnpike Authority division of the Texas Department of Transportation].~~

SECTION \_\_\_\_\_. Section 2162.103(a), Government Code, is amended to read as follows:

(a) In comparing the cost of providing a service, the council shall consider the:

(1) cost of supervising the work of a private contractor; ~~and~~

(2) cost of a state agency's performance of the service, including:

(A) the costs of the comptroller, attorney general, and other support agencies; and

(B) other indirect costs related to the agency's performance of the service;

(3) installation costs and any other initial costs associated with a contract with a private contractor;

(4) other costs associated with the transition to using a private contractor's services; and

(5) cost savings to the state if a private contractor were awarded the contract.

SECTION \_\_\_\_\_. Sections 2261.001(a) and (c), Government Code, are amended to read as follows:

(a) This chapter applies only to each procurement of goods or services made by a state agency that is neither made by the comptroller nor made under purchasing authority delegated to the agency by or under Section 51.9335 or 73.115, Education Code, or Section ~~[2155.131 or]~~ 2155.132.

(c) The comptroller on request shall determine whether a procurement or type of procurement:

(1) is made under purchasing authority delegated to an agency by or under Section ~~[2155.131 or]~~ 2155.132; or

(2) is made under some other source of purchasing authority.

SECTION \_\_\_\_\_. Section 2261.002, Government Code, is amended to read as follows:

Sec. 2261.002. DEFINITIONS. In this chapter:

(1) "Contract" includes an agreement or other written expression of terms of agreement, including an amendment, a modification, a renewal, or an extension, for the purchase of goods or services that is entered into or paid for, wholly or partly, by a state agency during a fiscal year and a grant, other than a grant made to a school district or a grant made for other academic purposes, under which the recipient of the grant is required to perform a specific act or service, supply a specific type of product, or both.

(2) "Contract deliverable" means a unit or increment of work required by a contract, including goods, services, reports, or documents.

(3) "Contract manager" means a person who:

(A) is employed by a state agency; and

(B) has significant contract management duties for the state agency.

(4) "Executive director" means the administrative head of a state agency.

(5) "General counsel" means the general counsel of a state agency.

(6) "Major contract" means a contract, including a renewal of a contract, that has a value of at least \$1 million. The term includes a service contract.

(7) "State agency" has the meaning assigned by Section 2151.002.

SECTION \_\_\_\_\_. Subchapter A, Chapter 2261, Government Code, is amended by adding Sections 2261.004, 2261.005, 2261.006, 2261.007, 2261.008, and 2261.009 to read as follows:

Sec. 2261.004. STATE AGENCY REPOSITORY AND RECORDS. (a) Each state agency shall maintain in a central location all contracts for that agency.

(b) Each state agency shall maintain a comprehensive list of all contracts for that agency.

(c) In this subsection, "contract" includes a sole source contract. Each state agency shall maintain accurate records of all essential information relating to agency contracts, including information on:

(1) a contract delay or changes to a contract in which total expenditures under the contract increase by more than 20 percent from the original contract amount; and

(2) cost overruns, including a written explanation of why expenditures have increased under a contract.

(d) Notwithstanding Section 441.185, contracts and other related information required to be maintained under this section by a state agency must be retained for the duration of the contract.

Sec. 2261.005. CONTRACT REPORTING. (a) In this section, "contract" includes a construction contract.

(b) The following sections prescribe reporting requirements for certain contracts:

- (1) Section 322.020;
- (2) Section 2054.008;
- (3) Section 2166.2551;
- (4) Section 2254.006;
- (5) Section 2254.028; and
- (6) Section 2254.0301.

Sec. 2261.006. PROFESSIONAL SERVICES. A state agency shall procure professional services in accordance with Subchapter A, Chapter 2254.

Sec. 2261.007. CONTRACT GUIDELINES AND PROCEDURES. Each state agency shall establish formal guidelines and procedures for all employees involved in the contracting process:

- (1) regarding who may approve a contract for the agency;
- (2) for contract planning and solicitation;
- (3) for contract negotiations;
- (4) for contract management; and
- (5) for contract oversight.

Sec. 2261.008. INTERAGENCY AGREEMENTS AND CONTRACTS. An interagency agreement or contract of a state agency is governed by Chapter 771.

Sec. 2261.009. INTERLOCAL CONTRACTS. An interlocal contract to which a state agency is a party is governed by Chapter 791.

SECTION \_\_\_\_ . Subchapter B, Chapter 2261, Government Code, is amended by adding Section 2261.054 to read as follows:

Sec. 2261.054. BEST VALUE STANDARD FOR CONTRACTING FOR GOODS AND SERVICES. In determining the best value for the state, the purchase price and whether the goods or services meet specifications are the most important considerations. A state agency may consider, subject to Sections 2155.074(c) and 2155.075, other relevant factors, including:

- (1) installation costs;
- (2) life cycle costs;
- (3) the quality and reliability of the goods and services;
- (4) the delivery terms;
- (5) indicators of probable vendor performance under the contract such as past vendor performance, the vendor's financial resources and ability to perform, the vendor's experience or demonstrated capability and responsibility, and the vendor's ability to provide reliable maintenance agreements and support;

- (6) the cost of any employee training associated with a purchase;
- (7) the effect of a purchase on agency productivity;
- (8) the vendor's anticipated economic impact on the state or a subdivision of the state, including potential tax revenue and employment; and



(9) other factors relevant to determining the best value for the state in the context of a particular purchase.

SECTION \_\_\_\_\_. The heading to Subchapter C, Chapter 2261, Government Code, is amended to read as follows:

SUBCHAPTER C. CONTRACT FORMATION AND PROVISIONS

SECTION \_\_\_\_\_. Subchapter C, Chapter 2261, Government Code, is amended by adding Sections 2261.103, 2261.104, 2261.105, 2261.106, and 2261.107 to read as follows:

Sec. 2261.103. USE OF UNIFORM FORMS. A state agency may use any forms developed by the comptroller as templates, guides, or samples for contracts entered into by the agency.

Sec. 2261.104. ESSENTIAL CONTRACT PROVISIONS. (a) The following are required provisions in each contract to which the provisions are applicable, other than a grant:

- (1) legal authority;
- (2) statement of work;
- (3) indemnification or damage claims;
- (4) consideration;
- (5) specifications;
- (6) funding out clause;
- (7) antitrust;
- (8) payment;
- (9) dispute resolution;
- (10) term of contract;
- (11) confidential information;
- (12) abandonment or default;
- (13) right to audit;
- (14) force majeure;
- (15) independent contractor; and
- (16) termination.

(b) If a state agency determines that the circumstances of a proposed contract require more protection for the state than the provisions in Subsection (a) provide, the agency shall include a provision in the contract providing for that protection.

Sec. 2261.105. CONTRACT PROVISIONS REQUIRED BY STATE LAW. (a) In any contract for the acquisition of goods or services to which a state agency is a party, a provision required by other applicable law to be included in the contract is considered to be a part of the executed contract without regard to whether:

- (1) the provision appears on the face of the contract; or
- (2) the contract includes any provision to the contrary.

(b) If a state agency determines that the circumstances of a proposed contract require more protection for the state than the provisions described by Subsection (a) provide, the agency shall include a provision in the contract providing for that protection.

Sec. 2261.106. CONTRACT RENEWAL. A state agency shall establish a standardized process for renewing all contracts of the agency.

Sec. 2261.107. CONTRACT DURATION. (a) A state agency:

(1) must establish a reasonable term for a contract before solicitation of the contract; and

(2) shall make an effort to keep the maximum length of a contract to four years without reissuing a competitive solicitation, including any contract renewals or extensions.

(b) A contract term established under Subsection (a)(1) must be included in a solicitation document.

(c) A state agency may not enter into a contract that has an indefinite term.

SECTION \_\_\_\_\_. Subchapter D, Chapter 2261, Government Code, is amended by adding Section 2261.152 to read as follows:

Sec. 2261.152. CONTRACT PAYMENT. (a) For each contract for goods or services that is subject to this chapter, a state agency shall require that payment under the contract be linked to clear and measurable achievements, such as length of time of work, contract deliverables, or performance measures.

(b) A state agency may not make a final payment on a contract for goods or services that is subject to this chapter unless the agency verifies that all contract deliverables have been received.

SECTION \_\_\_\_\_. The heading to Subchapter E, Chapter 2261, Government Code, is amended to read as follows:

SUBCHAPTER E. CONTRACT MONITORING AND [CONTRACTOR]  
OVERSIGHT

SECTION \_\_\_\_\_. Section 2261.202, Government Code, is amended to read as follows:

Sec. 2261.202. CONTRACT MONITORING RESPONSIBILITIES. (a) As one of its contract management policies, each state agency that makes procurements to which this chapter applies shall establish and adopt by rule a policy that clearly defines the contract monitoring roles and responsibilities, if any, of agency staff, including internal audit staff and other inspection, investigative, or audit staff.

(b) The policy must establish clear lines of accountability, staff roles and responsibilities, and decision-making authority for program staff, contract management staff, and executive management staff.

SECTION \_\_\_\_\_. Subchapter E, Chapter 2261, Government Code, is amended by adding Sections 2261.204, 2261.205, 2261.206, 2261.207, 2261.208, 2261.209, 2261.210, 2261.211, 2261.212, and 2261.213 to read as follows:

Sec. 2261.204. INFORMATION ON CONTRACTOR PERFORMANCE. After a contract with a value of \$25,000 or more is completed or otherwise terminated, each state agency shall review the contractor's performance under the contract and report to the comptroller on the results of the review using forms made available to the state agency.

Sec. 2261.205. CONTRACTING STAFF. (a) Each state agency that enters into contracts other than interagency contracts shall establish a career ladder program for contract management in the agency.

(b) An employee hired as a contract manager may participate in procurement planning, contract solicitation, contract formation, price establishment, and other contract activities.

(c) Each state agency shall determine, in consultation with the state auditor, the amount and significance of contract management duties sufficient for an employee to be considered a contract manager, program staff, or a contract specialist.

Sec. 2261.206. APPROVAL OF CONTRACTS. (a) Each state agency shall adopt a policy to establish a monetary threshold above which agency contracts and amendments to or extensions of agency contracts require written authorization by the agency executive director.

(b) Each state agency shall annually report to the comptroller a list of persons authorized to approve contracts at the agency. The list must include each person's name, position, and supervisory responsibility, if any.

Sec. 2261.207. NEGOTIATION OF MAJOR CONTRACT BY SINGLE EMPLOYEE PROHIBITED. A state agency may not negotiate a major contract with only one employee engaging in the negotiation.

Sec. 2261.208. CONTRACT REVIEW; REPORTING. (a) A contractor's performance must be periodically reviewed throughout the term of a contract.

(b) A state agency shall ensure ongoing communication between executive management staff, contract management staff, and program staff of the results of the reviews performed under Subsection (a) with specific attention to contracts that are:

(1) anticipated to be completed later than originally estimated; or

(2) expected to cost more than the amount that was originally budgeted.

(c) To implement this section, a state agency shall create a system for agency-wide reporting on the status of, activity on, and contractor performance for each contract.

Sec. 2261.209. CONTRACT ADMINISTRATION TEAM. (a) This section applies to a state agency that has a contract with a value of \$5 million or more.

(b) A state agency to which this section applies shall create a contract administration team to:

(1) ensure and verify the performance of agency contracts with a value of \$5 million or more; and

(2) maintain within the agency contract oversight expertise to effectively manage contractors.

Sec. 2261.210. CONTRACT MONITORING PROCESS. A state agency shall establish and implement a monitoring process for agency contracts that includes:

(1) identifying the appropriate criteria for use in measuring contract performance;

(2) creating a schedule for monitoring contract performance;

(3) comparing work accomplished to work planned to be accomplished;

(4) analyzing contract performance variances; and

(5) addressing contracting performance problems with corrective action.

Sec. 2261.211. RISK MANAGEMENT PROCESS. (a) A state agency shall establish and implement a:

(1) process for evaluating the potential risk to the state, such as product risk, process risk, financial risk, and schedule risk, if contract implementation or performance problems occur, including a process for:

(A) risk identification or identifying items that may prevent the agency from achieving contracting goals or objectives;

(B) risk analysis or assessing the impact and likelihood of a risk;  
(C) risk evaluation or developing strategies or approaches to address risks that have been identified and analyzed;

(D) risk treatment or the managerial approach to risk;  
(E) risk reduction or planning and performing actions to mitigate risk due to a managerial decision to reduce risk;

(F) contingency planning or developing plans for corrective action to be taken if a potential risk occurs; and

(G) risk monitoring or tracking the implementation of a risk reduction plan until the risk is sufficiently mitigated; and

(2) procedure for corrective action to be used when contract implementation or performance problems occur.

(b) In creating the process required by Subsection (a)(1), the state agency shall consider:

(1) the complexity and subject matter of agency contracts;  
(2) the dollar value of agency contracts, including contract extensions and amendments, and whether the procurement will result in a major contract;

(3) the anticipated payment methodology;  
(4) the experience of agency staff with the type of procurement;  
(5) whether the results of the procurement will impact the public or only impact the agency;

(6) time constraints or the expected duration of the procurement; and  
(7) the type, availability, and experience of staff resources required to implement the objectives of the procurement.

(c) Based on the assessed risk of a state agency contract, the agency shall, for each contract:

- (1) determine the appropriate frequency and method of contract monitoring;
- (2) allocate contract monitoring resources; and
- (3) develop a contract auditing plan.

Sec. 2261.212. CONTRACT COMMUNICATION. (a) A state agency shall maintain effective communication procedures regarding contract performance.

(b) The chief financial officer of a state agency, or an individual designated by the executive director with similar contract administration duties and responsibilities, shall report at least monthly to the executive director on the status of agency contracts. The report must include a clear indication of:

- (1) any contract cost overruns or contracts that are performing poorly; and
- (2) contracts that may cause the state to delay or default on service delivery.

Sec. 2261.213. REPORT ON CERTAIN PURCHASES. (a) Not later than December 1 of each year, the comptroller shall publish a report on the number and dollar value of sole source and emergency purchases made in the previous fiscal year.

(b) Each state agency shall timely provide to the comptroller the information the comptroller requires for the purpose of creating the report under Subsection (a) in the manner and form specified by the comptroller.

(c) The comptroller shall establish requirements for the provision of information under Subsection (b) in consultation with the Contract Management and Oversight Team created under Subchapter E, Chapter 2262, the Health and Human Services Commission, and the Texas Department of Transportation.

(d) The comptroller may not require a state agency to provide information under Subsection (b) on a contract related to health and human services if:

(1) the value of the contract cannot be determined at the time of execution of the contract; and

(2) any qualified vendor is eligible for the contract.

SECTION \_\_\_\_ Chapter 2261, Government Code, is amended by adding Subchapters F, G, H, and I to read as follows:

#### SUBCHAPTER F. CHANGES TO CONTRACTS

Sec. 2261.251. CONTRACT AMENDMENTS, EXTENSIONS, AND CHANGE ORDERS. (a) This section does not apply to a contract amendment, extension, or change order that does not change the cost or terms of the contract.

(b) An extension of or amendment to a state agency contract, including a change order, is subject to the same agency approval processes as the original contract.

(c) A state agency may not extend or amend a contract unless the agency complies with the same agency approval processes for the extension or amendment as required for the original contract and the agency states in writing why the extension or amendment is necessary or advantageous to the state.

(d) This section does not affect whether a state agency is required to undertake a new solicitation process in the manner required for a new contract in order to extend or amend a contract.

(e) For state agency contracts valued in excess of \$1 million, the agency executive director must authorize a contract amendment in writing.

Sec. 2261.252. LARGE CHANGE IN CONTRACT VALUE; COST OVERRUNS. (a) If a proposed contract amendment or extension changes the monetary value of a major contract by at least 20 percent or \$1 million, the state agency must submit the amendment or extension for review to the agency's executive director before the agency amends or extends the contract.

(b) Subsection (a) does not apply to a proposed contract amendment required by a state or federal statute.

(c) The executive director shall be timely notified of any unanticipated contract cost overrun.

Sec. 2261.253. CERTAIN CONTRACT EXTENSIONS AND RENEWALS. This subchapter does not apply to contract extensions or renewals that are specifically established as a component of the original procurement.

#### SUBCHAPTER G. TRAINING

Sec. 2261.301. TRAINING FOR CONTRACT MANAGERS. (a) A state agency shall require a contract manager to complete the training program for contract managers developed and administered by the comptroller.

(b) A state agency shall maintain a list of contract managers who have completed the training program for contract managers.

(c) A state agency may develop qualified contract manager training to supplement the training required under this section.

Sec. 2261.302. TRAINING FOR GOVERNING BODIES. All members of the governing body of a state agency shall complete at least one abbreviated course of the training program for contract managers developed and administered by the comptroller. This section does not apply to a state agency that does not enter into any contracts.

#### SUBCHAPTER H. CONTRACT PLANNING AND SOLICITATION

Sec. 2261.351. CONTRACT PLANNING. Before a state agency solicits a contract, the agency must:

- (1) identify, justify, and document the need for the good or service;
- (2) identify general contracting objectives, assumptions, and constraints;
- (3) consider alternatives to soliciting the contract; and
- (4) determine the preferred method of delivery for the good or service.

Sec. 2261.352. SOLICITATION OF CONTRACT. (a) A solicitation for a contract must include the following:

- (1) a description of the work;
- (2) a specific and measurable standard of performance;
- (3) a list of the test conditions, methods, or procedures for verifying that the contract deliverable meets the standard;
- (4) a method or process to monitor and ensure quality in the contract deliverable;
- (5) an acceptance process for each contract deliverable that is expected to be delivered;
- (6) a compensation structure that is consistent with the type and value of work performed; and
- (7) a remedy, if appropriate, for failure to meet contract deliverables.

(b) In preparing a contract solicitation, a state agency must include in the requirements for the contract deliverables:

- (1) the quality level of the good or service;
- (2) the amount of completion that is required;
- (3) the suitability of the good or service for the work to be done for the agency; and
- (4) a defined and documented method of evaluation to be used in making the award and in determining the best value bid for the procurement.

#### SUBCHAPTER I. CONTRACT CLOSING

Sec. 2261.401. CLOSING PROCEDURE. A state agency shall create and follow a procedure for contract closing that includes procedures for:

- (1) verification that all:
  - (A) required goods or services have been delivered or performed, inspected, and accepted; and
  - (B) existing options have been exercised or have expired;
- (2) issuance of a contract completion notice by one of the parties;
- (3) acquisition of all required forms, reports, and clearances;
- (4) verification that other applicable terms have been met;
- (5) verification that there are no outstanding claims or disputes; and
- (6) final payment.

SECTION \_\_\_\_\_. Sections 2262.051(c) and (d), Government Code, are amended to read as follows:

(c) The guide must provide required and recommended contracting processes and procedures and information regarding the primary duties of [a] contract management [manager], including how to:

- (1) develop and negotiate a contract;
- (2) fairly and objectively select a contractor; [~~and~~]
- (3) monitor contractor and subcontractor performance under a contract and ensure compliance with provisions in a contract that hold the contractor accountable for performance results;
- (4) develop an accurate and comprehensive statement of work and conform contract documents to the statement of work;
- (5) evaluate and ensure compliance with contract deliverables and performance metrics and any associated remedies and incentives;
- (6) maintain required documentation for contracting decisions, contract changes, and problems with a contract;
- (7) communicate any serious issue or risk that is identified with a contract in a timely manner to the agency's governing body or the single state officer who governs the agency;
- (8) create a risk management process under Section 2261.211;
- (9) build and maintain a working relationship with the contractor, including instruction on communication and timely management of problems;
- (10) create a procedure for selecting and applying a preferred dispute resolution method;
- (11) implement an escalation process to address contract disagreements;
- (12) evaluate and approve requests for payments that are consistent with the contract; and
- (13) develop a process for contract closure and performance evaluation of a contractor under a contract.

(d) The guide must include model provisions for state agency contracts. The guide must:

- (1) distinguish between essential provisions that a state agency must include in a contract to protect the interests of this state and recommended provisions that a state agency may include in a contract;
- (2) recognize the unique contracting needs of an individual state agency or program and provide procedures for documenting agency decisions that do not follow required contracting processes and procedures but are [sufficient flexibility to accommodate those needs,] consistent with protecting the interests of this state; and
- (3) include maximum contract periods under which a new competitive solicitation is not necessary[; ~~and~~
- ~~[(4) include the model contract management process developed under Section 2262.104 and recommendations on the appropriate use of the model].~~

SECTION \_\_\_\_\_. Section 2262.053(d), Government Code, is amended to read as follows:

(d) The comptroller shall administer training under this section and may assess a fee for the training in an amount sufficient to recover the comptroller's costs under this section.

SECTION \_\_\_\_\_. Except as otherwise provided by this Act, this Act applies only in relation to a contract:

- (1) for which a state agency first advertises or otherwise solicits bids, proposals, offers, or qualifications on or after the effective date of this Act;
- (2) that is extended or modified on or after the effective date of this Act; or
- (3) for which a change order is submitted on or after the effective date of this Act.

The amendment to **HB 15** was read and was adopted without objection.

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

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

**HB 15** as amended was passed to third reading without objection.

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

### **HOUSE BILL 15 ON THIRD READING**

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 15** 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 1760 WITH HOUSE AMENDMENTS**

Senator Creighton called **SB 1760** from the President's table for consideration of the House amendments to the bill.

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

#### **Amendment**

Amend **SB 1760** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to the transparent and equitable application of ad valorem tax procedures.

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

SECTION 1. Section 1.111, Tax Code, is amended by adding Subsection (a-1) and amending Subsections (f) and (j) to read as follows:

(a-1) A lessee designated by a property owner as the owner's agent under Subsection (a) may, subject to the property owner's approval, designate a person to act as the lessee's agent for any purpose under this title for which the lessee is authorized to act on behalf of the owner in connection with the owner or the owner's property.



An agent designated by a lessee under this subsection has the same authority and is subject to the same limitations as an agent designated by a property owner under Subsection (a).

SECTION 2. Section 5.07, Tax Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) A property tax form that requires a signature may be signed by means of an electronically captured handwritten signature.

(e) A property tax form is not invalid or unenforceable solely because the form is a photocopy, facsimile, or electronic copy of the original.

SECTION 3. Chapter 5, Tax Code, is amended by adding Section 5.091 to read as follows:

Sec. 5.091. STATEWIDE LIST OF TAX RATES. (a) Each year the comptroller shall prepare a list that includes the total tax rate imposed by each taxing unit in this state, other than a school district, if the tax rate is reported to the comptroller, for the year preceding the year in which the list is prepared. The comptroller shall list the tax rates in descending order.

(b) Not later than December 31 of each year, the comptroller shall publish on the comptroller's Internet website the list required by Subsection (a).

SECTION 4. Section 11.431(b), Tax Code, is amended to read as follows:

(b) If a late application is approved after approval of the appraisal records by the appraisal review board, the chief appraiser shall notify the collector for each unit in which the residence is located. The collector shall deduct from the person's tax bill the amount of tax imposed on the exempted amount if the tax has not been paid. If the tax has been paid, the collector shall refund the amount of tax imposed on the exempted amount. A person is not required to apply for a refund under this subsection to receive the refund.

SECTION 5. Section 26.05(b), Tax Code, is amended to read as follows:

(b) A taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. For a taxing unit other than a school district, the [The] vote on the ordinance, resolution, or order setting a tax rate that exceeds the effective tax rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance, resolution, or order. For a school district, the vote on the ordinance, resolution, or order setting a tax rate that exceeds the sum of the effective maintenance and operations tax rate of the district as determined under Section 26.08(i) and the district's current debt rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance, resolution, or order. A motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the effective tax rate must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the effective tax rate) percent increase in the tax rate." If the ordinance, resolution, or order sets a

tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the taxing unit that exceeds the amount of taxes imposed for that purpose in the preceding year, the taxing unit must:

(1) include in the ordinance, resolution, or order in type larger than the type used in any other portion of the document:

(A) the following statement: "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE."; and

(B) if the tax rate exceeds the effective maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE EFFECTIVE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."; and

(2) include on the home page of any Internet website operated by the unit:

(A) the following statement: "(Insert name of unit) ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and

(B) if the tax rate exceeds the effective maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE EFFECTIVE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."

SECTION 6. Section 26.06(d), Tax Code, is amended to read as follows:

(d) At the public hearings the governing body shall announce the date, time, and place of the meeting at which it will vote on the proposed tax rate. After each hearing the governing body shall give notice of the meeting at which it will vote on the proposed tax rate and the notice shall be in the same form as prescribed by Subsections (b) and (c), except that it must state the following:

"NOTICE OF TAX REVENUE INCREASE

"The (name of the taxing unit) conducted public hearings on (date of first hearing) and (date of second hearing) on a proposal to increase the total tax revenues of the (name of the taxing unit) from properties on the tax roll in the preceding year by (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax rate calculated under this chapter) percent.

"The total tax revenue proposed to be raised last year at last year's tax rate of (insert tax rate for the preceding year) for each \$100 of taxable value was (insert total amount of taxes imposed in the preceding year).

"The total tax revenue proposed to be raised this year at the proposed tax rate of (insert proposed tax rate) for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, is (insert amount computed by multiplying proposed tax rate by the difference between current total value and new property value).

"The total tax revenue proposed to be raised this year at the proposed tax rate of (insert proposed tax rate) for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax roll this year, is (insert amount computed by multiplying proposed tax rate by current total value).

"The (governing body of the taxing unit) is scheduled to vote on the tax rate that will result in that tax increase at a public meeting to be held on (date of meeting) at (location of meeting, including mailing address) at (time of meeting).

"The (governing body of the taxing unit) proposes to use the increase in total tax revenue for the purpose of (description of purpose of increase)."

SECTION 7. Section 26.15(f), Tax Code, is amended to read as follows:

(f) If a correction that decreases the tax liability of a property owner is made after the owner has paid the tax, the taxing unit shall refund to the property owner the difference between the tax paid and the tax legally due, except as provided by Section 25.25(n). A property owner is not required to apply for a refund under this subsection to receive the refund.

SECTION 8. Section 26.08(b), Tax Code, is amended to read as follows:

(b) The governing body shall order that the election be held in the school district on a date not less than 30 or more than 90 days after the day on which it adopted the tax rate. Section 41.001, Election Code, does not apply to the election unless a date specified by that section falls within the time permitted by this section. At the election, the ballots shall be prepared to permit voting for or against the proposition: "Approving the ad valorem tax rate of \$\_\_\_\_ per \$100 valuation in (name of school district) for the current year, a rate that is \$\_\_\_\_ higher per \$100 valuation than the school district rollback tax rate, for the purpose of (description of purpose of increase)." The ballot proposition must include the adopted tax rate and the difference between that rate and the rollback tax rate in the appropriate places.

SECTION 9. Section 42.23, Tax Code, is amended by adding Subsection (i) to read as follows:

(i) If an appraisal district employee testifies as to the value of real property in an appeal under Section 42.25 or 42.26, the court may give preference to an employee who is a person authorized to perform an appraisal of real estate under Section 1103.201, Occupations Code.

SECTION 10. Section 42.43(b), Tax Code, is amended to read as follows:

(b) For a refund made under this section, the taxing unit shall include with the refund interest on the amount refunded calculated at an annual rate of 9.5 ~~[that is equal to the sum of two percent and the most recent prime rate quoted and published by the Federal Reserve Board as of the first day of the month in which the refund is made, but not more than a total of eight]~~ percent, calculated from the delinquency date for the taxes until the date the refund is made.

SECTION 11. Sections 140.010(e) and (f), Local Government Code, are amended to read as follows:

(e) A county or municipality that proposes a property tax rate that exceeds the lower of the effective tax rate or the rollback tax rate shall provide the following notice:

"NOTICE OF (INSERT CURRENT TAX YEAR) TAX YEAR PROPOSED  
PROPERTY TAX RATE FOR (INSERT NAME OF COUNTY OR  
MUNICIPALITY)

"A tax rate of \$\_\_\_\_\_ per \$100 valuation has been proposed for adoption by the governing body of (insert name of county or municipality). This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate. The governing body of (insert name of county or municipality) proposes to use revenue attributable to the tax rate increase for the purpose of (description of purpose of increase).

PROPOSED TAX RATE	\$ _____ per \$100
PRECEDING YEAR'S TAX RATE	\$ _____ per \$100
EFFECTIVE TAX RATE	\$ _____ per \$100
ROLLBACK TAX RATE	\$ _____ per \$100

"The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for (insert name of county or municipality) from the same properties in both the (insert preceding tax year) tax year and the (insert current tax year) tax year.

"The rollback tax rate is the highest tax rate that (insert name of county or municipality) may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

"YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE  
CALCULATED AS FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

"For assistance or detailed information about tax calculations, please contact:

(insert name of county or municipal tax assessor-collector)  
(insert name of county or municipality) tax assessor-collector  
(insert address)  
(insert telephone number)  
(insert e-mail address)  
(insert Internet website address, if applicable)

"You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: (insert date and time) at (insert location of meeting).

Second Hearing: (insert date and time) at (insert location of meeting)."

(f) A county or municipality shall:

(1) provide the notice required by Subsection (d) or (e), as applicable, not later than the later of September 1 or the 30th day after the first date that the taxing unit has received each applicable certified appraisal roll by:

(A) publishing the notice in a newspaper having general circulation in:

(i) the county, in the case of notice published by a county; or

(ii) the county in which the municipality is located or primarily located, in the case of notice published by a municipality; or

(B) mailing the notice to each property owner in:

(i) the county, in the case of notice provided by a county; or

(ii) the municipality, in the case of notice provided by a municipality; and

(2) post the notice on the Internet website of the county or municipality, if applicable, beginning not later than the later of September 1 or the 30th day after the first date that the taxing unit has received each applicable certified appraisal roll and continuing until the county or municipality adopts a tax rate.

SECTION 12. Subchapter H, Chapter 49, Water Code, is amended by adding Section 49.2361 to read as follows:

Sec. 49.2361. ADDITIONAL NOTICE FOR CERTAIN TAX INCREASES. If a district proposes to adopt a combined tax rate that would authorize the qualified voters of the district by petition to require a rollback election to be held in the district, the notice required by Section 49.236 must include a description of the purpose of the proposed tax increase.

SECTION 13. The changes in law made by this Act apply only to an ad valorem tax year that begins on or after the effective date of this Act.

SECTION 14. (a) Except as provided by Subsection (b) of this section, this Act takes effect January 1, 2016.

(b) Section 42.23(i), Tax Code, as added by this Act, takes effect January 1, 2020.

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

Amend **CSSB 1760** (house committee printing) on page 1, line 6, by striking "and amending Subsections (f) and (j)".

The amendments were read.

Senator Creighton moved to concur in the House amendments to **SB 1760**.

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

### **COMMITTEE SUBSTITUTE HOUSE BILL 3474 ON SECOND READING**

Senator Schwertner moved to suspend the regular order of business to take up for consideration **CSHB 3474** at this time on its second reading:

**CSHB 3474**, Relating to issues affecting counties and other governmental entities.

The motion prevailed.

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

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

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

Amend **CSHB 3474** (senate committee report), in SECTION 22 of the bill, by striking added Section 81.0891(c), Health and Safety Code (page 10, lines 22-28) and substituting:

(c) The peace officer may form the belief that the individual may be subject to emergency detention under this section on information and belief from the local health authority that issued the control order or the department.

The amendment to **CSHB 3474** was read and was adopted without objection.

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

Senator Schwertner offered the following amendment to the bill:

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

Amend **CSHB 3474** (senate committee report) in SECTION 57 of the bill as follows:

(1) In added Subsection (a) (page 20, lines 59-60), strike "Task Force to Study Population Growth in Texas" and substitute "Task Force to Study Population Change and Its Effects on Texas Counties".

(2) In added Subsection (b) (page 20, line 62), strike "Task Force to Study Population Growth in Texas" and substitute "Task Force to Study Population Change and Its Effects on Texas Counties".

(3) In added Subsection (c) (page 21, line 2), strike "nine" and substitute "11".

(4) In added Subsection (c)(2) (page 21, line 7), strike "and".

(5) In added Subsection (c)(3) (page 21, line 9), strike the period and substitute "; and".

(6) Immediately after added Subsection (c)(3) (page 21, between lines 9 and 10), insert the following:

(4) one member of the senate appointed by the lieutenant governor and one member of the house of representatives appointed by the speaker of the house of representatives who shall serve as co-chairs.

(7) Strike added Subsection (d) (page 21, lines 10-11) and substitute the following:

(d) The governor may designate two members of the task force as vice chairs.

(8) Strike added Subsection (e) (page 21, lines 12-14) and reletter subsequent subsections of SECTION 57 of the bill and cross-references to those subsections as necessary.

The amendment to **CSHB 3474** was read and was adopted without objection.

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

Senator Menéndez offered the following amendment to the bill:

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

Amend **CSHB 3474** (senate committee printing) as follows:

(1) Strike SECTIONS 1, 2, and 3 of the bill (page 1, line 24, through page 2, line 60).

(2) In SECTION 6 of the bill, in amended Section 103.0271(3), Government Code (page 3, line 53), strike "\$500 [~~\$1,000~~]," and substitute "\$1,000;".

(3) In SECTION 8 of the bill, strike amended Section 124.001(b), Government Code (page 4, lines 22-46), and added Sections 124.001(c) and (d), Government Code (page 4, line 47, through page 5, line 10), and substitute the following:

(b) If a defendant successfully completes a veterans treatment court program [~~as authorized under Section 76.011~~], after notice to the attorney representing the state and a hearing in the veterans treatment court at which that court determines that a dismissal is in the best interest of justice, the court in which the criminal case is pending shall dismiss the case [~~criminal action~~] against the defendant.

(4) Strike the recital to SECTION 9 of the bill (page 5, lines 11-12) and substitute the following:

SECTION 9. Effective September 1, 2015, Section 124.002, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(5) In SECTION 9 of the bill, strike the heading to amended Section 124.002, Government Code (page 5, line 13), and amended Section 124.002(a), Government Code (page 5, lines 14-42), and substitute the following:

(a) The commissioners court of a county may establish a veterans treatment court program for persons arrested for or charged with any misdemeanor or felony offense. A defendant is eligible to participate in a veterans treatment court program established under this chapter only if the attorney representing the state consents to the defendant's participation in the program and if the court in which the criminal case is pending finds that the defendant[~~+~~

[~~+~~] is a veteran or current member of the United States armed forces, including a member of the reserves, national guard, or state guard, who:

(1) [~~+~~ and ~~(2)~~] suffers from a brain injury, mental illness, or mental disorder, including post-traumatic stress disorder, or was a victim of military sexual trauma that:

(A) occurred during or resulted from the defendant's military service [~~in a combat zone or other similar hazardous duty area~~]; and

(B) [~~materially~~] affected the defendant's criminal conduct at issue in the case; or

(2) is a defendant whose participation in a veterans treatment court program, considering the circumstances of the defendant's conduct, personal and social background, and criminal history, is likely to achieve the objective of ensuring public safety through rehabilitation of the veteran in the manner provided by Section 1.02(1), Penal Code.

(6) In SECTION 9 of the bill, strike amended Section 124.002(c), Government Code (page 5, lines 47-56).

(7) In SECTION 11 of the bill, strike amended Section 124.003(a), Government Code (page 5, line 67, through page 6, line 13), and substitute the following:

(a) A veterans treatment court program established under this chapter must:

(1) ensure that a defendant [~~person~~] eligible for participation in the program is provided legal counsel before volunteering to proceed through the program and while participating in the program;

(2) allow a participant to withdraw from the program at any time before a trial on the merits has been initiated;

(3) provide a participant with a court-ordered individualized treatment plan indicating the services that will be provided to the participant; and

(4) ensure that the jurisdiction of the veterans treatment court continues for a period of not less than six months but does not continue beyond the period of community supervision for the offense charged.

(8) In SECTION 13 of the bill, in amended Section 124.005(a)(1), Government Code (page 6, lines 40-41), strike "\$500 [~~\$1,000~~];" and substitute "\$1,000;".

(9) Strike SECTIONS 58 and ~~59~~ of the bill (page 21, lines 38-56).

(10) In SECTION 60 of the bill (page 21, lines 57-58), strike "adding Sections 124.001(c) and (d), Government Code, and".

(11) Appropriately renumber the other SECTIONS of the bill.

The amendment to **CSHB 3474** was read.

Senator Menéndez temporarily withdrew Floor Amendment No. 3.

Senator Bettencourt offered the following amendment to the bill:

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

Amend **CSHB 3474** (senate committee printing) by striking SECTION 56 of the bill (line 23, page 20 through line 57, page 20) and renumber the following SECTIONS accordingly.

The amendment to **CSHB 3474** was read.

Senator Bettencourt withdrew Floor Amendment No. 4.

Senator Zaffirini offered the following amendment to the bill:

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

Amend **CSHB 3474** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 822.102(a), Health and Safety Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) This subchapter does not apply to:

(1) a county, municipality, or agency of the state or an agency of the United States or an agent or official of a county, municipality, or agency acting in an official capacity;

(2) a research facility, as that term is defined by Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its subsequent amendments, that is licensed by the secretary of agriculture of the United States under that Act;

(3) an organization that is an accredited member of the Association of Zoos and Aquariums;

(4) an injured, infirm, orphaned, or abandoned dangerous wild animal while being transported for care or treatment;

(5) an injured, infirm, orphaned, or abandoned dangerous wild animal while being rehabilitated, treated, or cared for by a licensed veterinarian, an incorporated humane society or animal shelter, or a person who holds a rehabilitation permit issued under Subchapter C, Chapter 43, Parks and Wildlife Code;

(6) a dangerous wild animal owned by and in the custody and control of a transient circus company that is not based in this state if:



(A) the animal is used as an integral part of the circus performances;  
and

(B) the animal is kept within this state only during the time the circus is performing in this state or for a period not to exceed 30 days while the circus is performing outside the United States;

(7) a dangerous wild animal while in the temporary custody or control of a television or motion picture production company during the filming of a television or motion picture production in this state;

(8) a dangerous wild animal owned by and in the possession, custody, or control of a college or university solely as a mascot for the college or university;

(9) a dangerous wild animal while being transported in interstate commerce through the state in compliance with the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments and the regulations adopted under that Act;

(10) a nonhuman primate owned by and in the control and custody of a person whose only business is supplying nonhuman primates directly and exclusively to biomedical research facilities and who holds a Class "A" or Class "B" dealer's license issued by the secretary of agriculture of the United States under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments;

(11) a dangerous wild animal that is:

(A) owned by or in the possession, control, or custody of a person who is a participant in a species survival plan of the Association of Zoos and Aquariums for that species; and

(B) an integral part of that species survival plan; ~~and~~

(12) in a county west of the Pecos River that has a population of less than 25,000, a cougar, bobcat, or coyote in the possession, custody, or control of a person that has trapped the cougar, bobcat, or coyote as part of a predator or depredation control activity; and

(13) an organization that is an accredited member of the Zoological Association of America.

The amendment to **CSHB 3474** was read and was adopted without objection.

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

Senator Menéndez again offered the following amendment to the bill:

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

Amend **CSHB 3474** (senate committee printing) as follows:

(1) Strike SECTIONS 1, 2, and 3 of the bill (page 1, line 24, through page 2, line 60).

(2) In SECTION 6 of the bill, in amended Section 103.0271(3), Government Code (page 3, line 53), strike "\$500 [~~\$1,000~~]," and substitute "\$1,000;"

(3) In SECTION 8 of the bill, strike amended Section 124.001(b), Government Code (page 4, lines 22-46), and added Sections 124.001(c) and (d), Government Code (page 4, line 47, through page 5, line 10), and substitute the following:

(b) If a defendant successfully completes a veterans treatment court program [~~as authorized under Section 76.011~~], after notice to the attorney representing the state and a hearing in the veterans treatment court at which that court determines that a dismissal is in the best interest of justice, the court in which the criminal case is pending shall dismiss the case [~~criminal action~~] against the defendant.

(4) Strike the recital to SECTION 9 of the bill (page 5, lines 11-12) and substitute the following:

SECTION 9. Effective September 1, 2015, Section 124.002, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(5) In SECTION 9 of the bill, strike the heading to amended Section 124.002, Government Code (page 5, line 13), and amended Section 124.002(a), Government Code (page 5, lines 14-42), and substitute the following:

(a) The commissioners court of a county may establish a veterans treatment court program for persons arrested for or charged with any misdemeanor or felony offense. A defendant is eligible to participate in a veterans treatment court program established under this chapter only if the attorney representing the state consents to the defendant's participation in the program and if the court in which the criminal case is pending finds that the defendant[~~+~~

[~~+~~] is a veteran or current member of the United States armed forces, including a member of the reserves, national guard, or state guard, who:

(1) [~~+~~ and ~~(2)~~] suffers from a brain injury, mental illness, or mental disorder, including post-traumatic stress disorder, or was a victim of military sexual trauma that:

(A) occurred during or resulted from the defendant's military service [~~in a combat zone or other similar hazardous duty area~~]; and

(B) [~~materially~~] affected the defendant's criminal conduct at issue in the case; or

(2) is a defendant whose participation in a veterans treatment court program, considering the circumstances of the defendant's conduct, personal and social background, and criminal history, is likely to achieve the objective of ensuring public safety through rehabilitation of the veteran in the manner provided by Section 1.02(1), Penal Code.

(6) In SECTION 9 of the bill, strike amended Section 124.002(c), Government Code (page 5, lines 47-56).

(7) In SECTION 11 of the bill, strike amended Section 124.003(a), Government Code (page 5, line 67, through page 6, line 13), and substitute the following:

(a) A veterans treatment court program established under this chapter must:

(1) ensure that a defendant [~~person~~] eligible for participation in the program is provided legal counsel before volunteering to proceed through the program and while participating in the program;

(2) allow a participant to withdraw from the program at any time before a trial on the merits has been initiated;

(3) provide a participant with a court-ordered individualized treatment plan indicating the services that will be provided to the participant; and

(4) ensure that the jurisdiction of the veterans treatment court continues for a period of not less than six months but does not continue beyond the period of community supervision for the offense charged.

(8) In SECTION 13 of the bill, in amended Section 124.005(a)(1), Government Code (page 6, lines 40-41), strike "\$500 [~~\$1,000~~];" and substitute "\$1,000;".

(9) Strike SECTIONS 58 and 59 of the bill (page 21, lines 38-56).

(10) In SECTION 60 of the bill (page 21, lines 57-58), strike "adding Sections 124.001(c) and (d), Government Code, and".

(11) Appropriately renumber the other SECTIONS of the bill.

The amendment to **CSHB 3474** was again read and was adopted without objection.

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

Senator Hinojosa offered the following amendment to the bill:

### **Floor Amendment No. 6**

Amend **CSHB 3474** (senate committee report) as follows:

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

SECTION \_\_\_\_\_. Effective September 1, 2015, the heading to Chapter 614, Government Code, is amended to read as follows:

CHAPTER 614. LAW ENFORCEMENT [~~PEACE~~] OFFICERS AND FIRE FIGHTERS

SECTION \_\_\_\_\_. Effective September 1, 2015, Subchapter D, Chapter 614, Government Code, is amended to read as follows:

SUBCHAPTER D. PURCHASE OF [~~AGENCY ISSUED~~] FIREARM OF HONORABLY RETIRED OR DECEASED PEACE OFFICER OR COUNTY JAILER

Sec. 614.0505. DEFINITIONS. In this subchapter:

(1) "County jailer" has the meaning assigned by Section 1701.001, Occupations Code.

(2) "Governmental entity" means a state agency, a county, or a municipality.

Sec. 614.051. PURCHASE OF FIREARM BY HONORABLY RETIRED PEACE OFFICER OR COUNTY JAILER. (a) An individual may purchase a firearm from a governmental entity [~~state agency~~] if:

(1) the individual was a peace officer commissioned by or a county jailer employed by the entity [~~agency~~];

(2) the individual was honorably retired from the individual's commission or employment by the entity [~~state~~];

(3) the firearm had been previously issued to the individual by the entity [~~agency~~]; and

(4) the firearm is not a prohibited weapon under Section 46.05, Penal Code.

(b) An individual may purchase only one firearm from a governmental entity [~~state agency~~] under this section.

Sec. 614.052. PURCHASE OF FIREARM BY SURVIVING SPOUSE, CHILD, OR PARENT OF DECEASED PEACE OFFICER OR COUNTY JAILER.

(a) An individual listed under Subsection (b) may purchase a firearm from a governmental entity ~~[state agency]~~ if:

(1) the firearm had been previously issued by the entity ~~[agency]~~ to a peace officer commissioned by or a county jailer employed by the entity ~~[agency]~~ who died while commissioned or employed, without regard to whether the peace officer or county jailer died while discharging the officer's or jailer's official duties; and

(2) the firearm is not a prohibited weapon under Section 46.05, Penal Code.

(b) Individuals who may purchase the firearm under Subsection (a) are, in order of precedence:

(1) the surviving spouse of the deceased peace officer or county jailer;

(2) a child of the deceased peace officer or county jailer; and

(3) a parent of the deceased peace officer or county jailer.

Sec. 614.053. PURCHASE PRICE OF FIREARM. A governmental entity ~~[state agency]~~ shall establish the amount, which may not exceed fair market value, for which a firearm may be purchased under this subchapter.

Sec. 614.054. WHEN FIREARM MAY BE PURCHASED ~~[FROM STATE AGENCY]~~; DELAY OF SALE BY GOVERNMENTAL ENTITY ~~[AGENCY]~~. (a) Except as provided by Subsection (b), an individual must purchase a firearm under Section 614.051 before the second anniversary of the date of the person's retirement or under Section 614.052 before the second anniversary of the date of the ~~[officer's]~~ death of the peace officer or county jailer.

(b) A governmental entity ~~[state agency]~~ that cannot immediately replace the firearm may delay the sale of the firearm until the entity ~~[agency]~~ can replace the firearm.

(2) In SECTION 63 of the bill, in the repealer (page 22, line 10), strike "and".

(3) In SECTION 63 of the bill, in the repealer (page 22, between lines 10 and 11), insert the following:

(4) Section 170.002, Local Government Code; and

(4) In SECTION 63 of the bill, in the repealer (page 22, line 11), strike "(4)" and substitute "(5)".

The amendment to **CSHB 3474** was read and was adopted without objection.

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

Senator Huffines offered the following amendment to the bill:

### **Floor Amendment No. 7**

Amend **CSHB 3474** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 7805, Special District Local Laws Code, is amended by adding Section 7805.054 to read as follows:

Sec. 7805.054. QUORUM; VOTE REQUIRED. A quorum consists of three directors. An action or recommendation of the board requiring a vote of the board is not valid unless:

(1) the action or recommendation is approved by a record vote taken at a meeting of the board with a quorum present; and

(2) the action or recommendation receives at least three affirmative votes by board members.

SECTION \_\_\_\_\_. (a) All governmental and proprietary actions and proceedings of the Irving Flood Control District Section III of Dallas County taken before the effective date of this Act are validated, ratified, and confirmed in all respects as of the dates on which they occurred.

(b) This section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or

(2) has been held invalid by a final court judgment.

The amendment to **CSHB 3474** was read and was adopted without objection.

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

Senator Huffines offered the following amendment to the bill:

### **Floor Amendment No. 8**

Amend **CSHB 3474** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Section 4B, Chapter 628, Acts of the 68th Legislature, Regular Session, 1983, is amended by adding Subdivision (16) to read as follows:

(16) If the district enters into a tax abatement agreement with the owner of single-family residential property to exempt a portion of the taxable value of the property from taxation as authorized by Subdivision (7)(B) of this section, the tax assessor-collector for the district or a person designated by the tax assessor-collector may file an application for the exemption on behalf of the property owner with the chief appraiser for the appraisal district in which the property is located.

(b) All governmental and proprietary actions of the Dallas County Utility and Reclamation District taken before the effective date of this Act are validated, ratified, and confirmed in all respects as if the actions had been taken as authorized by law.

(c) Subsection (b) of this section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or

(2) has been held invalid by a final court judgment.

The amendment to **CSHB 3474** was read and was adopted without objection.

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

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 9**

Amend **CSHB 3474** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter H, Chapter 51, Government Code, is amended by adding Section 51.711 to read as follows:

Sec. 51.711. ADDITIONAL FILING FEE FOR CIVIL CASES IN HIDALGO COUNTY. (a) This section applies only to district courts, statutory probate courts, and county courts at law in Hidalgo County.

(b) Except as otherwise provided by this section and in addition to all other fees authorized or required by other law, the clerk of a court shall collect a filing fee of not more than \$20 in each civil case filed in the court to be used for the construction, renovation, or improvement of the facilities that house the Hidalgo County civil courts.

(c) Court fees due under this section shall be collected in the same manner as other fees, fines, or costs are collected in the case.

(d) The clerk shall send the fees collected under this section to the county treasurer or to any other official who discharges the duties commonly assigned to the county treasurer at least as frequently as monthly. The treasurer or other official shall deposit the fees in a special account in the county treasury dedicated to the construction, renovation, or improvement of the facilities that house the courts collecting the fee.

(e) This section applies only to fees for a 12-month period beginning October 1, if the commissioners court:

(1) adopts a resolution authorizing a fee of not more than \$20;

(2) adopts a resolution requiring the county to spend one dollar for the construction, renovation, or improvement of the court facilities for each dollar spent from the special account dedicated to that purpose; and

(3) files the resolutions with the county treasurer or with any other official who discharges the duties commonly assigned to the county treasurer not later than September 1 immediately preceding the first 12-month period during which the fees are to be collected.

(f) A resolution adopted under Subsection (e) continues from year to year until October 1, 2030, allowing the county to collect fees under the terms of this section until the resolution is rescinded.

(g) The commissioners court may rescind a resolution adopted under Subsection (e) by adopting a resolution rescinding the resolution and submitting the rescission resolution to the county treasurer or to any other official who discharges the duties commonly assigned to the county treasurer not later than September 1 preceding the beginning of the first day of the county fiscal year. The commissioners court may adopt an additional resolution in the manner provided by Subsection (e) after rescinding a previous resolution adopted under that subsection.

(h) A fee established under a particular resolution is abolished on the earlier of:

(1) the date a resolution adopted under Subsection (e) is rescinded as provided by Subsection (g); or

(2) October 1, 2030.

(i) The county may make the required expenditure described by Subsection (e)(2) at any time, regardless of when the expenditure from the special account occurs.

SECTION \_\_\_\_\_. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.061192 to read as follows:

Sec. 101.061192. ADDITIONAL DISTRICT COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a district court in Hidalgo County shall collect an additional filing fee of not more than \$20 under Section 51.711 in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION \_\_\_\_\_. Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.081191 to read as follows:

Sec. 101.081191. ADDITIONAL STATUTORY COUNTY COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory county court in Hidalgo County shall collect an additional filing fee of not more than \$20 under Section 51.711 in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION \_\_\_\_\_. Subchapter F, Chapter 101, Government Code, is amended by adding Section 101.10119 to read as follows:

Sec. 101.10119. ADDITIONAL STATUTORY PROBATE COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory probate court in Hidalgo County shall collect an additional filing fee of not more than \$20 under Section 51.711 in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION \_\_\_\_\_. Section 118.011, Local Government Code, is amended by adding Subsection (g) to read as follows:

(g) The county clerk of a county shall, if the commissioners court of the county adopts the fee, collect the following fee from any person:

Real Property Records Filing Fee (Sec. 118.0131) . . . . . not more than \$10

SECTION \_\_\_\_\_. Subchapter B, Chapter 118, Local Government Code, is amended by adding Section 118.0131 to read as follows:

Sec. 118.0131. OPTIONAL RECORDING FEES FOR COURT FACILITIES: HIDALGO COUNTY. The county clerk of Hidalgo County may assess an additional fee not to exceed \$10 for real property records filing to fund the construction, renovation, or improvement of court facilities, if authorized by the commissioners court of the county.

SECTION \_\_\_\_\_. The changes in law made by Sections \_\_\_\_ through \_\_\_\_ of this Act apply only to a fee that becomes payable on or after the effective date of this Act. A fee that becomes payable before that date is governed by the law in effect when the fee became payable, and the former law is continued in effect for that purpose.

The amendment to **CSHB 3474** 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. 9 except as follows:

Nays: Fraser, V. Taylor.

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

**Floor Amendment No. 10**

Amend **CSHB 3474** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 51, Local Government Code, is amended by adding Section 51.004 to read as follows:

Sec. 51.004. SPECIAL RIGHT OF ACCESS TO INFORMATION BY MUNICIPAL OFFICERS. (a) In this section:

(1) "Municipal governmental body":

(A) means:

(i) the governing body of a municipality;

(ii) a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a municipality; or

(iii) the part, section, or portion of a municipality described by Section 552.003(1)(A)(xii), Government Code, that is a governmental body for purposes of Chapter 552, Government Code; and

(B) does not include:

(i) the judiciary; or

(ii) a private entity that spends or is supported wholly or partly by public funds.

(2) "Municipal officer" means:

(A) an elected or appointed officer who supervises, manages, or controls a municipal governmental body; or

(B) a member of a board, a commission, a committee, or another body consisting of more than one individual elected or appointed to supervise, manage, or control a municipal governmental body.

(3) "Public information" has the meaning assigned by Section 552.002, Government Code.

(b) A municipal officer has a right of access to information that is for purposes of Chapter 552, Government Code, public information of the municipal governmental body that the municipal officer oversees.

(c) A municipal governmental body on request by a municipal officer who oversees the governmental body shall provide public information, including confidential information or information otherwise excepted from disclosure, to the municipal officer in accordance with Chapter 552, Government Code.

(d) A municipal governmental body, by providing public information under this section that is confidential or otherwise excepted from required disclosure under law, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right of the municipal governmental body to assert exceptions to required disclosure of the information in the future. The municipal governmental body may require the requesting municipal officer or a designated employee of the requesting municipal officer who will view or handle information



that is received under this section and that is confidential under law or otherwise excepted from disclosure to sign a confidentiality agreement that covers the information and requires that:

(1) the information not be disclosed outside the office of the requesting municipal officer, or within that office for purposes other than the purpose for which it was received;

(2) the information be labeled as confidential;

(3) the information be kept securely; or

(4) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned to the municipal governmental body remaining confidential and subject to the confidentiality agreement.

(e) An individual required by a municipal governmental body to sign a confidentiality agreement under Subsection (d) may seek a decision as provided by Subsection (f) about whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure. A confidentiality agreement signed under Subsection (d) is void to the extent that the agreement covers information that is finally determined under Subsection (f) to not be confidential under law or otherwise excepted from disclosure.

(f) A municipal officer may seek a decision from the attorney general about whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure. The attorney general by rule shall establish procedures and deadlines for receiving information necessary to determine whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure and for receiving briefs from the requesting municipal officer, the municipal governmental body, and any other interested person. The attorney general shall promptly render a decision requested under this subsection, determining whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure, not later than the 45th business day after the date the attorney general receives the request for a decision under this subsection. If the attorney general is unable to issue the decision within the 45-day period, the attorney general may extend the period for issuing the decision by an additional 10 business days by informing the municipal governmental body and the requesting municipal officer, during the original 45-day period, of the reason for the delay. The attorney general shall issue a written decision and provide a copy of the decision to the requesting municipal officer, the municipal governmental body, and any interested person who submitted necessary information or a brief to the attorney general under this subsection. The requesting municipal officer or the municipal governmental body may appeal a decision of the attorney general under this subsection to a district court in a county in which the municipality is located. A person may appeal a decision of the attorney general under this subsection to a district court in a county in which the municipality is located if the person claims a proprietary interest in the information affected by the decision or a privacy interest in the information that a confidentiality law or judicial decision is designed to protect.

(g) This section does not affect:

(1) the right of a municipal officer to obtain information from the municipal governmental body under other law;

(2) the procedures under which the information is obtained under other law;

or

(3) the use that may be made of the information obtained under other law.

(h) This section does not grant authority to a municipal governmental body to withhold information from municipal officers.

SECTION \_\_\_\_\_. Chapter 89, Local Government Code, is amended by adding Section 89.007 to read as follows:

Sec. 89.007. SPECIAL RIGHT OF ACCESS TO INFORMATION BY OFFICERS OF COUNTIES, COUNTY BOARDS OF SCHOOL TRUSTEES, AND COUNTY BOARDS OF EDUCATION. (a) In this section:

(1) "County governmental body":

(A) means:

(i) a county commissioners court;

(ii) a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county;

(iii) a county board of school trustees;

(iv) a county board of education; or

(v) the part, section, or portion of a county, county board of school trustees, or county board of education described by Section 552.003(1)(A)(xii), Government Code, that is a governmental body for purposes of Chapter 552, Government Code; and

(B) does not include:

(i) the judiciary; or

(ii) a private entity that spends or is supported wholly or partly by public funds.

(2) "County officer" means:

(A) an elected or appointed officer who supervises, manages, or controls a county governmental body; or

(B) a member of a board, a commission, a committee, or another body consisting of more than one individual elected or appointed to supervise, manage, or control a county governmental body.

(3) "Public information" has the meaning assigned by Section 552.002, Government Code.

(b) A county officer has a right of access to information that is for purposes of Chapter 552, Government Code, public information of the county governmental body that the county officer oversees.

(c) A county governmental body on request by the county officer who oversees the governmental body shall provide public information, including confidential information or information otherwise excepted from disclosure, to the county officer in accordance with Chapter 552, Government Code.

(d) A county governmental body, by providing public information under this section that is confidential or otherwise excepted from required disclosure under law, does not waive or affect the confidentiality of the information for purposes of state or

federal law or waive the right of the county governmental body to assert exceptions to required disclosure of the information in the future. The county governmental body may require the requesting county officer or a designated employee of the requesting county officer who will view or handle information that is received under this section and that is confidential under law or otherwise excepted from disclosure to sign a confidentiality agreement that covers the information and requires that:

(1) the information not be disclosed outside the office of the requesting county officer, or within that office for purposes other than the purpose for which it was received;

(2) the information be labeled as confidential;

(3) the information be kept securely; or

(4) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned to the county governmental body remaining confidential and subject to the confidentiality agreement.

(e) An individual required by a county governmental body to sign a confidentiality agreement under Subsection (d) may seek a decision as provided by Subsection (f) about whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure. A confidentiality agreement signed under Subsection (d) is void to the extent that the agreement covers information that is finally determined under Subsection (f) to not be confidential under law or otherwise excepted from disclosure.

(f) A county officer may seek a decision from the attorney general about whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure. The attorney general by rule shall establish procedures and deadlines for receiving information necessary to determine whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure and for receiving briefs from the requesting county officer, the county governmental body, and any other interested person. The attorney general shall promptly render a decision requested under this subsection, determining whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure, not later than the 45th business day after the date the attorney general receives the request for a decision under this subsection. If the attorney general is unable to issue the decision within the 45-day period, the attorney general may extend the period for issuing the decision by an additional 10 business days by informing the county governmental body and the requesting county officer, during the original 45-day period, of the reason for the delay. The attorney general shall issue a written decision and provide a copy of the decision to the requesting county officer, the county governmental body, and any interested person who submitted necessary information or a brief to the attorney general under this subsection. The requesting county officer or the county governmental body may appeal a decision of the attorney general under this subsection to a district court in the county. A person may appeal a decision of the attorney general under this subsection to a district court in the county if the person

claims a proprietary interest in the information affected by the decision or a privacy interest in the information that a confidentiality law or judicial decision is designed to protect.

(g) This section does not affect:

(1) the right of a county officer to obtain information from a county governmental body under other law;

(2) the procedures under which the information is obtained under other law;

or

(3) the use that may be made of the information obtained under other law.

(h) This section does not grant authority to a county governmental body to withhold information from county officers.

SECTION \_\_\_\_\_. Chapter 201, Local Government Code, is amended by adding Section 201.010 to read as follows:

Sec. 201.010. SPECIAL RIGHT OF ACCESS TO DISTRICT INFORMATION BY DISTRICT DIRECTOR. (a) In this section:

(1) "Board" means the governing body of a special district.

(2) "Director" means a board member.

(3) "Public information" has the meaning assigned by Section 552.002, Government Code.

(4) "Special district" means a political subdivision of this state that has a limited geographic area and is created by local law or under general law for a special purpose. The term does not include a school district or hospital district.

(b) A director of a special district has a right of access to information that is public information of the district.

(c) A special district on request by a director of the district shall provide public information, including confidential information or information otherwise excepted from disclosure, to the director in accordance with Chapter 552, Government Code.

(d) A special district, by providing public information to a director under this section that is confidential or otherwise excepted from required disclosure under law, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right of the district to assert exceptions to required disclosure of the information in the future. The district may require the requesting director or a designated district employee of the requesting director who will view or handle information that is received under this section and that is confidential under law or otherwise excepted from disclosure to sign a confidentiality agreement that covers the information and requires that:

(1) the information not be disclosed outside the office of the requesting director or within that office for purposes other than the purpose for which it was received;

(2) the information be labeled as confidential;

(3) the information be kept securely; or

(4) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned to the district remaining confidential and subject to the confidentiality agreement.

(e) If a director or a designated district employee is required by a special district to sign a confidentiality agreement under Subsection (d), the director may seek a decision as provided by Subsection (f) about whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure. A confidentiality agreement signed under Subsection (d) is void to the extent that the agreement covers information that is finally determined under Subsection (f) to not be confidential under law or otherwise excepted from disclosure.

(f) A director may seek a decision from the attorney general about whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure. The attorney general by rule shall establish procedures and deadlines for receiving information necessary to determine whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure and for receiving briefs from the requesting director, the special district, and any other interested person. The attorney general shall render the decision not later than the 55th business day after the date the attorney general receives the request for a decision. If the attorney general is unable to issue the decision within the 55-day period, the attorney general may during that 55-day period extend the period for issuing the decision by an additional 10 business days by informing the director, the special district, and any interested person who submitted necessary information or a brief to the attorney general of the reason for the delay. The attorney general shall issue a written decision and provide a copy of the decision to the requesting director, the special district, and any interested person who submitted necessary information or a brief to the attorney general under this subsection. The requesting director or the special district may appeal a decision of the attorney general under this subsection to a district court. A person may appeal a decision of the attorney general under this subsection to a district court if the person claims a proprietary interest in the information affected by the decision or a privacy interest in the information that a confidentiality law or judicial decision is designed to protect.

(g) This section does not affect:

(1) the right of a director of a special district to obtain information from the district under other law;

(2) the procedures under which the information is obtained under other law;

or

(3) the use that may be made of the information obtained under other law.

(h) This section does not grant authority to a special district to withhold information from a director of the district.

SECTION \_\_\_\_\_. Section 51.004, Local Government Code, as added by this Act, applies only to a request for information by a municipal officer that is made on or after the effective date of this Act. A request for information made before the effective date of this Act is governed by the applicable law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION \_\_\_\_\_. Section 89.007, Local Government Code, as added by this Act, applies only to a request for information by a county officer that is made on or after the effective date of this Act. A request for information made before the

effective date of this Act is governed by the applicable law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION \_\_\_\_\_. Section 201.010, Local Government Code, as added by this Act, applies only to a request for information by a director of a special district that is made on or after the effective date of this Act. A request for information made before the effective date of this Act is governed by the applicable law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

The amendment to **CSHB 3474** was read.

Senator V. Taylor temporarily withdrew Floor Amendment No. 10.

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

### **Floor Amendment No. 11**

Amend **CSHB 3474** (senate committee report) by adding the following appropriately numbered SECTION to the bill and by renumbering existing SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 103, Code of Criminal Procedure, is amended by adding Article 103.0081 to read as follows:

Art. 103.0081. UNCOLLECTIBLE FEES. (a) Any officer authorized by this chapter to collect a fee or item of cost may request the trial court in which a criminal action or proceeding was held to make a finding that a fee or item of cost imposed in the action or proceeding is uncollectible if the officer believes:

(1) the defendant is deceased;

(2) the defendant is serving a sentence for imprisonment for life or life without parole; or

(3) the fee has been unpaid for at least 10 years.

(b) On a finding by a court that any condition described by Subsections (a)(1)-(3) is true, the court may order the officer to designate the fee or item of cost as uncollectible in the fee record. The officer shall attach a copy of the court's order to the fee record.

The amendment to **CSHB 3474** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 11.

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

### **Floor Amendment No. 12**

Amend **CSHB 3474** (senate committee printing) be adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter D, Chapter 51, Government Code, is amended by adding Section 51.3032 to read as follows:

Sec. 51.3032. ELECTRONIC DISPLAY OF OFFICIAL AND LEGAL NOTICES BY DISTRICT CLERK. A district clerk may post an official and legal notice by electronic display, instead of posting a physical document, in the manner provided for a county clerk by Section 82.051, Local Government Code.

The amendment to **CSHB 3474** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 12.

Senator Kolkhorst offered the following amendment to the bill:

### **Floor Amendment No. 13**

Amend **CSHB 3474** (senate committee printing) by inserting the following appropriately numbered SECTIONS and renumbering SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Section 21.047, Property Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) If the amount of damages awarded by the special commissioners is at least 20 percent greater than the amount the condemnor offered to pay before the proceedings began or if the commissioners' award is appealed and a court awards damages in an amount that is a least 20 percent greater than the amount the condemnor offered to pay before the proceedings began, the condemnor shall pay:

(1) all costs as provided by Subsection (a); and

(2) subject to Subsection (a-2), any reasonable attorney's fees and other professional fees incurred by the property owner in connection with the eminent domain proceeding.

(a-2) A property owner who is awarded attorney's fees by the special commissioners under Subsection (a-1) is not entitled to attorney's fees related to an award that is appealed by the property owner.

SECTION \_\_\_\_\_. Section 21.101, Property Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) In this section, "actual progress" means the completion of three [two] or more of the following actions:

(1) the performance of a significant amount of labor to develop the property or other property acquired for the same public use project for which the property owner's property was acquired;

(2) the provision of a significant amount of materials to develop the property or other property acquired for the same public use project for which the property owner's property was acquired;

(3) the hiring of and performance of a significant amount of work by an architect, engineer, or surveyor to prepare a plan or plat that includes the property or other property acquired for the same public use project for which the property owner's property was acquired;

(4) application for state or federal funds to develop the property or other property acquired for the same public use project for which the property owner's property was acquired; or

(5) application for a state or federal permit to develop the property or other property acquired for the same public use project for which the property owner's property was acquired.

(b-1) Notwithstanding Subsection (b), for a navigation district or port authority, "actual progress" means:

(1) the completion of one action described by Subsection (b); and

(2) [; (6) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner's property was acquired; or

[(7) for a governmental entity,] the adoption by a majority of the entity's governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one action described by Subsection (b) [Subdivisions (1)-(6)] before the 10th anniversary of the date of acquisition of the property.

SECTION \_\_\_\_\_. Section 21.047, Property Code, as amended by this Act, applies only to an eminent domain proceeding commenced on or after the effective date of this Act. An eminent domain proceeding commenced before the effective date of this Act is governed by the law applicable to the proceeding immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION \_\_\_\_\_. Section 21.101, Property Code, as amended by this Act, applies only to a real property interest acquired in connection with a condemnation proceeding in which the petition is filed on or after the effective date of this Act. A real property interest acquired in connection with a condemnation proceeding in which the petition is filed before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

The amendment to **CSHB 3474** 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. 13 except as follows:

Nays: Ellis, Watson.

Senator Perry offered the following amendment to the bill:

#### **Floor Amendment No. 14**

Amend **CSHB 3474** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 391.006, Local Government Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The governing body of a commission of a region that is consistent with the geographic boundaries of a state planning region shall offer an ex officio, nonvoting membership on the governing body to each [a] member of the legislature who represents a district located wholly or partly in the region of the commission.

(d) An ex officio member is not counted for purposes of determining a quorum.



The amendment to **CSHB 3474** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 14.

Senator Nichols offered the following amendment to the bill:

**Floor Amendment No. 15**

Amend **CSHB 3474** by adding the following appropriately numbered sections  
SECTION \_\_\_\_\_. Subchapter E, Chapter 130, Education Code, is amended by adding Section 130.0827 to read as follows:

Sec. 130.0827. GOVERNING BOARD OF TRINITY VALLEY COMMUNITY COLLEGE DISTRICT. (a) Notwithstanding any other provision of this chapter, the governing board of the Trinity Valley Community College District may by resolution or order of the governing board increase the number of board members to 11.

(b) A resolution or order of the governing board under this section must:

(1) establish transition terms of office to conform to elections held in even-numbered years and staggered six-year terms; and

(2) require the initial board members to draw lots to determine the members' terms, with:

(A) five members serving terms of two years;

(B) three members serving terms of four years; and

(C) three members serving terms of six years.

The amendment to **CSHB 3474** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 15.

Senator Menéndez offered the following amendment to the bill:

**Floor Amendment No. 16**

Amend **CSHB 3474** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 501.159, Local Government Code, is amended by adding Subsection (c) to read as follows:

(c) A corporation described by Section 501.107(a)(1) may issue bonds to finance a water project regardless of whether a request required by Subsection (a) has been made.

The amendment to **CSHB 3474** 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. 16 except as follows:

Nays: Kolkhorst.

Senator Menéndez offered the following amendment to the bill:

**Floor Amendment No. 17**

Amend **CSHB 3474** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Section 1372.042, Government Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(b-1) Notwithstanding Subsections (a), (a-1), and (b), an issuer shall close on bonds issued for a water pipeline project that is part of the state water plan or an approved initially prepared regional water plan submitted to the Texas Water Development Board and for which a reservation was granted after August 15 not later than the 220th day after the reservation date.

(c) Notwithstanding Subsections (a), (a-1), ~~and~~ (b), and (b-1), if the 120-day period, the 150-day period, ~~or~~ the 180-day period, or the 220-day period, as applicable, expires on or after December 24 of the year in which the reservation was granted, the issuer shall close on the bonds before December 24, except that if the applicable period expires after December 31 of that year, the issuer may notify the board in writing before December 24 of the issuer's election to carry forward the reservation and of the issuer's expected bond closing date. In compliance with the requirements of Section 146(f), Internal Revenue Code of 1986, the board shall file in a timely manner a carryforward election with respect to any bonds expected to close after December 31 to permit the bonds to close by the expected date, except that the board may not file the carryforward election after February 15 of the year following the year in which the reservation was granted. The grant of the reservation for the balance of the 120-day period, the 150-day period, ~~or~~ the 180-day period, or the 220-day period, as applicable, is automatically and immediately reinstated on the board's filing of a carryforward election with respect to the reservation.

SECTION \_\_\_\_ . Section 501.159, Local Government Code, is amended by adding Subsection (c) to read as follows:

(c) A corporation described by Section 501.107(a)(1) may issue bonds to finance a water pipeline project regardless of whether a request required by Subsection (a) has been made.

The amendment to **CSHB 3474** 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. 17 except as follows:

Nays: Kolkhorst.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 18**

Amend **CSHB 3474** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION [ ]. Subchapter A, Chapter 242, Health and Safety Code, is amended by adding Section 242.019 to read as follows:

Sec. 242.019. CONSTRUCTION OR DEVELOPMENT OF CERTAIN FACILITIES. (a) A person that has obtained a permit as described by Chapter 6, Acts of 79th Legislature, Regular Session, 2005, including approval of a site plan, for a facility from a municipality may develop the site in accordance with the municipal ordinances, regulations, and rules, including impervious cover limitations or determinations of impervious cover allowance, in effect on the earlier of the date the original permit was issued or the site plan was approved and notwithstanding the application for or issuance of a subsequent permit or a change in those ordinances, regulations, or rules.

The amendment to **CSHB 3474** was read.

Senator Hinojosa withdrew Floor Amendment No. 18.

Senator Menéndez offered the following amendment to the bill:

### **Floor Amendment No. 19**

Amend **CSHB 3474** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 1502.056(a), Government Code, is amended to read as follows:

(a) If the revenue of a utility system, park, or swimming pool secures the payment of public securities issued or obligations incurred under this chapter, each expense of operation and maintenance, including all salaries, labor, materials, interest, repairs and extensions necessary to provide efficient service, and each proper item of expense, is a first lien against that revenue. For a municipality with a population of more than one million but less than two million, the first lien against the revenue of a municipally owned utility system that secures the payment of public securities issued or obligations incurred under this chapter also applies to funding, as a necessary operations expense, for a bill payment assistance program for utility system customers who:

(1) ~~[have been threatened with disconnection from service for nonpayment of bills and who]~~ have been determined by the municipality to be low-income customers; or

(2) are military veterans who have significantly decreased abilities to regulate their bodies' core temperatures because of severe burns received in combat.

The amendment to **CSHB 3474** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 19.

Senator Rodríguez offered the following amendment to the bill:

### **Floor Amendment No. 20**

Amend **CSHB 3474** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Article 26.05(b), Code of Criminal Procedure, is amended to read as follows:

(b) All payments made under this article shall be paid in accordance with a schedule of fees adopted by formal action of the judges of the county courts, statutory county courts, and district courts trying criminal cases in each county. A [On adoption of a] schedule of fees adopted as provided by this subsection must be delivered to the commissioners court of the county not later than the 90th day before the first day of the county's next fiscal year and, if delivered to the commissioners court on or before that 90th day, takes effect on that first day of the next fiscal year. Otherwise, the schedule of fees takes effect on the first day of the next fiscal year that begins at least 90 days after the date of delivery[. a copy of the schedule shall be sent to the commissioners court of the county].

SECTION \_\_\_\_\_. Article 26.05(b), Code of Criminal Procedure, as amended by this Act, applies only to the adoption of a schedule of fees that will take effect on or after January 1, 2016.

The amendment to **CSHB 3474** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 20.

**(Senator Eltife in Chair)**

Senator Rodríguez offered the following amendment to the bill:

**Floor Amendment No. 21**

Amend **CSHB 3474** (senate committee printing) by adding the following SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Subchapter B, Chapter 232, Local Government Code, is amended by adding Section 232.045 to read as follows:

Sec. 232.045. APPLICABILITY OF INFRASTRUCTURE REQUIREMENTS TO LOTS UNDEVELOPED FOR 25 YEARS OR MORE. (a) This section applies only to a county with a population of more than 800,000 that is adjacent to an international border.

(b) A commissioners court by order may implement a process:

(1) applicable to a subdivision in which 50 percent or more of the lots are undeveloped or unoccupied on or after the 25th anniversary of the date the plat for the subdivision was recorded with the county; and

(2) through which the county, to the extent practicable, may apply to the subdivision more current street, road, drainage, and other infrastructure requirements.

(c) A regulation or standard adopted by a county under this section must be no less stringent than the minimum standards and other requirements under the model rules for safe and sanitary water supply and sewer services adopted under Section 16.343, Water Code, and any other minimum public safety standards that would otherwise be applicable to the subdivision.

(d) A regulation or standard adopted by a county under this section applies only to a lot that is owned by an individual, firm, corporation, or other legal entity that directly or indirectly offers lots for sale or lease as part of a common promotional plan in the ordinary course of business, and each regulation or standard must expressly state that limitation. For the purposes of this subsection, "common promotional plan"

means a plan or scheme of operation undertaken by a person or a group acting in concert, either personally or through an agent, to offer for sale or lease more than two lots when the land is:

(1) contiguous or part of the same area of land; or

(2) known, designated, or advertised as a common unit or by a common

name.

(b) The county may not apply an order adopted under Section 232.045, Local Government Code, as added by this Act, to a subdivision that is the subject of a judicial proceeding pending on May 1, 2015, to determine whether the subdivision is subject to a valid and existing subdivision plat.

The amendment to **CSHB 3474** was read.

Senator Rodríguez temporarily withdrew Floor Amendment No. 21.

Senator Lucio offered the following amendment to the bill:

### **Floor Amendment No. 22**

Amend **CSHB 3474** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 418, Government Code, is amended by adding Subchapter F-1 to read as follows:

#### SUBCHAPTER F-1. NATURAL DISASTER HOUSING RECOVERY

Sec. 418.131. DEFINITIONS. In this subchapter:

(1) "Center" means the Hazard Reduction and Recovery Center at Texas A&M University.

(2) "Designated state agency" means a state agency designated by the governor as responsible for long-term natural disaster recovery under Section 418.132.

(3) "Local government" means a county, municipality, or council of government.

(4) "Plan" means a local housing recovery plan developed under Section 418.133.

Sec. 418.132. DESIGNATED STATE AGENCY. (a) The governor shall designate a state agency to receive and administer federal and state funds appropriated for long-term natural disaster recovery.

(b) The designated state agency shall:

(1) collaborate with the Texas Division of Emergency Management and the Federal Emergency Management Agency to secure reimbursement for housing needs in areas affected by natural disasters;

(2) seek prior approval from the Federal Emergency Management Agency and the United States Department of Housing and Urban Development for the immediate post-disaster implementation of local housing recovery plans approved by the governor under Section 418.136; and

(3) maintain a division with adequate staffing and other administrative support to carry out the agency's duties relating to long-term natural disaster recovery.

(c) The designated state agency may adopt rules as necessary to implement the agency's duties under this subchapter.

Sec. 418.133. LOCAL HOUSING RECOVERY PLAN. (a) A local government may develop and adopt a local housing recovery plan to provide for the rapid and efficient construction of permanent replacement housing following a natural disaster.

(b) In developing the plan, a local government shall seek input from:

(1) stakeholders in the community, including residents, local businesses, and community-based organizations; and

(2) neighboring local governments.

(c) A local government may submit a plan developed and adopted under Subsection (a) to the center for certification.

Sec. 418.134. DUTIES OF HAZARD REDUCTION AND RECOVERY CENTER; PLAN CRITERIA AND CERTIFICATION. (a) The center shall review and certify plans submitted to the center by local governments.

(b) The center shall establish criteria for certifying a plan. The center may not certify a plan unless the plan:

(1) identifies areas in the local government's boundaries that are vulnerable to natural disasters;

(2) identifies sources of post-disaster housing assistance and recovery funds;

(3) provides procedures for rapidly responding to a natural disaster, including procedures for:

(A) assessing and reporting housing damage, disaggregated by insured and uninsured losses, to the governor;

(B) providing fair and efficient access to natural disaster recovery assistance for residents;

(C) determining residents' eligibility for natural disaster recovery assistance;

(D) educating residents about the rebuilding process and providing outreach and case management services; and

(E) prequalifying and training local professionals needed for natural disaster recovery;

(4) provides procedures to encourage residents to rebuild outside of the vulnerable areas identified under Subdivision (1);

(5) provides procedures to maximize the use of local businesses, contractors, and supplies to rebuild to the extent possible;

(6) provides procedures to maximize cost efficiency;

(7) provides for the construction of permanent replacement housing for displaced residents as soon as possible after the natural disaster, with a goal of completion in not later than six months; and

(8) complies with applicable state and federal law.

(c) If the center determines that a plan does not meet the criteria prescribed by Subsection (b), the center shall identify the plan's deficiencies and assist the local government in revising the plan to meet the criteria.

(d) The center shall provide training to local governments and community-based organizations on developing a plan. A local government that submits a plan to the center for certification under this section shall designate at least one representative to attend the center's training. The training must include information relating to:

- (1) previous experiences with housing recovery from natural disasters;
- (2) best practices for achieving rapid and efficient construction of permanent replacement housing;
- (3) federal and state laws and regulations on natural disaster recovery;
- (4) methods for identifying and planning for vulnerable areas and populations before a natural disaster; and
- (5) cost-effective land use and building practices.

(e) The center shall create and maintain mapping and data resources related to natural disaster recovery and planning, including the Texas Coastal Communities Planning Atlas.

(f) The center shall assist a local government on request in identifying areas that are vulnerable to natural disasters.

(g) The center shall provide recommendations to the Texas Department of Insurance regarding the development of policies, procedures, and education programs to enable the quick and efficient reporting and settling of housing claims related to natural disasters.

(h) The center may seek and accept gifts, grants, donations, and other funds to assist the center in fulfilling its duties under this section.

Sec. 418.135. REVIEW OF LOCAL HOUSING RECOVERY PLAN BY AGENCY. (a) The center shall submit to the designated state agency a plan certified by the center under Section 418.134.

(b) The designated state agency shall review the plan and consult with the center and the local government about any potential improvements the agency may identify. In reviewing the plan, the agency shall give deference to the local government regarding matters in the local government's discretion.

(c) On completion of the review, the designated state agency shall accept the plan unless the agency determines that the plan does not:

- (1) satisfy the criteria for a certified plan under Section 418.134(b);
- (2) provide for the rapid and efficient construction of permanent replacement housing; or
- (3) comply with applicable state and federal law.

Sec. 418.136. APPROVAL BY GOVERNOR. (a) The designated state agency shall submit to the governor for approval or rejection a plan that the agency accepts under Section 418.135.

(b) If the governor rejects a plan, the governor must provide a written explanation of the reasons for the rejection.

(c) A local government, in consultation with the center and the designated state agency, may revise a plan rejected by the governor under this section and resubmit the plan to the governor for approval.

Sec. 418.137. EFFECT OF APPROVAL. (a) A plan approved by the governor under Section 418.136 is valid for four years and may be implemented during that period without further approval if a natural disaster occurs.

(b) In accordance with rules adopted by the designated state agency, on or before expiration, the plan may be reviewed by the center and the agency, updated if necessary, and resubmitted to the governor for approval or rejection.

SECTION \_\_\_\_\_. Not later than January 1, 2016, the governor shall designate a state agency as the agency responsible for long-term natural disaster recovery as required by Section 418.132, Government Code, as added by this Act, and shall file that designation with the secretary of state for publication in the Texas Register.

LUCIO  
BETTENCOURT  
NICHOLS  
L. TAYLOR

The amendment to **CSHB 3474** 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. 22 except as follows:

Nays: V. Taylor.

Senator Hall offered the following amendment to the bill:

**Floor Amendment No. 23**

Amend **CSHB 3474** by adding the following appropriately numbered SECTIONS to the bill, renumbering subsequent SECTIONS of the bill, and correcting all cross-references to those SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter H, Chapter 51, Government Code, is amended by adding Section 51.712 to read as follows:

Sec. 51.712. ADDITIONAL FILING FEE FOR CIVIL CASES IN KAUFMAN COUNTY. (a) This section applies only to district courts, statutory probate courts, county courts at law, and justice courts in Kaufman County.

(b) Except as otherwise provided by this section and in addition to all other fees authorized or required by other law, the clerk of a court shall collect a filing fee of not more than \$15 in each civil case filed in the court to be used for the construction, renovation, or improvement of the facilities that house the Kaufman courts collecting the fee.

(c) Court fees due under this section shall be collected in the same manner as other fees, fines, or costs are collected in the case.

(d) The clerk shall send the fees collected under this section to the county treasurer or to any other official who discharges the duties commonly assigned to the county treasurer at least as frequently as monthly. The treasurer or other official shall deposit the fees in a special account in the county treasury dedicated to the construction, renovation, or improvement of the facilities that house the courts collecting the fee.

(e) This section applies only to fees for a 12-month period beginning July 1, if the commissioners court:

(1) adopts a resolution authorizing a fee of not more than \$15; and



(2) files the resolution with the county treasurer or with any other official who discharges the duties commonly assigned to the county treasurer not later than June 1 immediately preceding the first 12-month period during which the fees are to be collected.

(f) A resolution adopted under Subsection (e) continues from year to year until July 1, 2030, allowing the county to collect fees under the terms of this section until the resolution is rescinded.

(g) The commissioners court may rescind a resolution adopted under Subsection (e) by adopting a resolution rescinding the resolution and submitting the rescission resolution to the county treasurer or to any other official who discharges the duties commonly assigned to the county treasurer not later than June 1 preceding the beginning of the first day of the county fiscal year. The commissioners court may adopt an additional resolution in the manner provided by Subsection (e) after rescinding a previous resolution under that subsection.

(h) A fee established under a particular resolution is abolished on the earlier of:

(1) the date a resolution adopted under Subsection (e) is rescinded as provided by Subsection (g); or

(2) July 1, 2030.

SECTION 2. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.061193 to read as follows:

Sec. 101.061193. ADDITIONAL DISTRICT COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a district court in Kaufman County shall collect an additional filing fee of not more than \$15 under Section 51.712, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 3. Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.081196 to read as follows:

Sec. 101.081196. ADDITIONAL STATUTORY COUNTY COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory county court in Kaufman County shall collect an additional filing fee of not more than \$15 under Section 51.712, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 4. Subchapter F, Chapter 101, Government Code, is amended by adding Section 101.101191 to read as follows:

Sec. 101.101191. ADDITIONAL STATUTORY PROBATE COURT FEES FOR COURT FACILITIES: GOVERNMENT CODE. The clerk of a statutory probate court in Kaufman County shall collect an additional filing fee of not more than \$15 under Section 51.712, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 5. Subchapter H, Chapter 101, Government Code, is amended by adding Section 101.143 to read as follows:

Sec. 101.143. ADDITIONAL JUSTICE COURT FEE FOR COURT FACILITIES COLLECTED BY CLERK. The clerk of a justice court in Kaufman County shall collect an additional filing fee of not more than \$15 under Section 51.712, Government Code, in civil cases to fund the construction, renovation, or improvement of court facilities, if authorized by the county commissioners court.

SECTION 6. 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 3474** 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. 23 except as follows:

Nays: Fraser, V. Taylor.

Question: Shall **CSHB 3474** as amended be passed to engrossment?

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 27, 2015 - 3

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**SB 9** Hancock Sponsor: Otto  
Relating to limitations on the rate of growth of appropriations for certain categories of spending.  
(Committee Substitute/Amended)

**SB 11** Birdwell Sponsor: Fletcher  
Relating to the carrying of handguns on the campuses of and certain other locations associated with institutions of higher education; providing a criminal penalty.  
(Amended)

**SB 19** Taylor, Van Sponsor: Cook  
Relating to the ethics of public officers and employees, the disclosure of certain political contributions, and related requirements and procedures; creating criminal offenses.  
(Committee Substitute/Amended)

**SB 206** Schwertner Sponsor: Burkett  
Relating to the continuation and functions of the Department of Family and Protective Services and procedures applicable to suits affecting the parent-child relationship, investigations of child abuse and neglect, and conservatorship of a child; affecting fee amounts and authorizing an administrative penalty.  
(Committee Substitute/Amended)

- SB 496** Watson Sponsor: Howard  
Relating to Foundation School Program funding for certain students.  
(Amended)
- SB 1336** Perry Sponsor: Keffer  
Relating to the powers and duties, the construction of laws, and the election dates of certain groundwater conservation districts.  
(Committee Substitute/Amended)
- SB 1496** Uresti Sponsor: Naishtat  
Relating to background checks conducted by the Department of Family and Protective Services for certain child-care providers.
- SB 1934** Campbell Sponsor: Miller, Rick  
Relating to requirements for the issuance of a driver's license or personal identification certificate and to a study on digital identification and proof of licensure.  
(Amended)
- SCR 9** Hancock Sponsor: Geren  
Authorizing the lieutenant governor and speaker to appoint interim joint committees.
- SCR 22** Seliger Sponsor: King, Ken  
Designating Quitaque as the official Bison Capital for a 10-year period beginning in 2015.
- SCR 40** Hancock Sponsor: Geren  
Authorizing a portrait of Governor Rick Perry to be placed in the Texas Capitol.
- SCR 41** Perry Sponsor: Burrows  
Designating Terry County as the official Grape Capital of Texas.
- SJR 52** Campbell Sponsor: Otto  
Proposing a constitutional amendment repealing the requirement that state officers elected by voters statewide reside in the state capital.

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

**HB 2187**

Pursuant to Rule 13, Section 5A of the Rules of the Texas House, 84th Legislature, the house hereby returns HB 2187 to the senate for further consideration due to non-germane amendments.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

Question: Shall **CSHB 3474** as amended be passed to engrossment?

Senator Garcia offered the following amendment to the bill:

**Floor Amendment No. 24**

Amend **CSHB 3474** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Effective September 1, 2015, Subchapter G, Chapter 13, Water Code, is amended by adding Section 13.2541 to read as follows:

Sec. 13.2541. APPOINTMENT OF TEMPORARY MANAGER. (a) Utility commission staff shall file a petition to appoint a temporary manager of an investor-owned water utility if the staff has reason to believe:

(1) the utility has repeated or continuous violations of commission rules or of the commission's predecessor agency rules regarding well capacity, storage tank capacity, service pump capacity, or pressure tank capacity for at least six years before the petition is filed;

(2) neither an owner of the utility nor the utility has borrowed money from a federally insured lending institution to remedy a violation of a rule described by Subdivision (1);

(3) the utility serves more than 1,000 connections but is made up of less than five public water systems;

(4) the utility does not serve customers who are located in a municipality;  
and

(5) the utility is located in a county with a population of more than 2.7 million.

(b) If, after notice and an opportunity for a hearing, the utility commission finds that the facts alleged in the petition are true, the utility commission may appoint a temporary manager and may also refer the investor-owned utility to the attorney general for the appointment of a receiver under Section 13.412. The utility commission shall issue its final order not more than 180 days after the date the petition is filed.

(c) If the utility commission appoints a temporary manager, the manager shall have all the power and authority provided by Section 13.4132(c). Not more than 120 days after the appointment of the manager, the manager shall recommend to the utility commission whether or not the utility's certificate should be revoked. If the manager recommends revocation, the manager shall recommend one or more retail public utilities that could provide service to the certificated area.

(d) If a court appoints a receiver for the utility, the temporary manager's appointment ends when the receiver executes the bond required by Section 13.412. The temporary manager is eligible to be appointed as the receiver.

(e) Not more than 90 days after the appointment of a receiver by the court, the receiver shall recommend to the utility commission whether or not the utility's certificate of convenience and necessity should be revoked. If the receiver recommends revocation, the receiver shall recommend one or more retail public utilities that could provide service to the certificated area. The receiver may recommend any other remedy authorized by this chapter.

(f) If the receiver recommends revocation, the utility commission staff shall file a petition to revoke the certificate of convenience and necessity under Section 13.254.

The amendment to **CSHB 3474** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 24.

Senator Lucio offered the following amendment to the bill:

**Floor Amendment No. 25**

Amend **CSHB 3474** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 1502.056, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) For a municipality in a county that contains an international border and borders the Gulf of Mexico, the first lien against the revenue of a municipally owned utility system that secures the payment of public securities issued or obligations incurred under this chapter also applies to funding, as a necessary operations expense, for a bill payment assistance program for the utility system's customers who:

(1) have been determined by the municipality to be low-income customers;

(2) are military veterans who have significantly decreased abilities to regulate their bodies' core temperatures because of severe burns received in combat;  
or

(3) are elderly and low-income customers as determined by the municipality.

The amendment to **CSHB 3474** was read.

Senator Lucio temporarily withdrew Floor Amendment No. 25.

Senator Lucio offered the following amendment to the bill:

#### **Floor Amendment No. 26**

Amend **CSHB 3474** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Effective September 1, 2015, Section 60.039(a), Water Code, is amended to read as follows:

(a) The commission may lease the surface of land for not more than 50 [~~30~~] years by the entry of an order on the minutes of the commission and the execution of a lease in the manner provided by the original order. The lease may not be extended beyond the 50-year [~~30-year~~] period by renewal, extension, or otherwise, except that the commission may extend a lease beyond a 50-year period for residential property located in a district in which at least 50 percent of the property is residential property.

SECTION \_\_\_\_\_. Effective September 1, 2015, Section 60.040, Water Code, is amended to read as follows:

Sec. 60.040. PUBLICATION OF NOTICE FOR SALES AND LEASES IN EXCESS OF 50 [~~30~~] YEARS. Before making a sale or lease of land for more than 50 [~~30~~] years, the commission shall publish a notice in the manner provided in Section 60.035 [~~of this subchapter~~].

SECTION \_\_\_\_\_. Effective September 1, 2015, Section 60.041, Water Code, is amended to read as follows:

Sec. 60.041. SECURITY FOR BIDS ON LAND TO BE SOLD OR LEASED FOR MORE THAN 50 [~~30~~] YEARS. Each bid submitted on land to be sold or leased for more than 50 [~~30~~] years shall be accompanied by a certified check, cashier's check, or bidder's bond with a responsible corporate surety authorized to do business

in Texas. The check or bond shall be in an amount equal to the bid for the land or for the first rental payment under the lease and shall guarantee that the bidder will perform the terms of the the [his] bid if it is accepted by the commission.

SECTION \_\_\_\_\_. Effective September 1, 2015, the heading to Section 60.042, Water Code, is amended to read as follows:

Sec. 60.042. AWARD AND EXECUTION OF DEED OR LEASE IN EXCESS OF 50 ~~[30]~~ YEARS.

SECTION \_\_\_\_\_. Sections 60.039, 60.040, 60.041, and 60.042, Water Code, as amended by this Act, apply only to a lease entered into on or after September 1, 2015. A lease entered into before September 1, 2015, is governed by the law in effect on the date the lease was entered into, and the former law is continued in effect for that purpose.

The amendment to **CSHB 3474** was read.

Senator Lucio temporarily withdrew Floor Amendment No. 26.

Senator Hall offered the following amendment to the bill:

#### **Floor Amendment No. 27**

Amend **CSHB 3474** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Article 4.14, Code of Criminal Procedure, is amended by adding Subsection (h) to read as follows:

(h) For the purposes of Subsection (b)(1), the territorial limits of a municipality with a population of less than 2,000 that is located in two counties include:

(1) the entire width of a segment of highway or street, as defined by Section 541.302, Transportation Code, that is partially located in the municipality; or

(2) a segment of highway or street, as defined by Section 541.302, Transportation Code, that abuts property located in the municipality.

(b) Article 14.03(g), Code of Criminal Procedure, is amended by adding Subdivision (4) to read as follows:

(4) For purposes of Subdivision (2), the jurisdiction of a peace officer employed by a municipality described by Article 4.14(h) includes the area included in the territorial limits of the municipality under that article.

(c) Article 45.019, Code of Criminal Procedure, is amended by adding Subsection (h) to read as follows:

(h) A complaint filed in municipal court in a municipality described by Article 4.14(h) must allege that the offense was committed in the territorial limits of the municipality, which include the area described by that article, in which the complaint is made.

(d) Section 29.003, Government Code, is amended by adding Subsection (j) to read as follows:

(j) For the purposes of Subsection (b), the territorial limits of a municipality described by Article 4.14(h), Code of Criminal Procedure, include the area described by that article.

(e) The changes in law made by this section 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 section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

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

The amendment to **CSHB 3474** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 27.

Senator Hall offered the following amendment to the bill:

### **Floor Amendment No. 28**

Amend **CSHB 3474** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) In this section, "critical infrastructure" means an electrical power generating facility, substation, switching station, electrical control center, or electrical transmission or distribution facility.

(b) The Public Utility Commission of Texas shall instruct the independent organization certified under Section 39.151, Utilities Code, to commission a study on the security of the Texas electric grid and the computer systems and networks related to it. On or before September 1, 2015, the independent organization must name persons to conduct the study who have expertise in:

- (1) electromagnetic pulse disturbances;
- (2) cybersecurity;
- (3) geomagnetic disturbances;
- (4) electric power transmission and distribution system security; and
- (5) terrorism.

(c) Through the study the independent organization must:

- (1) identify the critical infrastructure that is at risk from electromagnetic, geomagnetic, terrorist, and cyber-attack threats;
- (2) evaluate technologies available to improve the resiliency of critical infrastructure against electromagnetic, geomagnetic, terrorist, or cyber-attack threats;
- (3) evaluate the capabilities of critical infrastructure to recover from electromagnetic, geomagnetic, terrorist, or cyber-attack threats;
- (4) evaluate measures to secure the electric grid and associated computer systems and networks against damage against electromagnetic, geomagnetic, terrorist, and cyber-attack threats; and
- (5) assess the projected cost of enhancements to critical infrastructure that are necessary to secure adequately against electromagnetic, geomagnetic, terrorist, and cyber-attack threats.

(d) Information collected by the independent organization for the study that is related to the security of the electric grid is confidential and is not subject to disclosure under Chapter 552, Government Code.

(e) Not later than December 1, 2016, the Public Utility Commission of Texas shall provide a report on the results of the study required by this section to the governor, the lieutenant governor, the speaker of the house of representatives, and each standing committee of the senate and the house of representatives with primary jurisdiction over the electric grid and emergency management.

The amendment to **CSHB 3474** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 28.

Senator Menéndez offered the following amendment to the bill:

**Floor Amendment No. 29**

Amend **CSHB 3474** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Subchapter C, Chapter 821, Health and Safety Code, is amended by adding Section 821.0521 to read as follows:

Sec. 821.0521. EUTHANASIA OF CERTAIN ANIMALS PROHIBITED. (a)  
This section applies only to a county:

(1) with a population of more than 1.5 million that contains a municipality in which at least 75 percent of the county's population resides; or

(2) that borders the United Mexican States and the Gulf of Mexico.

(b) A person may not euthanize a dog, cat, or other animal in the custody of an animal shelter if the animal could safely be placed:

(1) in an empty cage, kennel, or other living environment intended for animal habitation in the animal shelter; or

(2) in a shared cage, kennel, or other living environment intended for animal habitation in the animal shelter with another animal of the same species.

(c) A cage, kennel, or other living environment described by Subsection (b)(1) or (2) does not include a cage, kennel, or other living environment in an animal shelter that is:

(1) not attached to the animal shelter or the premises of the animal shelter;

or

(2) restricted to the public and designated for the provision of treatment and care to sick or injured animals.

(d) Subsection (b) does not apply to:

(1) an animal that is suspected of carrying and is otherwise exhibiting signs of rabies as determined by a licensed veterinarian;

(2) a dog that a court has determined to be a dangerous dog under Subchapter D, Chapter 822;

(3) a dog that has bitten a person severely enough that the person suffered an injury requiring more than minor medical attention;



(4) a dog that has bitten a cat or another dog, causing serious injury or death to the other animal;

(5) a dog that a certified animal behaviorist or qualified shelter staff has determined is a threat to human safety; or

(6) an animal that has a poor or grave prognosis for being able to live without severe, unremitting pain, even with comprehensive, prompt, and necessary veterinary care, as determined by a licensed veterinarian.

(e) This section does not require a person who is an agent of an animal shelter to:

(1) group dogs or cats together in a manner that does not provide each animal the ability to turn freely or to easily stand, sit, stretch, move the animal's head without touching the top of the enclosure, lie in a comfortable position with limbs extended, or move around to assume a comfortable posture for feeding, drinking, urinating, and defecating;

(2) group two or more dogs together unless they are bonded companions or related;

(3) group sick animals with healthy animals; or

(4) group a dog that weighs more than 30 pounds with another dog without prior approval of a shelter staff member that is granted after the shelter staff member has supervised an introduction of the dogs.

(f) This section does not prohibit a person who is an agent of an animal shelter from euthanizing an animal to make a cage or kennel space available for an additional animal, if the additional animal is in the custody of the animal shelter or the agent and is expected to arrive at the animal shelter within a reasonable period of time.

The amendment to **CSHB 3474** 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. 29 except as follows:

Nays: Birdwell.

Senator Uresti offered the following amendment to the bill:

### **Floor Amendment No. 30**

Amend **CSHB 3474** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill, renumbering subsequent SECTIONS of the bill, and correcting all cross-references to those SECTIONS accordingly:

SECTION \_\_\_\_\_. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8373 to read as follows:

#### CHAPTER 8373. AXIS MUNICIPAL UTILITY DISTRICT NO. 1

##### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8373.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Axis Municipal Utility District No. 1.

Sec. 8373.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8373.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8373.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8373.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 8373.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, or improvement of macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

Sec. 8373.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section \_\_\_ of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section \_\_\_ of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8373.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8373.052, directors serve staggered four-year terms.

Sec. 8373.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Hugh Coates;

(2) Dennette Coates; and

(3) Greg Leach.

(b) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the three persons named in the petition. The commission shall appoint as temporary directors the three persons named in the petition.

(c) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8373.003; or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(d) If permanent directors have not been elected under Section 8373.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (e) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8373.003; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(e) If Subsection (d) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the persons named in the petition. The commission shall appoint as successor temporary directors the persons named in the petition.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 8373.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8373.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8373.103. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

(b) The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the commission as required by Section 54.234, Water Code.

Sec. 8373.104. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 8373.103 unless:

(1) each municipality or county that will operate and maintain the road has approved the plans and specifications of the road project, if a municipality or county will operate and maintain the road; or

(2) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.

(b) Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation Commission to design, acquire, construct, finance, issue bonds for, improve, or convey a road project.

Sec. 8373.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8373.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8373.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

- (1) revenue other than ad valorem taxes; or
- (2) contract payments described by Section 8373.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8373.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8373.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 8373.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8373.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8373.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8373.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION \_\_\_\_. The Axis Municipal Utility District No. 1 initially includes all the territory contained in the following area:

## Tract I:

Said 921.8551 acres of land lying and being situated in Kinney County, Texas; about seven miles N 21° W of the City of Brackettville, the County Seat; containing acreages in the various Surveys, as follows:

Sur. No. Original Grantee Abst. No. Acres.

3 H. L. Dignowity 62172.3267

268 P. Moore 5072.5831

517 H. E. & W. T. R.R. Co. 816419.8181

523 H. E. & W. T. R.R. Co. 817164.8747

524 G. Dietzel 1673262.2525

Total 921.8551 Ac.

Said 921.8551 acres of land being the southeast portion of the Eduardo A. de la Graza Lands; and being more fully described by metes and bounds, as follows:

BEGINNING at a 5/8" Steel Pin found at a fence corner post, for the Westernmost corner of this tract, and the common corner of the following four Surveys, viz.: the East corner of Sur. No. 409, B.B.B. & C. R.R. Co.; the South corner of Sur. No. 413, S.F.A.M. & I. Co.; the West corner of said Sur. No. 517; and the North corner of Sur. No. 410, Ben S. Jones;

THENCE with fence along the northwest lines of said Sur. No. 517 and Sur. No. 3, the southeast line of said Sur. No. 413, N 32° 00' 00" E 4859.13 ft. to a 5/8" Steel Pin, found at a fence corner post; for a re-entrant corner of a 40.00 ft. wide road easement (as recorded in Tract III, in Vol. A-66, Page 277-280, Deed Records), and a North corner of this tract;

THENCE leaving said Survey line, and with fence along a southwest R.O.W. line of said 40.00 ft. wide road easement, S 42° 04' 08" E 192.52 ft. to a 5/8" Steel Pin found at a fence corner post, for a South corner of said road easement, and a re-entrant corner of this tract;

THENCE leaving fence and continuing with the southeast R.O.W. line of said road easement, along a northwest side of this tract, as follows:

N 42° 02' 32" E 991.47 ft. to a large creosoted post in concrete, for corner;

N 54° 31' 40" E, crossing the northeast line of said Sur. No. 3, the southwest line of said Sur. No. 524, 1053.77 ft. to a large creosoted post in concrete, for corner; and

THENCE S 59° 19' 30" E 221.71 ft. to a 5/8" Steel Pin found in fence; for the South corner of the S.E. terminal of said road easement, and a re-entrant corner of this tract;

THENCE continuing with the northwest side of this tract, with fence and 5/8" Steel Pins found at fence corner posts, for corners, as follows:

N 29° 52' 14" E, at 40.00 ft. pass a point for the North corner of the S.E. terminal of said road easement; total 1722.04 ft.;

N 40° 30' 16" E 1529.27 ft.;

N 14° 50' 33" W, crossing the northwest line of said Sur. No. 524, the southeast line of said Sur. No. 268, 1560.55 ft.; and

THENCE N 33° 53' 54" E 131.42 ft. to a 5/8" Steel Pin found at a fence corner post, in the northeast line of said Sur. No. 268, the southwest line of Sur. No. 2, I. & G.N. R.R. Co., Blk. 6; for the Northernmost corner of this tract;

THENCE with fence, along the southwest line of said Sur. No. 2, the northeast lines of Sur. Nos. 268, 524, and 523, respectively, and along a northeast side of this tract, S 58° 47' 22" E 4337.16 ft. to a 5/8" Steel Pin, found at a fence corner post in the west line of Sur. No. 8, I. & G.N. R.R. Co., Blk. 6; for a South corner of said Sur. No. 2, the N.E. corner of said Sur. No. 523, and the N.E. corner of this tract;

THENCE with fence and the west line of said Sur. No. 8, along the east line of said Sur. No. 523 and an east side of this tract, S 00° 25' 19" W 2398.89 ft. to a 5/8" Steel Pin, found at a fence corner post, for the E.S.E. corner of this tract;

THENCE leaving said Survey line, and with fence along a southeast side of this tract, as follows:

N 89° 06' 42" W 1058.11 ft. to a 5/8" Steel Pin set at a fence corner post, for corner;

S 80° 43' 46" W 478.65 ft. to a 1" Steel Pin found under fence, for corner;

S 80° 31' 20" W 659.66 ft. to a 5/8" Steel Pin set at a fence corner post, for corner;

S 83° 54' 33" W 882.17 ft. to a 3/4" Steel Pin found at a fence corner post, for an East re-entrant corner;

S 10° 48' 00" E 736.67 ft. to a 3/4" Steel Pin found near a 3-way fence corner post, for corner;

S 82° 17' 14" E 76.27 ft. to a 3/4" Steel Pin found near a 3-way fence corner post, for corner;

S 42° 54' 05" W 468.96 ft. to a 3/4" Steel Pin found at a fence corner post, for corner;

S 00° 05' 29" E 81.77 ft. to a 5/8" Steel Pin set at a large dead Elm tree stump fence corner, for corner;

S 12° 51' 33" E, crossing Elm Creek, 63.57 ft. to a 5/8" Steel Pin set at a 10" Elm tree fence corner;

S 07° 47' 12" W 215.66 ft. to a 5/8" Steel Pin set at a north gate post, for corner;

S 68° 06' 02" W, crossing private pasture road, 15.17 ft. to a 5/8" Steel Pin set at a south gate post, for corner;

S 21° 59' 21" W 110.37 ft. to a 1" Steel Pin, found at a fence corner post in the southwest line of said Sur. No. 523, the northeast line of Sur. No. 518, J. Herzing; for a middle S.E. corner of this tract;

THENCE continuing, and with said Survey line, N 58° 08' 12" W 136.75 ft. to a 5/8" Steel Pin found at a fence corner post, for the North corner of said Sur. No. 518, the East corner of said Sur. No. 517, and a re-entrant corner of this tract;

THENCE with fence and the northwest line of said Sur. No. 518, the southeast line of said Sur. No. 517, along a southeast side of this tract, S 32° 40' 56" W 5967.46 ft. to a 5/8" Steel Pin found at a 3-way fence corner, in the northeast line of Sur. No. 410, Ben S. Jones; for the West corner of said Sur. No. 518, the South corner of said Sur. No. 517, and the Southernmost corner of this tract;

THENCE with fence and the northeast line of said Sur. No. 410, the southwest line of said Sur. No. 517, along a southwest side of this tract, N 58° 01' 13" W, crossing Elm Creek, 3612.76 ft. to the place of BEGINNING;

and property:

## TRACT A:

BEING 680.0186 acres of land, more or less, lying and being situated in Kinney County, Texas, about seven miles N 21° W of Brackettville, the County Seat, containing acreage in various Surveys, as follows:

Sur. No. Original Grantee Abst. No. Acres

3H L. Dignowity 6217.6652

267H. N Cleveland 3837.7480

268P Moore 507578.5462

524G Dietzel 167356.0592

Total. . . . 680.0186Ac.

Said tract of 680.0186 acres being more fully described by metes and bounds, in one body, as follows:

BEGINNING at a 5/8" Steel Pin set at corner of Fence, in the S.E. line of Sur. No. 413, S F.A.M. & I Co., distant 4859 13 N 32° E of its South corner. Said point being the East corner of the O.D. Dooley Farms;

THENCE along the northwestern line of Sur. No. 517, N 32° 00' 00" E 1109.19 ft. to a point for the East Corner of Sur No. 413;

THENCE along its N.E. line N 58° 00' 00" W 3943.41 ft. to a point in fence for a corner;

THENCE with fence, N 41° 40'28" E 988.09 ft. to a 5/8" Steel Pin at fence corner;

THENCE with fence N 23° 57' 59" W 2141.26 ft.; and N 15° 12' 55" W 828.38 ft. to a 5/8" Steel Pin at fence corner;

THENCE with fence N 70° 05' 10" E 1361.21 ft. to a corner;

THENCE with fence N 83° 56' 06" E 1846.46 ft. to a 16" Live Oak for a corner;

THENCE with fence as follows:

N 74° 52' 12" E 253 62 ft. to a corner;

N 48° 36' 04" E 34 92 ft. to a corner;

S 59° 17' 38" E 1611 56 ft. to a 5/8" Steel Pin at fence corner, in the S.W line of Sur. No. 2, I & G N RR. Co., Blk. 6;

THENCE with fence and along the S.W. line of Sur. No. 2, S 58° 47' 22" E 2086.39 ft. to a 5/8" Steel Pin at corner of fence;

THENCE with fence as follows:

S 33° 53' 54" W 131 42 ft. to a corner;

S 14° 50' 33" E 1560.55 ft. to a corner;

S 40° 30' 16" W 1529 27 ft. to a corner; and

S 29° 52' 14" W 1722.04 ft. to a 5/8" Steel Pin for corner;

THENCE leaving fence, N 59° 19' 30" W 221 71 ft. to a 5/8" Steel Pin for corner;

THENCE S 54° 31' 40" W 1058.77 ft. to a 5/8" Steel Pin for a corner;

THENCE S 42° 02' 32" W 991 47 ft. to a 5/8" Steel Pin in fence for corner;

THENCE with fence N 42° 04' 08" W 192.52 ft. to the place of BEGINNING.

## TRACT B:

BEING 102.5974 acres of land, more or less, lying and being situated in Kinney County, Texas, about seven miles N 21° W of Brackettville, the County Seat, all out of Sur. No. 413, S.F.A.M. & I. Co., Original Grantee, Abst. No. 570;

BEGINNING at a 5/8" Steel Pin set at corner of fence, in the S E. line of Sur No. 413, at a point 1109.19 ft. S 32° 00' 00" W from its East corner;

THENCE with fence N 57° 56' 13" W 4079.16 ft. to a 5/8" Steel Pin for a corner;

THENCE crossing Road, N 45° 31' 58" W 51.89 ft. to a 5/8" Steel Pin for the West corner;

THENCE N 41° 40' 28" E 1109.27 ft. to a point for the North corner;

THENCE along the N E. line of Sur. No. 413, S 58° 00' 00" E 3943.41 ft. to a point for its East corner;

THENCE along the S.E. line of Sur No. 413, S 32° 00' 00" W 1109.19 ft to the place of BEGINNING.

TRACT C:

An undivided one-half (1/2) interest in and to the following described parcels of land, to-wit:

Parcel 1:

BEING 4.4662 acres of land, more or less, lying and being situated in Kinney County, Texas, about seven miles N 21° W of Brackettville, the County Seat, all out of Sur. No. 409, B.B.B & C RR. Co., Original Grantee, Abst. No. 20; said 4 4662 acres being more fully described by metes and bounds as follows:

BEGINNING at a 5/8" Steel Pin set for the north corner of this tract, in the N.E. line of Sur. No. 409, and distant 4382.33 ft. N 57° 49' 51" W of its East corner;

THENCE crossing Road S 58° 00' 21" E 49.58 ft. to a point for the east corner;

THENCE S 32° 06' 15" W 4011 33 ft. to a 5/8" Steel Pin for the South corner, set in the N E. Right-of-Way line of Ranch Road No. 2804;

THENCE along said R.O.W N 56° 58 00" W 47.44 ft to a 5/8" Steel Pin for the West corner;

THENCE N 32° 04' 25" E 4010 47 ft to the place of BEGINNING.

Parcel 2:

BEING 11 010 acres of land, more or less, lying and being situated in Kinney County, Texas, about seven miles N 21° W of Brackettville, the County Seat, all out of Sur No. 413, S F A.M & I Co., Original Grantee, Abst. No. 570, said 11.0100 acres being more fully described by metes and bounds, as follows:

BEGINNING at a 5/8" Steel Pin set for the West corner of this tract, in the S W. line of Sur No. 413, and distant 4382 22 ft. N 57° 49' 51" W of its South corner;

THENCE with fence N 29° 02' 19" E 136.01 ft. to a corner;

THENCE with fence as follows:

N 35° 50' 10" E 3621.84 ft.

N 35° 46' 18" E 146 45 ft.

N 35° 49' 53" E 74.75 ft.

N 32° 09' 56" E 891 62 ft to a 5/8" Steel Pin for the North corner;

THENCE crossing Road, S 45° 31' 58" E 51.89 ft. to a fence corner, at 5/8" Steel Pin;

THENCE with fence, S 32° 02' 11" W 2598 06 ft. to a corner;

THENCE with fence S 38° 43' 57" W 2146.97 ft. and S 32° 06' 15" W 120.46 ft. to a point for a corner;

THENCE crossing Road N 58° 00' 21" W 49.58 ft. to the place of BEGINNING



The amendment to **CSHB 3474** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 30.

Senator Uresti offered the following amendment to the bill:

### **Floor Amendment No. 31**

Amend **CSHB 3474** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 43, Election Code, is amended by adding Section 43.064 to read as follows:

Sec. 43.064. LOCATION OF POLLING PLACE IN POPULOUS COUNTY ON SECRETARY OF STATE'S WEBSITE. (a) This section applies only to a polling place located in a county with a population of 100,000 or more.

(b) The secretary of state shall prescribe procedures requiring each entity designating the location of a polling place to submit information on the location to the secretary of state for inclusion on the secretary of state's website.

(c) Information required to be delivered to the secretary of state under this section must be delivered not later than the 30th day before the date of the election. The secretary of state shall post the information on the secretary of state's website not later than the 25th day before the date of the election.

(d) For each polling place the information submitted must include, in a form specified by the secretary of state, the name of the building in which the polling place is located, if available, the street address and zip code of the polling place, and each precinct voting at the location.

(e) Any change in polling place information required to be delivered under this section must be delivered, in a form specified by the secretary of state, to the secretary of state not less than 24 hours after the change is made.

SECTION \_\_\_\_\_. Section 85.007, Election Code, is amended by adding Subsections (d), (e), and (f) to read as follows:

(d) Any notice required under this section must also be posted, not less than 15 days before the start of the period for early voting by personal appearance:

(1) on the Internet website of the authority ordering the election, if the authority maintains a website; and

(2) for a primary election or general election, by the secretary of state on the secretary's Internet website.

(e) The authority ordering an election shall forward its election notice to the secretary of state in a form specified by the secretary of state and in a manner that affords the secretary of state sufficient time to comply with Subsection (d)(2).

(f) Any change in a notice described by this section must be forwarded, in a form specified by the secretary of state, to the secretary of state not less than 24 hours after the change is made.

The amendment to **CSHB 3474** was read.

Senator Uresti withdrew Floor Amendment No. 31.

Senator Bettencourt offered the following amendment to the bill:

**Floor Amendment No. 32**

Amend **CSHB 3474** (senate committee printing) as follows:

Add the following appropriately numbered SECTIONS to the bill, correct internal cross-references to those SECTIONS, and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7950 to read as follows:

CHAPTER 7950. F.M. 2920/BECKER ROAD MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7950.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the F.M. 2920/Becker Road Municipal Utility District of Harris County.

Sec. 7950.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7950.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7950.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7950.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7950.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7950.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section \_\_\_\_ of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section \_\_\_\_ of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7950.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7950.052, directors serve staggered four-year terms.

Sec. 7950.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

- (1) Brian Toldan;
- (2) Elva Composto;
- (3) Hudson Kennedy;
- (4) Josh Rambo; and
- (5) Michael Others.

(b) Temporary directors serve until the earlier of:

- (1) the date permanent directors are elected under Section 7950.003; or
- (2) the fourth anniversary of the effective date of the Act enacting this chapter.

(c) If permanent directors have not been elected under Section 7950.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

- (1) the date permanent directors are elected under Section 7950.003; or
- (2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7950.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7950.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7950.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7950.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7950.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

#### SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7950.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7950.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7950.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7950.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7950.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

#### SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7950.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7950.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7950.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION \_\_\_\_\_. The F.M. 2920/Becker Road Municipal Utility District of Harris County initially includes all the territory contained in the following area:

FIELD NOTES FOR A 143.175 ACRE TRACT BEING THE RESIDUE OF THE SAME TRACT THAT IS DESCRIBED AS 145.507 ACRES IN THE DEED RECORDED IN HARRIS COUNTY CLERK'S FILE NO. L295708 (SAVE AND EXCEPT A 2.381 ACRE TRACT CONVEYED OUT IN THE DEED RECORDED IN CLERK'S FILE No. 2012449130), AND BEING LOCATED IN THE HARRIS COUNTY SCHOOL LANDS, SECTION 29, ABSTRACT 333, HARRIS COUNTY, TEXAS.

BEGINNING: At a concrete monument found for the Northeast corner of this 143.175 acre tract (and the above described 145.507 acre tract) as located at the intersection of the South line of Farm-to-Market Road 2920 (100 foot width) with the West right-of-way line of Becker Road (66 foot width);

THENCE: South  $01^{\circ} 29' 57''$  East with the West line of Becker Road a distance of 493.80 feet to a 1/2 inch iron rod found for the Southeast corner of this 143.175 acre tract and also being the Northeast corner of an adjoining 5.000 acre tract (Clerk's File No. T129332);

THENCE: South  $88^{\circ} 10' 30''$  West a distance of 900.00 feet along the North line of the 5.000 acre tract to a 2 inch iron pipe found for the Northwest corner of the 5.000 acre tract and also being an interior corner of this 143.175 acre tract;

THENCE: South  $01^{\circ} 31' 24''$  East with the West line of the 5.000 acre tract and a West line of a called 24.287 acre tract (Clerk's File No. T129332) a distance of 842.21 feet to a 2 inch iron pipe found for an interior corner of the 24.287 acre tract and also a lower Southeast corner of this tract;

THENCE: South  $88^{\circ} 12' 00''$  West at distance of 2300.24 feet with a North line of the called 24.287 acre tract and a South line of this 143.175 acre tract passing a 2 inch iron pipe found for a Northwest corner of the called 24.287 acre tract and the Northeast corner of a 2.381 acre tract (Clerk's File No. 2012449130) and continuing on for a total distance of 2768.46 feet to a 1/2 inch iron rod found for the Southwest corner of this tract and the Northwest corner of the 2.381 acre tract;

THENCE: North  $02^{\circ} 05' 14''$  West with the West line of this tract and the East line of a called 100.00 acre tract (Clerk's File No. F053682), said 100.00 acre tract has been subdivided into Adams Plaza Subdivision (unrecorded); a distance of 1998.21 feet to a 1/2 inch iron rod found for the Southwest corner of a 1.000 acre tract (Clerk's File NO. S770247);

THENCE: North 88° 21' 15" East a distance of 100.00 feet along the South line of the 1.000 acre tract to a 1/2 inch iron rod found for the Southeast corner of the 1.000 acre tract and being an interior corner of this 143.175 acre tract;

THENCE: North 02° 05' 14" West a distance of 435.21 feet along the East line of the 1.000 acre tract to a 5/8 inch iron rod and cap found for the Northeast corner of the 1.000 acre tract and the Northwest corner of this 143.175 acre tract, said corner is located in the South right-of-way line of F.M. 2920;

THENCE: North 88° 21' 15" East a distance of 361.28 feet with the South line of F.M. 2920 to a concrete monument found for a P.C. of a curve;

THENCE: Continuing along the South line of F.M. 2920 with a curve to the right having a radius of 2241.86 feet and a curve length of 1397.11 feet to a concrete monument found at the curve's P.T.; said curve is subtended by a chord that bears South 73° 50' 17" East a distance of 1374.61 feet;

THENCE: South 55° 58' 14" East a distance of 394.51 feet along the South right-of-way line of F.M. 2920 to a concrete monument found for a P.C. of a curve;

THENCE: Following the South right-of-way line of F.M. 2920 along a curve to the left having a radius of 2341.86 feet and a curve length of 1470.77 feet to a concrete monument found for the P.T. of the curve; said curve is subtended by a chord that bears South 73° 59' 04" East a distance of 1446.72 feet;

THENCE: North 87° 45' 25" East a distance of 221.23 feet along the South right-of-way line of F.M. 2920 to the PLACE OF BEGINNING and containing 143.175 acres of land.

SECTION \_\_\_\_\_. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7950, Special District Local Laws Code, as added by Section \_\_\_\_ of this Act, is amended by adding Section 7950.106 to read as follows:

Sec. 7950.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION \_\_\_\_\_. (a) The county department of education in a county with a population of 3.3 million or more according to the most recent federal decennial census is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if the department were a state agency, but the department may not be abolished under that chapter. The review shall be conducted as if the department were scheduled to be abolished September 1, 2017.

(b) The review must assess the department's governance, management, and operating structure, and the department's compliance with legislative requirements.

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

(d) This section of this Act expires September 1, 2019.

The amendment to **CSHB 3474** 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. 32 except as follows:

Nays: Birdwell, Fraser.

Senator Campbell offered the following amendment to the bill:

**Floor Amendment No. 33**

Amend **CSHB 3474** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill, correcting internal cross references in those SECTIONS, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. BARTON SPRINGS-EDWARDS AQUIFER CONSERVATION DISTRICT. It is the intent of the legislature that the following six SECTIONS, SECTIONS \_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_, and \_\_\_\_ of this Act, apply only to the territory described by Section 8802.0035, Special District Local Laws Code, as added by this Act, and not have statewide implications.

SECTION \_\_\_\_\_. Subchapter A, Chapter 8802, Special District Local Laws Code, is amended by adding Section 8802.0035 to read as follows:

Sec. 8802.0035. SHARED TERRITORY; JURISDICTION. (a) The territory of the district includes any territory that is:

(1) inside the boundaries of:

(A) the Edwards Aquifer Authority; and

(B) Hays County; and

(2) not within the boundaries of the Plum Creek Conservation District as those boundaries existed on February 1, 2015.

(b) The Edwards Aquifer Authority has jurisdiction over any well that is drilled to produce water from the Edwards Aquifer in the shared territory described by Subsection (a).

(c) The district has jurisdiction over groundwater and any well that is drilled to produce water from any aquifer other than the Edwards Aquifer in the shared territory described by Subsection (a).

(d) Except for the district and the Edwards Aquifer Authority, no district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, has authority in the shared territory described by Subsection (a) to regulate the spacing of water wells or the production from water wells.

(e) The district has jurisdiction over any well that is drilled to produce water from the Edwards Aquifer or any other aquifer in the territory described by Section 8802.003.

(f) The district's jurisdiction over any well that is drilled to produce water in the territory described in Section 8802.003, including a well that is used to recover water that has been injected as part of an aquifer storage and recovery project, applies to all wells for which the district has jurisdiction in the shared territory described by this section.

SECTION \_\_\_\_\_. Section 8802.1045, Special District Local Laws Code, is amended by adding Subsection (g) to read as follows:

(g) This subsection applies only to a well located in the shared territory described by Section 8802.0035. Notwithstanding Subsection (b), the district may not charge an annual production fee of more than 17 cents per thousand gallons of water produced under a permit from a well under this subsection, if the water is permitted for any use other than agricultural use.

SECTION \_\_\_\_\_. As soon as practicable after the effective date of the Act enacting this SECTION, and in conformance with Chapter 36, Water Code, the board of directors of the Barton Springs-Edwards Aquifer Conservation District may increase the number of board members and shall revise the single-member districts as the board considers appropriate to reflect the changes in territory made by Section 8802.0035, Special District Local Laws Code, as added by this Act. It is the intent of the legislature that the composition of the board reflect the territory added to the district by this Act.

SECTION \_\_\_\_\_. In this section:

(1) "District" means the Barton Springs-Edwards Aquifer Conservation District.

(2) "Maximum production capacity" means the maximum production capacity of a well, which may be based on a 36-hour pump test conducted at the time the well was initially constructed or placed into service.

(b) This section applies only to the shared territory added to the district by Section 8802.0035, Special District Local Laws Code, as added by this Act.

(c) A person operating a well before the effective date of this Act or who has entered into a contract before the effective date of this Act to drill or operate a well that is or will be located in the territory described by Subsection (b) of this section and subject to the jurisdiction of the district under Section 8802.0035, Special District Local Laws Code, as added by this Act, shall file an administratively complete permit application with the district not later than three months after the effective date of this Act for the drilling, equipping, completion, or operation of any well if the well requires a permit under the rules or orders of the district. The person may file the permit application for an amount of groundwater production not to exceed the maximum production capacity of the well.

(d) The district shall issue a temporary permit to a person who files an application under Subsection (c) of this section without a hearing on the application not later than the 30th day after the date of receipt of the application. The district shall issue the temporary permit for the groundwater production amount set forth in the application. The temporary permit issued under this subsection shall provide the person with retroactive and prospective authorization to drill, operate, or perform another activity related to a well for which a permit is required by the district for the period of time between the effective date of this Act and the date that the district takes a final, appealable action on issuance of a regular permit pursuant to the permit application if:

(1) the person's drilling, operating, or other activities associated with the well are consistent with the authorization sought in the permit application;

(2) the person timely pays to the district all administrative fees and fees related to the amount of groundwater authorized to be produced pursuant to the temporary permit in the same manner as other permit holders in the district; and



(3) the person complies with other rules and orders of the district applicable to permit holders.

(e) The temporary permit issued under Subsection (d) does not confer any rights or privileges to the permit holder other than those set forth in this section. After issuing the temporary permit, the district shall process the permit application for notice, hearing, and consideration for issuance of a regular permit consistent with this section. The district, after notice and hearing, shall issue an order granting the regular permit authorizing groundwater production in the amount set forth in the temporary permit unless the district finds that authorizing groundwater production in the amount set forth in the temporary permit will cause:

(1) a failure to achieve the applicable adopted desired future conditions for the aquifer; or

(2) an unreasonable impact on existing wells.

(f) In the hearing on issuance of the regular permit under Subsection (e), the permit applicant bears the burden of proof.

(g) The holder of a temporary or regular permit subject to a district order under this section to reduce the amount of groundwater production from the permitted well may contest the reduction by requesting a contested case hearing to be conducted by the State Office of Administrative Hearings in the manner provided by Sections 36.416, 36.4165, and 36.418, Water Code. The district shall contract with the State Office of Administrative Hearings to conduct the hearing as provided by those sections of the Water Code. To the extent possible, the State Office of Administrative Hearings shall expedite a hearing under this subsection. The permit applicant bears the burden of proof in the hearing.

(h) For the State Office of Administrative Hearings to recommend overturning a district order reducing the amount of groundwater authorized to be produced under a temporary permit, the permit holder must demonstrate by a preponderance of the evidence that the production of the amount of groundwater authorized based on the maximum production capacity will not cause:

(1) a failure to achieve applicable adopted desired future conditions for the aquifer; or

(2) an unreasonable impact on existing wells as found in the district's order.

(i) A person who relies on the temporary permit granted by this section to drill, operate, or engage in other activities associated with a water well assumes the risk that the district may grant or deny, wholly or partly, the permit application when the district takes final action after notice and hearing to issue a regular permit pursuant to the application.

SECTION \_\_\_\_\_. If the addition of territory under Section 8802.0035, Special District Local Laws Code, as added by this Act, causes the annual water use fee in Section 8802.105 to exceed \$1 million, the district shall not require an assessment of greater than \$1 million annually as adjusted to reflect the percentage change during the preceding year in the Consumer Price Index.

SECTION \_\_\_\_\_. (a) The legislature validates and confirms all acts and proceedings of the board of directors of the Barton Springs-Edwards Aquifer Conservation District that were taken before the effective date of this Act.

(b) Subsection (a) of this section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court; or

(2) has been held invalid by a final judgment of a court.

The amendment to **CSHB 3474** 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. 33 except as follows:

Nays: Fraser.

Senator Fraser offered the following amendment to the bill:

#### **Floor Amendment No. 34**

Amend **CSHB 3474** by adding the following appropriately numbered sections:

SECTION \_\_\_\_\_. Section 11.139, Water Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Section 11.148 [~~of this code~~], the commission may grant an emergency permit, order, or amendment to an existing permit, certified filing, or certificate of adjudication after notice to the governor for an initial period of not more than 270 [~~120~~] days if the commission finds that:

(1) emergency conditions exist which present an imminent threat to the public health and safety and which override the necessity to comply with established statutory procedures; and

(2) there are no feasible practicable alternatives to the emergency authorization.

(a-1) Such emergency action may be renewed once for not longer than 60 days.

SECTION \_\_\_\_\_. The change in law made by this Act applies only to an application for an emergency authorization or renewal of an emergency authorization that is submitted to the Texas Commission on Environmental Quality on or after the effective date of this Act. An application for an emergency authorization or renewal of an emergency authorization that is submitted to the commission before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

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 3474** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 34.

Senator Huffman offered the following amendment to the bill:

#### **Floor Amendment No. 35**

Amend **CSHB 3474** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 150A to read as follows:

CHAPTER 150A. DISCOVERY BY GOVERNMENTAL UNIT

Sec. 150A.001. DEFINITIONS. In this chapter:

(1) "Governmental unit" has the meaning assigned by Section 101.001.  
(2) "Religious organization" means an organization that qualifies as a religious organization under Section 11.20, Tax Code.

(3) "Religious worship" has the meaning assigned by Section 11.20, Tax Code.

Sec. 150A.002. SERMONS PRIVILEGED FROM DISCLOSURE TO GOVERNMENTAL UNIT. A governmental unit may not, in any civil action or other civil or administrative proceeding to which the governmental unit is a party, compel the production or disclosure of a written copy or audio or video recording of a sermon delivered by a religious leader during religious worship of a religious organization or compel the religious leader to testify regarding the sermon.

The amendment to **CSHB 3474** 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. 35 except as follows:

Nays: Hinojosa.

Senator Rodríguez again offered the following amendment to the bill:

**Floor Amendment No. 21**

Amend **CSHB 3474** (senate committee printing) by adding the following SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Subchapter B, Chapter 232, Local Government Code, is amended by the adding Section 232.045 to read as follows:

Sec. 232.045. APPLICABILITY OF INFRASTRUCTURE REQUIREMENTS TO LOTS UNDEVELOPED FOR 25 YEARS OR MORE. (a) This section applies only to a county with a population of more than 800,000 that is adjacent to an international border.

(b) A commissioners court by order may implement a process:

(1) applicable to a subdivision in which 50 percent or more of the lots are undeveloped or unoccupied on or after the 25th anniversary of the date the plat for the subdivision was recorded with the county; and

(2) through which the county, to the extent practicable, may apply to the subdivision more current street, road, drainage, and other infrastructure requirements.

(c) A regulation or standard adopted by a county under this section must be no less stringent than the minimum standards and other requirements under the model rules for safe and sanitary water supply and sewer services adopted under Section 16.343, Water Code, and any other minimum public safety standards that would otherwise be applicable to the subdivision.

(d) a regulation or standard adopted by a county under this section applies only to a lot that is owned by an individual, firm, corporation, or other legal entity that directly or indirectly offers lots for sale or lease as part of a common promotional plan in the ordinary course of business, and each regulation or standard must expressly

state that limitation. For the purposes of this subsection, "common promotional plan" means a plan or scheme of operation undertaken by a person or a group acting in concert, either personally or through an agent, to offer for sale or lease more than two lots when the land is:

(1) contiguous or part of the same area of land; or

(2) known, designated, or advertised as a common unit or by a common name.

(b) The county may not apply an order adopted under Section 232.045, Local Government Code, as added by this Act, to a subdivision that is the subject of a judicial proceeding pending on May 1, 2015, to determine whether the subdivision is subject to a valid and existing subdivision plat.

The amendment to **CSHB 3474** was again read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 21.

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

### **Floor Amendment No. 10**

Amend **CSHB 3474** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 51, Local Government Code, is amended by adding Section 51.004 to read as follows:

Sec. 51.004. SPECIAL RIGHT OF ACCESS TO INFORMATION BY MUNICIPAL OFFICERS. (a) In this section:

(1) "Municipal governmental body":

(A) means:

(i) the governing body of a municipality;

(ii) a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a municipality; or

(iii) the part, section, or portion of a municipality described by Section 552.003(1)(A)(xii), Government Code, that is a governmental body for purposes of Chapter 552, Government Code; and

(B) does not include:

(i) the judiciary; or

(ii) a private entity that spends or is supported wholly or partly by public funds.

(2) "Municipal officer" means:

(A) an elected or appointed officer who supervises, manages, or controls a municipal governmental body; or

(B) a member of a board, a commission, a committee, or another body consisting of more than one individual elected or appointed to supervise, manage, or control a municipal governmental body.

(3) "Public information" has the meaning assigned by Section 552.002, Government Code.

(b) A municipal officer has a right of access to information that is for purposes of Chapter 552, Government Code, public information of the municipal governmental body that the municipal officer oversees.

(c) A municipal governmental body on request by a municipal officer who oversees the governmental body shall provide public information, including confidential information or information otherwise excepted from disclosure, to the municipal officer in accordance with Chapter 552, Government Code.

(d) A municipal governmental body, by providing public information under this section that is confidential or otherwise excepted from required disclosure under law, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right of the municipal governmental body to assert exceptions to required disclosure of the information in the future. The municipal governmental body may require the requesting municipal officer or a designated employee of the requesting municipal officer who will view or handle information that is received under this section and that is confidential under law or otherwise excepted from disclosure to sign a confidentiality agreement that covers the information and requires that:

(1) the information not be disclosed outside the office of the requesting municipal officer, or within that office for purposes other than the purpose for which it was received;

(2) the information be labeled as confidential;

(3) the information be kept securely; or

(4) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned to the municipal governmental body remaining confidential and subject to the confidentiality agreement.

(e) An individual required by a municipal governmental body to sign a confidentiality agreement under Subsection (d) may seek a decision as provided by Subsection (f) about whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure. A confidentiality agreement signed under Subsection (d) is void to the extent that the agreement covers information that is finally determined under Subsection (f) to not be confidential under law or otherwise excepted from disclosure.

(f) A municipal officer may seek a decision from the attorney general about whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure. The attorney general by rule shall establish procedures and deadlines for receiving information necessary to determine whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure and for receiving briefs from the requesting municipal officer, the municipal governmental body, and any other interested person. The attorney general shall promptly render a decision requested under this subsection, determining whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from

disclosure, not later than the 45th business day after the date the attorney general receives the request for a decision under this subsection. If the attorney general is unable to issue the decision within the 45-day period, the attorney general may extend the period for issuing the decision by an additional 10 business days by informing the municipal governmental body and the requesting municipal officer, during the original 45-day period, of the reason for the delay. The attorney general shall issue a written decision and provide a copy of the decision to the requesting municipal officer, the municipal governmental body, and any interested person who submitted necessary information or a brief to the attorney general under this subsection. The requesting municipal officer or the municipal governmental body may appeal a decision of the attorney general under this subsection to a district court in a county in which the municipality is located. A person may appeal a decision of the attorney general under this subsection to a district court in a county in which the municipality is located if the person claims a proprietary interest in the information affected by the decision or a privacy interest in the information that a confidentiality law or judicial decision is designed to protect.

(g) This section does not affect:

(1) the right of a municipal officer to obtain information from the municipal governmental body under other law;

(2) the procedures under which the information is obtained under other law;

or

(3) the use that may be made of the information obtained under other law.

(h) This section does not grant authority to a municipal governmental body to withhold information from municipal officers.

SECTION \_\_\_\_ . Chapter 89, Local Government Code, is amended by adding Section 89.007 to read as follows:

Sec. 89.007. SPECIAL RIGHT OF ACCESS TO INFORMATION BY OFFICERS OF COUNTIES, COUNTY BOARDS OF SCHOOL TRUSTEES, AND COUNTY BOARDS OF EDUCATION. (a) In this section:

(1) "County governmental body":

(A) means:

(i) a county commissioners court;

(ii) a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county;

(iii) a county board of school trustees;

(iv) a county board of education; or

(v) the part, section, or portion of a county, county board of school trustees, or county board of education described by Section 552.003(1)(A)(xii), Government Code, that is a governmental body for purposes of Chapter 552, Government Code; and

(B) does not include:

(i) the judiciary; or

(ii) a private entity that spends or is supported wholly or partly by public funds.

(2) "County officer" means:

(A) an elected or appointed officer who supervises, manages, or controls a county governmental body; or

(B) a member of a board, a commission, a committee, or another body consisting of more than one individual elected or appointed to supervise, manage, or control a county governmental body.

(3) "Public information" has the meaning assigned by Section 552.002, Government Code.

(b) A county officer has a right of access to information that is for purposes of Chapter 552, Government Code, public information of the county governmental body that the county officer oversees.

(c) A county governmental body on request by the county officer who oversees the governmental body shall provide public information, including confidential information or information otherwise excepted from disclosure, to the county officer in accordance with Chapter 552, Government Code.

(d) A county governmental body, by providing public information under this section that is confidential or otherwise excepted from required disclosure under law, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right of the county governmental body to assert exceptions to required disclosure of the information in the future. The county governmental body may require the requesting county officer or a designated employee of the requesting county officer who will view or handle information that is received under this section and that is confidential under law or otherwise excepted from disclosure to sign a confidentiality agreement that covers the information and requires that:

(1) the information not be disclosed outside the office of the requesting county officer, or within that office for purposes other than the purpose for which it was received;

(2) the information be labeled as confidential;

(3) the information be kept securely; or

(4) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned to the county governmental body remaining confidential and subject to the confidentiality agreement.

(e) An individual required by a county governmental body to sign a confidentiality agreement under Subsection (d) may seek a decision as provided by Subsection (f) about whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure. A confidentiality agreement signed under Subsection (d) is void to the extent that the agreement covers information that is finally determined under Subsection (f) to not be confidential under law or otherwise excepted from disclosure.

(f) A county officer may seek a decision from the attorney general about whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure. The attorney general by rule shall establish procedures and deadlines for receiving information necessary to determine whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure and for receiving briefs from the requesting county officer, the county governmental body, and any other interested

person. The attorney general shall promptly render a decision requested under this subsection, determining whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure, not later than the 45th business day after the date the attorney general receives the request for a decision under this subsection. If the attorney general is unable to issue the decision within the 45-day period, the attorney general may extend the period for issuing the decision by an additional 10 business days by informing the county governmental body and the requesting county officer, during the original 45-day period, of the reason for the delay. The attorney general shall issue a written decision and provide a copy of the decision to the requesting county officer, the county governmental body, and any interested person who submitted necessary information or a brief to the attorney general under this subsection. The requesting county officer or the county governmental body may appeal a decision of the attorney general under this subsection to a district court in the county. A person may appeal a decision of the attorney general under this subsection to a district court in the county if the person claims a proprietary interest in the information affected by the decision or a privacy interest in the information that a confidentiality law or judicial decision is designed to protect.

(g) This section does not affect:

(1) the right of a county officer to obtain information from a county governmental body under other law;

(2) the procedures under which the information is obtained under other law;

or

(3) the use that may be made of the information obtained under other law.

(h) This section does not grant authority to a county governmental body to withhold information from county officers.

SECTION \_\_\_\_\_. Chapter 201, Local Government Code, is amended by adding Section 201.010 to read as follows:

Sec. 201.010. SPECIAL RIGHT OF ACCESS TO DISTRICT INFORMATION BY DISTRICT DIRECTOR. (a) In this section:

(1) "Board" means the governing body of a special district.

(2) "Director" means a board member.

(3) "Public information" has the meaning assigned by Section 552.002, Government Code.

(4) "Special district" means a political subdivision of this state that has a limited geographic area and is created by local law or under general law for a special purpose. The term does not include a school district or hospital district.

(b) A director of a special district has a right of access to information that is public information of the district.

(c) A special district on request by a director of the district shall provide public information, including confidential information or information otherwise excepted from disclosure, to the director in accordance with Chapter 552, Government Code.

(d) A special district, by providing public information to a director under this section that is confidential or otherwise excepted from required disclosure under law, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right of the district to assert exceptions to required disclosure



of the information in the future. The district may require the requesting director or a designated district employee of the requesting director who will view or handle information that is received under this section and that is confidential under law or otherwise excepted from disclosure to sign a confidentiality agreement that covers the information and requires that:

(1) the information not be disclosed outside the office of the requesting director or within that office for purposes other than the purpose for which it was received;

(2) the information be labeled as confidential;

(3) the information be kept securely; or

(4) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned to the district remaining confidential and subject to the confidentiality agreement.

(e) If a director or a designated district employee is required by a special district to sign a confidentiality agreement under Subsection (d), the director may seek a decision as provided by Subsection (f) about whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure. A confidentiality agreement signed under Subsection (d) is void to the extent that the agreement covers information that is finally determined under Subsection (f) to not be confidential under law or otherwise excepted from disclosure.

(f) A director may seek a decision from the attorney general about whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure. The attorney general by rule shall establish procedures and deadlines for receiving information necessary to determine whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure and for receiving briefs from the requesting director, the special district, and any other interested person. The attorney general shall render the decision not later than the 55th business day after the date the attorney general receives the request for a decision. If the attorney general is unable to issue the decision within the 55-day period, the attorney general may during that 55-day period extend the period for issuing the decision by an additional 10 business days by informing the director, the special district, and any interested person who submitted necessary information or a brief to the attorney general of the reason for the delay. The attorney general shall issue a written decision and provide a copy of the decision to the requesting director, the special district, and any interested person who submitted necessary information or a brief to the attorney general under this subsection. The requesting director or the special district may appeal a decision of the attorney general under this subsection to a district court. A person may appeal a decision of the attorney general under this subsection to a district court if the person claims a proprietary interest in the information affected by the decision or a privacy interest in the information that a confidentiality law or judicial decision is designed to protect.

(g) This section does not affect:

(1) the right of a director of a special district to obtain information from the district under other law;

(2) the procedures under which the information is obtained under other law;

or

(3) the use that may be made of the information obtained under other law.

(h) This section does not grant authority to a special district to withhold information from a director of the district.

SECTION \_\_\_\_\_. Section 51.004, Local Government Code, as added by this Act, applies only to a request for information by a municipal officer that is made on or after the effective date of this Act. A request for information made before the effective date of this Act is governed by the applicable law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION \_\_\_\_\_. Section 89.007, Local Government Code, as added by this Act, applies only to a request for information by a county officer that is made on or after the effective date of this Act. A request for information made before the effective date of this Act is governed by the applicable law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION \_\_\_\_\_. Section 201.010, Local Government Code, as added by this Act, applies only to a request for information by a director of a special district that is made on or after the effective date of this Act. A request for information made before the effective date of this Act is governed by the applicable law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

The amendment to **CSHB 3474** was again read and was adopted without objection.

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

Senator Lucio again offered the following amendment to the bill:

### **Floor Amendment No. 25**

Amend **CSHB 3474** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 1502.056, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) For a municipality in a county that contains an international border and borders the Gulf of Mexico, the first lien against the revenue of a municipally owned utility system that secures the payment of public securities issued or obligations incurred under this chapter also applies to funding, as a necessary operations expense, for a bill payment assistance program for the utility system's customers who:

(1) have been determined by the municipality to be low-income customers;

(2) are military veterans who have significantly decreased abilities to regulate their bodies' core temperatures because of severe burns received in combat;

or

(3) are elderly and low-income customers as determined by the municipality.

The amendment to **CSHB 3474** was again read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 25 except as follows:

Nays: Fraser, Kolkhorst.

Present-not voting: Birdwell.

Senator Lucio again offered the following amendment to the bill:

### **Floor Amendment No. 26**

Amend **CSHB 3474** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Effective September 1, 2015, Section 60.039(a), Water Code, is amended to read as follows:

(a) The commission may lease the surface of land for not more than 50 ~~[30]~~ years by the entry of an order on the minutes of the commission and the execution of a lease in the manner provided by the original order. The lease may not be extended beyond the 50-year ~~[30-year]~~ period by renewal, extension, or otherwise, except that the commission may extend a lease beyond a 50-year period for residential property located in a district in which at least 50 percent of the property is residential property.

SECTION \_\_\_\_\_. Effective September 1, 2015, Section 60.040, Water Code, is amended to read as follows:

Sec. 60.040. PUBLICATION OF NOTICE FOR SALES AND LEASES IN EXCESS OF 50 ~~[30]~~ YEARS. Before making a sale or lease of land for more than 50 ~~[30]~~ years, the commission shall publish a notice in the manner provided in Section 60.035 ~~[of this subchapter]~~.

SECTION \_\_\_\_\_. Effective September 1, 2015, Section 60.041, Water Code, is amended to read as follows:

Sec. 60.041. SECURITY FOR BIDS ON LAND TO BE SOLD OR LEASED FOR MORE THAN 50 ~~[30]~~ YEARS. Each bid submitted on land to be sold or leased for more than 50 ~~[30]~~ years shall be accompanied by a certified check, cashier's check, or bidder's bond with a responsible corporate surety authorized to do business in Texas. The check or bond shall be in an amount equal to the bid for the land or for the first rental payment under the lease and shall guarantee that the bidder will perform the terms of the ~~[his]~~ bid if it is accepted by the commission.

SECTION \_\_\_\_\_. Effective September 1, 2015, the heading to Section 60.042, Water Code, is amended to read as follows:

Sec. 60.042. AWARD AND EXECUTION OF DEED OR LEASE IN EXCESS OF 50 ~~[30]~~ YEARS.

SECTION \_\_\_\_\_. Sections 60.039, 60.040, 60.041, and 60.042, Water Code, as amended by this Act, apply only to a lease entered into on or after September 1, 2015. A lease entered into before September 1, 2015, is governed by the law in effect on the date the lease was entered into, and the former law is continued in effect for that purpose.

The amendment to **CSHB 3474** was again read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 26.

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

**CSHB 3474** as amended was passed to third reading by the following vote: Yeas 25, Nays 6.

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

Nays: Birdwell, Burton, Creighton, Fraser, Nelson, L. Taylor.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 3474 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3474** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Burton, Creighton, Fraser, Nelson, L. Taylor.

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

#### **GUEST PRESENTED**

Senator Perry was recognized and introduced to the Senate T. J. Patterson.

The Senate welcomed its guest.

**(Senator Creighton in Chair)**

#### **HOUSE BILL 1490 ON SECOND READING**

Senator Whitmire moved to suspend the regular order of business to take up for consideration **HB 1490** at this time on its second reading:

**HB 1490**, Relating to public school interventions for truancy and eliminating a criminal penalty and authorizing a civil penalty for truancy.

The motion prevailed.

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

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

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

Amend **HB 1490** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Article 4.14(g), Code of Criminal Procedure, is amended to read as follows:

(g) A municipality may enter into an agreement with a contiguous municipality or a municipality with boundaries that are within one-half mile of the municipality seeking to enter into the agreement to establish concurrent jurisdiction of the municipal courts in the municipalities and provide original jurisdiction to a municipal court in which a case is brought as if the municipal court were located in the municipality in which the case arose, for:

(1) all cases in which either municipality has jurisdiction under Subsection (a); and

(2) cases that arise under Section 821.022, Health and Safety Code~~[-or Section 25.094, Education Code]~~.

SECTION 2. Articles 45.0216(f) and (g), Code of Criminal Procedure, are amended to read as follows:

(f) The court shall order the conviction, together with all complaints, verdicts, sentences, and prosecutorial and law enforcement records, and any other documents relating to the offense, expunged from the person's record if the court finds that:

(1) for a person applying for the expunction of a conviction for an offense described by Section 8.07(a)(4) or (5), Penal Code, the person was not convicted of any other offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child; and

(2) for a person applying for the expunction of a conviction for an offense described by Section 43.261, Penal Code, the person was not found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(7) ~~[51.03(b)(8)]~~, Family Code, while the person was a child.

(g) This article does not apply to any offense otherwise covered by:

(1) Chapter 106, Alcoholic Beverage Code; or

(2) Chapter 161, Health and Safety Code~~[-or~~

~~(3) Section 25.094, Education Code]~~.

SECTION 3. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0541 to read as follows:

Art. 45.0541. EXPUNCTION OF FAILURE TO ATTEND SCHOOL RECORDS. (a) In this article, "truancy offense" means an offense committed under the former Section 25.094, Education Code.

(b) An individual who has been convicted of a truancy offense or has had a complaint for a truancy offense dismissed is entitled to have the conviction or complaint and records relating to the conviction or complaint expunged.

(c) Regardless of whether the individual has filed a petition for expunction, the court in which the individual was convicted or a complaint for a truancy offense was filed shall order the conviction, complaints, verdicts, sentences, and other documents relating to the offense, including any documents in the possession of a school district or law enforcement agency, to be expunged from the individual's record. After entry of the order, the individual is released from all disabilities resulting from the conviction or complaint, and the conviction or complaint may not be shown or made known for any purpose. The court shall inform the individual of the expunction by sending a notice to the individual's last known address.

SECTION 4. Article 45.056(a), Code of Criminal Procedure, as amended by Chapters 1213 (S.B. 1419) and 1407 (S.B. 393), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a) On approval of the commissioners court, city council, school district board of trustees, juvenile board, or other appropriate authority, a county court, justice court, municipal court, school district, juvenile probation department, or other appropriate governmental entity may:

(1) employ a case manager to provide services in cases involving juvenile offenders who are before a court consistent with the court's statutory powers or referred to a court by a school administrator or designee for misconduct that would otherwise be within the court's statutory powers prior to a case being filed, with the consent of the juvenile and the juvenile's parents or guardians;

(2) employ one or more juvenile case managers who:

(A) shall assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases; and

(B) may provide:

(i) prevention services to a child considered at risk of entering the juvenile justice system; and

(ii) intervention services to juveniles engaged in misconduct before cases are filed, excluding traffic offenses; or

(3) agree in accordance with Chapter 791, Government Code, with any appropriate governmental entity to jointly employ a case manager or to jointly contribute to the costs of a case manager employed by one governmental entity to provide services described by Subdivisions (1) and (2).

SECTION 5. Article 102.014(d), Code of Criminal Procedure, is amended to read as follows:

(d) A person convicted of an offense under Section 25.093 [~~or 25.094~~], Education Code, shall pay as taxable court costs \$20 in addition to other taxable court costs. The additional court costs under this subsection shall be collected in the same manner that other fines and taxable court costs in the case are collected.

SECTION 6. (a) Section 7.111(a), Education Code, as amended by Chapters 339 (H.B. 2058) and 1217 (S.B. 1536), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted to read as follows:

(a) The board shall provide for the administration of high school equivalency examinations.

(b) Section 7.111(a-1), Education Code, is amended to conform to the amendment of Section 7.111(a), Education Code, by Chapter 1217 (S.B. 1536), Acts of the 83rd Legislature, Regular Session, 2013, and is further amended to read as follows:

(a-1) A person who does not have a high school diploma may take the examination in accordance with rules adopted by the board if the person is:

- (1) over 17 years of age;
- (2) 16 years of age or older and:

(A) is enrolled in a Job Corps training program under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.), and its subsequent amendments;

(B) a public agency providing supervision of the person or having custody of the person under a court order recommends that the person take the examination; or

(C) is enrolled in the Texas Military Department's [adjutant general's department's] Seaborne Challenge Corps; or

(3) required to take the examination under a court order issued under Section 65.103(a)(3), Family Code.

SECTION 7. Section 25.085, Education Code, is amended by amending Subsections (b), (e), and (f) and adding Subsections (g) and (h) to read as follows:

(b) Unless specifically exempted by Section 25.086, a child who is at least six years of age, or who is younger than six years of age and has previously been enrolled in first grade, and who has not yet reached the child's 19th [18th] birthday shall attend school.

(e) A person who voluntarily enrolls in school or voluntarily attends school after the person's 19th [18th] birthday shall attend school each school day for the entire period the program of instruction is offered. A school district may revoke for the remainder of the school year the enrollment of a person who has more than five absences in a semester that are not excused under Section 25.087, except a school district may not revoke the enrollment of a person under this subsection on a day on which the person is physically present at school. A person whose enrollment is revoked under this subsection may be considered an unauthorized person on school district grounds for purposes of Section 37.107.

(f) The board of trustees of a school district may adopt a policy requiring a person described by Subsection (e) who is under 21 years of age to attend school until the end of the school year. Section 65.003(a), Family Code, does not apply [25.094 applies] to a person subject to a policy adopted under this subsection. Sections 25.093 and 25.095 do not apply to the parent of a person subject to a policy adopted under this subsection.

(g) After the third unexcused absence of a person described by Subsection (e), a school district shall issue a warning letter to the person that states the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester.

(h) As an alternative to revoking a person's enrollment under Subsection (e), a school district may impose a behavior improvement plan described by Section 25.0915(a-1)(1).

SECTION 8. Sections 25.091(a) and (b), Education Code, are amended to read as follows:

(a) A peace officer serving as an attendance officer has the following powers and duties concerning enforcement of compulsory school attendance requirements:

(1) to investigate each case of a violation of compulsory school attendance requirements referred to the peace officer;

(2) to enforce compulsory school attendance requirements by:

(A) applying truancy prevention measures adopted under Section 25.0915 to the student; and

(B) if the truancy prevention measures fail to meaningfully address the student's conduct:

(i) referring the student to a truancy court [~~juvenile court or filing a complaint against the student in a county, justice, or municipal court~~] if the student has unexcused absences for the amount of time specified under Section 65.003(a) [~~25.094 or under Section 51.03(b)(2)~~], Family Code; or

(ii) filing a complaint in a county, justice, or municipal court against a parent who violates Section 25.093;

(3) to serve court-ordered legal process;

(4) to review school attendance records for compliance by each student investigated by the officer;

(5) to maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board of trustees of a school district, or the commissioner, to provide a record to the individual or entity requesting the record; and

(6) to make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that a peace officer may not enter a residence without the permission of the parent of a student required under this subchapter to attend school or of the tenant or owner of the residence except to lawfully serve court-ordered legal process on the parent [~~;- and~~

~~[(7) to take a student into custody with the permission of the student's parent or in obedience to a court-ordered legal process].~~

(b) An attendance officer employed by a school district who is not commissioned as a peace officer has the following powers and duties with respect to enforcement of compulsory school attendance requirements:

(1) to investigate each case of a violation of the compulsory school attendance requirements referred to the attendance officer;

(2) to enforce compulsory school attendance requirements by:

(A) applying truancy prevention measures adopted under Section 25.0915 to the student; and

(B) if the truancy prevention measures fail to meaningfully address the student's conduct:

(i) referring the student to a truancy court [~~juvenile court or filing a complaint against the student in a county, justice, or municipal court~~] if the student has unexcused absences for the amount of time specified under Section 65.003(a) [~~25.094 or under Section 51.03(b)(2)~~], Family Code; and



(ii) filing a complaint in a county, justice, or municipal court against a parent who violates Section 25.093;

(3) to monitor school attendance compliance by each student investigated by the officer;

(4) to maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board of trustees of a school district, or the commissioner, to provide a record to the individual or entity requesting the record;

(5) to make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that the attendance officer may not enter a residence without permission of the parent or of the owner or tenant of the residence; and

(6) at the request of a parent, to escort a student from any location to a school campus to ensure the student's compliance with compulsory school attendance requirements[; and

~~[(7) if the attendance officer has or is informed of a court ordered legal process directing that a student be taken into custody and the school district employing the officer does not employ its own police department, to contact the sheriff, constable, or any peace officer to request that the student be taken into custody and processed according to the legal process].~~

SECTION 9. Section 25.0915, Education Code, is amended to read as follows:

Sec. 25.0915. TRUANCY PREVENTION MEASURES[; ~~REFERRAL AND FILING REQUIREMENT~~]. (a) A school district shall adopt truancy prevention measures designed to:

(1) address student conduct related to truancy in the school setting before the student engages in conduct described by Section 65.003(a), Family Code; and

(2) minimize the need for referrals to truancy [juvenile] court for conduct described by Section 65.003(a) [51.03(b)(2)], Family Code[; and

~~[(3) minimize the filing of complaints in county, justice, and municipal courts alleging a violation of Section 25.094].~~

(a-1) As a truancy prevention measure under Subsection (a), a school district shall take one or more of the following actions:

(1) impose:

(A) a behavior improvement plan on the student that must be signed by an employee of the school, that the school district has made a good faith effort to have signed by the student and the student's parent or guardian, and that includes:

(i) a specific description of the behavior that is required or prohibited for the student;

(ii) the period for which the plan will be effective, not to exceed 45 school days after the date the contract becomes effective; or

(iii) the penalties for additional absences, including additional disciplinary action or the referral of the student to a truancy court; or

(B) school-based community service; or

(2) refer the student to counseling, mediation, mentoring, a teen court program, community-based services, or other in-school or out-of-school services aimed at addressing the student's truancy.

(a-2) A referral made under Subsection (a-1)(2) may include participation by the child's parent or guardian if necessary.

(a-3) A school district shall offer additional counseling to a student and may not refer the student to truancy court if the school determines that the student's truancy is the result of:

- (1) pregnancy;
- (2) being in the state foster program;
- (3) homelessness; or
- (4) being the principal income earner for the student's family.

(a-4) If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described by Section 25.0951(a), the school district shall initiate truancy prevention measures under this section on the student.

(b) Each referral to truancy [juvenile] court for conduct described by Section 65.003(a) [51.03(b)(2)], Family Code, [or complaint filed in county, justice, or municipal court alleging a violation by a student of Section 25.094] must:

(1) be accompanied by a statement from the student's school certifying that:

(A) the school applied the truancy prevention measures adopted under Subsection (a) or (a-4) to the student; and

(B) the truancy prevention measures failed to meaningfully address the student's school attendance; and

(2) specify whether the student is eligible for or receives special education services under Subchapter A, Chapter 29.

(c) A truancy court shall dismiss a petition filed by a truant conduct prosecutor under Section 65.054, Family Code, if the court determines that the school district's referral:

(1) does [complaint or referral made by a school district under this section that is] not comply [made in compliance] with Subsection (b);

(2) does not satisfy the elements required for truant conduct;

(3) is not timely filed, unless the school district delayed the referral under Section 25.0951(d); or

(4) is otherwise substantively defective.

(d) Except as provided by Subsection (e), a school district shall employ a truancy prevention facilitator or juvenile case manager to implement the truancy prevention measures required by this section and any other effective truancy prevention measures as determined by the school district or campus. At least annually, the truancy prevention facilitator shall meet to discuss effective truancy prevention measures with a case manager or other individual designated by a truancy court to provide services to students of the school district in truancy cases.

(e) Instead of employing a truancy prevention facilitator, a school district may designate an existing district employee or juvenile case manager to implement the truancy prevention measures required by this section and any other effective truancy prevention measures as determined by the school district or campus.

(f) The agency shall adopt rules:

(1) creating minimum standards for truancy prevention measures adopted by a school district under this section; and

(2) establishing a set of best practices for truancy prevention measures.

(g) The agency shall adopt rules to provide for sanctions for a school district found to be not in compliance with this section.

SECTION 10. Section 25.0916, Education Code, is amended by amending Subsections (a), (c), (f), (h), and (i) and adding Subsection (c-1) to read as follows:

(a) This section applies only to a county with two or more courts hearing truancy cases and two or more school districts[-

~~(1) with a population greater than 1.5 million; and~~

~~(2) that includes at least:~~

~~[(A) 15 school districts with the majority of district territory in the county; and~~

~~(B) one school district with a student enrollment of 50,000 or more and an annual dropout rate spanning grades 9-12 of at least five percent, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education].~~

(c) Unless the county has already adopted a uniform truancy policy under this section, not [Not] later than January [September] 1, 2016 [2013], the county judge or the county judge's designee and the mayor of the municipality in the county with the greatest population or the mayor's designee shall each appoint one member to serve on the committee as a representative of each of the following:

(1) a juvenile [~~district~~] court;

(2) a municipal court;

(3) the office of a justice of the peace;

(4) the superintendent or designee of an independent school district;

(5) an open-enrollment charter school, if one exists in the county;

(6) the office of the prosecutor with original truancy jurisdiction in the county [~~district attorney~~]; and

(7) the general public.

(c-1) In addition to the members listed in Subsection (c), the chief juvenile probation officer or the officer's designee serves on the committee. The county judge or the county judge's designee and the mayor of the municipality in the county with the greatest population or the mayor's designee may make additional appointments as needed.

(f) Unless a county has already adopted a uniform truancy policy under this section, not [Not] later than May [September] 1, 2016 [2014], the committee shall recommend:

(1) a uniform process for filing truancy cases with truancy courts [~~the judicial system~~];

(2) uniform administrative procedures;

(3) uniform deadlines for processing truancy cases;

(4) a local plan with strategies to address truancy, including effective prevention, intervention, and diversion methods to reduce truancy and referrals to a truancy [~~county, justice, or municipal~~] court;

(5) a system for tracking truancy information and sharing truancy information among school districts, [and] open-enrollment charter schools, truancy courts, juvenile courts, and juvenile probation departments in the county; and

(6) any changes to statutes or state agency rules the committee determines are necessary to address truancy.

(h) The committee's presiding officer shall issue a report not later than December 1, 2017 [~~2015~~], to the county judge and mayor of the municipality with the greatest population in the county on the implementation of the recommendations and compliance with state truancy laws by a school district located in the county.

(i) This section expires January 1, 2018 [~~2016~~].

SECTION 11. Section 25.093, Education Code, is amended by amending Subsections (a) and (c) and adding Subsection (c-1) to read as follows:

(a) If a warning is issued as required by Section 25.095(a), the parent with criminal negligence fails to require the child to attend school as required by law, and the child has absences for the amount of time specified under Section 65.003(a), Family Code [~~25.094~~], the parent commits an offense.

(c) An offense under Subsection (a) is a [~~Class C~~] misdemeanor, punishable by fine only, in an amount not to exceed:

(1) \$100 for a first offense;

(2) \$200 for a second offense;

(3) \$300 for a third offense;

(4) \$400 for a fourth offense; or

(5) \$500 for a fifth or subsequent offense.

(c-1) Each day the child remains out of school may constitute a separate offense. Two or more offenses under Subsection (a) may be consolidated and prosecuted in a single action. If the court orders deferred disposition under Article 45.051, Code of Criminal Procedure, the court may require the defendant to provide personal services to a charitable or educational institution as a condition of the deferral.

SECTION 12. Sections 25.095(a), (b), and (c), Education Code, are amended to read as follows:

(a) A school district or open-enrollment charter school shall notify a student's parent in writing at the beginning of the school year that if the student is absent from school on 10 or more days or parts of days within a six-month period in the same school year [~~or on three or more days or parts of days within a four-week period~~]:

(1) the student's parent is subject to prosecution under Section 25.093; and

(2) the student is subject to [~~prosecution under Section 25.094 or to~~] referral to a truancy [~~juvenile~~] court [~~in a county with a population of less than 100,000~~] for truancy conduct under Section 65.003(a), Family Code [~~that violates that section~~].

(b) A school district shall notify a student's parent if the student has been absent from school, without excuse under Section 25.087, on three days or parts of days within a four-week period. The notice must:

(1) inform the parent that:

(A) it is the parent's duty to monitor the student's school attendance and require the student to attend school; and

(B) the student [~~parent~~] is subject to truancy prevention measures [~~prosecution~~] under Section 25.0915 [~~25.093~~]; and

(2) request a conference between school officials and the parent to discuss the absences.

(c) The fact that a parent did not receive a notice under Subsection (a) or (b) does not create a defense ~~[to prosecution]~~ under Section 25.093 or under Section 65.003(a), Family Code ~~[25.094]~~.

SECTION 13. Section 25.0951, Education Code, is amended to read as follows:

Sec. 25.0951. SCHOOL DISTRICT COMPLAINT OR REFERRAL FOR FAILURE TO ATTEND SCHOOL. (a) If a student fails to attend school without excuse on 10 or more days or parts of days within a six-month period in the same school year, a school district shall within 10 school days of the student's 10th absence~~;~~

~~[(1) file a complaint against the student or the student's parent or both in a county, justice, or municipal court for an offense under Section 25.093 or 25.094, as appropriate, or refer the student to a juvenile court in a county with a population of less than 100,000 for conduct that violates Section 25.094; or~~

~~[(2)] refer the student to a truancy [juvenile] court for truant conduct [indicating a need for supervision] under Section 65.003(a) [51.03(b)(2)], Family Code.~~

(b) If a student fails to attend school without excuse as specified by Subsection (a), a school district may file a complaint against the student's parent in a county, justice, or municipal court for an offense under Section 25.093 if the school district provides evidence of the parent's criminal negligence ~~[If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described by Subsection (a), the school district may:~~

~~[(1) file a complaint against the student or the student's parent or both in a county, justice, or municipal court for an offense under Section 25.093 or 25.094, as appropriate, or refer the student to a juvenile court in a county with a population of less than 100,000 for conduct that violates Section 25.094; or~~

~~[(2) refer the student to a juvenile court for conduct indicating a need for supervision under Section 51.03(b)(2), Family Code].~~

~~[(e)]~~ In this subsection ~~[section]~~, "parent" includes a person standing in parental relation.

(c) ~~[(d)]~~ A court shall dismiss a complaint ~~[or referral]~~ made by a school district under Subsection (b) ~~[under this section]~~ that:

(1) does [is] not comply [made in compliance] with this section;

(2) does not allege the elements required for the offense;

(3) is not timely filed, unless the school district delayed the referral under

Subsection (d); or

(4) is otherwise substantively defective.

(d) Notwithstanding Subsection (a), a school district may delay a referral of a student for truant conduct, or may choose to not refer a student for truant conduct, if the school district:

(1) is applying truancy prevention measures to the student under Section 25.0915; and

(2) determines that the truancy prevention measures are succeeding and it is in the best interest of the student that a referral be delayed or not be made.

SECTION 14. Section 25.0952, Education Code, is amended to read as follows:

Sec. 25.0952. PROCEDURES APPLICABLE TO PARENT CONTRIBUTING TO NONATTENDANCE OFFENSE [~~SCHOOL ATTENDANCE RELATED OFFENSES~~]. In a proceeding based on a complaint under Section 25.093 [~~or 25.094~~], the court shall, except as otherwise provided by this chapter, use the procedures and exercise the powers authorized by Chapter 45, Code of Criminal Procedure.

SECTION 15. Section 29.087(d), Education Code, is amended to read as follows:

(d) A student is eligible to participate in a program authorized by this section if:

(1) the student has been ordered by a court under Section 65.103, Family Code [Article 45.054, Code of Criminal Procedure, as added by Chapter 1514, Acts of the 77th Legislature, Regular Session, 2001], or by the Texas Juvenile Justice Department [Youth Commission] to:

(A) participate in a preparatory class for the high school equivalency examination; or

(B) take the high school equivalency examination administered under Section 7.111; or

(2) the following conditions are satisfied:

(A) the student is at least 16 years of age at the beginning of the school year or semester;

(B) the student is a student at risk of dropping out of school, as defined by Section 29.081;

(C) the student and the student's parent or guardian agree in writing to the student's participation;

(D) at least two school years have elapsed since the student first enrolled in ninth grade and the student has accumulated less than one third of the credits required to graduate under the minimum graduation requirements of the district or school; and

(E) any other conditions specified by the commissioner.

SECTION 16. Section 33.051(2), Education Code, is amended to read as follows:

(2) "Missing child" means a child whose whereabouts are unknown to the legal custodian of the child and:

(A) the circumstances of whose absence indicate that the child did not voluntarily leave the care and control of the custodian and that the taking of the child was not authorized by law; or

(B) the child has engaged in conduct indicating a need for supervision under Section 51.03(b)(2) [~~51.03(b)(3)~~], Family Code.

SECTION 17. Section 51.02(15), Family Code, is amended to read as follows:

(15) "Status offender" means a child who is accused, adjudicated, or convicted for conduct that would not, under state law, be a crime if committed by an adult, including:

(A) [~~truancy under Section 51.03(b)(2);~~

~~(B)~~ running away from home under Section 51.03(b)(2) [~~51.03(b)(3)~~];

(B) [~~(C)~~] a fineable only offense under Section 51.03(b)(1) transferred to the juvenile court under Section 51.08(b), but only if the conduct constituting the offense would not have been criminal if engaged in by an adult;

~~[(D) failure to attend school under Section 25.094, Education Code;]~~

(C) [~~(E)~~] a violation of standards of student conduct as described by Section 51.03(b)(4) [~~51.03(b)(5)~~];

(D) [~~(F)~~] a violation of a juvenile curfew ordinance or order;

(E) [~~(G)~~] a violation of a provision of the Alcoholic Beverage Code applicable to minors only; or

(F) [~~(H)~~] a violation of any other fineable only offense under Section 8.07(a)(4) or (5), Penal Code, but only if the conduct constituting the offense would not have been criminal if engaged in by an adult.

SECTION 18. Sections 51.03(a), (b), (e), and (f), Family Code, are amended to read as follows:

(a) Delinquent conduct is:

(1) conduct, other than a traffic offense, that violates a penal law of this state or of the United States punishable by imprisonment or by confinement in jail;

(2) conduct that violates a lawful order of a court under circumstances that would constitute contempt of that court in:

(A) a justice or municipal court; [~~or~~]

(B) a county court for conduct punishable only by a fine; or

(C) a truancy court;

(3) conduct that violates Section 49.04, 49.05, 49.06, 49.07, or 49.08, Penal Code; or

(4) conduct that violates Section 106.041, Alcoholic Beverage Code, relating to driving under the influence of alcohol by a minor (third or subsequent offense).

(b) Conduct indicating a need for supervision is:

(1) subject to Subsection (f), conduct, other than a traffic offense, that violates:

(A) the penal laws of this state of the grade of misdemeanor that are punishable by fine only; or

(B) the penal ordinances of any political subdivision of this state;

(2) [~~the absence of a child on 10 or more days or parts of days within a six month period in the same school year or on three or more days or parts of days within a four week period from school;~~

[(3)] the voluntary absence of a child from the child's home without the consent of the child's parent or guardian for a substantial length of time or without intent to return;

(3) [~~(4)~~] conduct prohibited by city ordinance or by state law involving the inhalation of the fumes or vapors of paint and other protective coatings or glue and other adhesives and the volatile chemicals itemized in Section 485.001, Health and Safety Code;

(4) [~~(5)~~] an act that violates a school district's previously communicated written standards of student conduct for which the child has been expelled under Section 37.007(c), Education Code;

(5) ~~(6)~~ conduct that violates a reasonable and lawful order of a court entered under Section 264.305;

(6) ~~(7)~~ notwithstanding Subsection (a)(1), conduct described by Section 43.02(a)(1) or (2), Penal Code; or

(7) ~~(8)~~ notwithstanding Subsection (a)(1), conduct that violates Section 43.261, Penal Code.

(e) For the purposes of Subsection (b)(2) ~~(b)(3)~~, "child" does not include a person who is married, divorced, or widowed.

(f) Conduct ~~[Except as provided by Subsection (g), conduct]~~ described under Subsection (b)(1) does not constitute conduct indicating a need for supervision unless the child has been referred to the juvenile court under Section 51.08(b).

SECTION 19. Section 51.13(e), Family Code, is amended to read as follows:

(e) A finding that a child engaged in conduct indicating a need for supervision as described by Section 51.03(b)(7) ~~[51.03(b)(8)]~~ is a conviction only for the purposes of Sections 43.261(c) and (d), Penal Code.

SECTION 20. Section 54.0404(a), Family Code, is amended to read as follows:

(a) If a child is found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(7) ~~[51.03(b)(8)]~~, the juvenile court may enter an order requiring the child to attend and successfully complete an educational program described by Section 37.218, Education Code, or another equivalent educational program.

SECTION 21. Section 54.05(b), Family Code, is amended to read as follows:

(b) Except for a commitment to the Texas Juvenile Justice Department or to a post-adjudication secure correctional facility under Section 54.04011 ~~[a disposition under Section 54.0402]~~, or a placement on determinate sentence probation under Section 54.04(q), all dispositions automatically terminate when the child reaches the child's 18th birthday.

SECTION 22. Section 58.0022, Family Code, is amended to read as follows:

Sec. 58.0022. FINGERPRINTS OR PHOTOGRAPHS TO IDENTIFY RUNAWAYS. A law enforcement officer who takes a child into custody with probable cause to believe that the child has engaged in conduct indicating a need for supervision as described by Section 51.03(b)(2) ~~[51.03(b)(3)]~~ and who after reasonable effort is unable to determine the identity of the child, may fingerprint or photograph the child to establish the child's identity. On determination of the child's identity or that the child cannot be identified by the fingerprints or photographs, the law enforcement officer shall immediately destroy all copies of the fingerprint records or photographs of the child.

SECTION 23. Section 58.003(c-3), Family Code, is amended to read as follows:

(c-3) Notwithstanding Subsections (a) and (c) and subject to Subsection (b), a juvenile court, on the court's own motion and without a hearing, shall order the sealing of records concerning a child found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(6) ~~[51.03(b)(7)]~~ or taken into custody to determine whether the child engaged in conduct indicating a need for supervision described by Section 51.03(b)(6) ~~[51.03(b)(7)]~~. This subsection applies only to records related to conduct indicating a need for supervision described by Section 51.03(b)(6) ~~[51.03(b)(7)]~~.



SECTION 24. Section 58.106(a), Family Code, is amended to read as follows:

(a) Except as otherwise provided by this section, information contained in the juvenile justice information system is confidential information for the use of the department and may not be disseminated by the department except:

(1) with the permission of the juvenile offender, to military personnel of this state or the United States;

(2) to a person or entity to which the department may grant access to adult criminal history records as provided by Section 411.083, Government Code;

(3) to a juvenile justice agency;

(4) to the Texas Juvenile Justice Department [~~Youth Commission and the Texas Juvenile Probation Commission~~] for analytical purposes;

(5) to the office of independent ombudsman of the Texas Juvenile Justice Department [~~Youth Commission~~]; and

(6) to a county, justice, or municipal court exercising jurisdiction over a juvenile [~~, including a court exercising jurisdiction over a juvenile under Section 54.021~~].

SECTION 25. Section 59.003(a), Family Code, is amended to read as follows:

(a) Subject to Subsection (e), after a child's first commission of delinquent conduct or conduct indicating a need for supervision, the probation department or prosecuting attorney may, or the juvenile court may, in a disposition hearing under Section 54.04 or a modification hearing under Section 54.05, assign a child one of the following sanction levels according to the child's conduct:

(1) for conduct indicating a need for supervision, other than conduct described in Section 51.03(b)(3) or (4) [~~51.03(b)(4) or (5)~~] or a Class A or B misdemeanor, the sanction level is one;

(2) for conduct indicating a need for supervision under Section 51.03(b)(3) or (4) [~~51.03(b)(4) or (5)~~] or a Class A or B misdemeanor, other than a misdemeanor involving the use or possession of a firearm, or for delinquent conduct under Section 51.03(a)(2), the sanction level is two;

(3) for a misdemeanor involving the use or possession of a firearm or for a state jail felony or a felony of the third degree, the sanction level is three;

(4) for a felony of the second degree, the sanction level is four;

(5) for a felony of the first degree, other than a felony involving the use of a deadly weapon or causing serious bodily injury, the sanction level is five;

(6) for a felony of the first degree involving the use of a deadly weapon or causing serious bodily injury, for an aggravated controlled substance felony, or for a capital felony, the sanction level is six; or

(7) for a felony of the first degree involving the use of a deadly weapon or causing serious bodily injury, for an aggravated controlled substance felony, or for a capital felony, if the petition has been approved by a grand jury under Section 53.045, or if a petition to transfer the child to criminal court has been filed under Section 54.02, the sanction level is seven.

SECTION 26. Section 61.002(a), Family Code, is amended to read as follows:

(a) Except as provided by Subsection (b), this chapter applies to a proceeding to enter a juvenile court order:

(1) for payment of probation fees under Section 54.061;

- (2) for restitution under Sections 54.041(b) and 54.048;
- (3) for payment of graffiti eradication fees under Section 54.0461;
- (4) for community service under Section 54.044(b);
- (5) for payment of costs of court under Section 54.0411 or other provisions of law;
- (6) requiring the person to refrain from doing any act injurious to the welfare of the child under Section 54.041(a)(1);
- (7) enjoining contact between the person and the child who is the subject of a proceeding under Section 54.041(a)(2);
- (8) ordering a person living in the same household with the child to participate in counseling under Section 54.041(a)(3);
- (9) ~~requiring a parent or guardian of a child found to be truant to participate in an available program addressing truancy under Section 54.041(f);~~
- ~~(10)~~ requiring a parent or other eligible person to pay reasonable attorney's fees for representing the child under Section 51.10(e);
- ~~(10)~~ ~~(11)~~ requiring the parent or other eligible person to reimburse the county for payments the county has made to an attorney appointed to represent the child under Section 51.10(j);
- ~~(11)~~ ~~(12)~~ requiring payment of deferred prosecution supervision fees under Section 53.03(d);
- ~~(12)~~ ~~(13)~~ requiring a parent or other eligible person to attend a court hearing under Section 51.115;
- ~~(13)~~ ~~(14)~~ requiring a parent or other eligible person to act or refrain from acting to aid the child in complying with conditions of release from detention under Section 54.01(r);
- ~~(14)~~ ~~(15)~~ requiring a parent or other eligible person to act or refrain from acting under any law imposing an obligation of action or omission on a parent or other eligible person because of the parent's or person's relation to the child who is the subject of a proceeding under this title;
- ~~(15)~~ ~~(16)~~ for payment of fees under Section 54.0462; or
- ~~(16)~~ ~~(17)~~ for payment of the cost of attending an educational program under Section 54.0404.

SECTION 27. The Family Code is amended by adding Title 3A to read as follows:

TITLE 3A. TRUANCY COURT PROCEEDINGS  
CHAPTER 65. TRUANCY COURT PROCEEDINGS  
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 65.001. SCOPE AND PURPOSE. (a) This chapter details the procedures and proceedings in cases involving allegations of truant conduct.

(b) The purpose of this chapter is to encourage school attendance by creating simple civil judicial procedures through which children are held accountable for excessive school absences.

(c) The best interest of the child is the primary consideration in adjudicating truant conduct of the child.

Sec. 65.002. DEFINITIONS. In this chapter:

(1) "Child" means a person who is 12 years of age or older and younger than 19 years of age.

(2) "Juvenile court" means a court designated under Section 51.04 to exercise jurisdiction over proceedings under Title 3.

(3) "Qualified telephone interpreter" means a telephone service that employs licensed court interpreters, as defined by Section 157.001, Government Code.

(4) "Truancy court" means a court designated under Section 65.004 to exercise jurisdiction over cases involving allegations of truant conduct.

Sec. 65.003. TRUANT CONDUCT. (a) A child engages in truant conduct if the child is required to attend school under Section 25.085, Education Code, and fails to attend school on 10 or more days or parts of days within a six-month period in the same school year.

(b) Truant conduct may be prosecuted only as a civil case in a truancy court.

(c) It is an affirmative defense to an allegation of truant conduct that one or more of the absences required to be proven have been excused by a school official or by the court or that one or more of the absences were involuntary, but only if there is an insufficient number of unexcused or voluntary absences remaining to constitute truant conduct. The burden is on the child to show by a preponderance of the evidence that the absence has been or should be excused or that the absence was involuntary. A decision by the court to excuse an absence for purposes of this subsection does not affect the ability of the school district to determine whether to excuse the absence for another purpose.

Sec. 65.004. TRUANCY COURTS; JURISDICTION. (a) The following are designated as truancy courts:

(1) in a county with a population of 1.75 million or more, the constitutional county court;

(2) justice courts; and

(3) municipal courts.

(b) A truancy court has exclusive original jurisdiction over cases involving allegations of truant conduct.

(c) A municipality may enter into an agreement with a contiguous municipality or a municipality with boundaries that are within one-half mile of the municipality seeking to enter into the agreement to establish concurrent jurisdiction of the municipal courts in the municipalities and provide original jurisdiction to a municipal court in which a truancy case is brought as if the municipal court were located in the municipality in which the case arose.

(d) A truancy court retains jurisdiction over a person, without regard to the age of the person, who was referred to the court under Section 65.051 for engaging in truant conduct before the person's 19th birthday, until final disposition of the case.

Sec. 65.005. COURT SESSIONS. A truancy court is considered to be in session at all times.

Sec. 65.006. VENUE. Venue for a proceeding under this chapter is the county in which the school in which the child is enrolled is located or the county in which the child resides.

Sec. 65.007. RIGHT TO JURY TRIAL. (a) A child alleged to have engaged in truant conduct is entitled to a jury trial.

(b) The number of jurors in a case involving an allegation of truant conduct is six. The state and the child are each entitled to three peremptory challenges.

(c) There is no jury fee for a trial under this chapter.

Sec. 65.008. WAIVER OF RIGHTS. A right granted to a child by this chapter or by the constitution or laws of this state or the United States is waived in proceedings under this chapter if:

(1) the right is one that may be waived;

(2) the child and the child's parent or guardian are informed of the right, understand the right, understand the possible consequences of waiving the right, and understand that waiver of the right is not required;

(3) the child signs the waiver;

(4) the child's parent or guardian signs the waiver; and

(5) the child's attorney signs the waiver, if the child is represented by counsel.

Sec. 65.009. EFFECT OF ADJUDICATION. (a) An adjudication of a child as having engaged in truant conduct is not a conviction of crime. An order of adjudication does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application or appointment.

(b) The adjudication of a child as having engaged in truant conduct may not be used in any subsequent court proceedings, other than for the purposes of determining an appropriate remedial action under this chapter or in an appeal under this chapter.

Sec. 65.010. BURDEN OF PROOF. A court or jury may not return a finding that a child has engaged in truant conduct unless the state has proved the conduct beyond a reasonable doubt.

Sec. 65.011. APPLICABLE STATUTES REGARDING DISCOVERY. Discovery in a proceeding under this chapter is governed by Chapter 39, Code of Criminal Procedure, other than Articles 39.14(i) and (j).

Sec. 65.012. PROCEDURAL RULES. The supreme court may promulgate rules of procedure applicable to proceedings under this chapter, including guidelines applicable to the informal disposition of truancy cases.

Sec. 65.013. INTERPRETERS. (a) When on the motion for appointment of an interpreter by a party or on the motion of the court, in any proceeding under this chapter, the court determines that the child, the child's parent or guardian, or a witness does not understand and speak English, an interpreter must be sworn to interpret for the person. Articles 38.30(a), (b), and (c), Code of Criminal Procedure, apply in a proceeding under this chapter. A qualified telephone interpreter may be sworn to provide interpretation services if an interpreter is not available to appear in person before the court.

(b) In any proceeding under this chapter, if a party notifies the court that the child, the child's parent or guardian, or a witness is deaf, the court shall appoint a qualified interpreter to interpret the proceedings in any language, including sign language, that the deaf person can understand. Articles 38.31(d), (e), (f), and (g), Code of Criminal Procedure, apply in a proceeding under this chapter.

Sec. 65.014. SIGNATURES. Any requirement under this chapter that a document be signed or that a document contain a person's signature, including the signature of a judge or a clerk of the court, is satisfied if the document contains the signature of the person as captured on an electronic device or as a digital signature.

Sec. 65.015. PUBLIC ACCESS TO COURT HEARINGS. (a) Except as provided by Subsection (b), a truancy court shall open a hearing under this chapter to the public unless the court, for good cause shown, determines that the public should be excluded.

(b) The court may prohibit a person from personally attending a hearing if the person is expected to testify at the hearing and the court determines that the person's testimony would be materially affected if the person hears other testimony at the hearing.

Sec. 65.016. RECORDING OF PROCEEDINGS. (a) The proceedings in a truancy court that is not a court of record may not be recorded.

(b) The proceedings in a truancy court that is a court of record must be recorded by stenographic notes or by electronic, mechanical, or other appropriate means.

Sec. 65.017. JUVENILE CASE MANAGERS. A truancy court may employ a juvenile case manager in accordance with Article 45.056, Code of Criminal Procedure, to provide services to children who have been referred to the truancy court or who are in jeopardy of being referred to the truancy court.

#### SUBCHAPTER B. INITIAL PROCEDURES

Sec. 65.051. INITIAL REFERRAL TO TRUANCY COURT. When a truancy court receives a referral under Section 25.0915, Education Code, and the court is not required to dismiss the referral under that section, the court shall forward the referral to a truant conduct prosecutor who serves the court.

Sec. 65.052. TRUANT CONDUCT PROSECUTOR. In a justice or municipal court or a constitutional county court that is designated as a truancy court, the attorney who represents the state in criminal matters in that court shall serve as the truant conduct prosecutor.

Sec. 65.053. REVIEW BY PROSECUTOR. (a) The truant conduct prosecutor shall promptly review the facts described in a referral received under Section 65.051.

(b) The prosecutor may, in the prosecutor's discretion, determine whether to file a petition with the truancy court requesting an adjudication of the child for truant conduct. If the prosecutor decides not to file a petition requesting an adjudication, the prosecutor shall inform the truancy court and the school district of the decision.

(c) The prosecutor may not file a petition for an adjudication of a child for truant conduct if the referral was not made in compliance with Section 25.0915, Education Code.

Sec. 65.054. STATE'S PETITION. (a) A petition for an adjudication of a child for truant conduct initiates an action of the state against a child who has allegedly engaged in truant conduct.

(b) The proceedings shall be styled "In the matter of \_\_\_\_\_, Child," identifying the child by the child's initials only.

(c) The petition may be on information and belief.

(d) The petition must state:

(1) with reasonable particularity the time, place, and manner of the acts alleged to constitute truant conduct;

(2) the name, age, and residence address, if known, of the child who is the subject of the petition;

(3) the names and residence addresses, if known, of at least one parent, guardian, or custodian of the child and of the child's spouse, if any; and

(4) if the child's parent, guardian, or custodian does not reside or cannot be found in the state, or if their places of residence are unknown, the name and residence address of any known adult relative residing in the county or, if there is none, the name and residence address of the known adult relative residing nearest to the location of the court.

(e) Filing fees may not be charged for the filing of the state's petition.

Sec. 65.055. LIMITATIONS PERIOD. A petition may not be filed after the 45th day after the date of the last absence giving rise to the act of truant conduct.

Sec. 65.056. HEARING DATE. (a) After the petition has been filed, the truancy court shall set a date and time for an adjudication hearing.

(b) The hearing may not be held on or before the 10th day after the date the petition is filed.

Sec. 65.057. SUMMONS. (a) After setting the date and time of an adjudication hearing, the truancy court shall direct the issuance of a summons to:

(1) the child named in the petition;

(2) the child's parent, guardian, or custodian;

(3) the child's guardian ad litem, if any; and

(4) any other person who appears to the court to be a proper or necessary party to the proceeding.

(b) The summons must require the persons served to appear before the court at the place, date, and time of the adjudication hearing to answer the allegations of the petition. A copy of the petition must accompany the summons. If a person, other than the child, required to appear under this section fails to attend a hearing, the truancy court may proceed with the hearing.

(c) The truancy court may endorse on the summons an order directing the person having the physical custody or control of the child to bring the child to the hearing.

(d) A party, other than the child, may waive service of summons by written stipulation or by voluntary appearance at the hearing.

Sec. 65.058. SERVICE OF SUMMONS. (a) If a person to be served with a summons is in this state and can be found, the summons shall be served on the person personally or by registered or certified mail, return receipt requested, at least five days before the date of the adjudication hearing.

(b) Service of the summons may be made by any suitable person under the direction of the court.

Sec. 65.059. REPRESENTATION BY ATTORNEY. (a) A child may be represented by an attorney in a case under this chapter. Representation by an attorney is not required.

(b) A child is not entitled to have an attorney appointed to represent the child, but the court may appoint an attorney if the court determines it is in the best interest of the child.

(c) The court may order a child's parent or other responsible person to pay for the cost of an attorney appointed under this section if the court determines that the person has sufficient financial resources.

Sec. 65.060. CHILD'S ANSWER. After the petition has been filed, the child may answer, orally or in writing, the petition at or before the commencement of the hearing. If the child does not answer, a general denial of the alleged truant conduct is assumed.

Sec. 65.061. GUARDIAN AD LITEM. (a) If a child appears before the truancy court without a parent or guardian, or it appears to the court that the child's parent or guardian is incapable or unwilling to make decisions in the best interest of the child with respect to proceedings under this chapter, the court may appoint a guardian ad litem to protect the interests of the child in the proceedings.

(b) An attorney for a child may also be the child's guardian ad litem. A law enforcement officer, probation officer, or other employee of the truancy court may not be appointed as a guardian ad litem.

(c) The court may order a child's parent or other person responsible to support the child to reimburse the county or municipality for the cost of the guardian ad litem. The court may issue the order only after determining that the parent or other responsible person has sufficient financial resources to offset the cost of the child's guardian ad litem wholly or partly.

Sec. 65.062. ATTENDANCE AT HEARING. (a) The child must be personally present at the adjudication hearing. The truancy court may not proceed with the adjudication hearing in the absence of the child.

(b) A parent or guardian of a child and any court-appointed guardian ad litem of a child is required to attend the adjudication hearing.

(c) Subsection (b) does not apply to:

(1) a person for whom, for good cause shown, the court excuses attendance;

(2) a person who is not a resident of this state; or

(3) a parent of a child for whom a managing conservator has been appointed and the parent is not a conservator of the child.

Sec. 65.063. RIGHT TO REEMPLOYMENT. (a) An employer may not terminate the employment of a permanent employee because the employee is required under Section 65.062(b) to attend a hearing.

(b) Notwithstanding any other law, an employee whose employment is terminated in violation of this section is entitled to return to the same employment that the employee held when notified of the hearing if the employee, as soon as practical after the hearing, gives the employer actual notice that the employee intends to return.

(c) A person who is injured because of a violation of this section is entitled to:

(1) reinstatement to the person's former position;

(2) damages not to exceed an amount equal to six times the amount of monthly compensation received by the person on the date of the hearing; and

(3) reasonable attorney's fees in an amount approved by the court.

(d) It is a defense to an action brought under this section that the employer's circumstances changed while the employee attended the hearing and caused reemployment to be impossible or unreasonable. To establish a defense under this subsection, an employer must prove that the termination of employment was because of circumstances other than the employee's attendance at the hearing.

Sec. 65.064. SUBPOENA OF WITNESS. A witness may be subpoenaed in accordance with the procedures for the subpoena of a witness under the Code of Criminal Procedure.

Sec. 65.065. CHILD ALLEGED TO BE MENTALLY ILL. (a) A party may make a motion requesting that a petition alleging a child to have engaged in truant conduct be dismissed because the child has a mental illness, as defined by Section 571.003, Health and Safety Code. In response to the motion, the truancy court shall temporarily stay the proceedings to determine whether probable cause exists to believe the child has a mental illness. In making a determination, the court may:

(1) consider the motion, supporting documents, professional statements of counsel, and witness testimony; and

(2) observe the child.

(b) If the court determines that probable cause exists to believe that the child has a mental illness, the court shall dismiss the petition. If the court determines that evidence does not exist to support a finding that the child has a mental illness, the court shall dissolve the stay and continue with the truancy court proceedings.

#### SUBCHAPTER C. ADJUDICATION HEARING AND REMEDIES

Sec. 65.101. ADJUDICATION HEARING; JUDGMENT. (a) A child may be found to have engaged in truant conduct only after an adjudication hearing conducted in accordance with the provisions of this chapter.

(b) At the beginning of the adjudication hearing, the judge of the truancy court shall explain to the child and the child's parent, guardian, or guardian ad litem:

(1) the allegations made against the child;

(2) the nature and possible consequences of the proceedings;

(3) the child's privilege against self-incrimination;

(4) the child's right to trial and to confrontation of witnesses;

(5) the child's right to representation by an attorney if the child is not already represented; and

(6) the child's right to a jury trial.

(c) Trial is by jury unless jury is waived in accordance with Section 65.008. Jury verdicts under this chapter must be unanimous.

(d) The Texas Rules of Evidence do not apply in a truancy proceeding under this chapter except:

(1) when the judge hearing the case determines that a particular rule of evidence applicable to criminal cases must be followed to ensure that the proceedings are fair to all parties; or

(2) as otherwise provided by this chapter.

(e) A child alleged to have engaged in truant conduct need not be a witness against nor otherwise incriminate himself or herself. An extrajudicial statement of the child that was obtained in violation of the constitution of this state or the United States



may not be used in an adjudication hearing. A statement made by the child out of court is insufficient to support a finding of truant conduct unless it is corroborated wholly or partly by other evidence.

(f) At the conclusion of the adjudication hearing, the court or jury shall find whether the child has engaged in truant conduct. The finding must be based on competent evidence admitted at the hearing. The child shall be presumed to have not engaged in truant conduct and no finding that a child has engaged in truant conduct may be returned unless the state has proved the conduct beyond a reasonable doubt. In all jury cases the jury will be instructed that the burden is on the state to prove that a child has engaged in truant conduct beyond a reasonable doubt.

(g) If the court or jury finds that the child did not engage in truant conduct, the court shall dismiss the case with prejudice.

(h) If the court or jury finds that the child did engage in truant conduct, the court shall proceed to issue a judgment finding the child has engaged in truant conduct and order the remedies the court finds appropriate under Section 65.103. The jury is not involved in ordering remedies for a child who has been adjudicated as having engaged in truant conduct.

Sec. 65.102. REMEDIAL ACTIONS. (a) The truancy court shall determine and order appropriate remedial actions in regard to a child who has been found to have engaged in truant conduct.

(b) The truancy court shall orally pronounce the court's remedial actions in the child's presence and enter those actions in a written order.

(c) After pronouncing the court's remedial actions, the court shall advise the child and the child's parent, guardian, or guardian ad litem of:

(1) the child's right to appeal, as detailed in Subchapter D; and

(2) the procedures for the sealing of the child's records under Section 65.201.

Sec. 65.103. REMEDIAL ORDER. (a) A truancy court may enter a remedial order requiring a child who has been found to have engaged in truant conduct to:

(1) attend school without unexcused absences;

(2) attend a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code, if the court determines that the individual is unlikely to do well in a formal classroom environment due to the individual's age;

(3) if the child is at least 16 years of age, take the high school equivalency examination administered under Section 7.111, Education Code, if that is in the best interest of the child;

(4) attend a nonprofit, community-based special program that the court determines to be in the best interest of the child, including:

(A) an alcohol and drug abuse program;

(B) a rehabilitation program;

(C) a counseling program, including a self-improvement program;

(D) a program that provides training in self-esteem and leadership;

(E) a work and job skills training program;

(F) a program that provides training in parenting, including parental responsibility;

(G) a program that provides training in manners;

(H) a program that provides training in violence avoidance;

(I) a program that provides sensitivity training; and

(J) a program that provides training in advocacy and mentoring;

(5) complete not more than 50 hours of community service on a project acceptable to the court; and

(6) participate for a specified number of hours in a tutorial program covering the academic subjects in which the child is enrolled that are provided by the school the child attends.

(b) A truancy court may not order a child who has been found to have engaged in truant conduct to:

(1) attend a juvenile justice alternative education program, a boot camp, or a for-profit truancy class; or

(2) perform more than 16 hours of community service per week under this section.

(c) In addition to any other order authorized by this section, a truancy court may order the Department of Public Safety to suspend the driver's license or permit of a child who has been found to have engaged in truant conduct. If the child does not have a driver's license or permit, the court may order the Department of Public Safety to deny the issuance of a license or permit to the child. The period of the license or permit suspension or the order that the issuance of a license or permit be denied may not extend beyond the maximum time period that a remedial order is effective as provided by Section 65.104.

Sec. 65.104. MAXIMUM TIME REMEDIAL ORDER IS EFFECTIVE. A truancy court's remedial order under Section 65.103 is effective until the later of:

(1) the date specified by the court in the order, which may not be later than the 180th day after the date the order is entered; or

(2) the last day of the school year in which the order was entered.

Sec. 65.105. ORDERS AFFECTING PARENTS AND OTHERS. (a) If a child has been found to have engaged in truant conduct, the truancy court may:

(1) order the child and the child's parent to attend a class for students at risk of dropping out of school that is designed for both the child and the child's parent;

(2) order any person found by the court to have, by a wilful act or omission, contributed to, caused, or encouraged the child's truant conduct to do any act that the court determines to be reasonable and necessary for the welfare of the child or to refrain from doing any act that the court determines to be injurious to the child's welfare;

(3) enjoin all contact between the child and a person who is found to be a contributing cause of the child's truant conduct, unless that person is the child's parent or guardian, in which case the court may contact the Department of Family and Protective Services, if necessary;

(4) after notice to, and a hearing with, all persons affected, order any person living in the same household with the child to participate in social or psychological counseling to assist in the child's rehabilitation;

(5) order the child's parent or other person responsible for the child's support to pay all or part of the reasonable costs of treatment programs in which the child is ordered to participate if the court finds the child's parent or person responsible for the child's support is able to pay the costs;

(6) order the child's parent to attend a program for parents of students with unexcused absences that provides instruction designed to assist those parents in identifying problems that contribute to the child's unexcused absences and in developing strategies for resolving those problems; and

(7) order the child's parent to perform not more than 50 hours of community service with the child.

(b) A person subject to an order proposed under Subsection (a) is entitled to a hearing before the order is entered by the court.

(c) On a finding by the court that a child's parents have made a reasonable good faith effort to prevent the child from engaging in truant conduct and that, despite the parents' efforts, the child continues to engage in truant conduct, the court shall waive any requirement for community service that may be imposed on a parent under this section.

Sec. 65.106. LIABILITY FOR CLAIMS ARISING FROM COMMUNITY SERVICE. (a) A municipality or county that establishes a program to assist children and their parents in rendering community service under this subchapter may purchase an insurance policy protecting the municipality or county against a claim brought by a person other than the child or the child's parent for a cause of action that arises from an act of the child or parent while rendering the community service. The municipality or county is not liable for the claim to the extent that damages are recoverable under a contract of insurance or under a plan of self-insurance authorized by statute.

(b) The liability of the municipality or county for a claim that arises from an action of the child or the child's parent while rendering community service may not exceed \$100,000 to a single person and \$300,000 for a single occurrence in the case of personal injury or death, and \$10,000 for a single occurrence of property damage. Liability may not extend to punitive or exemplary damages.

(c) This section does not waive a defense, immunity, or jurisdictional bar available to the municipality or county or its officers or employees, nor shall this section be construed to waive, repeal, or modify any provision of Chapter 101, Civil Practice and Remedies Code.

Sec. 65.107. COURT COST. (a) If a child is found to have engaged in truant conduct, the truancy court, after giving the child, parent, or other person responsible for the child's support a reasonable opportunity to be heard, shall order the child, parent, or other person, if financially able to do so, to pay a court cost of \$50 to the clerk of the court.

(b) The court's order to pay the \$50 court cost is not effective unless the order is reduced to writing and signed by the judge. The written order to pay the court cost may be part of the court's order detailing the remedial actions in the case.

(c) The clerk of the court shall keep a record of the court costs collected under this section and shall forward the funds to the county treasurer, municipal treasurer, or person fulfilling the role of a county treasurer or municipal treasurer, as appropriate.

(d) The court costs collected under this section shall be deposited in a special account that can be used only to offset the cost of the operations of the truancy court.

Sec. 65.108. HEARING TO MODIFY REMEDY. (a) A truancy court may hold a hearing to modify any remedy imposed by the court. A remedy may only be modified during the period the order is effective under Section 65.104.

(b) There is no right to a jury at a hearing under this section.

(c) A hearing to modify a remedy imposed by the court shall be held on the petition of the state, the court, or the child and the child's parent, guardian, guardian ad litem, or attorney. Reasonable notice of a hearing to modify disposition shall be given to all parties.

(d) Notwithstanding any other law, in considering a motion to modify a remedy imposed by the court, the truancy court may consider a written report from a school district official or employee, juvenile case manager, or professional consultant in addition to the testimony of witnesses. The court shall provide the attorney for the child and the prosecuting attorney with access to all written matters to be considered by the court. The court may order counsel not to reveal items to the child or to the child's parent, guardian, or guardian ad litem if the disclosure would materially harm the treatment and rehabilitation of the child or would substantially decrease the likelihood of receiving information from the same or similar sources in the future.

(e) The truancy court shall pronounce in court, in the presence of the child, the court's changes to the remedy, if any. The court shall specifically state the new remedy and the court's reasons for modifying the remedy in a written order. The court shall furnish a copy of the order to the child.

Sec. 65.109. MOTION FOR NEW TRIAL. The order of a truancy court may be challenged by filing a motion for new trial. Rules 505.3(c) and (e), Texas Rules of Civil Procedure, apply to a motion for new trial.

#### SUBCHAPTER D. APPEAL

Sec. 65.151. RIGHT TO APPEAL. (a) The child or the state may appeal any order of a truancy court.

(b) An appeal from a truancy court shall be to a juvenile court. The case must be tried de novo in the juvenile court. This chapter applies to the de novo trial in the juvenile court. On appeal, the judgment of the truancy court is vacated.

(c) A judgment of a juvenile court in a trial conducted under Subsection (b) may be appealed in the same manner as an appeal under Chapter 56.

Sec. 65.152. GOVERNING LAW. Rule 506, Texas Rules of Civil Procedure, applies to the appeal of an order of a truancy court to a juvenile court in the same manner as the rule applies to an appeal of a judgment of a justice court to a county court, except an appeal bond is not required.

Sec. 65.153. COUNSEL ON APPEAL. (a) A child may be represented by counsel on appeal.

(b) If the child and the child's parent, guardian, or guardian ad litem request an appeal, the attorney who represented the child before the truancy court, if any, shall file a notice of appeal with the court that will hear the appeal and inform that court whether that attorney will handle the appeal.

(c) An appeal serves to vacate the order of the truancy court.

SUBCHAPTER E. RECORDS

Sec. 65.201. SEALING OF RECORDS. (a) A child who has been found to have engaged in truant conduct may apply, on or after the child's 18th birthday, to the truancy court that made the finding to seal the records relating to the allegation and finding of truant conduct held by:

- (1) the court;
- (2) the truant conduct prosecutor; and
- (3) the school district.

(b) The application must include the following information or an explanation of why one or more of the following is not included:

- (1) the child's:
  - (A) full name;
  - (B) sex;
  - (C) race or ethnicity;
  - (D) date of birth;
  - (E) driver's license or identification card number; and
  - (F) social security number;

(2) the dates on which the truant conduct was alleged to have occurred; and

(3) if known, the cause number assigned to the petition and the court and county in which the petition was filed.

(c) The truancy court shall order that the records be sealed after determining the child complied with the remedies ordered by the court in the case.

(d) All index references to the records of the truancy court that are ordered sealed shall be deleted not later than the 30th day after the date of the sealing order.

(e) A truancy court, clerk of the court, truant conduct prosecutor, or school district shall reply to a request for information concerning a child's sealed truant conduct case that no record exists with respect to the child.

(f) Inspection of the sealed records may be permitted by an order of the truancy court on the petition of the person who is the subject of the records and only by those persons named in the order.

(g) A person whose records have been sealed under this section is not required in any proceeding or in any application for employment, information, or licensing to state that the person has been the subject of a proceeding under this chapter. Any statement that the person has never been found to have engaged in truant conduct may not be held against the person in any criminal or civil proceeding.

(h) On or after the fifth anniversary of a child's 16th birthday, on the motion of the child or on the truancy court's own motion, the truancy court may order the destruction of the child's records that have been sealed under this section if the child has not been convicted of a felony.

Sec. 65.202. CONFIDENTIALITY OF RECORDS. Records and files created under this chapter may be disclosed only to:

- (1) the judge of the truancy court, the truant conduct prosecutor, and the staff of the judge and prosecutor;
- (2) the child or an attorney for the child;
- (3) a governmental agency if the disclosure is required or authorized by law;

(4) a person or entity to whom the child is referred for treatment or services if the agency or institution disclosing the information has entered into a written confidentiality agreement with the person or entity regarding the protection of the disclosed information;

(5) the Texas Department of Criminal Justice and the Texas Juvenile Justice Department for the purpose of maintaining statistical records of recidivism and for diagnosis and classification;

(6) the agency; or

(7) with leave of the truancy court, any other person, agency, or institution having a legitimate interest in the proceeding or in the work of the court.

Sec. 65.203. DESTRUCTION OF CERTAIN RECORDS. A truancy court shall order the destruction of records relating to allegations of truant conduct that are held by the court or by the prosecutor if a prosecutor decides not to file a petition for an adjudication of truant conduct after a review of the referral under Section 65.053.

#### SUBCHAPTER F. ENFORCEMENT OF ORDERS

Sec. 65.251. FAILURE TO OBEY TRUANCY COURT ORDER; CHILD IN CONTEMPT OF COURT. (a) If a child fails to obey an order issued by a truancy court under Section 65.103(a) or a child is in direct contempt of court, the truancy court, after providing notice and an opportunity for a hearing, may hold the child in contempt of court and order either or both of the following:

(1) that the child pay a fine not to exceed \$100; or

(2) that the Department of Public Safety suspend the child's driver's license or permit or, if the child does not have a license or permit, order that the Department of Public Safety deny the issuance of a license or permit to the child until the child fully complies with the court's orders.

(b) If a child fails to obey an order issued by a truancy court under Section 65.103(a) or a child is in direct contempt of court and the child has failed to obey an order or has been found in direct contempt of court on two or more previous occasions, the truancy court, after providing notice and an opportunity for a hearing, may refer the child to the juvenile probation department as a request for truancy intervention, unless the child failed to obey the truancy court order or was in direct contempt of court while 17 years of age or older.

(c) On referral of the child to the juvenile probation department, the truancy court shall provide to the juvenile probation department:

(1) documentation of all truancy prevention measures taken by the originating school district;

(2) documentation of all truancy orders for each of the child's previous truancy referrals, including:

(A) court remedies and documentation of the child's failure to comply with the truancy court's orders, if applicable, demonstrating all interventions that were exhausted by the truancy court; and

(B) documentation describing the child's direct contempt of court, if applicable;

(3) the name, birth date, and last known address of the child and the school in which the child is enrolled; and

(4) the name and last known address of the child's parent or guardian.

(d) The juvenile probation department may, on review of information provided under Subsection (c):

(1) offer further remedies related to the local plan for truancy intervention strategies adopted under Section 25.0916(f)(4), Education Code; or

(2) refer the child to a juvenile court for a hearing to be conducted under Section 65.252.

(e) A truancy court may not order the confinement of a child for the child's failure to obey an order of the court issued under Section 65.103(a).

Sec. 65.252. PROCEEDINGS IN JUVENILE COURT. (a) After a referral by the local juvenile probation department, the juvenile court prosecutor shall determine if probable cause exists to believe that the child engaged in direct contempt of court or failed to obey an order of the truancy court under circumstances that would constitute contempt of court. On a finding that probable cause exists, the prosecutor shall determine whether to request an adjudication. Not later than the 20th day after the date the juvenile court receives a request for adjudication from the prosecutor, the juvenile court shall conduct a hearing to determine if the child engaged in conduct that constitutes contempt of the order issued by the truancy court or engaged in direct contempt of court.

(b) If the juvenile court finds that the child engaged in conduct that constitutes contempt of the order issued by the truancy court or direct contempt of court, the juvenile court shall:

(1) enter an order requiring the child to comply with the truancy court's order;

(2) forward a copy of the order to the truancy court within five days; and

(3) admonish the child, orally and in writing, of the consequences of subsequent referrals to the juvenile court, including:

(A) a possible charge of delinquent conduct for contempt of the truancy court's order or direct contempt of court; and

(B) a possible detention hearing.

(c) If the juvenile court prosecutor finds that probable cause does not exist to believe that the child engaged in direct contempt or in conduct that constitutes contempt of the order issued by the truancy court, or if the juvenile probation department finds that extenuating circumstances caused the original truancy referral, the juvenile court shall enter an order requiring the child's continued compliance with the truancy court's order and notify the truancy court not later than the fifth day after the date the order is entered.

(d) This section does not limit the discretion of a juvenile prosecutor or juvenile court to prosecute a child for conduct under Section 51.03.

Sec. 65.253. PARENT OR OTHER PERSON IN CONTEMPT OF COURT.

(a) A truancy court may enforce the following orders by contempt:

(1) an order that a parent of a child, guardian of a child, or any court-appointed guardian ad litem of a child attend an adjudication hearing under Section 65.062(b);

(2) an order requiring a person other than a child to take a particular action under Section 65.105(a);

(3) an order that a child's parent, or other person responsible to support the child, reimburse the municipality or county for the cost of the guardian ad litem appointed for the child under Section 65.061(c); and

(4) an order that a parent, or person other than the child, pay the \$50 court cost under Section 65.107.

(b) A truancy court may find a parent or person other than the child in direct contempt of the court.

(c) The penalty for a finding of contempt under Subsection (a) or (b) is a fine in an amount not to exceed \$100.

(d) In addition to the assessment of a fine under Subsection (c), direct contempt of the truancy court by a parent or person other than the child is punishable by:

(1) confinement in jail for a maximum of three days;

(2) a maximum of 40 hours of community service; or

(3) both confinement and community service.

Sec. 65.254. WRIT OF ATTACHMENT. A truancy court may issue a writ of attachment for a person who violates an order entered under Section 65.057(c). The writ of attachment is executed in the same manner as in a criminal proceeding as provided by Chapter 24, Code of Criminal Procedure.

Sec. 65.255. ENTRY OF TRUANCY COURT ORDER AGAINST PARENT OR OTHER ELIGIBLE PERSON. (a) The truancy court shall:

(1) provide notice to a person who is the subject of a proposed truancy court order under Section 65.253; and

(2) provide a sufficient opportunity for the person to be heard regarding the proposed order.

(b) A truancy court order under Section 65.253 must be in writing and a copy promptly furnished to the parent or other eligible person.

(c) The truancy court may require the parent or other eligible person to provide suitable identification to be included in the court's file. Suitable identification includes fingerprints, a driver's license number, a social security number, or similar indicia of identity.

Sec. 65.256. APPEAL. (a) The parent or other eligible person against whom a final truancy court order has been entered under Section 65.253 may appeal as provided by law from judgments entered by a justice court in civil cases.

(b) Rule 506, Texas Rules of Civil Procedure, applies to an appeal under this section, except an appeal bond is not required.

(c) The pendency of an appeal initiated under this section does not abate or otherwise affect the proceedings in the truancy court involving the child.

Sec. 65.257. MOTION FOR ENFORCEMENT. (a) The state may initiate enforcement of a truancy court order under Section 65.253 against a parent or person other than the child by filing a written motion. In ordinary and concise language, the motion must:

(1) identify the provision of the order allegedly violated and sought to be enforced;

(2) state specifically and factually the manner of the person's alleged noncompliance;

(3) state the relief requested; and



(4) contain the signature of the party filing the motion.

(b) The state must allege the particular violation by the person of the truancy court order that the state had a reasonable basis for believing the person was violating when the motion was filed.

(c) The truancy court may also initiate enforcement of an order under this section on its own motion.

Sec. 65.258. NOTICE AND APPEARANCE. (a) On the filing of a motion for enforcement, the truancy court shall by written notice set the date, time, and place of the hearing and order the person against whom enforcement is sought to appear and respond to the motion.

(b) The notice must be given by personal service or by certified mail, return receipt requested, on or before the 10th day before the date of the hearing on the motion. The notice must include a copy of the motion for enforcement. Personal service must comply with the Code of Criminal Procedure.

(c) If a person moves to strike or specially excepts to the motion for enforcement, the truancy court shall rule on the exception or motion to strike before the court hears evidence on the motion for enforcement. If an exception is sustained, the court shall give the movant an opportunity to replead and continue the hearing to a designated date and time without the requirement of additional service.

(d) If a person who has been personally served with notice to appear at the hearing does not appear, the truancy court may not hold the person in contempt, but may issue a warrant for the arrest of the person.

Sec. 65.259. CONDUCT OF ENFORCEMENT HEARING. (a) The movant must prove beyond a reasonable doubt that the person against whom enforcement is sought engaged in conduct constituting contempt of a reasonable and lawful court order as alleged in the motion for enforcement.

(b) The person against whom enforcement is sought has a privilege not to be called as a witness or otherwise to incriminate himself or herself.

(c) The truancy court shall conduct the enforcement hearing without a jury.

(d) The truancy court shall include in the court's judgment:

(1) findings for each violation alleged in the motion for enforcement; and

(2) the punishment, if any, to be imposed.

(e) If the person against whom enforcement is sought was not represented by counsel during any previous court proceeding involving a motion for enforcement, the person may, through counsel, raise any defense or affirmative defense to the proceeding that could have been asserted in the previous court proceeding that was not asserted because the person was not represented by counsel.

(f) It is an affirmative defense to enforcement of a truancy court order under Section 65.253 that the court did not provide the parent or other eligible person with due process of law in the proceeding in which the court entered the order.

SECTION 28. Section 264.304(c), Family Code, is amended to read as follows:

(c) The court shall determine that the child is an at-risk child if the court finds that the child has engaged in the following conduct:

(1) conduct, other than a traffic offense and except as provided by Subsection (d), that violates:

(A) the penal laws of this state; or

(B) the penal ordinances of any political subdivision of this state;

(2) the unexcused voluntary absence of the child on 10 or more days or parts of days within a six-month period [~~or three or more days or parts of days within a four week period~~] from school without the consent of the child's parent, managing conservator, or guardian;

(3) the voluntary absence of the child from the child's home without the consent of the child's parent, managing conservator, or guardian for a substantial length of time or without intent to return;

(4) conduct that violates the laws of this state prohibiting driving while intoxicated or under the influence of intoxicating liquor (first or second offense) or driving while under the influence of any narcotic drug or of any other drug to a degree that renders the child incapable of safely driving a vehicle (first or second offense); or

(5) conduct that evidences a clear and substantial intent to engage in any behavior described by Subdivisions (1)-(4).

SECTION 29. Section 26.045(d), Government Code, is amended to read as follows:

(d) A county court in a county with a population of 1.75 million or more has original jurisdiction over cases alleging a violation of Section 25.093 [~~or 25.094~~], Education Code, or alleging truant conduct under Section 65.003(a), Family Code.

SECTION 30. Section 29.003(i), Government Code, is amended to read as follows:

(i) A municipality may enter into an agreement with a contiguous municipality or a municipality with boundaries that are within one-half mile of the municipality seeking to enter into the agreement to establish concurrent jurisdiction of the municipal courts in the municipalities and provide original jurisdiction to a municipal court in which a case is brought as if the municipal court were located in the municipality in which the case arose, for:

(1) all cases in which either municipality has jurisdiction under Subsection (a); and

(2) cases that arise under Section 821.022, Health and Safety Code, or Section 65.003(a) [~~25.094~~], Family [~~Education~~] Code.

SECTION 31. Subtitle B, Title 2, Government Code, is amended by adding Chapter 36 to read as follows:

#### CHAPTER 36. JUDICIAL DONATION TRUST FUNDS FOR TRUANCY

Sec. 36.001. ESTABLISHMENT OF TRUST FUNDS. (a) The governing body of a municipality or the commissioners court of a county may establish a judicial donation trust fund as a separate account held outside the municipal or county treasury to be used in accordance with this chapter.

(b) The governing body of a municipality or the commissioners court of a county may accept a gift, grant, donation, or other consideration from a public or private source that is designated for the judicial donation trust fund.

(c) Money received under Subsection (b) shall be deposited in the judicial donation trust fund and may only be disbursed in accordance with this chapter.

(d) Interest and income from the assets of the judicial donation trust fund shall be credited to and deposited in the trust fund.

Sec. 36.002. PROCEDURES AND ELIGIBILITY. The governing body of a municipality or the commissioners court of a county shall:

(1) adopt the procedures necessary to receive and disburse money from the judicial donation trust fund under this chapter; and

(2) establish eligibility requirements for disbursement of money under this chapter to assist needy children or families who appear before a truancy court or justice or municipal court for truant conduct under Chapter 65, Family Code, or an offense under Section 25.093, Education Code, as applicable, by providing money for resources and services that eliminate barriers to school attendance or that seek to prevent criminal behavior.

Sec. 36.003. USE OF FUNDS IN ACCOUNT. (a) The judge of a truancy court or justice or municipal court, in accordance with Section 36.002, may award money from a judicial donation trust fund established under Section 36.001 to eligible children or families who appear before the court for truant conduct or an offense under Section 25.093, Education Code.

(b) A judge of a truancy court or justice or municipal court may order the municipal or county treasurer to issue payment from the judicial donation trust fund for money awarded under this section.

SECTION 32. Section 54.1172(a), Government Code, is amended to read as follows:

(a) The county judge may appoint one or more part-time or full-time magistrates to hear a matter alleging a violation of Section 25.093 [~~or 25.094~~], Education Code, or alleging truant conduct under Section 65.003(a), Family Code.

SECTION 33. Section 54.1952(a), Government Code, is amended to read as follows:

(a) The county judge may appoint one or more part-time or full-time magistrates to hear a matter alleging a violation of Section 25.093 [~~or 25.094~~], Education Code, or alleging truant conduct under Section 65.003(a), Family Code, referred to the magistrate by a court having jurisdiction over the matter.

SECTION 34. Section 54.1955, Government Code, is amended to read as follows:

Sec. 54.1955. POWERS. (a) Except as limited by an order of the county judge, a magistrate appointed under this subchapter may:

- (1) conduct hearings;
- (2) hear evidence;
- (3) issue summons for the appearance of witnesses;
- (4) examine witnesses;
- (5) swear witnesses for hearings;
- (6) recommend rulings or orders or a judgment in a case;
- (7) regulate proceedings in a hearing;
- (8) accept a plea of guilty or nolo contendere in a case alleging a violation

of Section 25.093 [~~or 25.094~~], Education Code, and assess a fine or court costs or order community service in satisfaction of a fine or costs in accordance with Article 45.049, Code of Criminal Procedure;

(9) for a violation of Section 25.093, Education Code, enter an order suspending a sentence or deferring a final disposition that includes at least one of the requirements listed in Article 45.051, Code of Criminal Procedure;

(10) for an uncontested adjudication of truant conduct under Section 65.003, Family Code, accept a plea to the petition or a stipulation of evidence, and take any other action authorized under Chapter 65, Family Code; and

(11) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the referral order, including the entry of an order that includes at least one of the remedial options [requirements] in Section 65.103, Family Code ~~[Article 45.054, Code of Criminal Procedure; and~~

~~[(11) if the magistrate finds that a child as defined by Article 45.058, Code of Criminal Procedure, has violated an order under Article 45.054, Code of Criminal Procedure, proceed as authorized by Article 45.050, Code of Criminal Procedure].~~

(b) With respect to an issue of law or fact the ruling on which could result in the dismissal of a prosecution under Section 25.093 [or 25.094], Education Code, or a case of truant conduct under Section 65.003, Family Code, a magistrate may not rule on the issue but may make findings, conclusions, and recommendations on the issue.

SECTION 35. Section 54.1956, Government Code, is amended to read as follows:

Sec. 54.1956. NOT GUILTY PLEA ENTERED OR DENIAL OF ALLEGED CONDUCT. (a) On entry of a not guilty plea for a violation of Section 25.093, Education Code, the magistrate shall refer the case back to the referring court for all further pretrial proceedings and a full trial on the merits before the court or a jury.

(b) On denial by a child of truant conduct, as defined by Section 65.003(a), Family Code, the magistrate shall refer the case to the appropriate truancy court for adjudication.

SECTION 36. Section 71.0352, Government Code, is amended to read as follows:

Sec. 71.0352. JUVENILE DATA [DATE]: JUSTICE, MUNICIPAL, AND TRUANCY [JUVENILE] COURTS. As a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System:

(1) a justice court, [and] municipal court, or truancy court [courts] shall report the number of cases filed for [the following offenses]:

(A) truant conduct under Section 65.003(a), Family Code ~~[failure to attend school under Section 25.094, Education Code];~~

(B) the offense of parent contributing to nonattendance under Section 25.093, Education Code; and

(C) a violation of a local daytime curfew ordinance adopted under Section 341.905 or 351.903, Local Government Code; and

(2) in cases in which a child fails to obey an order of a justice court, [or] municipal court, or truancy court under circumstances that would constitute contempt of court, the justice court, [or] municipal court, or truancy court shall report the number of incidents in which the child is:

(A) referred to the appropriate juvenile court for delinquent conduct as provided by Article 45.050(c)(1), Code of Criminal Procedure, or [and] Section 65.251 [51.03(a)(2)], Family Code; or

(B) held in contempt, fined, or denied driving privileges as provided by Article 45.050(c)(2), Code of Criminal Procedure, or Section 65.251, Family Code.

SECTION 37. Section 102.021, Government Code, is amended to read as follows:

Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE. A person convicted of an offense shall pay the following under the Code of Criminal Procedure, in addition to all other costs:

(1) court cost on conviction of any offense, other than a conviction of an offense relating to a pedestrian or the parking of a motor vehicle (Art. 102.0045, Code of Criminal Procedure) . . . \$4;

(2) a fee for services of prosecutor (Art. 102.008, Code of Criminal Procedure) . . . \$25;

(3) fees for services of peace officer:

(A) issuing a written notice to appear in court for certain violations (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(B) executing or processing an issued arrest warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal Procedure) . . . \$50;

(C) summoning a witness (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(D) serving a writ not otherwise listed (Art. 102.011, Code of Criminal Procedure) . . . \$35;

(E) taking and approving a bond and, if necessary, returning the bond to courthouse (Art. 102.011, Code of Criminal Procedure) . . . \$10;

(F) commitment or release (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(G) summoning a jury (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(H) attendance of a prisoner in habeas corpus case if prisoner has been remanded to custody or held to bail (Art. 102.011, Code of Criminal Procedure) . . . \$8 each day;

(I) mileage for certain services performed (Art. 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

(J) services of a sheriff or constable who serves process and attends examining trial in certain cases (Art. 102.011, Code of Criminal Procedure) . . . not to exceed \$5;

(4) services of a peace officer in conveying a witness outside the county (Art. 102.011, Code of Criminal Procedure) . . . \$10 per day or part of a day, plus actual necessary travel expenses;

(5) overtime of peace officer for time spent testifying in the trial or traveling to or from testifying in the trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;

(6) court costs on an offense relating to rules of the road, when offense occurs within a school crossing zone (Art. 102.014, Code of Criminal Procedure) . . . \$25;

(7) court costs on an offense of passing a school bus (Art. 102.014, Code of Criminal Procedure) . . . \$25;

(8) court costs on an offense of parent contributing to student nonattendance [~~truancy or contributing to truancy~~] (Art. 102.014, Code of Criminal Procedure) . . . \$20;

(9) cost for visual recording of intoxication arrest before conviction (Art. 102.018, Code of Criminal Procedure) . . . \$15;

(10) cost of certain evaluations (Art. 102.018, Code of Criminal Procedure) . . . actual cost;

(11) additional costs attendant to certain intoxication convictions under Chapter 49, Penal Code, for emergency medical services, trauma facilities, and trauma care systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

(12) additional costs attendant to certain child sexual assault and related convictions, for child abuse prevention programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;

(13) court cost for DNA testing for certain felonies (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;

(14) court cost for DNA testing for the offense of public lewdness or indecent exposure (Art. 102.020(a)(2), Code of Criminal Procedure) . . . \$50;

(15) court cost for DNA testing for certain felonies (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;

(16) if required by the court, a restitution fee for costs incurred in collecting restitution installments and for the compensation to victims of crime fund (Art. 42.037, Code of Criminal Procedure) . . . \$12;

(17) if directed by the justice of the peace or municipal court judge hearing the case, court costs on conviction in a criminal action (Art. 45.041, Code of Criminal Procedure) . . . part or all of the costs as directed by the judge; and

(18) costs attendant to convictions under Chapter 49, Penal Code, and under Chapter 481, Health and Safety Code, to help fund drug court programs established under Chapter 122, 123, 124, or 125, Government Code, or former law (Art. 102.0178, Code of Criminal Procedure) . . . \$60.

SECTION 38. Section 103.021, Government Code, is amended to read as follows:

Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Code of Criminal Procedure if ordered by the court or otherwise required:

(1) a personal bond fee (Art. 17.42, Code of Criminal Procedure) . . . the greater of \$20 or three percent of the amount of the bail fixed for the accused;

(2) cost of electronic monitoring as a condition of release on personal bond (Art. 17.43, Code of Criminal Procedure) . . . actual cost;

(3) a fee for verification of and monitoring of motor vehicle ignition interlock (Art. 17.441, Code of Criminal Procedure) . . . not to exceed \$10;

(3-a) costs associated with operating a global positioning monitoring system as a condition of release on bond (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs, subject to a determination of indigency;

- (3-b) costs associated with providing a defendant's victim with an electronic receptor device as a condition of the defendant's release on bond (Art. 17.49(b)(3), Code of Criminal Procedure) . . . actual costs, subject to a determination of indigency;
- (4) repayment of reward paid by a crime stoppers organization on conviction of a felony (Art. 37.073, Code of Criminal Procedure) . . . amount ordered;
- (5) reimbursement to general revenue fund for payments made to victim of an offense as condition of community supervision (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50 for a misdemeanor offense or \$100 for a felony offense;
- (6) payment to a crime stoppers organization as condition of community supervision (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50;
- (7) children's advocacy center fee (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50;
- (8) family violence center fee (Art. 42.12, Code of Criminal Procedure) . . . \$100;
- (9) community supervision fee (Art. 42.12, Code of Criminal Procedure) . . . not less than \$25 or more than \$60 per month;
- (10) additional community supervision fee for certain offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per month;
- (11) for certain financially able sex offenders as a condition of community supervision, the costs of treatment, specialized supervision, or rehabilitation (Art. 42.12, Code of Criminal Procedure) . . . all or part of the reasonable and necessary costs of the treatment, supervision, or rehabilitation as determined by the judge;
- (12) fee for failure to appear for trial in a justice or municipal court if a jury trial is not waived (Art. 45.026, Code of Criminal Procedure) . . . costs incurred for impaneling the jury;
- (13) costs of certain testing, assessments, or programs during a deferral period (Art. 45.051, Code of Criminal Procedure) . . . amount ordered;
- (14) special expense on dismissal of certain misdemeanor complaints (Art. 45.051, Code of Criminal Procedure) . . . not to exceed amount of fine assessed;
- (15) an additional fee:
- (A) for a copy of the defendant's driving record to be requested from the Department of Public Safety by the judge (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal to the sum of the fee established by Section 521.048, Transportation Code, and the state electronic Internet portal fee;
- (B) as an administrative fee for requesting a driving safety course or a course under the motorcycle operator training and safety program for certain traffic offenses to cover the cost of administering the article (Art. 45.0511(f)(1), Code of Criminal Procedure) . . . not to exceed \$10; or
- (C) for requesting a driving safety course or a course under the motorcycle operator training and safety program before the final disposition of the case (Art. 45.0511(f)(2), Code of Criminal Procedure) . . . not to exceed the maximum amount of the fine for the offense committed by the defendant;
- (16) a request fee for teen court program (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the court ordering the fee is located in the Texas-Louisiana border region, but otherwise not to exceed \$10;

(17) a fee to cover costs of required duties of teen court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the court ordering the fee is located in the Texas-Louisiana border region, but otherwise \$10;

(18) a mileage fee for officer performing certain services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per mile;

(19) certified mailing of notice of hearing date (Art. 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

(20) certified mailing of certified copies of an order of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2, plus postage;

(20-a) a fee to defray the cost of notifying state agencies of orders of expungement (Art. 45.0216, Code of Criminal Procedure) . . . \$30 per application;

~~[(20-b) a fee to defray the cost of notifying state agencies of orders of expunction (Art. 45.055, Code of Criminal Procedure) . . . \$30 per application;]~~

(21) sight orders:

(A) if the face amount of the check or sight order does not exceed \$10 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$10;

(B) if the face amount of the check or sight order is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$15;

(C) if the face amount of the check or sight order is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$30;

(D) if the face amount of the check or sight order is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$50; and

(E) if the face amount of the check or sight order is greater than \$500 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$75;

(22) fees for a pretrial intervention program:

(A) a supervision fee (Art. 102.012(a), Code of Criminal Procedure) . . . \$60 a month plus expenses; and

(B) a district attorney, criminal district attorney, or county attorney administrative fee (Art. 102.0121, Code of Criminal Procedure) . . . not to exceed \$500;

(23) parking fee violations for child safety fund in municipalities with populations:

(A) greater than 850,000 (Art. 102.014, Code of Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

(B) less than 850,000 (Art. 102.014, Code of Criminal Procedure) . . . not to exceed \$5;

(24) an administrative fee for collection of fines, fees, restitution, or other costs (Art. 102.072, Code of Criminal Procedure) . . . not to exceed \$2 for each transaction; and



(25) a collection fee, if authorized by the commissioners court of a county or the governing body of a municipality, for certain debts and accounts receivable, including unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30 percent of an amount more than 60 days past due.

SECTION 39. Subchapter B, Chapter 103, Government Code, is amended by adding Section 103.035 to read as follows:

Sec. 103.035. ADDITIONAL COSTS IN TRUANCY CASES: FAMILY CODE. A party to a truancy case in a truancy court shall pay court costs of \$50 under Section 65.107, Family Code, if ordered by the truancy court.

SECTION 40. Section 81.032, Local Government Code, is amended to read as follows:

Sec. 81.032. ACCEPTANCE OF DONATIONS AND BEQUESTS. The commissioners court may accept a gift, grant, donation, bequest, or devise of money or other property on behalf of the county, including a donation under Chapter 36, Government Code, for the purpose of performing a function conferred by law on the county or a county officer.

SECTION 41. The following laws are repealed:

- (1) Articles 45.054 and 45.055, Code of Criminal Procedure;
- (2) Sections 25.094 and 25.0916(d), Education Code; and
- (3) Sections 51.03(d), (e-1), and (g), 51.04(h), 51.08(e), 54.021, 54.0402, 54.041(f) and (g), and 54.05(a-1), Family Code.

SECTION 42. The changes in law made by this Act apply only to an offense committed or conduct that occurs on or after the effective date of this Act. An offense committed or conduct that occurs before the effective date of this Act is governed by the law in effect on the date the offense was committed or the conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed or conduct occurs before the effective date of this Act if any element of the offense or conduct occurs before that date.

SECTION 43. To the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 44. 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 1490** was read.

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

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

Amends amendment No. 1 to **HB 1490** (84R29274) as follows:

(1) Page 2 line 26 through line 28 strike "The court shall inform the individual of the expunction by sending a notice to the individual's last known address."

(2) Page 40 line 17 insert "within the child's third degree of consanguinity or affinity," and strike "the child's parent or guardian,

(3) Page 43 line 24 after "child" insert ", parent or guardian,

(4) page 43 line 25 after "court." insert Any person subject to an order of a truancy court entered under section 65.105 may appeal that order.

The amendment to Floor Amendment No. 1 to **HB 1490** was read and was adopted without objection.

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

Question recurring on the adoption of Floor Amendment No. 1 to **HB 1490**, 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 Whitmire and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**HB 1490** as amended was passed to third reading by the following vote: Yeas 27, Nays 4.

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

Nays: Creighton, Hall, L. Taylor, V. Taylor.

### **HOUSE BILL 1490 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1490** be placed on its third reading and final passage.

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

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

Nays: Creighton, Hall, L. Taylor, V. Taylor.

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

### **SENATE RULES SUSPENDED (Posting Rules)**

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

### BILLS AND RESOLUTIONS SIGNED

The Presiding Officer, Senator Creighton in Chair, announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

#### HB 4.

**HB 19, HB 638, HB 731, HB 867, HB 992, HB 1072, HB 1101, HB 1403, HB 1474, HB 1629, HB 1804, HB 2014, HB 2171, HB 2568, HB 2593, HB 2772, HB 3230, HB 3307, HB 3402, HB 3842, HCR 108, HJR 75.**

**HB 9, HB 10, HB 274, HB 685, HB 994, HB 1114, HB 1144, HB 1252, HB 1289, HB 1510, HB 1626, HB 1774, HB 2049, HB 2084, HB 2168, HB 2463, HB 2481, HB 2812, HB 3014, HB 3456, HB 3610.**

(President in Chair)

### COMMITTEE SUBSTITUTE HOUSE BILL 2162 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **CSHB 2162** at this time on its second reading:

**CSHB 2162**, Relating to municipal regulation of the use of alarm systems; authorizing a municipal fee.

The motion prevailed.

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

The bill was read second time.

Senator Campbell offered the following amendment to the bill:

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

Amend **CSHB 2162** (senate committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. The heading to Subchapter F, Chapter 214, Local Government Code, is amended to read as follows:

SUBCHAPTER F. BURGLAR ALARM SYSTEMS IN CERTAIN  
MUNICIPALITIES WHOLLY LOCATED IN CERTAIN COUNTIES

SECTION 2. Subchapter F, Chapter 214, Local Government Code, is amended by adding Section 214.1915 to read as follows:

Sec. 214.1915. APPLICABILITY. This subchapter applies only to a municipality with a population of less than 100,000 that is located wholly in a county with a population of less than 500,000.

SECTION 3. Chapter 214, Local Government Code, is amended by adding Subchapter F-1 to read as follows:

SUBCHAPTER F-1. BURGLAR ALARM SYSTEMS IN LARGE  
MUNICIPALITIES AND MUNICIPALITIES WHOLLY OR  
PARTLY LOCATED IN LARGE COUNTIES

Sec. 214.201. DEFINITIONS. In this subchapter:

(1) "Alarm system" and "permit" have the meanings assigned by Section 214.191.

(2) "Alarm systems monitor" means a person who acts as an alarm systems company under Section 1702.105, Occupations Code.

(3) "False alarm" means a notification of possible criminal activity reported to law enforcement:

(A) that is based solely on electronic information remotely received by an alarm systems monitor;

(B) that is uncorroborated by eyewitness, video, or photographic evidence that an emergency exists; and

(C) concerning which an agency of the municipality has verified that no emergency exists after an on-site inspection of the location from which the notification originated.

Sec. 214.2015. APPLICABILITY. This subchapter does not apply to a municipality to which Subchapter F applies.

Sec. 214.202. CATEGORIES OF ALARM SYSTEMS. The category of alarm system to be regulated is burglary.

Sec. 214.203. DURATION OF MUNICIPAL PERMIT. (a) If a municipality adopts an ordinance that requires a person to obtain a permit from the municipality before a person may use an alarm system in the municipality, the ordinance must provide that the permit is valid for at least one year.

(b) This requirement does not affect the authority of the municipality to:

(1) revoke, suspend, or otherwise affect the duration of a permit for disciplinary reasons at any time during the period for which the permit is issued; or

(2) make a permit valid for a period of less than one year if necessary to conform the permit to the termination schedule established by the municipality for permits.

Sec. 214.204. MUNICIPAL PERMIT FEE GENERALLY. (a) If a municipality adopts an ordinance that requires a person to pay an annual fee to obtain a permit from the municipality before the person may use an alarm system in the municipality, the fee shall be used for the general administration of this subchapter, including the provision of responses generally required to implement this subchapter other than specific responses to false alarms.

(b) A municipal permit fee imposed under this section for an alarm system may not exceed the rate of:

(1) \$50 a year for a residential location; and

(2) \$250 a year for other alarm system locations.

Sec. 214.205. NONRENEWAL OR REVOCATION OF PERMIT; TERMINATION OF MUNICIPAL RESPONSE; DISCRIMINATION PROHIBITED. (a) Except as provided by Subsection (d), a municipality may not terminate its law enforcement response to a residential permit holder because of excess false alarms if the false alarm fees are paid in full.

(b) In permitting free false alarm responses and in setting false alarm fees, a municipality must administer any ordinance on a fair and equitable basis as determined by the governing body.

(c) A municipality may not terminate an alarm permit for nonrenewal without providing at least 30 days' notice.

(d) A municipality may revoke or refuse to renew the permit of an alarm system that has had eight or more false alarms during the preceding 12-month period.

Sec. 214.2055. MULTIUNIT HOUSING FACILITIES. (a) A municipality may not refuse to issue an alarm system permit for a residential location solely because the residential location is an individual residential unit located in a multiunit housing facility.

(b) In issuing an alarm system permit for an alarm installed in an individual residential unit of a multiunit housing facility, the municipality shall issue the permit to the person occupying the individual residential unit.

(c) A municipality may impose a penalty under Section 214.207 for the signaling of a false alarm on the premises of a multiunit housing facility for a facility other than an individual residential unit only if the permit holder is notified of:

(1) the date of the signaling of the false alarm;

(2) the address of the multiunit housing facility where the signaling of the false alarm occurred; and

(3) the identification of the individual facility, if applicable, located on the multiunit housing facility premises where the signaling of the false alarm occurred.

Sec. 214.206. ON-SITE INSPECTION REQUIRED. A municipality may not consider a false alarm to have occurred unless a response is made by an agency of the municipality within a reasonable time and the agency determines from an inspection of the interior or exterior of the premises that the alarm report by an alarm systems monitor was false.

Sec. 214.207. PENALTIES FOR FALSE ALARMS. (a) A municipality may impose a penalty on a person who uses an alarm system in the municipality for the report of a false alarm by an alarm systems monitor if at least three other false alarms have occurred at that location during the preceding 12-month period. The amount of the penalty for the report of a false alarm as described by Section 214.206 may not exceed:

(1) \$50, if the location has had more than three but fewer than six other false alarms in the preceding 12-month period;

(2) \$75, if the location has had more than five but fewer than eight other false alarms in the preceding 12-month period; or

(3) \$100, if the location has had eight or more other false alarms in the preceding 12-month period.

(b) A municipality may not impose a penalty authorized under Subsection (a) if reasonable visual proof of possible criminal activity recorded by an alarm systems monitor is provided to the municipality before the inspection of the premises by an agency of the municipality.

(c) A municipality that adopts an ordinance requiring a person to obtain a permit from the municipality before the person may use an alarm system in the municipality may impose a penalty, not to exceed \$250, for the report of a false alarm by an alarm systems monitor on a person who has not obtained a permit for the alarm system as required by the municipal ordinance.

(d) A municipality:

(1) may impose a penalty, not to exceed \$250, for the report of a false alarm on a person not licensed under Chapter 1702, Occupations Code, that to any extent is reported or facilitated by the unlicensed person; and

(2) may not impose a penalty for the report of a false alarm on a person licensed under Chapter 1702, Occupations Code.

(e) A municipality may not impose or collect any fine, fee, or penalty, other than collection fees, related to a false alarm or alarm system unless the fine, fee, or penalty is defined in the ordinance in accordance with this subchapter.

Sec. 214.208. PROCEDURES FOR REDUCING FALSE ALARMS. A municipality may require an alarm systems monitor to attempt to contact the occupant of the alarm system location twice before the municipality responds to the alarm signal.

Sec. 214.209. EXCEPTION OF MUNICIPALITY FROM ALARM SYSTEM RESPONSE. (a) The governing body of a municipality may not adopt an ordinance providing that law enforcement personnel of the municipality will not respond to any alarm signal indicated by an alarm system in the municipality unless, before adopting the ordinance, the governing body of the municipality:

(1) makes reasonable efforts to notify permit holders of its intention to adopt the ordinance; and

(2) conducts a public hearing at which persons interested in the response of the municipality to alarm systems are given the opportunity to be heard.

(b) A municipality that adopts an ordinance under this section may not impose or collect any fine, fee, or penalty otherwise authorized by this subchapter.

(c) A municipality that adopts or proposes to adopt an ordinance under this section may notify permit holders that a permit holder may contract with a security services provider licensed by the Texas Private Security Board under Chapter 1702, Occupations Code, to respond to an alarm. The notice, if given, must include the board's telephone number and Internet website address.

Sec. 214.210. PRIORITY OR LEVEL OF RESPONSE NOT AFFECTED; LIABILITY OF MUNICIPALITY FOR NONRESPONSE. (a) Nothing in this subchapter:

(1) affects the priority or level of response provided by a municipality to a permitted location; or

(2) waives the governmental immunity provided by law for a municipality.

(b) A municipality that does not respond to an alarm system signal is not liable for damages that may occur relating to the cause of the alarm system signal.

Sec. 214.2105. EXCLUSION OF CERTAIN ALARM SYSTEMS BY OWNER. (a) A property owner or an agent of the property owner authorized to make decisions regarding the use of the property may elect to exclude the municipality from receiving an alarm signal by an alarm system located on the owner's property. A municipality may adopt an ordinance that specifies the requirements a property owner must satisfy for an election to be made under this section.

(b) If an election is made under Subsection (a), the municipality:

(1) may not impose a fee to obtain a permit to use the alarm system;

(2) may impose a fee on the property owner, not to exceed \$250, for each law enforcement response to a signal from the alarm system requested by an alarm systems monitor; and

(3) may not impose or collect any other fine, penalty, or fee, other than a collection fee, related to the alarm system.

SECTION 4. With respect to a municipality subject to Subchapter F-1, Chapter 214, Local Government Code, as added by this Act, that on the effective date of this Act is a party to a contract with a third party to provide alarm system services, the changes in law made by this Act apply beginning after the date the contract, including any renewals, is terminated or expires by the contract's own terms. During the period a contract described by this section is effective, the municipality described by this section is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2015.

The amendment to **CSHB 2162** was read and was adopted without objection.

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

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

**CSHB 2162** as amended was passed to third reading by a viva voce vote.

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

Nays: Burton, Hall, Hancock, L. Taylor.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 2162 ON THIRD READING**

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2162** be placed on its third reading and final passage.

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

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

Nays: Burton, Hall, Hancock, L. 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 699 ON SECOND READING**

Senator Uresti moved to suspend the regular order of business to take up for consideration **HB 699** at this time on its second reading:

**HB 699**, Relating to requiring public institutions of higher education to establish a policy on campus sexual assault.

The motion prevailed.

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

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

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

Nays: Birdwell, Creighton, Hall, Hancock, Huffines, Nichols, Perry.

#### **HOUSE BILL 699 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 699** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Creighton, Hall, Hancock, Huffines, Nichols.

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

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

Nays: Birdwell, Creighton, Hall, Hancock, Huffines, Nichols, Perry.

#### **COMMITTEE SUBSTITUTE**

#### **HOUSE BILL 3302 ON SECOND READING**

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3302** at this time on its second reading:

**CSHB 3302**, Relating to highway landscaping projects.

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

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

#### **COMMITTEE SUBSTITUTE**

#### **HOUSE BILL 3302 ON THIRD READING**

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3302** 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.



**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Wednesday, May 27, 2015 - 4

(Revised Message)

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

**HB 177** (139 Yeas, 2 Nays, 2 Present, not voting)

**HB 554** (138 Yeas, 1 Nays, 2 Present, not voting)

**HB 642** (142 Yeas, 1 Nays, 2 Present, not voting)

**HB 679** (110 Yeas, 33 Nays, 2 Present, not voting)

**HB 966** (138 Yeas, 0 Nays, 2 Present, not voting)

**HB 1481** (140 Yeas, 0 Nays, 2 Present, not voting)

**HB 1613** (141 Yeas, 1 Nays, 2 Present, not voting)

**HB 1841** (140 Yeas, 0 Nays, 2 Present, not voting)

**HB 1912** (142 Yeas, 0 Nays, 2 Present, not voting)

**HB 1929** (121 Yeas, 15 Nays, 3 Present, not voting)

**HB 2053** (136 Yeas, 2 Nays, 2 Present, not voting)

**HB 2282** (141 Yeas, 0 Nays, 2 Present, not voting)

**HB 2521** (141 Yeas, 0 Nays, 2 Present, not voting)

**HB 2621** (134 Yeas, 6 Nays, 2 Present, not voting)

**HB 2718** (141 Yeas, 0 Nays, 2 Present, not voting)

**HB 2926** (133 Yeas, 6 Nays, 3 Present, not voting)

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

**HB 382** (non-record vote)

House Conferees: Canales - Chair/Cyrrier/Longoria/Lozano/Lucio III

**HB 786** (non-record vote)

House Conferees: Walle - Chair/Hernandez/Howard/King, Susan/Koop

**HB 1915** (non-record vote)

House Conferees: Herrero - Chair/Bonnen, Dennis/Bonnen, Greg/Hunter/Lucio III

**HB 2150** (non-record vote)

House Conferees: Alvarado - Chair/Harless/Johnson/Moody/Riddle

**HB 2398** (non-record vote)

House Conferees: White, James - Chair/Dutton/Huberty/Price/Wu

**HB 3106** (non-record vote)

House Conferees: Huberty - Chair/Deshotel/Farney/King, Ken/Phelan

**HB 3535** (non-record vote)

House Conferees: Collier - Chair/Bernal/Johnson/Kuempel/Riddle

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

**HB 1630**

Pursuant to Rule 13, Section 5A of the Rules of the Texas House, 84th Legislature, the house hereby returns HB 1630 to the senate for further consideration due to non-germane amendments.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

(Senator Eltife in Chair)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 4154 ON SECOND READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSHB 4154** at this time on its second reading:

**CSHB 4154**, Relating to the creation of the Grand Lake Estates Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

The motion prevailed.

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

The bill was read second time.

Senator Creighton offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 4154** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 2, Chapter 465, Acts of the 79th Legislature, Regular Session, 2005, is amended to read as follows:

Sec. 2. The Harris County Municipal Utility District No. 465 [initially] includes all the territory contained in the following area:

Being 320.794 acres of land located in the A. E. Spencer Survey, Abstract 1365, and the W. B. Macomer Survey, Abstract 1528, the L. Breeding Survey, Abstract 1468, and the C. Breeding Survey, Abstract 1467, Harris County, Texas, being a portion of that certain called 315.38 acre tract (Tract I) and the residue of that certain called 19.768 acre tract (Tract III) by an instrument of record in File Number D990282, Official Public Records of Real Property, Harris County, Texas, (H.C.O.P.R.R.P.), said 320.794 acres being more particularly described by metes and bounds as follows, all bearings based upon the west line of said 315.38 acre tract, and being north (called north);

BEGINNING on the common line of said W. B. Macomer Survey, Abstract 1528, and the H. & T.C. Railroad Company Survey Section 87, Abstract 455 of said Harris County, Texas, at its intersection with the north right-of-way line of F. M. Highway 529, said point being the southwest corner of said 315.38 acre tract;

Thence, North (called North) along the common line of said W. B. Macomer Survey and said H. & T.C. Railroad Company Survey, 5,204.14 feet to the northwest corner of the herein described tract, the northwest corner of said 315.38 acre tract, same being the northeast corner of a called 21.157 acre tract by an instrument of record in File Number P040350, H.C.O.P.R.R.P., on the south right-of-way line of Longenbaugh Road;

Thence, North 89° 59' 17" East, along the north line of the herein described tract and the north line of said 315.38 acre tract, and the south right-of-way line of said Longenbaugh Road, 2,640.00 feet to the northeast corner of the herein described tract and the northeast corner of said 315.38 acre tract, same being the northwest corner of the residue of a called 510.63 acre tract by an instrument of record in Volume 1270, Page 473, and Volume 1267, Page 163, Deed Records of said Harris County, Texas (H.C.D.R.);

Thence, South (called South) along the east line of the herein described tract and the east line of said called 315.38 acre tract, same being the west line of said adjoining residue of a called 510.63 acre tract, at 2,613.77 feet pass a point on said line at its intersection with the south line of the A. E. Spencer Survey, Abstract 1365, said point being the southwest corner of said adjoining residue of a called 510.63 acre tract, same being the northwest corner of an adjoining called 73.718 acre tract described in deed recorded under County Clerk's File Numbers L9788401, N447931, N447932, and W740505, Official Public Records of Real Property, Harris County, Texas, said point also being the northwest corner of the L. Breeding Survey, Abstract 1468, same being the northeast corner of the W. B. Macomer Survey, Abstract 1528, and continuing for a total distance of 3,844.35 feet to a reentry corner to the herein described tract, same being the southwest corner of said adjoining called 73.718 acre tract;

Thence, North 89 degrees 57 minutes 16 seconds East (adjoiner called East) along the lower north line of the herein described tract, same being the south line of said adjoining called 73.718 acre tract, 2,609.39 feet (adjoiner called 2,609.44 feet) to a northeast corner of the herein described tract, same being the southeast corner of said adjoining called 73.718 acre tract, and being in the west right-of-way line of Katy Hockley Road;

Thence, South 00 degrees 01 minute 11 seconds East (called South) along the middle east line the herein described tract and the east line of said residue of a called 19.768 acre tract, same being the west right-of-way line of Katy Hockley Road, 90.00 feet to a southeast corner of the herein described tract and the southeast corner of said called 19.768 acre tract, same being the northeast corner of an adjoining called 1.00 acre tract described in deed recorded under County Clerk's File Number T395128, Official Public Records of Real Property, Harris County, Texas, said point also being the southeast corner of the C. Breeding Survey, Abstract 1467, same being the lower northeast corner of the L. Breeding Survey, Abstract 1468;

Thence, South 89 degrees 57 minutes 16 seconds West along the south line of the C. Breeding Survey, Abstract 1467, same being the lower north line of the L. Breeding Survey, Abstract 1468, being the upper south line of the herein described tract and the south line of said called 19.768 acre tract, same being the north line of said adjoining called 1.00 acre tract, and along the north line of an adjoining called 1.9578 acre tract described in deed recorded under County Clerk's File Number T233387, Official Public Records of Real Property, Harris County, Texas, the north line of an adjoining called 13.9559 acre tract described in deed recorded under County Clerk's File Number G594514, Official Public Records of Real Property, Harris County, Texas, the north line of an adjoining called 13.955 acre tract described in deed recorded under County Clerk's File Number H415235, Official Public Records of Real Property, Harris County, Texas, the north line of an adjoining called 3.955 acre tract described in deed recorded under County Clerk's File Number G067328, Official Public Records of Real Property, Harris County, Texas, and the north line of an adjoining called 10 acre tract described in deed recorded under County Clerk's File Number D745445, Official Public Records of Real Property, Harris County, Texas, the north line of an adjoining called 10 acre tract described in deed recorded under County Clerk's File Number H755391, Official Public Records of Real Property, Harris County, Texas, the north line of an adjoining called 10 acre tract described in deed recorded under County Clerk's File Number H956910, Official Public Records of Real Property, Harris County, Texas, for a total distance of 2,610.82 feet (called 2,609.44 feet) to a reentry corner to the herein described tract, same being the occupied northwest corner of said adjoining called 10 acre tract (County Clerk's File Number H956910), said point also being in the occupied common line of the L. Breeding Survey, Abstract 1468, and the W. B. Macomer Survey, Abstract 1528;

Thence, South 00 degrees 03 minutes 48 seconds East (called South) along the occupied common line of the herein described tract and said adjoining called 10 acre tract, 1,269.78 feet to a southeast corner of said called 315.38 acre tract, same being the southwest corner of said adjoining called 10 acre tract, and being in the north right-of-way line of F. M. Highway 529;

Thence, North 89 degrees 59 minutes 17 seconds West (called West) along the lower south line of the herein described tract and the south line of said called 315.38 acre tract, same being the north right-of-way line of F. M. Highway 529, 2,640.00 feet (called 2,640 feet) to the Place of Beginning and containing 320.794 acres of land, more or less.

[TRACT 4:

~~[FIELD NOTES FOR A 3.15.38 ACRE TRACT OF LAND, 156.84 ACRES OUT OF THE W.B. MACOMER SURVEY, ABSTRACT 1528, BEING THE SOUTHWEST  $\frac{7}{4}$  OF SECTION 76, BLOCK 2 OF THE H. & T. C. R.R. COMPANY SURVEY AND 158.54 ACRES OUT OF THE A. E. SPENCER SURVEY, ABSTRACT 1365, BEING THE NORTHWEST  $\frac{7}{4}$  OF SECTION 76, BLOCK 2 OF THE H. & T. C. R.R. COMPANY SURVEY, HARRIS COUNTY, TEXAS.~~

~~[BEGINNING at 1 1/4 inch Iron Pipe found on the North line of F. M. Highway 529, said point being the Southeast corner and Place of Beginning of the herein described 315.38 Acre Tract, said point being located West 2639.44 feet and North 52 feet from the Southeast corner of the H. & T. C. R.R. Company Survey, Section 76;~~

~~[THENCE North along the East line of the W. B. Macomer Survey being a part of the aforementioned H. & T. C. R.R. Company Survey Section 76, at 2588 feet pass a 5/8 inch Iron Rod set on said line at the Northeast corner of the aforementioned W. B. Macomer Survey, same being in the South line of the A. E. Spencer Survey, and continuing for a total distance of 5204 feet to a 1 1/4 inch Iron Pipe set on the South line of Longenbaugh Road for the Northeast corner of the herein described 315.58 Acre Tract;~~

~~[THENCE West along the South line of Longenbaugh Road, 2640 feet to a 1 1/4 inch Iron Pipe set in the West line of the H. & T. C. R.R. Company Survey Section 76 for the Northwest corner of the herein described 315.38 Acre Tract;~~

~~[THENCE South along the West line of said Section 76, at 2616 feet pass the Southwest corner of the A.E. Speneer Survey, being a part of the aforementioned Section 76, same being the Northwest corner of the W. B. Macomer Survey, being a part of the aforementioned Section 76, and continuing for a total distance of 3204 feet to a 1 1/4 inch Iron Pipe set in the South line of F.M. Highway 529 for the Southwest corner of the herein described 315.38 Acre Tract;~~

~~[THENCE East along the South line of said F.M. Highway 529, 2640 feet to the Place of BEGINNING and containing 315.38 acres of land.~~

~~[TRACT II:~~

~~[FIELD NOTES FOR A 19.768 ACRE TRACT OF LAND, BEING 9.77 ACRES OUT OF THE C. BREEDING SURVEY, ABSTRACT 1467, AND 9.998 ACRES OUT OF THE L. BREEDING SURVEY, ABSTRACT 1468, AND BEING IN THE SOUTHEAST  $\frac{7}{4}$  OF SECTION 76, BLOCK 2 OF THE H. & T. C. R.R. COMPANY SURVEY, HARRIS COUNTY, TEXAS.~~

~~[BEGINNING at a 3/4 inch Iron Pipe found on the West line of Katy Hoekley Road at the Southeast corner and Place of Beginning of the herein described 19.768 Acre Tract said point being located North 1319.4 feet and West 30 feet from a Railroad Spike found at the Southeast corner of Section 76 as located in the intersection of F.M. Highway 529 and Katy Hoekley Road;~~

~~[THENCE West along the common line of the L. Breeding Survey, Abstract 1468, and the C. Breeding Survey, Abstract 1467, at 1289.44 feet pass the Southwest corner of the C. Breeding Survey, same being a reentry corner to the L. Breeding Survey, and continuing for a total distance of 2609.44 feet to a 1 1/4 inch Iron Pipe found in the East line of the W. B. Macomer Survey for the Southwest corner of the herein described 19.768 Acre Tract;~~

~~[THENCE North along the East line of said W. B. Macomer Survey, same being a West line of the L. Breeding Survey, 330 feet to a 5/8 inch Iron Rod set on said line for the Northwest corner of the herein described 19.768 Acre Tract;~~

~~[THENCE East along a line establishing the North line of the herein described 19.768 Acre Tract; 2609.44 feet to a 5/8 inch Iron Rod set in the West line of Katy Hoekley Road for the Northeast corner of the herein described 19.768 Acre Tract of land;~~

~~[THENCE south along the West line of said Katy Hoekley Road, 330 feet to the Place of BEGINNING and containing 19.768 acres of land.]~~

SECTION \_\_\_\_\_. (a) The Harris County Municipal Utility District No. 465 retains all rights, powers, privileges, authority, duties, and functions that it had before the effective date of this Act.

(b) Notwithstanding any other law, the Harris County Municipal Utility District No. 465 may continue to rely on any bond election held before the effective date of this Act.

SECTION \_\_\_\_\_. (a) Any act or proceeding of the district, including an election, not excepted by this section and taken before the effective date of this Act, is validated and confirmed in all respects.

(b) This section does not apply to:

(1) an act, proceeding, director, other official, bond, or other obligation the validity of which or of whom is the subject of litigation that is pending on the effective date of this Act; or

(2) an act or proceeding that, under a statute of this state or the United States, was a misdemeanor or felony at the time the act or proceeding occurred.

SECTION \_\_\_\_\_. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

The amendment to **CSHB 4154** was read and was adopted without objection.

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

Senator Creighton offered the following amendment to the bill:

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

Amend **CSHB 4154** (senate committee report) as follows:

(1) In the caption of the bill (page 1, line 20), between "District" and ";," insert the following:

"and the Montgomery County Municipal Utility District No. 152."

(2) After SECTION 2 of the bill (page 8, line 27), insert the following new SECTIONS 3 and 4 and renumber the subsequent sections accordingly:

"SECTION 3. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7932 to read as follows:

CHAPTER 7932. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT  
NO. 152

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7932.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Montgomery County Municipal Utility District

No. 152.

Sec. 7932.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7932.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7932.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7932.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7932.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7932.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7932.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7932.052, directors serve staggered four-year terms.

Sec. 7932.052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7932.003; or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(c) If permanent directors have not been elected under Section 7932.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7932.003; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 7932.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7932.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7932.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7932.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.



Sec. 7932.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

#### SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7932.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

- (1) revenue other than ad valorem taxes; or
- (2) contract payments described by Section 7932.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7932.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7932.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7932.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

#### SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7932.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7932.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7932.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 4. The Montgomery County Municipal Utility District No. 152 initially includes all the territory contained in the following area:

A METES & BOUNDS description of a certain 695.3 acre tract of land situated in the Montgomery County School Land Survey, Abstract No. 351, the T. F. Johnson Survey, Abstract No. 299 and the Timothy O'Neil Survey, Abstract No. 406 in Montgomery County, Texas, being comprised of a called 364.7 acre tract of land (First Tract) and a called 330.6 acre tract of land (Second Tract) conveyed to Bell Endeavors, Ltd. From Helen Hilliard Brame by Special Warranty Deed recorded in Clerk's File No. 2004-021196 of the Montgomery County Official Public Records of Real Property; said 695.3 acre tract being more particularly described in Two (2) Tracts as follows with all bearings being based on a call of South 51°30' West, along the common lines of the First and Second Tracts;

TRACT 1: 364.7 acres, more or less, of land, of which 286.5 acres, more or less, lies in the Montgomery County School Land Survey, Abstract No. 350, 69.2 acres, more or less, lies in the Montgomery County School Land Survey, Abstract No. 351, 6.5 acres, more or less, lies in the T. F. Johnson Survey, Abstract No. 299, and 2.5 acres, more or less, lies in the Timothy O'Neil Survey, Abstract No. 406, and being the same land as conveyed to Winnie Helen Hilliard by partition deed dated July 20, 1957, recorded in Volume 434, Page 441 of the Deed Records of Montgomery County, Texas; said 364.7 acres, more or less, of land being more particularly described as follows:

BEGINNING at the Southwest corner of the S. Richardson Survey, Abstract No. 460 and the Northwest corner of the T. F. Johnson Survey, the Eastern Southeast corner of the Montgomery County School Land Survey, Abstract No. 350, a Northeast intra corner of the Montgomery County School Land Survey, Abstract No. 351, and being Corner No. 1 hereof;

THENCE, S 00°30' W, 199.3 feet to Corner No. 2 hereof at the Southwest corner of the Blanche Bender tract of land;

THENCE, East, 746.4 feet to Corner No. 3 hereof and the Second Corner of Tract 2 hereof;

THENCE, S 51°30' W, 2738 feet to Corner No. 4 hereof and Corner No. 1 of said Tract Two hereof, also being in the Northern boundary line of a 660 acre tract as conveyed to Winnifred Bender Beaman by said partition deed recorded in Volume 434, Page 441 of said Deed Records, and also being the Southeast corner of the Doris Eugenia Vaughan tract as described in said partition deed;

THENCE, N 38°35' W, 6268.4 feet to Corner No. 5 hereof and the Northeast corner of said Doris Eugenia Vaughan tract in the center of the Scott-Herrin Road;

THENCE, N 47°30' E, 800.4 feet with said Road [Deed (Volume 434, Page 441) call of N 46°40' E, 759.2 feet] to Corner No. 6 hereof;

THENCE, N 70°06' E, 1110.0 feet continuing with said road [Deed (Volume 434, Page 441) call of N 68°55' E, 1110 feet] to its intersection with the old Bender Tram Line for Corner No. 7 hereof;

THENCE, S 57°27' E, with said old Tram, 4397 feet [Deed (Volume 434, Page 441) call of S 57°12' E, 4397 feet] to Corner No. 8 hereof in the West boundary line of the S. Richardson Survey;

THENCE, S 01°12'39" W, 1549.45 feet [Deed (Clerk's File No. 2004-021196) call South 01°13' W, 1549.6 feet] along the West line of the S. Richardson Survey to the PLACE OF BEGINNING AND CONTAINING within these bounds 364.7 acres, more or less, of land.

TRACT 2: 330.6 acres, more or less, of land, of which 110.5 acres, more or less, lies in the Montgomery County School Land Survey, Abstract No. 351, and 220.1 acres, more or less, lies in the T. F. Johnson Survey, Abstract No. 299, and being the same land as conveyed to Winnie Helen Hilliard by deed dated August 3, 1967, recorded in Volume 646, Page 935 of the Montgomery County Deed Records; said 330.6 acres, more or less, of land being more particularly described as follows:

BEGINNING at Corner No. 4 of the Tract 1 herein, and Corner No. 1 hereof;

THENCE, N 51°30' E, 2738.0 feet to a point for corner in the Southern boundary line of said Blanche Bender tract for Corner No. 2;

THENCE, East, 1009.6 feet with the Southern boundary line of said Blanche Bender tract to Corner No. 3 hereof on the Western edge of the Old Bender Tram Line;

THENCE, S 28°02' E, with said old Tram and/or road, 4024 feet [Deed (Volume 434, Page 441) call of S 28°50' E, 3966.4 feet] to Corner No. 4 hereof, on the Western side of said road, and being a most Eastern corner of the Doris E. Vaughan 330 acres as described in a deed recorded in Volume 646, Page 933 of said Deed Records;

THENCE, S 52°43' W, 2797.2 feet, [Deed (Volume 434, Page 441) call of S 53° W, 2797.2 feet] to Corner No. 5 hereof and being a re-entrant corner of the Doris E. Vaughan 330 acre tract;

THENCE, S 38°30'25" W, 4526.14 feet [Deed (Clerk's File No. 2004-021196) call N 38°30' W, 4525.7 feet] to the PLACE OF BEGINNING AND CONTAINING within these bounds 330.6 acres, more or less, of land for a total of 695.3 acres in Montgomery County, Texas."

(3) After renumbered SECTION 5 of the bill, insert the following new SECTION 6 and renumber the subsequent section accordingly:

"SECTION 6. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7932, Special District Local Laws Code, as added by Section 3 of this Act, is amended by adding Section 7932.106 to read as follows:

Sec. 7932.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution."

The amendment to **CSHB 4154** 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 Creighton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSHB 4154** 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, V. Taylor.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 4154 ON THIRD READING**

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 4154** be placed on its third reading and final passage.

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

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

Nays: Hall, V. Taylor.

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

**HOUSE BILL 3901 ON SECOND READING**

On motion of Senator V. Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3901** at this time on its second reading:

**HB 3901**, Relating to the repossession of an aircraft.

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 3901 ON THIRD READING**

Senator V. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3901** 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 1170 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1170** at this time on its second reading:

**CSHB 1170**, Relating to the applicability to open-enrollment charter schools of certain laws regarding local governments and political subdivisions.

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

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1170 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1170** 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 4175 ON SECOND READING**

Senator L. Taylor moved to suspend the regular order of business to take up for consideration **HB 4175** at this time on its second reading:

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

The motion prevailed.

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

Senator Huffines asked to be recorded as "Present-not voting" 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 4175** by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Sections 8471.104 and 8471.105, Special District Local Laws Code, are amended to read as follows:

Sec. 8471.104. ~~NO [LIMITATION ON USE OF] EMINENT DOMAIN POWER.~~ [(a)] The district may not exercise the power of eminent domain [~~except for the purpose of importing surface water or nonlocal groundwater into the district.~~

~~[(b) For purposes of this section, nonlocal groundwater includes only groundwater that is withdrawn from a source outside the Edwards Aquifer and the Trinity Aquifer].~~

Sec. 8471.105. LIMITATION ON ANNEXATION. The district may not add land by petition of less than all the landowners under Section 49.302, Water Code[; ~~unless the petition required under that section is signed by the owners of a two thirds majority of the assessed value of the land in the defined area described by the petition].~~

SECTION \_\_\_\_\_. Section 8471.103(c), Special District Local Laws Code, is repealed.

SECTION \_\_\_\_\_. Amended Section 8471.104 and Section 8471.105, Special District Local Laws Code, take effect September 1, 2015, but only if H.B. 3405, S.B. 1440, or similar legislation of the 84th Legislature, Regular Session, 2015, that enlarges the territory of the Barton Springs-Edwards Aquifer Conservation District to

include the territory of the Needmore Ranch Municipal Utility District No. 1, becomes law. If such a bill does not become law, the changes to these provisions have no effect.

HINOJOSA  
CAMPBELL

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.

Senator Huffman offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **HB 4175** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3925 to read as follows:

CHAPTER 3925. SAINT GEORGE PLACE MANAGEMENT DISTRICT  
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3925.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the City of Houston.

(3) "County" means Harris County.

(4) "Director" means a board member.

(5) "District" means the Saint George Place Management District.

(6) "Zone" means the Tax Increment Reinvestment Zone No. One, City of

Houston, Texas, designated by the city in Ordinance No. 90-1452, dated December 12, 1990.

Sec. 3925.002. NATURE OF DISTRICT. The Saint George Place Management District is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3925.003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city, the county, and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain commerce, transportation, housing, recreation, economic development, safety, and the public welfare in the district.

(c) This chapter and the creation of the district may not be interpreted to relieve the city or the county from providing the level of services provided as of the effective date of the Act enacting this chapter to the area in the district. The district is created to supplement and not to supplant city or county services provided in the district.

Sec. 3925.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(c) The creation of the district is in the public interest and is essential to further the public purposes of:

- (1) developing and diversifying the economy of the state;
- (2) eliminating unemployment and underemployment; and
- (3) developing or expanding transportation and commerce.

(d) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community;

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty; and

(4) provide for water, wastewater, drainage, road, sound barrier and security walls, recreational facilities, and city code enforcement for the district.

(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(f) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3925.005. INITIAL DISTRICT TERRITORY. The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

Sec. 3925.006. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3925.007. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3925.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of nine voting directors.

(b) Except as provided by Section 3925.052, the directors of the zone are the voting directors of the board and their terms as directors of the district are coterminous with their terms as directors of the zone.

Sec. 3925.052. VOTING DIRECTORS IF ZONE DISSOLVED; TERMS. (a) If the zone is dissolved, the mayor and members of the governing body of the city shall appoint voting directors from persons recommended by the board. A person is appointed if a majority of the members of the governing body and the mayor vote to appoint that person.

(b) Directors appointed under Subsection (a) serve staggered terms of four years, with four or five directors' terms expiring June 1 of each odd-numbered year. The initial directors appointed under Subsection (a) shall establish the staggered terms of each initial director by lot.

Sec. 3925.053. NONVOTING DIRECTORS. The board may appoint nonvoting directors to serve at the pleasure of the voting directors.

Sec. 3925.054. VACANCY IF ZONE DISSOLVED. If a vacancy occurs on the board after the zone is dissolved, the remaining directors shall appoint a director for the remainder of the unexpired term.

Sec. 3925.055. QUORUM. For purposes of determining the requirements for a quorum of the board, the following are not counted:

(1) a board position vacant for any reason, including death, resignation, or disqualification;

(2) a director who is abstaining from participation in a vote because of a conflict of interest; or

(3) a nonvoting director.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 3925.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3925.102. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using any money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

Sec. 3925.103. DEVELOPMENT CORPORATION POWERS. The district, using money available to the district, may exercise the powers given to a development corporation under Chapter 505, Local Government Code, including the power to own, operate, acquire, construct, lease, improve, or maintain a project under that chapter.

Sec. 3925.104. AGREEMENTS; GRANTS. (a) As provided by Chapter 375, Local Government Code, the district may make an agreement with or accept a gift, grant, or loan from any person.

(b) The district may enter into an agreement with the city to administer and enforce a city zoning ordinance applicable to the district in the territory of the district.

(c) The implementation of a project is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 3925.105. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified party, including the county or the city, to provide law enforcement or security services in the district.

Sec. 3925.106. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3925.107. ECONOMIC DEVELOPMENT. (a) The district may engage in activities that accomplish the economic development purposes of the district.



(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers provided to municipalities by:

(1) Chapter 380, Local Government Code; and

(2) Subchapter A, Chapter 1509, Government Code.

Sec. 3925.108. APPROVAL BY CITY. (a) Except as provided by Subsection (c), the district must obtain the approval of the city for:

(1) the issuance of bonds that require the approval of the attorney general;

(2) the plans and specifications of an improvement project financed by bonds; and

(3) the plans and specifications of an improvement project related to the use of land owned by the city, an easement granted by the city, or a right-of-way of a street, road, or highway.

(b) The district may not issue bonds until the governing body of the city adopts a resolution or ordinance authorizing the issuance of the bonds.

(c) If the district obtains the approval of the governing body of the city of a capital improvements budget for a period not to exceed 10 years, the district may finance the capital improvements and issue bonds specified in the budget without further approval from the city.

(d) The governing body of the city:

(1) is not required to adopt a resolution or ordinance to approve plans and specifications described by Subsection (a); and

(2) may establish an administrative process to approve plans and specifications described by Subsection (a) without the involvement of the governing body.

Sec. 3925.109. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

#### SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3925.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of district money.

Sec. 3925.152. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, finance, operate, or maintain any improvement or service authorized under this chapter or Chapter 375, Local Government Code, using any money available to the district.

Sec. 3925.153. BUDGET; ASSESSMENTS. (a) The board shall approve an annual budget for the district based on anticipated assessment revenue.

(b) The board by resolution may impose and collect an assessment, for any purpose authorized by this chapter, using only the method described by this section.

(c) The board may impose an assessment in all or any part of the district at a rate of \$0.07 per square foot of taxable property, and may impose a supplemental annual assessment at a rate of \$300 per lot.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

(e) In a year in which the approved expenses in the annual budget exceed the district's annual revenue from all sources, the board may approve an increase to the rate of the supplemental annual assessment to accommodate the expenses if the percentage change in the amount of the supplemental annual assessment does not exceed:

- (1) two percent for that year as compared to the previous year; or
- (2) 10 percent over a five-year period.

(f) The district may not approve a supplemental assessment under Section 375.122(1), Local Government Code, to pay costs of an improvement project or service if the additional costs that are the subject of the supplemental assessment exceed 25 percent of the original total cost of the improvement project or service.

(g) A provision of this subchapter regarding an assessment prevails over a conflicting provision of Chapter 375, Local Government Code, as provided by Section 3925.006.

Sec. 3925.154. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement for all or part of the district has been filed with the board.

(b) A petition filed under Subsection (a) must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 3925.155. LIENS FOR ASSESSMENTS. (a) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

- (1) are a first and prior lien against the property assessed;
- (2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and
- (3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(b) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid.

Sec. 3925.156. RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161, Local Government Code, does not apply to the district.

Sec. 3925.157. ASSESSMENT ABATEMENT. The district may designate reinvestment zones and may grant abatements of assessments on property in the zones.

Sec. 3925.158. NO IMPACT FEES. The district may not impose an impact fee.

Sec. 3925.159. NO AD VALOREM TAX. The district may not impose an ad valorem tax.

SUBCHAPTER E. BONDS

Sec. 3925.201. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on terms determined by the board.

(b) The district may issue bonds, notes, or other obligations payable wholly or partly from assessments, revenue, contract payments, grants, or other district money, or any combination of those sources of money, to pay for any authorized district purpose.

Sec. 3925.202. CITY NOT REQUIRED TO PAY DISTRICT OBLIGATIONS. Except as provided by Section 375.263, Local Government Code, the city is not required to pay a bond, note, or other obligation of the district.

SUBCHAPTER F. PUBLIC IMPROVEMENT DISTRICT DISSOLUTION

Sec. 3925.251. PUBLIC IMPROVEMENT DISTRICT DISSOLUTION. (a) The city shall dissolve a public improvement district created by the city under Chapter 372, Local Government Code, that is in the boundaries of the district if the board imposes an assessment.

(b) A public improvement district that is dissolved under this section shall remain in effect for the purposes of meeting obligations of indebtedness and collecting delinquent assessments.

SUBCHAPTER G. CONSOLIDATION

Sec. 3925.301. The district may not be consolidated with another district that has the powers of a district created under Chapter 375, Local Government Code.

SUBCHAPTER H. DISSOLUTION

Sec. 3925.351. DISSOLUTION BY PETITION BY OWNERS. (a) Section 375.262, Local Government Code, does not apply to the district.

(b) Except as limited by Section 375.264, Local Government Code, the board shall dissolve the district on written petition filed with the board by the owners of:

(1) 50 percent or more of the assessed value of the property in the district based on the most recent certified county property tax rolls; or

(2) 50 percent or more of the surface area of the district, excluding roads, streets, highways, utility rights-of-way, other public areas, and other property exempt from assessment under Sections 375.163 and 375.164, Local Government Code, according to the most recent certified county property tax rolls.

SECTION \_\_\_\_. The Saint George Place Management District initially includes all territory contained in the Tax Increment Reinvestment Zone No. One, City of Houston, Texas, designated by the City of Houston in Ordinance No. 90-1452, dated December 12, 1990, as that zone is configured on the effective date of this Act.

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. 2.

Senator Campbell offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **HB 4175** (senate committee report) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill, correct internal cross references in those SECTIONS, and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. BARTON SPRINGS-EDWARDS AQUIFER CONSERVATION DISTRICT. It is the intent of the legislature that the following six SECTIONS, SECTIONS \_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_, and \_\_\_\_ of this Act, apply only to the territory described by Section 8802.0035, Special District Local Laws Code, as added by this Act, and not have statewide implications.

SECTION \_\_\_\_\_. Subchapter A, Chapter 8802, Special District Local Laws Code, is amended by adding Section 8802.0035 to read as follows:

Sec. 8802.0035. SHARED TERRITORY; JURISDICTION. (a) The territory of the district includes any territory that is:

(1) inside the boundaries of:

(A) the Edwards Aquifer Authority; and

(B) Hays County; and

(2) not within the boundaries of the Plum Creek Conservation District as those boundaries existed on February 1, 2015.

(b) The Edwards Aquifer Authority has jurisdiction over any well that is drilled to produce water from the Edwards Aquifer in the shared territory described by Subsection (a).

(c) The district has jurisdiction over groundwater and any well that is drilled to produce water from any aquifer other than the Edwards Aquifer in the shared territory described by Subsection (a).

(d) Except for the district and the Edwards Aquifer Authority, no district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, has authority in the shared territory described by Subsection (a) to regulate the spacing of water wells or the production from water wells.

(e) The district has jurisdiction over any well that is drilled to produce water from the Edwards Aquifer or any other aquifer in the territory described by Section 8802.003.

(f) The district's jurisdiction over any well that is drilled to produce water in the territory described in Section 8802.003, including a well that is used to recover water that has been injected as part of an aquifer storage and recovery project, applies to all wells for which the district has jurisdiction in the shared territory described by this section.

SECTION \_\_\_\_\_. Section 8802.1045, Special District Local Laws Code, is amended by adding Subsection (g) to read as follows:

(g) This subsection applies only to a well located in the shared territory described by Section 8802.0035. Notwithstanding Subsection (b), the district may not charge an annual production fee of more than 17 cents per thousand gallons of water produced under a permit from a well under this subsection, if the water is permitted for any use other than agricultural use.

SECTION \_\_\_\_\_. As soon as practicable after the effective date of the Act enacting this SECTION, and in conformance with Chapter 36, Water Code, the board of directors of the Barton Springs-Edwards Aquifer Conservation District may increase the number of board members and shall revise the single-member districts as the board considers appropriate to reflect the changes in territory made by Section

8802.0035, Special District Local Laws Code, as added by this Act. It is the intent of the legislature that the composition of the board reflect the territory added to the district by this Act.

SECTION \_\_\_\_\_. In this section:

(1) "District" means the Barton Springs-Edwards Aquifer Conservation District.

(2) "Maximum production capacity" means the maximum production capacity of a well, which may be based on a 36-hour pump test conducted at the time the well was initially constructed or placed into service.

(b) This section applies only to the shared territory added to the district by Section 8802.0035, Special District Local Laws Code, as added by this Act.

(c) A person operating a well before the effective date of this Act or who has entered into a contract before the effective date of this Act to drill or operate a well that is or will be located in the territory described by Subsection (b) of this section and subject to the jurisdiction of the district under Section 8802.0035, Special District Local Laws Code, as added by this Act, shall file an administratively complete permit application with the district not later than three months after the effective date of this Act for the drilling, equipping, completion, or operation of any well if the well requires a permit under the rules or orders of the district. The person may file the permit application for an amount of groundwater production not to exceed the maximum production capacity of the well.

(d) The district shall issue a temporary permit to a person who files an application under Subsection (c) of this section without a hearing on the application not later than the 30th day after the date of receipt of the application. The district shall issue the temporary permit for the groundwater production amount set forth in the application. The temporary permit issued under this subsection shall provide the person with retroactive and prospective authorization to drill, operate, or perform another activity related to a well for which a permit is required by the district for the period of time between the effective date of this Act and the date that the district takes a final, appealable action on issuance of a regular permit pursuant to the permit application if:

(1) the person's drilling, operating, or other activities associated with the well are consistent with the authorization sought in the permit application;

(2) the person timely pays to the district all administrative fees and fees related to the amount of groundwater authorized to be produced pursuant to the temporary permit in the same manner as other permit holders in the district; and

(3) the person complies with other rules and orders of the district applicable to permit holders.

(e) The temporary permit issued under Subsection (d) does not confer any rights or privileges to the permit holder other than those set forth in this section. After issuing the temporary permit, the district shall process the permit application for notice, hearing, and consideration for issuance of a regular permit consistent with this section. The district, after notice and hearing, shall issue an order granting the regular permit authorizing groundwater production in the amount set forth in the temporary permit unless the district finds that authorizing groundwater production in the amount set forth in the temporary permit will cause:

(1) a failure to achieve the applicable adopted desired future conditions for the aquifer; or

(2) an unreasonable impact on existing wells.

(f) In the hearing on issuance of the regular permit under Subsection (e), the permit applicant bears the burden of proof.

(g) The holder of a temporary or regular permit subject to a district order under this section to reduce the amount of groundwater production from the permitted well may contest the reduction by requesting a contested case hearing to be conducted by the State Office of Administrative Hearings in the manner provided by Sections 36.416, 36.4165, and 36.418, Water Code. The district shall contract with the State Office of Administrative Hearings to conduct the hearing as provided by those sections of the Water Code. To the extent possible, the State Office of Administrative Hearings shall expedite a hearing under this subsection. The permit applicant bears the burden of proof in the hearing.

(h) For the State Office of Administrative Hearings to recommend overturning a district order reducing the amount of groundwater authorized to be produced under a temporary permit, the permit holder must demonstrate by a preponderance of the evidence that the production of the amount of groundwater authorized based on the maximum production capacity will not cause:

(1) a failure to achieve applicable adopted desired future conditions for the aquifer; or

(2) an unreasonable impact on existing wells as found in the district's order.

(i) A person who relies on the temporary permit granted by this section to drill, operate, or engage in other activities associated with a water well assumes the risk that the district may grant or deny, wholly or partly, the permit application when the district takes final action after notice and hearing to issue a regular permit pursuant to the application.

SECTION \_\_\_\_\_. If the addition of territory under Section 8802.0035, Special District Local Laws Code, as added by this Act, causes the annual water use fee in Section 8802.105 to exceed \$1 million, the district shall not require an assessment of greater than \$1 million annually as adjusted to reflect the percentage change during the preceding year in the Consumer Price Index.

SECTION \_\_\_\_\_. (a) The legislature validates and confirms all acts and proceedings of the board of directors of the Barton Springs-Edwards Aquifer Conservation District that were taken before the effective date of this Act.

(b) Subsection (a) of this section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court; or

(2) has been held invalid by a final judgment of a court.

(2) On page 8, line 24, strike "As provided" and substitute, "(a) Except as provided by Subsection (b) of this section, and as provided"

(3) On page 8, between lines 28 and 29, insert the following:

(b) The SECTIONS of this Act that affect the law applicable to the Barton Springs-Edwards Aquifer Conservation District take effect immediately if the Act receives a vote of two-thirds of all the members elected to each house, as provided by

Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, those SECTIONS of this Act take effect September 1, 2015.

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. 3.

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

**HB 4175** as amended was passed to third reading by a viva voce vote.

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

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

Present-not voting: Huffines.

### **HOUSE BILL 4175 ON THIRD READING**

Senator L. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4175** be placed on its third reading and final passage.

The motion prevailed 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.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4, Present-not voting 1. (Same as previous roll call)

### **HOUSE BILL 1171 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1171** at this time on its second reading:

**HB 1171**, Relating to the applicability of certain immunity and liability laws to open-enrollment charter schools.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

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

Amend **HB 1171** (senate committee report) as follows:

(1) In SECTION 1 of the bill, amending the heading for Section 12.1056, Education Code (page 1, line 27), strike "~~FROM LIABILITY~~" and substitute "FROM LIABILITY AND SUIT".

(2) In SECTION 1 of the bill, amending Section 12.1056(a), Education Code (page 1, lines 29 and 30), strike "~~from liability~~" and substitute "from liability and suit".

(3) In SECTION 1 of the bill, amending Section 12.1056(a), Education Code (page 1, line 32), strike "~~from liability~~" and substitute "from liability and suit".

(4) In SECTION 1 of the bill, amending Section 12.1056(a), Education Code (page 1, line 35), strike "~~from liability~~" and substitute "from liability and suit".

The amendment to **HB 1171** was read and was adopted without objection.

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

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

**HB 1171** as amended was passed to third reading without objection.

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

### HOUSE BILL 1171 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 1171** 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.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 27, 2015 - 5

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

#### **HB 3405**

Pursuant to a sustained point of order due to non-germane amendments, the house returns HB 3405 to the senate for further consideration.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives



**HOUSE BILL 1949 ON SECOND READING**

Senator V. Taylor moved to suspend the regular order of business to take up for consideration **HB 1949** at this time on its second reading:

**HB 1949**, Relating to the annexation of county roads.

The motion prevailed.

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

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

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

Nays: Burton, Hinojosa.

**HOUSE BILL 1949 ON THIRD READING**

Senator V. Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1949** be placed on its third reading and final passage.

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

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

Nays: Burton, Hinojosa.

The bill was read third time.

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

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

Amend **HB 1949** (senate committee printing) on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 43.028, Local Government Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) An area of land that would be eligible for annexation under this section except that the area does not meet the contiguity requirement of Subsection (a)(2) may be annexed under this section if a public right-of-way of a road or highway designated by the municipality exists that:

(1) is located entirely in the extraterritorial jurisdiction of the municipality;  
and

(2) when added to the area would cause the area to be contiguous to the municipality.

(h) Notwithstanding Section 43.054, on annexation of an area described by Subsection (g), the public right-of-way that makes the area eligible for annexation under Subsection (g) is included in the annexation to the municipality without regard to whether the owners of the public right-of-way sought annexation under this section. The ordinance providing for annexation must provide a metes and bounds description of the public right-of-way annexed under this subsection.

The amendment to **HB 1949** 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 V. Taylor and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**HB 1949** as amended was finally passed by the following vote: Yeas 29, Nays 2.

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

Nays: Burton, Hinojosa.

#### **SENATE RULE 8.02 SUSPENDED (Referral to Committee)**

Senator Hancock moved to suspend Senate Rule 8.02 to take up for consideration **SR 1028** at this time.

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

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

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

#### **SENATE RESOLUTION 1028**

Senator Hancock offered the following resolution:

**SR 1028**, Relating to the preservation of the present definition of marriage.

HANCOCK	ESTES	NICHOLS
BETTENCOURT	FRASER	PERRY
BIRDWELL	HALL	SCHWERTNER
BURTON	HUFFINES	SELIGER
CAMPBELL	HUFFMAN	L. TAYLOR
CREIGHTON	KOLKHORST	V. TAYLOR
ELTIFE	NELSON	

The resolution was read and was adopted by the following vote: Yeas 21, Nays 10.

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

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

### REASON FOR VOTE

Senator Rodríguez submitted the following reason for vote on **SR 1028**:

I must record my strong opposition to adoption of this resolution.

This resolution clearly anticipates a United States Supreme Court ruling recognizing that states cannot discriminate in their marriage laws between opposite-sex and same-sex couples.

The resolution seems to be motivated by religious-inspired fear of same-sex marriage and inspired by plain animus against LGBT people.

The adoption of this resolution reflects some elected officials' willingness to enshrine their personal prejudices into state law, and officially disapprove of gay- and lesbian-headed households, their children and families.

I appreciate that people of faith may have an objection to same-sex marriage. That is their right, and it's a right that is protected by our Constitution.

But this resolution goes another step further.

This resolution tells the whole world that the State of Texas – even in the face of a constitutional ruling, and even in the face of growing support for the recognition that same-sex couples should be permitted the same right to commit themselves to one another through the institution of marriage – harbors such disapproval of LGBT people that it will make it the public policy of the State to put every obstacle it can in the way of allowing gay and lesbian people to find the same happiness and commitment their straight peers enjoy.

I can only conclude that this resolution was brought up so as to provide an opportunity for some members to prove their "conservative" bona fides at the expense of gay and lesbian-headed households.

I truly believe the whole nation and world is watching what happens here in Texas. We've seen in other states where passage of anti-LGBT legislation resulted in waves of public backlash that damaged those states' reputations.

I expect better from Texas.

I don't think it's consistent with Texans' values to put a permanent mark of inferiority on certain people based on personally-held animus. I think Texas is at its best when it allows all people to fully participate in the institutions that empower families. First among these is marriage.

With this resolution, we betray those values and put ourselves firmly on the wrong side of history.

For the foregoing, I must oppose this resolution.

RODRÍGUEZ

### ADJOURNMENT

On motion of Senator Whitmire, the Senate at 8:47 p.m. adjourned until 8:50 p.m. today.

