

HOUSE JOURNAL

EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTY-SECOND DAY — THURSDAY, MAY 28, 2015

The house met at 2:05 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1604).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

The speaker recognized Representative Rinaldi who introduced Jeff Pruitt, pastor, First Baptist Church, Sunnyvale, who offered the invocation as follows:

Most gracious and Almighty God, we come before you this morning in the place you have established to honor you and praise your name. We thank you for your grace and provision, which you have given to us individually and collectively. We thank you for our great State of Texas and your bountiful blessings upon it. You have made this state a beacon of light not only to our countrymen, but to the whole world. You have blessed this state with millions of good people girded in faith, having a good and prosperous work ethic and the use of all these blessings in a way that has made our economy the 12th largest in the world. We repeat the words of the Psalmist: "You have done great things; marvelous are your works and your thoughts toward us."

Lord, it is for your purpose and cause why we are here today. I ask you to bless each man and woman who gathers here on a daily basis with humility, godly integrity, discernment and wisdom, and a pure heart for serving others. Grant each one of them your favor and the work done here in this place be good work, righteous and holy work with the results accomplished by this body be those that glorify only you.

Lord, we pray that you will continue to bless this great State of Texas and the people of it as long as you choose for its existence. Grant that each one of us never forgets your amazing grace and mercy that has been bestowed upon us. We pray this in the name of our Lord and Savior. Amen.

The speaker recognized Representative Romero who led the house in the pledges of allegiance to the United States and Texas flags.

(Burkett in the chair)

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Hunter and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

HR 3191 - ADOPTED (by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 3191**.

The motion prevailed.

The following resolution was laid before the house:

HR 3191, Honoring Govind Development for its contributions to Corpus Christi.

HR 3191 was adopted.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Fallon on motion of Rinaldi.

CAPITOL PHYSICIAN

The chair recognized Representative Villalba who presented Dr. Tanya Stachiw of Dallas as the "Doctor for the Day."

The house welcomed Dr. Stachiw and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, 2:30 p.m. today, 3W.15, for a formal meeting, to set a calendar.

HCR 128 - ADOPTED
(by Price)

Representative Price moved to suspend all necessary rules to take up and consider at this time **HCR 128**.

The motion prevailed.

The following resolution was laid before the house:

HCR 128, Honoring Shanna Peebles on her selection as National Teacher of the Year.

HCR 128 was adopted.

On motion of Representative Howard, the names of all the members of the house were added to **HCR 128** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Price who introduced Shanna Peebles and her friends.

HR 3046 - ADOPTED
(by Cyrrier)

Representative Cyrrier moved to suspend all necessary rules to take up and consider at this time **HR 3046**.

The motion prevailed.

The following resolution was laid before the house:

HR 3046, Honoring former Lee County constable L. E. "Buster" Dussetschleger for his public service.

HR 3046 was adopted.

HR 3242 - ADOPTED
(by Clardy)

Representative Clardy moved to suspend all necessary rules to take up and consider at this time **HR 3242**.

The motion prevailed.

The following resolution was laid before the house:

HR 3242, Congratulating Dallas Arthur Lee on his graduation from Stephen F. Austin State University.

HR 3242 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Herrero requested permission for the Committee on Rules and Resolutions to meet while the house is in session, at 2:30 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

HR 1346 - PREVIOUSLY ADOPTED
(by Herrero)

The chair laid out the following previously adopted resolution:

HR 1346, Honoring the superintendent and board of trustees of the Driscoll Independent School District.

HR 3037 - ADOPTED
(by Phillips)

Representative Phillips moved to suspend all necessary rules to take up and consider at this time **HR 3037**.

The motion prevailed.

The following resolution was laid before the house:

HR 3037, Commemorating the legacy of President Dwight D. Eisenhower and the effort to build a national memorial to him in Washington, D.C.

HR 3037 was adopted.

HR 3193 - ADOPTED
(by Raney)

Representative Raney moved to suspend all necessary rules to take up and consider at this time **HR 3193**.

The motion prevailed.

The following resolution was laid before the house:

HR 3193, Commending Staff Sergeant Richard E. Strelsky for being the top recruiter for the Texas Army National Guard in the past two recruiting cycles.

HR 3193 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Raney who introduced Staff Sergeant Richard E. Strelsky and members of his family.

HR 3256 - ADOPTED
(by D. Miller)

Representative D. Miller moved to suspend all necessary rules to take up and consider at this time **HR 3256**.

The motion prevailed.

The following resolution was laid before the house:

HR 3256, In memory of Virginia Vogel Smith of Kingwood.

HR 3256 was read and was unanimously adopted by a rising vote.

On motion of Representative Raymond, the names of all the members of the house were added to **HR 3256** as signers thereof.

**PROVIDING FOR A CONGRATULATORY
AND MEMORIAL CALENDAR**

Representatives Kacal and McClendon moved to set a congratulatory and memorial calendar for 10 a.m. Saturday, May 30.

The motion prevailed.

**HR 2802 - PREVIOUSLY ADOPTED
(by Villalba, McClendon, and Kacal)**

The chair laid out the following previously adopted resolution:

HR 2802, Commending Linda Christofilis for her years of service to the State of Texas.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 2802** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Villalba who introduced Linda Christofilis and her friends.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 31 - Part 1).

**HR 3300 - ADOPTED
(by Guillen)**

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 3300**.

The motion prevailed.

The following resolution was laid before the house:

HR 3300, Commemorating the Raymondville Police Department Cops for Tots Cook Off.

HR 3300 was adopted.

**HR 3334 - ADOPTED
(by S. King)**

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 3334**.

The motion prevailed.

The following resolution was laid before the house:

HR 3334, Honoring members of the Texas House of Representatives who served in the United States military during the Vietnam War.

HR 3334 was adopted.

On motion of Representative M. White, the names of all the members of the house were added to **HR 3334** as signers thereof.

HR 3363 - ADOPTED
(by M. White)

Representative M. White moved to suspend all necessary rules to take up and consider at this time **HR 3363**.

The motion prevailed.

The following resolution was laid before the house:

HR 3363, Commending Colonel Robert Gosney of Bell County for his service to his country.

HR 3363 was adopted.

On motion of Representative Smith, the names of all the members of the house were added to **HR 3363** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative M. White who introduced Colonel Robert Gosney (ret.) and members of his family.

RESOLUTIONS ADOPTED

Representative Dutton moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions.

The motion prevailed.

The following resolutions were laid before the house:

HR 3365 (by Dutton), Congratulating Johnny and Loretta Williams of Houston on their 50th wedding anniversary.

HR 3366 (by Dutton), Congratulating John Jesse Balthazar of Houston on his 100th birthday.

HR 3367 (by Dutton), Congratulating Dr. Sophia Davis-Fields on being named an honoree at the KEW Learning Academy Profiles of Prominence Awards Banquet.

The resolutions were adopted.

HR 3241 - ADOPTED
(by Johnson)

Representative Johnson moved to suspend all necessary rules to take up and consider at this time **HR 3241**.

The motion prevailed.

The following resolution was laid before the house:

HR 3241, Commending Mariam Ahmed, Hannah Alexander, Kayla Davis, Mary Elbanna, Daniel Khalil, Antoinette Mays, and Rick Warnell for their service as legislative interns in the office of State Representative Eric Johnson.

HR 3241 was adopted.

HR 3059 - ADOPTED

(by Raymond)

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 3059**.

The motion prevailed.

The following resolution was laid before the house:

HR 3059, Congratulating Tinglin Wu on being named the 2014-2015 Youth of the Year by the U.S. Border Patrol Laredo Sector.

HR 3059 was adopted.

On motion of Representative T. King, the names of all the members of the house were added to **HR 3059** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Raymond who introduced Tinglin Wu, representatives of the U.S. Border Patrol Laredo Sector, and representatives of St. Augustine High School.

(Márquez in the chair)

HCR 138 - ADOPTED

(by Phillips)

The following privileged resolution was laid before the house:

HCR 138

WHEREAS, **HB 1919** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 84th Legislature of the State of Texas, Regular Session, That the enrolling clerk of the house of representatives be instructed to make the following correction:

In added Section 66.0072(g)(3)(E), Parks and Wildlife Code, strike "fish or shellfish" and substitute "aquatic plant".

HCR 138 was adopted by (Record 1605): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren;

Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Márquez(C).

Absent, Excused — Fallon.

Absent — Anderson, C.; Dukes; King, T.; Springer; Thompson, S.; White, M.

STATEMENT OF VOTE

When Record No. 1605 was taken, I was in the house but away from my desk. I would have voted yes.

M. White

HCR 139 - ADOPTED (by Larson)

The following privileged resolution was laid before the house:

HCR 139

WHEREAS, **HB 30** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 84th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct the enrolled version of **HB 30** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. To the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, affecting Section 16.060, Water Code.

HCR 139 was adopted by (Record 1606): 134 Yeas, 5 Nays, 3 Present, not voting. (The vote was reconsidered later today, and **HCR 139** was adopted by Record No. 1655.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel;

Dutton; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Rinaldi; Schaefer; Simpson; Tinderholt; White, M.

Present, not voting — Mr. Speaker; Gutierrez; Márquez(C).

Absent, Excused — Fallon.

Absent — Dukes; Elkins; King, T.; Martinez; Moody; Schofield; Stickland.

**HB 3519 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Guerra called up with senate amendments for consideration at this time,

HB 3519, A bill to be entitled An Act relating to the use of home telemonitoring services under Medicaid.

Representative Guerra moved to discharge the conferees and concur in the senate amendments to **HB 3519**.

The motion to discharge the conferees and concur in the senate amendments to **HB 3519** prevailed by (Record 1607): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, P.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez(C); Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer;

Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Fallon.

Absent — Aycock; Dukes; Elkins; King, K.; King, T.

Senate Committee Substitute

CSHB 3519, A bill to be entitled An Act relating to reimbursement for home telemonitoring services under Medicaid.

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

SECTION 1. Section 531.02176, Government Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 531.02176. EXPIRATION OF MEDICAID REIMBURSEMENT FOR PROVISION OF HOME TELEMONITORING SERVICES. Notwithstanding any other law, the commission may not reimburse providers under Medicaid for the provision of home telemonitoring services on or after September 1, 2019 [~~2015~~].

SECTION 2. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 3. This Act takes effect September 1, 2015.

HB 2804 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Aycock called up with senate amendments for consideration at this time,

HB 2804, A bill to be entitled An Act relating to evaluation of public school performance and to student physical fitness assessment.

Representative Aycock moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2804**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2804**: Aycock, chair; K. King, Dutton, Darby, and Ashby.

**HB 2968 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Guillen called up with senate amendments for consideration at this time,

HB 2968, A bill to be entitled An Act relating to the preservation of the Alamo complex and surrounding area and to the Alamo Preservation Advisory Board.

Representative Guillen moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2968**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2968**: Guillen, chair; Bernal, Larson, Martinez Fischer, and Harless.

**HB 2019 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Craddick called up with senate amendments for consideration at this time,

HB 2019, A bill to be entitled An Act relating to the authority of certain counties to impose a hotel occupancy tax.

Representative Craddick moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2019**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2019**: Craddick, chair; Landgraf, Parker, Darby, and Bohac.

**HB 2645 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Blanco called up with senate amendments for consideration at this time,

HB 2645, A bill to be entitled An Act relating to the violation of certain court orders or conditions of bond in a family violence, sexual assault or abuse, or stalking case; creating an offense.

Representative Blanco moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2645**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2645**: Blanco, chair; Moody, Herrero, Alvarado, and Fallon.

HB 1927 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative G. Bonnen called up with senate amendments for consideration at this time,

HB 1927, A bill to be entitled An Act relating to the application to vote early by mail in more than one election.

Representative G. Bonnen moved to concur in the senate amendments to **HB 1927**.

The motion to concur in the senate amendments to **HB 1927** prevailed by (Record 1608): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Márquez(C).

Absent, Excused — Fallon.

Absent — Dukes; Elkins; Herrero; King, T.

STATEMENT OF VOTE

When Record No. 1608 was taken, I was in the house but away from my desk. I would have voted yes.

Herrero

Senate Committee Substitute

CSHB 1927, A bill to be entitled An Act relating to the procedures for applying for a ballot to be voted by mail; creating a criminal offense.

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

SECTION 1. Section 84.001(e), Election Code, is amended to read as follows:

(e) An applicant for a ballot to be voted by mail may apply for ballots for the main election and any resulting runoff election on the same application. If an application for the main election and any resulting runoff is not timely for the main election, it will be considered timely for any resulting runoff if received not later than the deadline, determined using the date of the runoff election, for submitting a regular application for a ballot to be voted by mail ~~[the timeliness of the application for the runoff election is determined in relation to that election]~~.

SECTION 2. Section 84.004(a), Election Code, is amended to read as follows:

(a) A person commits an offense if:

(1) the person signs an application for a ballot to be voted by mail as a witness for more than one applicant in the same election; or
~~(1) [in the same election], the person signs an early voting ballot~~

(2) the person signs an application for annual ballots by mail as a witness for more than one applicant in the same calendar year.

SECTION 3. Section 84.007, Election Code, is amended by amending Subsections (b) and (c) and adding Subsection (e) to read as follows:

(b) An application must be submitted to the early voting clerk by:

(1) mail;

(2) common or contract carrier; ~~or~~

(3) telephonic facsimile machine, if a machine is available in the clerk's office; or

(4) electronic transmission of a scanned application containing an original signature.

(c) Except as provided by Section 86.0015(b), an application may ~~[An]~~ be submitted at any time in the year of the election for which a ballot is requested, but not later than ~~[on or after the 60th day before election day and before]~~ the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th ~~[ninth]~~ day before election day unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day.

(e) The early voting clerk shall designate an e-mail address for receipt of an application under Subsection (b)(4). The secretary of state shall include the e-mail addresses on the secretary of state's website.

SECTION 4. Section 84.011(a), Election Code, is amended to read as follows:

(a) The officially prescribed application form for an early voting ballot must include:

(1) immediately preceding the signature space the statement: "I certify that the information given in this application is true, and I understand that giving false information in this application is a crime.";

(2) a statement informing the applicant of the offenses prescribed by Sections 84.003 and 84.004;

(3) spaces for entering an applicant's voter registration number and county election precinct of registration, with a statement informing the applicant that failure to furnish that information does not invalidate the application; and

(4) on an application for a ballot to be voted by mail:

(A) a space for an applicant applying on the ground of absence from the county of residence to indicate the date on or after which the applicant can receive mail at the address outside the county;

(B) a space for indicating the fact that an applicant whose application is signed by a witness cannot make the applicant's mark and a space for indicating the relationship or lack of relationship of the witness to the applicant;

(C) a space for entering an applicant's telephone number, with a statement informing the applicant that failure to furnish that information does not invalidate the application;

(D) a space or box for an applicant applying on the ground of age or disability to indicate that the address to which the ballot is to be mailed is the address of a facility or relative described by Section 84.002(a)(3), if applicable;

(E) a space or box for an applicant applying on the ground of confinement in jail to indicate that the address to which the ballot is to be mailed is the address of a relative described by Section 84.002(a)(4), if applicable;

(F) a space for an applicant applying on the ground of age or disability to indicate if the application is an application under Section 86.0015;

(G) spaces for entering the signature, printed name, and residence address of any person assisting the applicant;

(H) [~~G~~] a statement informing the applicant of the condition prescribed by Section 81.005; and

(I) [~~H~~] a statement informing the applicant of the requirement prescribed by Section 86.003(c).

SECTION 5. Subchapter B, Chapter 84, Election Code, is amended by adding Section 84.038 to read as follows:

Sec. 84.038. CANCELLATION EFFECTIVE FOR SINGLE ELECTION. The cancellation of an application for a ballot to be voted by mail under Section 84.032(c), (d), or (e) is effective for a single ballot only and does not

cancel the application with respect to a subsequent election, including a subsequent election to which the same application applies under Section 84.001(e) or 86.0015(b).

SECTION 6. Section 86.0015, Election Code, is amended to read as follows:

Sec. 86.0015. ANNUAL BALLOTS BY MAIL [~~APPLYING FOR MORE THAN ONE ELECTION IN SAME APPLICATION~~]. (a) This section applies only to an application for a ballot to be voted by mail that:

(1) indicates [~~is submitted to the county clerk indicating~~] the ground of eligibility is age or disability; and

(2) does not specify the election for which a ballot is requested or has been marked by the applicant as an application for more than one election.

(b) An application described by Subsection (a) is considered to be an application for a ballot for each election, including any ensuing runoff [~~in which the county clerk serves as early voting clerk and~~]:

(1) in which the applicant is eligible to vote; and

(2) that occurs before the earlier of:

(A) except as provided by Subsection (b-2), the end of the calendar year in which the application was submitted; [~~or~~]

(B) the date the county clerk receives notice from the voter registrar under Subsection (f) [(d)] that the voter has changed residence to another county; or

(C) the date the voter's registration is canceled [~~submitted a change in registration information~~].

(b-1) An application submitted under this section must be submitted before the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day.

(b-2) An application is considered to be submitted in the following calendar year for purposes of this section if:

(1) the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and

(2) the application is submitted in the last 60 days of a calendar year but not earlier than the 60th day before the date of the January or February election.

(c) In an election of a political subdivision located in a county in which the county clerk is not the early voting clerk, the county clerk shall provide the early voting clerk of the political subdivision that is holding the election a list of voters in the portion of the political subdivision located in the county who have ballot applications on file under this section. The early voting clerk shall provide a ballot to be voted by mail to each voter on the list.

(d) The secretary of state shall provide a method by which counties and political subdivisions located in the county can exchange and update information on applications received under this section.

(e) An application described by Subsection (a) shall be preserved for the period for preserving the precinct election records for the last election for which the application is effective.

(f) ~~(e)~~ The voter registrar shall notify the county clerk when a voter's voter registration has been canceled or a voter's address or name has changed [following the receipt of a notice of a change in registration information under Section 15.021]. The county clerk must update any list of voters who have ballot applications on file under this section based on the information received from the voter registrar. A voter's ballot application on file under this section may not be canceled if a correction in registration information for the voter is a change of address within the county in which the voter is registered or a change of the voter's name.

SECTION 7. Section 86.006, Election Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A marked ballot voted under this chapter must be returned to the early voting clerk in the official carrier envelope. The carrier envelope may be delivered in another envelope and must be transported and delivered only by:

- (1) mail;
- (2) ~~or by~~ common or contract carrier; or
- (3) subject to Subsection (a-1), in-person delivery by the voter who voted the ballot.

(a-1) The voter may deliver a marked ballot in person to the early voting clerk's office only while the polls are open on election day. A voter who delivers a marked ballot in person must present an acceptable form of identification described by Section 63.0101.

SECTION 8. Section 84.009(b), Election Code, is repealed.

SECTION 9. Not later than January 1, 2016, the secretary of state shall make the modifications to the official application form for a ballot to be voted early by mail, as required by Section 84.011(a), Election Code, as amended by this Act.

SECTION 10. This Act applies only to an application for a ballot to be voted by mail submitted on or after January 1, 2016.

SECTION 11. This Act takes effect September 1, 2015.

HB 781 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Burkett called up with senate amendments for consideration at this time,

HB 781, A bill to be entitled An Act relating to caregiver screening and training by substitute care providers for children in the conservatorship of the Department of Family and Protective Services.

Representative Burkett moved to concur in the senate amendments to **HB 781**.

The motion to concur in the senate amendments to **HB 781** prevailed by (Record 1609): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Márquez(C).

Absent, Excused — Fallon.

Absent — Coleman; Dukes; Herrero; Laubenberg; Simpson.

STATEMENTS OF VOTE

When Record No. 1609 was taken, I was in the house but away from my desk. I would have voted yes.

Herrero

When Record No. 1609 was taken, I was in the house but away from my desk. I would have voted yes.

Simpson

Senate Committee Substitute

CSHB 781, A bill to be entitled An Act relating to caregiver screening and training by substitute care providers for children in the conservatorship of the Department of Family and Protective Services.

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

SECTION 1. Section 40.058, Human Resources Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) A contract for residential child-care services provided by a general residential operation or by a child-placing agency must include provisions that:

(1) enable the department to monitor the effectiveness of the services;

(2) specify performance outcomes;

(3) authorize the department to terminate the contract or impose sanctions for a violation of a provision of the contract that specifies performance criteria;

(4) authorize the department, an agent of the department, and the state auditor to inspect all books, records, and files maintained by a contractor relating to the contract; and

(5) are necessary, as determined by the department, to ensure accountability for the delivery of services and for the expenditure of public funds.

(g) A contract with a private agency for the provision of substitute care or case management services for a child must include provisions that require the agency to provide access to the agency's information and records relating to the child to the child's attorney ad litem and guardian ad litem.

(h) In contracting with licensed child-placing agencies for residential child-care services, the department shall:

(1) determine and evaluate, using best practice standards, the home screening, assessment, and preservice training requirements used by substitute care providers before the verification and approval of caregivers, including:

(A) risk assessment evaluations used; and

(B) the curriculum and models used and topics covered in caregiver training; and

(2) publish on the department's Internet website the information collected by the department regarding the curriculum and training models used and topics covered during caregiver training by substitute care providers.

SECTION 2. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0537 to read as follows:

Sec. 42.0537. CAREGIVER TRAINING REQUIREMENT. (a) The department shall include a provision in each contract with a child-placing agency with whom children in the managing conservatorship of the department are placed that requires the child-placing agency to provide at least 35 hours of competency-based, preservice training to a potential caregiver before the child-placing agency verifies or approves the caregiver as a foster or adoptive home.

(b) The department shall adopt policies to ensure that each potential caregiver receives at least 35 hours of competency-based, preservice training before the department verifies or approves the caregiver as a foster or adoptive home.

(c) The training required by this section does not apply to an individual who has been designated as a kinship caregiver and who is pursuing verification or licensure as a foster parent or approval as an adoptive parent.

SECTION 3. The preservice training requirement under Section 42.0537, Human Resources Code, as added by this Act, does not apply to an individual who was verified or approved as a caregiver by a substitute care provider before the effective date of this Act or to an individual who is in the process of being verified or approved as a caregiver by a substitute care provider on the effective date of this Act.

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

HR 3052 - ADOPTED
(by Y. Davis)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 3052**.

The motion prevailed.

The following resolution was laid before the house:

HR 3052, Commending JaQuay Jackson Gray for her service in the office of State Representative Yvonne Davis as a participant in the Texas Legislative Internship Program.

HR 3052 was adopted.

HR 3142 - ADOPTED
(by Y. Davis)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 3142**.

The motion prevailed.

The following resolution was laid before the house:

HR 3142, Commending Nondumiso Mbambo for her service in the office of State Representative Yvonne Davis as a participant in the Texas Legislative Intern Program.

HR 3142 was adopted.

HB 26 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED

Representative Button called up with senate amendments for consideration at this time,

HB 26, A bill to be entitled An Act relating to state economic development measures, including administration of the Texas Enterprise Fund, creation of the Economic Incentive Oversight Board and the governor's university research initiative, abolishment of the Texas emerging technology fund and certain programs administered by the Texas Economic Development Bank, and renaming the Major Events trust fund to the Major Events Reimbursement Program.

Representative Button moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 26**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 26**: Button, chair; Springer, Ashby, E. Rodriguez, and C. Anderson.

**HB 32 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative D. Bonnen called up with senate amendments for consideration at this time,

HB 32, A bill to be entitled An Act relating to the computation and rates of the franchise tax; decreasing tax rates; amending provisions subject to a criminal penalty.

Representative D. Bonnen moved to concur in the senate amendments to **HB 32**.

The motion to concur in the senate amendments to **HB 32** prevailed by (Record 1610): 133 Yeas, 10 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez(C); Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Zedler; Zerwas.

Nays — Anchia; Collier; González; Howard; Israel; Rodriguez, J.; Spitzer; Stickland; Tinderholt; Turner, C.

Present, not voting — Mr. Speaker.

Absent, Excused — Fallon.

Absent — Dukes; Nevárez; Sheffield; White, M.; Wu.

STATEMENTS OF VOTE

When Record No. 1610 was taken, I was shown voting yes. I intended to vote no.

Bernal

When Record No. 1610 was taken, I was shown voting yes. I intended to vote no.

Blanco

When Record No. 1610 was taken, I was shown voting no. I intended to vote yes.

Spitzer

When Record No. 1610 was taken, I was in the house but away from my desk. I would have voted yes.

M. White

When Record No. 1610 was taken, my vote failed to register. I would have voted yes.

Wu

Senate Committee Substitute

CSHB 32, A bill to be entitled An Act relating to the computation and rates of the franchise tax; decreasing tax rates.

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

SECTION 1. (a) TITLE. This Act shall be known as the Franchise Tax Repeal Act of 2015.

(b) PURPOSE AND FINDINGS. The legislature finds that the tax imposed by Texas Tax Code Chapter 171 has not provided sufficient reliability for property tax relief. It is the intent of the legislature to promote economic growth by repealing the franchise tax.

SECTION 2. Sections 171.002(a) and (b), Tax Code, are amended to read as follows:

(a) Subject to Sections 171.003 and 171.1016 and except as provided by Subsection (b), the rate of the franchise tax is 0.75 [~~one~~] percent of taxable margin.

(b) Subject to Sections 171.003 and 171.1016, the rate of the franchise tax is 0.375 [~~0.5~~] percent of taxable margin for those taxable entities primarily engaged in retail or wholesale trade.

SECTION 3. Sections 171.1016(a) and (b), Tax Code, are amended to read as follows:

(a) Notwithstanding any other provision of this chapter, a taxable entity whose total revenue from its entire business is not more than \$20 [~~\$10~~] million may elect to pay the tax imposed under this chapter in the amount computed and at the rate provided by this section rather than in the amount computed and at the tax rate provided by Section 171.002.

(b) The amount of the tax for which a taxable entity that elects to pay the tax as provided by this section is liable is computed by:

(1) determining the taxable entity's total revenue from its entire business, as determined under Section 171.1011;

(2) apportioning the amount computed under Subdivision (1) to this state, as provided by Section 171.106, to determine the taxable entity's apportioned total revenue; and

(3) multiplying the amount computed under Subdivision (2) by the rate of 0.331 [~~0.575~~] percent.

SECTION 4. This Act applies only to a report originally due on or after the effective date of this Act.

SECTION 5. The comptroller of public accounts shall conduct a comprehensive study, no later than September 30th, 2016, to identify the effects of economic growth on future state revenues. The results of the study shall be reported to the governor and the Legislative Budget Board. The report should identify revenue growth allocation options to promote efficiency and sustainability in meeting the revenue needs of this state, including revenues allocated by Tax Code 171.4011, upon repeal of the franchise tax.

SECTION 6. This Act takes effect January 1, 2016.

HB 281 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Simmons called up with senate amendments for consideration at this time,

HB 281, A bill to be entitled An Act relating to a limitation on the expansion of certain landfills.

Representative Simmons moved to concur in the senate amendments to **HB 281**.

The motion to concur in the senate amendments to **HB 281** prevailed by (Record 1611): 135 Yeas, 8 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cyrier; Harless; Rinaldi; Schaefer; Simpson; Spitzer; Stickland; Tinderholt.

Present, not voting — Mr. Speaker; Márquez(C).

Absent, Excused — Fallon.

Absent — Aycock; Dukes; Turner, E.S.; White, M.

STATEMENT OF VOTE

When Record No. 1611 was taken, I was shown voting yes. I intended to vote no.

Bell

Senate Committee Substitute

CSHB 281, A bill to be entitled An Act relating to a limitation on the expansion of certain landfills.

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

SECTION 1. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.1231 to read as follows:

Sec. 361.1231. LIMITATION ON EXPANSION OF CERTAIN LANDFILLS. (a) This section applies only to a municipally owned Type I municipal solid waste landfill permitted by the state before 1980 that:

(1) is located wholly inside the boundaries of a municipality; and

(2) is owned by a municipality other than the municipality in which it is located.

(b) Notwithstanding any other provision of this subchapter, the commission may not approve an application for the issuance, amendment, or renewal of a permit that seeks to expand the area or capacity of a landfill unless the governing body of the municipality in which the landfill is located first approves by resolution or order the issuance, amendment, or renewal of the permit.

(c) The commission shall provide the members of the legislature who represent the district containing the landfill described in the permit with an opportunity to comment on the application and shall consider those comments in evaluating an application under this subchapter.

SECTION 2. The changes in law made by this Act apply only to an application for the issuance, amendment, or renewal of a permit pending before the Texas Commission on Environmental Quality on or after the effective date of this Act. A permit issued, amended, or renewed before the effective date of this Act is governed by the law in effect when the permit was issued, amended, or renewed, and the former law is continued in effect for that purpose.

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

**HB 2573 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Johnson called up with senate amendments for consideration at this time,

HB 2573, A bill to be entitled An Act relating to a deceptive trade practice related to the use of certain words to imply that a person who is not an attorney is authorized to practice law and the prosecution of a cause of action arising from that practice.

Representative Johnson moved to concur in the senate amendments to **HB 2573**.

The motion to concur in the senate amendments to **HB 2573** prevailed by (Record 1612): 140 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Rinaldi; Stickland.

Present, not voting — Mr. Speaker; Márquez(C).

Absent, Excused — Fallon.

Absent — Anchia; Dukes; Lucio; McClendon; Raymond.

STATEMENTS OF VOTE

When Record No. 1612 was taken, I was in the house but away from my desk. I would have voted yes.

Lucio

When Record No. 1612 was taken, I was shown voting no. I intended to vote yes.

Rinaldi

Senate Committee Substitute

CSHB 2573, A bill to be entitled An Act relating to a deceptive trade practice related to the use of certain words to imply that a person who is not an attorney is authorized to practice law and the prosecution of a cause of action arising from that practice.

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

SECTION 1. Section 17.46(b), Business & Commerce Code, is amended to read as follows:

(b) Except as provided in Subsection (d) of this section, the term "false, misleading, or deceptive acts or practices" includes, but is not limited to, the following acts:

- (1) passing off goods or services as those of another;
- (2) causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services;
- (3) causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another;
- (4) using deceptive representations or designations of geographic origin in connection with goods or services;
- (5) representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which the person [he] does not;
- (6) representing that goods are original or new if they are deteriorated, reconditioned, reclaimed, used, or secondhand;
- (7) representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;
- (8) disparaging the goods, services, or business of another by false or misleading representation of facts;
- (9) advertising goods or services with intent not to sell them as advertised;
- (10) advertising goods or services with intent not to supply a reasonable expectable public demand, unless the advertisements disclosed a limitation of quantity;
- (11) making false or misleading statements of fact concerning the reasons for, existence of, or amount of price reductions;
- (12) representing that an agreement confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law;
- (13) knowingly making false or misleading statements of fact concerning the need for parts, replacement, or repair service;
- (14) misrepresenting the authority of a salesman, representative or agent to negotiate the final terms of a consumer transaction;
- (15) basing a charge for the repair of any item in whole or in part on a guaranty or warranty instead of on the value of the actual repairs made or work to be performed on the item without stating separately the charges for the work and the charge for the warranty or guaranty, if any;
- (16) disconnecting, turning back, or resetting the odometer of any motor vehicle so as to reduce the number of miles indicated on the odometer gauge;
- (17) advertising of any sale by fraudulently representing that a person is going out of business;

(18) advertising, selling, or distributing a card which purports to be a prescription drug identification card issued under Section 4151.152, Insurance Code, in accordance with rules adopted by the commissioner of insurance, which offers a discount on the purchase of health care goods or services from a third party provider, and which is not evidence of insurance coverage, unless:

(A) the discount is authorized under an agreement between the seller of the card and the provider of those goods and services or the discount or card is offered to members of the seller;

(B) the seller does not represent that the card provides insurance coverage of any kind; and

(C) the discount is not false, misleading, or deceptive;

(19) using or employing a chain referral sales plan in connection with the sale or offer to sell of goods, merchandise, or anything of value, which uses the sales technique, plan, arrangement, or agreement in which the buyer or prospective buyer is offered the opportunity to purchase merchandise or goods and in connection with the purchase receives the seller's promise or representation that the buyer shall have the right to receive compensation or consideration in any form for furnishing to the seller the names of other prospective buyers if receipt of the compensation or consideration is contingent upon the occurrence of an event subsequent to the time the buyer purchases the merchandise or goods;

(20) representing that a guaranty [~~guarantee~~] or warranty confers or involves rights or remedies which it does not have or involve, provided, however, that nothing in this subchapter shall be construed to expand the implied warranty of merchantability as defined in Sections 2.314 through 2.318 and Sections 2A.212 through 2A.216 to involve obligations in excess of those which are appropriate to the goods;

(21) promoting a pyramid promotional scheme, as defined by Section 17.461;

(22) representing that work or services have been performed on, or parts replaced in, goods when the work or services were not performed or the parts replaced;

(23) filing suit founded upon a written contractual obligation of and signed by the defendant to pay money arising out of or based on a consumer transaction for goods, services, loans, or extensions of credit intended primarily for personal, family, household, or agricultural use in any county other than in the county in which the defendant resides at the time of the commencement of the action or in the county in which the defendant in fact signed the contract; provided, however, that a violation of this subsection shall not occur where it is shown by the person filing such suit that the person [~~he~~] neither knew or had reason to know that the county in which such suit was filed was neither the county in which the defendant resides at the commencement of the suit nor the county in which the defendant in fact signed the contract;

(24) failing to disclose information concerning goods or services which was known at the time of the transaction if such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed;

(25) using the term "corporation," "incorporated," or an abbreviation of either of those terms in the name of a business entity that is not incorporated under the laws of this state or another jurisdiction;

(26) selling, offering to sell, or illegally promoting an annuity contract under Chapter 22, Acts of the 57th Legislature, 3rd Called Session, 1962 (Article 6228a-5, Vernon's Texas Civil Statutes), with the intent that the annuity contract will be the subject of a salary reduction agreement, as defined by that Act, if the annuity contract is not an eligible qualified investment under that Act or is not registered with the Teacher Retirement System of Texas as required by Section 8A of that Act; [✕]

(27) taking advantage of a disaster declared by the governor under Chapter 418, Government Code, by:

(A) selling or leasing fuel, food, medicine, or another necessity at an exorbitant or excessive price; or

(B) demanding an exorbitant or excessive price in connection with the sale or lease of fuel, food, medicine, or another necessity; or

(28) using the translation into a foreign language of a title or other word, including "attorney," "lawyer," "licensed," "notary," and "notary public," in any written or electronic material, including an advertisement, a business card, a letterhead, stationery, a website, or an online video, in reference to a person who is not an attorney in order to imply that the person is authorized to practice law in the United States.

SECTION 2. Section 17.48, Business & Commerce Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) In an action prosecuted by a district or county attorney under this subchapter for a violation of Section 17.46(b)(28), three-fourths of any civil penalty awarded by a court must be paid to the county where the court is located.

(d) A district or county attorney is not required to obtain the permission of the consumer protection division to prosecute an action under this subchapter for a violation of Section 17.46(b)(28), if the district or county attorney provides prior written notice to the division as required by Subsection (b).

SECTION 3. The change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued 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 4. This Act takes effect September 1, 2015.

HB 2475 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Geren called up with senate amendments for consideration at this time,

HB 2475, A bill to be entitled An Act relating to the establishment of the center for alternative finance and procurement within the Texas Facilities Commission and to public and private partnerships; authorizing a fee.

Representative Geren moved to concur in the senate amendments to **HB 2475**.

The motion to concur in the senate amendments to **HB 2475** prevailed by (Record 1613): 139 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Rinaldi; Schaefer; Simpson; Stickland; Tinderholt.

Present, not voting — Mr. Speaker; Márquez(C).

Absent, Excused — Fallon.

Absent — Dukes; Keough; Turner, S.

Senate Committee Substitute

CSHB 2475, A bill to be entitled An Act relating to the establishment of the center for alternative finance and procurement within the Texas Facilities Commission and to public and private partnerships; authorizing a fee.

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

SECTION 1. Subchapter C, Chapter 2152, Government Code, is amended by adding Section 2152.110 to read as follows:

Sec. 2152.110. CENTER FOR ALTERNATIVE FINANCE AND PROCUREMENT. The commission shall establish the center for alternative finance and procurement to consult with governmental entities regarding best practices for procurement and the financing of qualifying projects and to assist governmental entities in the receipt of proposals, negotiation of interim and comprehensive agreements, and management of qualifying projects under Chapters 2267 and 2268.

SECTION 2. Section 2267.001, Government Code, is amended by amending Subdivision (1-a) and adding Subdivision (1-b) to read as follows:

(1-a) "Center" means the center for alternative finance and procurement established under Section 2152.110 by the Texas Facilities Commission.

(1-b) "Commission" means the Partnership Advisory Commission established under Chapter 2268.

SECTION 3. Section 2267.051, Government Code, is amended to read as follows:

~~Sec. 2267.051. APPROVAL REQUIRED[; ~~SUBMISSION OF PROPOSAL FOR QUALIFYING PROJECT~~]. [(a)] A person may not develop or operate a qualifying project unless the person obtains the approval of and contracts with the responsible governmental entity under this chapter. [The person may initiate the approval process by submitting a proposal requesting approval under Section 2267.053(a), or the responsible governmental entity may request proposals or invite bids under Section 2267.053(b).~~

~~[(b) A person submitting a proposal requesting approval of a qualifying project shall specifically and conceptually identify any facility, building, infrastructure, or improvement included in the proposal as a part of the qualifying project.~~

~~[(c) On receipt of a proposal submitted by a person initiating the approval process under Section 2267.053(a), the responsible governmental entity shall determine whether to accept the proposal for consideration in accordance with Sections 2267.052 and 2267.065 and the guidelines adopted under those sections. A responsible governmental entity that determines not to accept the proposal for consideration shall return the proposal, all fees, and the accompanying documentation to the person submitting the proposal.~~

~~[(d) The responsible governmental entity may at any time reject a proposal initiated by a person under Section 2267.053(a).]~~

SECTION 4. Sections 2267.052(b), (c), and (c-1), Government Code, are amended to read as follows:

(b) The guidelines for a responsible governmental entity described by Section 2267.001(5)(A) must:

- (1) require the responsible governmental entity to:
 - (A) make a representative of the entity available to meet with persons who are considering submitting a proposal; and
 - (B) provide notice of the representative's availability;
- (2) provide reasonable criteria for choosing among competing proposals;
- (3) contain suggested timelines for selecting proposals and negotiating an interim or comprehensive agreement;
- (4) allow the responsible governmental entity to accelerate the selection, review, and documentation timelines for proposals involving a qualifying project considered a priority by the entity;
- (5) include financial review and analysis procedures that at a minimum consist of:

- (A) a cost-benefit analysis;

- (B) an assessment of opportunity cost;
- (C) consideration of the degree to which functionality and services similar to the functionality and services to be provided by the proposed project are already available in the private market; and
- (D) consideration of the results of all studies and analyses related to the proposed qualifying project;
- (6) allow the responsible governmental entity to consider the nonfinancial benefits of a proposed qualifying project;
- (7) ensure that the governmental entity, for a proposed project to improve real property, evaluates design quality, life-cycle costs, and the proposed project's relationship to any relevant comprehensive planning or zoning requirements;
- (8) include criteria for:
- (A) the qualifying project, including the scope, costs, and duration of the project and the involvement or impact of the project on multiple public entities;
- (B) the creation of and the responsibilities of an oversight committee, with members representing the responsible governmental entity, that acts as an advisory committee to review the terms of any proposed interim or comprehensive agreement; and
- (C) the center's role in the review, analysis, or evaluation of the qualifying project ~~[compliance with the requirements of Chapter 2268];~~
- (9) require the responsible governmental entity to analyze the adequacy of the information to be released by the entity when seeking competing proposals and require that the entity provide more detailed information, if the entity determines necessary, to encourage competition, subject to Section 2267.053(g); and
- (10) establish criteria, key decision points, and approvals required to ensure that the responsible governmental entity considers the extent of competition before selecting proposals and negotiating an interim or comprehensive agreement~~]; and~~
- ~~[(11) require the posting and publishing of public notice of a proposal requesting approval of a qualifying project, including:~~
- ~~[(A) specific information and documentation regarding the nature, timing, and scope of the qualifying project, as required under Section 2267.053(a);~~
- ~~[(B) a reasonable period, as determined by the responsible governmental entity, of not less than 45 days or more than 180 days, or a longer period specified by the governing body of the responsible governmental entity to accommodate a large scale project, to encourage competition and partnerships with private entities and other persons in accordance with the goals of this chapter, during which the responsible governmental entity must accept submission of competing proposals for the qualifying project; and~~
- ~~[(C) a requirement for advertising the notice on the governmental entity's Internet website and on TexasOnline or the state's official Internet website].~~

(c) The guidelines of a responsible governmental entity described by Section 2267.001(5)(B) must include:

(1) the provisions required under Subsection (b); and

(2) a requirement that the governmental entity engage the services of qualified professionals, including an architect, professional engineer, or registered municipal advisor [~~certified public accountant~~], not otherwise employed by the governmental entity, or the center to provide independent analyses regarding the specifics, advantages, disadvantages, and long-term and short-term costs of [~~any proposal requesting approval of~~] a qualifying project unless the governing body of the governmental entity determines that the analysis [~~of the proposal~~] is to be performed by similarly qualified employees of the governmental entity.

(c-1) For a proposal with an estimated cost of \$5 million or more for [~~the~~] construction or renovation of a qualifying [~~structure or~~] project, the analysis conducted under Subsection (c)(2) must include review [~~of the proposal~~] by an architect, a professional engineer, and a registered municipal advisor [~~certified public accountant~~] not otherwise employed by the governmental entity.

SECTION 5. Section 2267.053(d), Government Code, is amended to read as follows:

(d) The responsible governmental entity may charge a reasonable fee to cover the costs of processing, reviewing, and evaluating the proposal, including reasonable legal fees, [~~and~~] fees for financial and[~~;~~] technical[~~—and other necessary~~] advisors or consultants, and fees for the center's review or consultation.

SECTION 6. Section 2267.058(g), Government Code, is amended to read as follows:

(g) The comprehensive agreement must provide that a security document or other instrument purporting to mortgage, pledge, encumber, or create a lien, charge, or security interest on or against the contracting party's interest may not extend to or affect the fee simple interest of the state in the qualifying project or the state's rights or interests under the comprehensive agreement. Any holder of debt shall acknowledge that the mortgage, pledge, or encumbrance or a lien, charge, or security interest on or against the contracting party's interest is subordinate to the fee simple interest of the state in the qualifying project [~~and the state's rights or interests under the comprehensive agreement~~].

SECTION 7. Section 2267.065(b), Government Code, is amended to read as follows:

(b) A responsible governmental entity may enter into a comprehensive agreement only in accordance with guidelines that require the contracting person to design and construct the qualifying project in accordance with procedures that do not materially conflict with those specified in:

(1) Subchapter G, Chapter 2269, for facilities projects described by Section 2269.302 [~~2166.2531~~]; or

(2) Subchapter H, Chapter 2269 [~~Section 44.036, Education Code;~~

[~~(3) Section 51.780, Education Code;~~

[~~(4) Section 271.119, Local Government Code; or~~

~~[(5) Subchapter J, Chapter 271, Local Government Code], for civil works projects as defined by Section 2269.351 ~~[271.181(2), Local Government Code].~~~~

SECTION 8. Section 2267.066(a), Government Code, is amended to read as follows:

(a) Not later than the 10th day after the date a responsible governmental entity accepts a proposal submitted in accordance with Section 2267.053(b) ~~[2267.053(a) or (b)]~~, the responsible governmental entity shall provide notice of the proposal as follows:

(1) for a responsible governmental entity described by Section 2267.001(5)(A), by posting the proposal on the entity's Internet website; and

(2) for a responsible governmental entity described by Section 2267.001(5)(B), by:

(A) posting a copy of the proposal on the entity's Internet website; or

(B) publishing in a newspaper of general circulation in the area in which the qualifying project is to be performed a summary of the proposal and the location where copies of the proposal are available for public inspection.

SECTION 9. Section 2268.001, Government Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Center" means the center for alternative finance and procurement established under Section 2152.110 by the Texas Facilities Commission.

(1-a) "Commission" means the Partnership Advisory Commission.

SECTION 10. Section 2268.056(d), Government Code, is amended to read as follows:

(d) The center ~~[Texas Facilities Commission]~~, using the qualifying project fees authorized under Section 2165.353, shall provide, on a cost recovery basis, professional services ~~[of its architectural, engineering, and real estate staff and the expertise]~~ of financial, technical, and other necessary advisors and consultants, authorized under Section 2267.053(d), as necessary to support the Partnership Advisory Commission in its review and evaluation of proposals, including financial and risk allocation analysis and ongoing contract performance monitoring of qualifying projects. The center ~~[Texas Facilities Commission]~~ shall assign staff and contracted advisors and consultants necessary to perform the duties required by this subsection.

SECTION 11. Section 2268.059, Government Code, is amended to read as follows:

Sec. 2268.059. CONFIDENTIALITY OF CERTAIN RECORDS SUBMITTED TO COMMISSION. Records and information afforded protection under Section 552.153 that are provided by a responsible governmental entity to the commission and the presiding officer of the House Appropriations Committee and of the Senate Finance Committee, or their designees, shall continue to be protected from disclosure when in the possession of the commission and the presiding officers or their designees.

SECTION 12. The following provisions of the Government Code are repealed:

- (1) Section 2267.002(e); and
- (2) Sections 2267.053(a) and (a-1).

SECTION 13. As soon as practicable after the effective date of this Act, the Texas Facilities Commission shall adopt the rules necessary to establish the center for alternative finance and procurement in accordance with Section 2152.110, Government Code, as added by this Act.

SECTION 14. This Act takes effect September 1, 2015.

HB 2070 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative S. Thompson called up with senate amendments for consideration at this time,

HB 2070, A bill to be entitled An Act relating to the waiver of notification and hearing requirements for certain foster homes that provide shelter to victims of human trafficking.

Representative S. Thompson moved to concur in the senate amendments to **HB 2070**.

The motion to concur in the senate amendments to **HB 2070** prevailed by (Record 1614): 144 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Simpson.

Present, not voting — Mr. Speaker; Márquez(C).

Absent, Excused — Fallon.

Absent — Laubenberg; VanDeaver.

STATEMENT OF VOTE

When Record No. 1614 was taken, I was shown voting yes. I intended to vote no.

Schaefer

Senate Committee Substitute

CSHB 2070, A bill to be entitled An Act relating to certain requirements for certain facilities licensed by the Department of Family and Protective Services and the department's enforcement authority.

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

SECTION 1. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0462 to read as follows:

Sec. 42.0462. WAIVER OF NOTICE AND HEARING REQUIREMENTS. To protect the safety and well-being of residents and employees of a general residential operation that provides comprehensive residential services to children who are victims of trafficking, the department shall waive the notice and hearing requirements imposed under Section 42.0461 for an applicant who submits to the department an application to provide trafficking victim services at the applicant's general residential operation.

SECTION 2. Section 42.054, Human Resources Code, is amended by amending Subsections (a), (b), (c), (d), and (e) and adding Subsection (h) to read as follows:

(a) The department shall charge an applicant a nonrefundable application fee ~~[of \$35]~~ for an initial license to operate a child-care facility or a child-placing agency.

(b) The department shall charge each child-care facility a fee ~~[of \$35]~~ for an initial license. The department shall charge each child-placing agency a fee ~~[of \$50]~~ for an initial license.

(c) The department shall charge each licensed child-care facility an annual license fee ~~[in the amount of \$35 plus \$1 for each child the child care facility is permitted to serve]~~. The fee is due on the date on which the department issues the child-care facility's initial license and on the anniversary of that date.

(d) The department shall charge each licensed child-placing agency an annual license fee ~~[of \$100]~~. The fee is due on the date on which the department issues the child-placing agency's initial license and on the anniversary of that date.

(e) The department shall charge each family home that is listed or registered with the department an annual fee ~~[to cover a part of the department's cost in regulating family homes. The amount of the fee is \$20 for a listed home or \$35 for a registered home]~~. The fee is due on the date on which the department initially lists or registers the home and on the anniversary of that date.

(h) The executive commissioner by rule shall set fees under this section.

SECTION 3. Subchapter D, Chapter 42, Human Resources Code, is amended by adding Section 42.0704 to read as follows:

Sec. 42.0704. ENFORCEMENT POLICY. (a) The executive commissioner by rule shall adopt a general enforcement policy that describes the department's approach to enforcement of this chapter.

(b) The enforcement policy must:

(1) summarize the department's general expectations in enforcing this chapter;

(2) include the methodology required by Subsection (c); and

(3) describe the department's plan for strengthening its enforcement efforts and for making objective regulatory decisions.

(c) As part of the enforcement policy, the department shall develop and implement a methodology for determining the appropriate disciplinary action to take against a person who violates this chapter or a department rule. The methodology must provide guidance on when to use each of the available tools of enforcement, including technical assistance, voluntary plans of action, evaluation, probation, suspension or revocation of a license or registration, denial of a license or registration, administrative penalties, and emergency suspension. The methodology must allow the department to consider the circumstances of a particular case, including the nature and seriousness of the violation, history of previous violations, and aggravating and mitigating factors, in determining the appropriate disciplinary action.

(d) The department shall make the methodology described by Subsection (c) available to the public, including by posting the methodology on the department's Internet website.

SECTION 4. Section 42.078(a-2), Human Resources Code, is amended to read as follows:

(a-2) The department may impose an administrative penalty without first imposing a nonmonetary administrative sanction for violating a minimum standard applicable to a facility or family home under this chapter that is determined by the department to be a high-risk standard, including background check standards, safety hazard standards, and supervision standards ~~the following violations:~~

~~[(1) failing to timely submit the information required to conduct a background and criminal history check under Section 42.056 and applicable department rules on two or more occasions;~~

~~[(2) failing to submit the information required to conduct a background and criminal history check under Section 42.056 and applicable department rules before the 30th day after the date the facility or family home is notified by the department that the information is overdue;~~

~~[(3) except as provided by Section 42.056(g), knowingly allowing a person to be present in a facility or family home when the person's background and criminal history check has not been received;~~

~~[(4) knowingly allowing a person to be present in a facility or family home when the person's background and criminal history check has been received and contains criminal history or central registry findings that under department rules preclude the person from being present in the facility or family home; or~~

~~[(5) violating a condition or restriction the department places on a person's presence at a facility or family home as part of a pending or approved risk evaluation of the person's background and criminal history or central registry findings].~~

SECTION 5. Subchapter D, Chapter 42, Human Resources Code, is amended by adding Section 42.079 to read as follows:

Sec. 42.079. CEASE AND DESIST ORDER. (a) If it appears to the department that a person who is not licensed, certified, registered, or listed under this chapter is operating a child-care facility or family home, the department, after notice and opportunity for a hearing, may issue a cease and desist order prohibiting the person from operating the facility or home.

(b) A violation of an order under this section constitutes grounds for imposing an administrative penalty under Section 42.078.

SECTION 6. This Act takes effect September 1, 2015.

HB 2696 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Howard called up with senate amendments for consideration at this time,

HB 2696, A bill to be entitled An Act relating to a grant program for and a study on reducing workplace violence against nurses.

Representative Howard moved to concur in the senate amendments to **HB 2696**.

The motion to concur in the senate amendments to **HB 2696** prevailed by (Record 1615): 135 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Farias; Farney; Fletcher; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Larson; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Rinaldi; Shaheen; Spitzer; Stickland; Tinderholt; Turner, E.S.

Present, not voting — Mr. Speaker; Márquez(C).

Absent, Excused — Fallon.

Absent — Coleman; Farrar; Flynn; Landgraf; Laubenberg; Morrison.

STATEMENT OF VOTE

When Record No. 1615 was taken, I was shown voting yes. I intended to vote no.

Phillips

Senate Committee Substitute

CSHB 2696, A bill to be entitled An Act relating to a study on reducing workplace violence against nurses.

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

SECTION 1. Section 105.001, Health and Safety Code, is amended by adding Subdivisions (3), (4), (5), and (6) to read as follows:

(3) "Freestanding emergency medical care facility" means a facility licensed under Chapter 254.

(4) "Home health agency" means a home and community support services agency licensed under Chapter 142.

(5) "Hospital" means a general or special hospital licensed under Chapter 241, a private mental hospital licensed under Chapter 577, or a hospital that is maintained or operated by this state or an agency of this state.

(6) "Nursing facility" means an institution licensed under Chapter 242.

SECTION 2. Chapter 105, Health and Safety Code, is amended by adding Section 105.009 to read as follows:

Sec. 105.009. STUDY ON WORKPLACE VIOLENCE AGAINST NURSES. (a) To the extent existing funding is available, the nursing resource section established under Section 105.002 may conduct a study on workplace violence against nurses in hospitals, freestanding emergency medical care facilities, nursing facilities, and home health agencies. A study conducted under this section must:

(1) distinguish between verbal and physical violence;

(2) determine the practice areas, environments, and settings in which verbal or physical violence is likely to occur;

(3) identify practices that prevent or reduce verbal and physical violence against nurses;

(4) survey nurses regarding the type and frequency of verbal and physical violence the nurses have experienced in the preceding year and throughout the nurses' careers; and

(5) survey hospitals, freestanding emergency medical care facilities, nursing facilities, and home health agencies regarding the occurrence of verbal and physical violence against nurses and specific strategies implemented to prevent verbal and physical violence, including:

(A) required reporting of verbal and physical violence;

(B) reporting of physical assaults to law enforcement; and

(C) implementation of a violence prevention plan and the contents

of and personnel covered by the plan.

(b) The nursing resource section may contract with an independent researcher to conduct all or part of the study.

(c) The nursing advisory committee established by Section 104.0155 shall serve as the oversight committee for the study.

(d) To the extent possible, the nursing resource section shall cooperate with the department and the Texas Board of Nursing to conduct the study and coordinate the surveys under this section with surveys required by other provisions of law.

(e) If the nursing resource section conducts a study under this section, not later than December 1, 2016, the nursing resource section shall complete the study and publish the study findings.

(f) This section expires December 31, 2017.

SECTION 3. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Section 105.009, Health and Safety Code, as added by this Act.

SECTION 4. 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.

HB 2439 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Smith called up with senate amendments for consideration at this time,

HB 2439, A bill to be entitled An Act relating to inspections and other activities conducted by engineers in connection with the issuance of certain windstorm and hail insurance.

Representative Smith moved to concur in the senate amendments to **HB 2439**.

The motion to concur in the senate amendments to **HB 2439** prevailed by (Record 1616): 146 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle;

Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Schaefer.

Present, not voting — Mr. Speaker; Márquez(C).

Absent, Excused — Fallon.

STATEMENT OF VOTE

When Record No. 1616 was taken, I was shown voting yes. I intended to vote no.

Simpson

Senate Committee Substitute

CSHB 2439, A bill to be entitled An Act relating to inspections and other activities conducted by engineers in connection with the issuance of certain windstorm and hail insurance; authorizing a fee.

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

SECTION 1. The heading to Section 2210.251, Insurance Code, is amended to read as follows:

Sec. 2210.251. PLAN OF OPERATION COMPLIANCE ~~[INSPECTION]~~ REQUIREMENTS.

SECTION 2. Sections 2210.251(a), (f), and (g), Insurance Code, are amended to read as follows:

(a) Except as provided by this section, to be considered insurable property eligible for windstorm and hail insurance coverage from the association, a structure that is constructed, altered, remodeled, enlarged, or repaired or to which additions are made on or after January 1, 1988, must comply ~~[be inspected or approved by the department for compliance]~~ with the plan of operation.

(f) Notwithstanding any other provision of this subchapter ~~[section]~~, insurance coverage for a residential structure may be issued or renewed through the association subject to the inspection requirements imposed under Section 2210.258, if applicable. This subsection expires December 31, 2015.

(g) A ~~[The department shall issue a]~~ certificate of compliance issued by the department or association under Section 2210.2515 demonstrates compliance with the applicable building code under the plan of operation ~~[for each structure that qualifies for coverage]~~. The certificate is evidence of insurability of the structure by the association. ~~[The decision whether to issue a certificate of compliance for a structure is wholly within the discretion of the department and is not dependent on the actions of the Texas Board of Professional Engineers or any other regulatory agency.]~~

SECTION 3. Subchapter F, Chapter 2210, Insurance Code, is amended by adding Section 2210.2515 to read as follows:

Sec. 2210.2515. ISSUANCE OF CERTIFICATES OF COMPLIANCE. (a)

In this section:

(1) "Completed improvement" means:

(A) an improvement in which the original transfer of title from the builder to the initial owner of the improvement has occurred; or

(B) if a transfer under Paragraph (A) is not contemplated, an improvement that is substantially completed.

(2) "Improvement" means the construction of or repair, alteration, remodeling, or enlargement of a structure to which the plan of operation applies.

(3) "Ongoing improvement" means:

(A) an improvement in which the original transfer of title from the builder to the initial owner of the improvement has not occurred; or

(B) if a transfer under Paragraph (A) is not contemplated, an improvement that is not substantially completed.

(b) A person shall provide written notice on a form prescribed by and submitted to the department of the person's intent to construct, repair, alter, remodel, or enlarge a structure for which the person is seeking coverage under this chapter before the person begins to construct, repair, alter, remodel, or enlarge the structure.

(c) A person may apply to the association on a form prescribed by the department for a certificate of compliance for a completed improvement. The association shall issue a certificate of compliance for a completed improvement if a professional engineer licensed by the Texas Board of Professional Engineers:

(1) has designed the improvement, has affixed the engineer's seal on the design, and submits to the association on a form prescribed by the department an affirmation of compliance with the applicable building code under the plan of operation; or

(2) completes a sealed post-construction evaluation report that confirms compliance with the applicable building code under the plan of operation.

(d) A person may apply to the department on a form prescribed by the department for a certificate of compliance for an ongoing improvement. Except as provided by Subsection (e), the department shall issue a certificate of compliance for an ongoing improvement if a qualified inspector under Section 2210.254 inspects the ongoing improvement in accordance with commissioner rule and affirms that the improvement:

(1) conforms to a design of the improvement that has a seal affixed by a professional engineer licensed by the Texas Board of Professional Engineers and complies with the applicable building code under the plan of operation; or

(2) complies with the applicable building code under the plan of operation.

(e) Except as otherwise provided by this subchapter, the department may not issue a certificate of compliance under Subsection (d) if within six months after the date of the final inspection of the structure that is the subject of the application, the department has not received:

(1) fully completed forms prescribed by the department demonstrating that the improvement satisfies the requirements under Subsection (d)(1) or (2); and

(2) payment in full of all inspection fees, including fees for prior department inspections, owed to the department.

(f) If the department determines not to issue a certificate of compliance under Subsection (e), a person may apply for a certificate of compliance under Subsection (c).

(g) The department may enter into contracts as necessary to implement this section.

(h) The department may charge a reasonable fee to cover the cost of making building requirements and inspection standards available to the public. The department shall charge a reasonable fee for each inspection of each structure under this section in an amount set by the commissioner.

SECTION 4. Section 2210.254(a), Insurance Code, is amended to read as follows:

(a) For purposes of this chapter, a "qualified inspector" includes:

(1) a person determined by the department to be qualified because of training or experience to perform building inspections;

(2) a licensed professional engineer ~~[who is on the roster described by Section 1001.652, Occupations Code, and meets the requirements specified by commissioner rule for appointment to conduct windstorm inspections];~~ and

(3) an inspector who:

(A) is certified by the International Code Council, the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, or the Southern Building Code Congress International, Inc.;

(B) has certifications as a buildings inspector and coastal construction inspector; and

(C) complies with other requirements specified by commissioner rule.

SECTION 5. Section 2210.2551, Insurance Code, is amended by amending Subsections (a) and (b) and adding Subsection (f) to read as follows:

(a) The department has exclusive authority over all matters relating to the appointment and oversight of qualified inspectors for purposes of this chapter and to the physical inspection of structures for the purposes of determining whether to issue a certificate of compliance under Section 2210.2515(d) [this chapter], including the submission of documents to the department or association regarding the physical inspection of structures.

(b) The commissioner by rule shall establish criteria to ensure that a person seeking appointment as a qualified inspector under this subchapter~~[, including an engineer seeking appointment under Section 2210.255,]~~ possesses the knowledge, understanding, and professional competence to perform windstorm inspections for the issuance of a certificate of compliance under Section 2210.2515(d) [under this chapter] and to comply with other requirements of this chapter.

(f) The commissioner may not adopt or enforce a rule that requires an engineer to affix the engineer's seal to an inspection form submitted under this subchapter.

SECTION 6. Section 2210.256(a-1), Insurance Code, is amended to read as follows:

(a-1) In addition to any other action authorized under this section, the commissioner ex parte may enter an emergency cease and desist order under Chapter 83 against a qualified inspector, or a person acting as a qualified inspector, if:

(1) the commissioner believes that:

(A) the qualified inspector has:

(i) through submitting or failing to submit to the department ~~[sealed plans, designs, calculations, or other]~~ substantiating information, failed to demonstrate that a structure or a portion of a structure subject to inspection is built to a design that conforms to the requirements described by Section 2210.2515(d) ~~[meets the requirements of this chapter and department rules]~~; or

(ii) refused to comply with requirements imposed under this chapter or department rules; or

(B) the person acting as a qualified inspector is acting without appointment as a qualified inspector under Section 2210.254 ~~[or 2210.255]~~; and

(2) the commissioner determines that the conduct described by Subdivision (1) is fraudulent or hazardous or creates an immediate danger to the public.

SECTION 7. Section 2210.258(b), Insurance Code, is amended to read as follows:

(b) Except as provided by Subsection (c), the association may not insure a structure described by Subsection (a) until[-

~~(1) the structure has been inspected for compliance with the plan of operation in accordance with Section 2210.251(a); and~~

~~(2) a certificate of compliance has been issued for the structure in accordance with Section 2210.2515~~ [2210.251(g)].

SECTION 8. Section 83.002(c), Insurance Code, is amended to read as follows:

(c) This chapter also applies to:

(1) a person appointed as a qualified inspector under Section 2210.254 ~~[or 2210.255]~~; and

(2) a person acting as a qualified inspector under Section 2210.254 ~~[or 2210.255]~~ without being appointed as a qualified inspector under either of those sections.

SECTION 9. The following laws are repealed:

(1) Sections 2210.251(c), (h), (i), (j), (k), (l), and (m), Insurance Code;

(2) Section 2210.255, Insurance Code;

(3) Sections 2210.2551(d) and (e), Insurance Code;

(4) Section 2210.256(f), Insurance Code; and

(5) Subchapter N, Chapter 1001, Occupations Code.

SECTION 10. The commissioner of insurance shall adopt rules to implement this Act not later than December 31, 2016.

SECTION 11. The changes in law made by this Act apply only to a Texas Windstorm Insurance Association policy delivered, issued for delivery, or renewed on or after January 1, 2017. An association policy delivered, issued for delivery, or renewed before January 1, 2017, 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 12. This Act takes effect September 1, 2015.

HB 3615 - HOUSE CONCURS IN SENATE AMENDMENTS

Representative Isaac called up with senate amendments for consideration at this time,

HB 3615, A bill to be entitled An Act relating to the use of hotel occupancy tax revenues in certain municipalities.

Representative Isaac moved to concur in the senate amendments to **HB 3615**.

The motion to concur in the senate amendments to **HB 3615** prevailed by (Record 1617): 129 Yeas, 15 Nays, 2 Present, not voting. (The vote was reconsidered later today, the house refused to concur in the senate amendments, and a conference committee was appointed.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farnely; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Kuempel; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Sheets; Sheffield; Simmons; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zerwas.

Nays — Burrows; Keough; Krause; Leach; Metcalf; Phillips; Rinaldi; Schaefer; Simpson; Spitzer; Stickland; Tinderholt; Turner, E.S.; White, M.; Zedler.

Present, not voting — Mr. Speaker; Márquez(C).

Absent, Excused — Fallon.

Absent — Dukes; Johnson; Shaheen.

STATEMENTS OF VOTE

When Record No. 1617 was taken, I was shown voting yes. I intended to vote no.

R. Anderson

When Record No. 1617 was taken, my vote failed to register. I would have voted yes.

Shaheen

(Kuempel in the chair)

HB 114 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Flynn called up with senate amendments for consideration at this time,

HB 114, A bill to be entitled An Act relating to the issuance of certain capital appreciation bonds by political subdivisions.

Representative Flynn moved to concur in the senate amendments to **HB 114**.

The motion to concur in the senate amendments to **HB 114** prevailed by (Record 1618): 138 Yeas, 2 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Simpson.

Present, not voting — Mr. Speaker; Blanco; Kuempel(C).

Absent, Excused — Fallon.

Absent — Bernal; Dukes; Gonzales; Rinaldi; Schaefer; Vo.

STATEMENTS OF VOTE

When Record No. 1618 was taken, my vote failed to register. I would have voted yes.

Rinaldi

When Record No. 1618 was taken, I was shown voting no. I intended to vote yes.

Simpson

Senate Committee Substitute

CSHB 114, A bill to be entitled An Act relating to the issuance of certain capital appreciation bonds by political subdivisions.

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

SECTION 1. Subchapter B, Chapter 1201, Government Code, is amended by adding Section 1201.0245 to read as follows:

Sec. 1201.0245. CAPITAL APPRECIATION BONDS BY POLITICAL SUBDIVISIONS. (a) In this section, "capital appreciation bond" means a bond that accrues and compounds interest from its date of delivery, the interest on which by its terms is payable only upon maturity or prior redemption.

(b) A county, municipality, special district, school district, junior college district, or other political subdivision may not issue capital appreciation bonds that are secured by ad valorem taxes unless:

(1) the bonds have a scheduled maturity date that is not later than 20 years after the date of issuance;

(2) the governing body of the political subdivision has received a written estimate of the cost of the issuance, including:

(A) the amount of principal and interest to be paid until maturity;

(B) the amount of fees to be paid to outside vendors, including vendors who sell products to be financed by the bond issuance;

(C) the amount of fees to be paid to each financing team member;
and

(D) the projected tax impact of the bonds and the assumptions on which the calculation of the projected tax impact is based;

(3) the governing body of the political subdivision has determined in writing whether any personal or financial relationship exists between the members of the governing body and any financial advisor, bond counsel, bond underwriter, or other professional associated with the bond issuance; and

(4) the governing body of the political subdivision posts prominently on the political subdivision's Internet website and enters in the minutes of the governing body:

(A) the total amount of the proposed bonds;

(B) the length of maturity of the proposed bonds;

(C) the projects to be financed with bond proceeds;

(D) the intended use of bond proceeds not spent after completion of the projects identified in Paragraph (C);

(E) the total amount of the political subdivision's outstanding bonded indebtedness at the time of the election on the bonds, including the amount of principal and interest to be paid on existing bond indebtedness until maturity;

(F) the total amount of the political subdivision's outstanding bonded indebtedness, including the amount of principal and interest to be paid until maturity; and

(G) the information received under Subdivision (2) and determined under Subdivision (3).

(c) The governing body of a political subdivision that makes a determination that a personal or financial relationship described by Subsection (b)(3) exists shall submit the determination to the Texas Ethics Commission.

(d) The governing body of a political subdivision shall regularly update the debt information posted on the political subdivision's Internet website under Subsection (b)(4)(F) to ensure that the information is current and accurate.

(e) Capital appreciation bond proceeds may not be used to purchase the following items, unless an item has an expected useful life, determined based on the depreciable life of the asset under the Internal Revenue Code of 1986, that exceeds the bond's maturity date:

(1) items more regularly considered maintenance items, including replacement HVAC units, upgraded plumbing, or similar items; or

(2) transportation-related items, including buses.

(f) Capital appreciation bond proceeds unspent after completion of the project identified as the proceeds' intended use may be used only for a use identified on the political subdivision's website under Subsection (b)(4)(D), unless another use is approved by the voters of the political subdivision at an election held for that purpose.

(g) The total amount of capital appreciation bonds may not exceed 25 percent of the political subdivision's total outstanding bonded indebtedness at the time of the issuance, including the amount of principal and interest to be paid on the outstanding bonds until maturity.

(h) Except as provided by Subsection (i), a county, municipality, special district, school district, junior college district, or other political subdivision may not extend the maturity date of an issued capital appreciation bond, including through the issuance of refunding bonds that extend the maturity date.

(i) A political subdivision may extend the maturity date of an issued capital appreciation bond only if:

(1) the extension of the maturity date will decrease the total amount of projected principal and interest to maturity; or

(2) the political subdivision is a school district and:

(A) the maximum legally allowable tax rate for indebtedness has been adopted; and

(B) the Texas Education Agency certifies in writing that the solvency of the permanent school fund's bond guarantee program would be threatened without the extension.

(j) Subsection (b) does not apply to the issuance of:

(1) refunding bonds under Chapter 1207; or
(2) capital appreciation bonds for the purpose of financing transportation projects.

SECTION 2. The change in law made by this Act does not affect the validity of capital appreciation bonds issued before the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2015.

HB 2574 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Johnson called up with senate amendments for consideration at this time,

HB 2574, A bill to be entitled An Act relating to increasing awareness of the danger of heatstroke for a child left unattended in a motor vehicle.

Representative Johnson moved to concur in the senate amendments to **HB 2574**.

The motion to concur in the senate amendments to **HB 2574** prevailed by (Record 1619): 142 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bohac; Rinaldi; Stickland.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; King, P.

Senate Committee Substitute

CSHB 2574, A bill to be entitled An Act relating to increasing awareness of the danger of heatstroke for a child left unattended in a motor vehicle.

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

SECTION 1. Section 161.501(a), Health and Safety Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(a) A hospital, birthing center, physician, nurse midwife, or midwife who provides prenatal care to a pregnant woman during gestation or at delivery of an infant shall:

(1) provide the woman and the father of the infant, if possible, or another adult caregiver for the infant, with a resource pamphlet that includes:

(A) a list of the names, addresses, and phone numbers of professional organizations that provide postpartum counseling and assistance to parents relating to postpartum depression and other emotional trauma associated with pregnancy and parenting;

(B) information regarding the prevention of shaken baby syndrome including:

(i) techniques for coping with anger caused by a crying baby;

(ii) different methods for preventing a person from shaking a newborn, infant, or other young child;

(iii) the dangerous effects of shaking a newborn, infant, or other young child; and

(iv) the symptoms of shaken baby syndrome and who to contact, as recommended by the American Academy of Pediatrics, if a parent suspects or knows that a baby has been shaken in order to receive prompt medical treatment;

(C) a list of diseases for which a child is required by state law to be immunized and the appropriate schedule for the administration of those immunizations;

(D) the appropriate schedule for follow-up procedures for newborn screening;

(E) information regarding sudden infant death syndrome, including current recommendations for infant sleeping conditions to lower the risk of sudden infant death syndrome; ~~and~~

(F) educational information in both English and Spanish on pertussis disease and the availability of a vaccine to protect against pertussis, including information on the Centers for Disease Control and Prevention recommendation that parents receive Tdap during the postpartum period to protect newborns from the transmission of pertussis; and

(G) the danger of heatstroke for a child left unattended in a motor vehicle;

(2) if the woman is a recipient of medical assistance under Chapter 32, Human Resources Code, provide the woman and the father of the infant, if possible, or another adult caregiver with a resource guide that includes information in both English and Spanish relating to the development, health, and safety of a child from birth until age five, including information relating to:

(A) selecting and interacting with a primary health care practitioner and establishing a "medical home" for the child;

(B) dental care;

- (C) effective parenting;
- (D) child safety;
- (E) the importance of reading to a child;
- (F) expected developmental milestones;
- (G) health care resources available in the state;
- (H) selecting appropriate child care; and
- (I) other resources available in the state;

(3) document in the woman's record that the woman received the resource pamphlet described in Subdivision (1) and the resource guide described in Subdivision (2), if applicable; and

(4) retain the documentation for at least five years in the hospital's, birthing center's, physician's, nurse midwife's, or midwife's records.

SECTION 2. (a) Not later than December 1, 2015, the Department of State Health Services shall make the informational materials required by Section 161.501(a)(1), Health and Safety Code, as amended by this Act, available on its Internet website.

(b) Notwithstanding Section 161.501(a)(1)(G), Health and Safety Code, as added by this Act, a facility is not required to comply with that provision until January 1, 2016.

SECTION 3. This Act takes effect September 1, 2015.

HB 2588 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Naishtat called up with senate amendments for consideration at this time,

HB 2588, A bill to be entitled An Act relating to disclosures by nursing facilities and assisted living facilities regarding certification or classification to provide specialized care, treatment, or personal care services to residents with Alzheimer's disease or related disorders; adding requirements for an occupational license.

Representative Naishtat moved to concur in the senate amendments to **HB 2588**.

The motion to concur in the senate amendments to **HB 2588** prevailed by (Record 1620): 129 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycok; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Frank; Frullo; Galindo; Geren; Giddings; Gonzales; González; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira;

Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Thompson, E.; Thompson, S.; Turner, C.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zerwas.

Nays — Goldman; Krause; Leach; Phillips; Rinaldi; Schaefer; Stephenson; Stickland; Tinderholt; Turner, E.S.; White, M.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Bell; Dukes; Flynn; Guerra; Romero; Turner, S.; Zedler.

STATEMENTS OF VOTE

When Record No. 1620 was taken, my vote failed to register. I would have voted no.

Bell

When Record No. 1620 was taken, I was in the house but away from my desk. I would have voted no.

Flynn

When Record No. 1620 was taken, I was shown voting yes. I intended to vote no.

Keough

When Record No. 1620 was taken, my vote failed to register. I would have voted no.

Zedler

Senate Committee Substitute

CSHB 2588, A bill to be entitled An Act relating to disclosures by nursing facilities and assisted living facilities regarding certification or classification to provide specialized care, treatment, or personal care services to residents with Alzheimer's disease or related disorders and the authority of the executive commissioner of the Health and Human Services Commission to adopt rules defining those conditions; adding requirements for an occupational license.

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

SECTION 1. Section 242.040, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) The executive commissioner by rule shall adopt a definition of "Alzheimer's disease and related disorders," and may adopt by reference a definition published in a generally accepted clinical resource for medical professionals. The executive commissioner shall modify the definition as necessary to conform to changes in medical practice.

SECTION 2. Section 242.202(d), Health and Safety Code, is amended to read as follows:

(d) The disclosure statement must contain the following categories of information:

- (1) the institution's philosophy of care;
- (2) whether the institution is certified under Section 242.040 for the provision of specialized care and treatment of residents with Alzheimer's disease and related disorders;
- (3) the preadmission, admission, and discharge process;
- (4) ~~(3)~~ resident assessment, care planning, and implementation of the care plan;
- (5) ~~(4)~~ staffing patterns, such as resident-to-staff ratios, and staff training;
- (6) ~~(5)~~ the physical environment of the institution;
- (7) ~~(6)~~ resident activities;
- (8) ~~(7)~~ program costs;
- (9) ~~(8)~~ systems for evaluation of the institution's programs for residents;
- (10) ~~(9)~~ family involvement in resident care; and
- (11) ~~(10)~~ the toll-free telephone number maintained by the department for acceptance of complaints against the institution.

SECTION 3. Section 247.026, Health and Safety Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The executive commissioner shall require each assisted living facility to include in the facility's consumer disclosure statement whether the facility holds a license classified under Section 247.029 for the provision of personal care services to residents with Alzheimer's disease or related disorders.

SECTION 4. Section 247.029, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) The executive commissioner by rule shall adopt a definition of "Alzheimer's disease and related disorders," and may adopt by reference a definition published in a generally accepted clinical resource for medical professionals. The executive commissioner shall modify the definition as necessary to conform to changes in medical practice.

SECTION 5. The executive commissioner of the Health and Human Services Commission, as soon as practicable after the effective date of this Act, shall adopt any necessary rules prescribing the form of the disclosures under Sections 242.202 and 247.026, Health and Safety Code, as amended by this Act, and rules prescribing definitions under Sections 242.040 and 247.029, Health and Safety Code, as amended by this Act.

SECTION 6. The changes in law made by Sections 242.202 and 247.026, Health and Safety Code, as amended by this Act, apply only to disclosures provided on or after January 1, 2016.

SECTION 7. 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.

**HB 263 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Miles called up with senate amendments for consideration at this time,

HB 263, A bill to be entitled An Act relating to the sealing in certain cases of juvenile records of adjudications of delinquent conduct or conduct indicating a need for supervision and access by certain persons to sealed juvenile records.

Representative Miles moved to concur in the senate amendments to **HB 263**.

The motion to concur in the senate amendments to **HB 263** prevailed by (Record 1621): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; King, S.

Senate Committee Substitute

CSHB 263, A bill to be entitled An Act relating to the sealing of certain juvenile records.

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

SECTION 1. Sections 58.003(a), (e), (o), and (p), Family Code, are amended to read as follows:

(a) Except as provided by Subsections (b), ~~(c)~~, and (e), the juvenile court shall order the sealing of the records in the case [on the application] of a person who has been found to have engaged in delinquent conduct or conduct indicating a need for supervision, or a person taken into custody to determine

whether the person engaged in delinquent conduct or conduct indicating a need for supervision, ~~[on the juvenile court's own motion the court shall order the sealing of the records in the case]~~ if ~~[the court finds that]~~:

(1) two years have elapsed since final discharge of the person or since the last official action in the person's case if there was no adjudication; and

(2) since the time specified in Subdivision (1), the person has not been convicted of a felony or a misdemeanor involving moral turpitude or found to have engaged in delinquent conduct or conduct indicating a need for supervision and no proceeding is pending seeking conviction or adjudication.

(e) The court shall give the prosecuting attorney for the juvenile court reasonable notice before a person's records become eligible for sealing under Subsection (a) or (c) and may ~~[shall]~~ hold a hearing before sealing the ~~[a]~~ person's records if ~~[under Subsection (a) or (c) unless the applicant waives the right to a hearing in writing and the court and]~~ the prosecuting attorney requests a hearing ~~[for the juvenile court consent]~~. Reasonable notice of the hearing shall be given to:

(1) the person who ~~[made the application or who]~~ is the subject of the records at issue ~~[named in the motion]~~;

~~(2) [the prosecuting attorney for the juvenile court;~~
~~(3)]~~ the authority granting the discharge if the final discharge was from an institution or from parole;

~~(3) [(4)]~~ the public or private agency or institution having custody of the person's records ~~[named in the application or motion]~~; and

~~(4) [(5)]~~ the law enforcement agency having custody of the person's files or records ~~[named in the application or motion]~~.

(o) An agency or official named in the order that cannot seal the records because the information required in the order under Subsection (p) is incorrect or insufficient shall notify the court issuing the order before the 61st day after the date the agency or official receives the order. The court shall notify the person who ~~[made the application or who]~~ is the subject of the records at issue ~~[named in the motion]~~, or the attorney for that person, before the 61st day after the date the court receives the notice that the agency or official cannot seal the records because there is incorrect or insufficient information in the order.

(p) A ~~[person who is eligible to seal records may file an application for the sealing of records in a juvenile court of the county in which the proceedings occurred. The application and]~~ sealing order entered under this section ~~[on the application]~~ must include the following information or an explanation for why one or more of the following is not included:

(1) the person's ~~[applicant'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 offense charged against the person [~~applicant~~] or for which the person [~~applicant~~] was referred to the juvenile justice system;

(3) the date on which and the county where the offense was alleged to have been committed; and

(4) if a petition was filed in the juvenile court, the cause number assigned to the petition and the court and county in which the petition was filed.

SECTION 2. The changes in law made by this Act apply only to the records of a person who becomes eligible for sealing of records under Section 58.003, Family Code, as amended by this Act, on or after the effective date of this Act. The records of a person who was eligible for sealing of records under that section before the effective date of this Act are governed by the law applicable to the records immediately before that date, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

**HB 211 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Rose called up with senate amendments for consideration at this time,

HB 211, A bill to be entitled An Act relating to resuming a criminal case after a defendant is determined to be competent to stand trial.

Representative Rose moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 211**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 211**: Rose, chair; Moody, Alonzo, Clardy, and Wu.

**HB 3666 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Workman called up with senate amendments for consideration at this time,

HB 3666, A bill to be entitled An Act relating to the withdrawal of the territory of an emergency services district from the territory of a metropolitan rapid transit authority.

Representative Workman moved to concur in the senate amendments to **HB 3666**.

The motion to concur in the senate amendments to **HB 3666** prevailed by (Record 1622): 139 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Coleman; Collier; Cook; Craddick;

Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Blanco; Schaefer; Stephenson; Tinderholt; White, M.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Clardy; Dukes; Vo.

STATEMENT OF VOTE

When Record No. 1622 was taken, I was shown voting no. I intended to vote yes.

Blanco

Senate Committee Substitute

CSHB 3666, A bill to be entitled An Act relating to the withdrawal of the territory of certain emergency services districts from the territory of a metropolitan rapid transit authority.

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

SECTION 1. Section 451.601, Transportation Code, is amended to read as follows:

Sec. 451.601. UNIT OF ELECTION DEFINED. In this subchapter, "unit of election" means:

- (1) a municipality, including a principal municipality; ~~or~~
- (2) an unincorporated area designated by a commissioners court under Section 451.657 as a discrete unit for the purposes of a confirmation election; or
- (3) an emergency services district operating under Chapter 775, Health and Safety Code, that:

(A) borders Lake Travis; and

(B) is located in or borders two municipalities with a population of more than 45,000.

SECTION 2. Subchapter M, Chapter 451, Transportation Code, is amended by adding Section 451.618 to read as follows:

Sec. 451.618. WITHDRAWAL: ALTERNATIVE METHOD FOR CERTAIN EMERGENCY SERVICES DISTRICTS. (a) An emergency services district described by Section 451.601(3) may withdraw from an authority, in addition to any other manner provided by law, by a vote of a majority of the registered voters of the district voting at an election on the question of withdrawing from the authority.

(b) The governing body of the emergency services district shall call an election under this section if a petition requesting that an election to withdraw from the authority be held is submitted to the governing body and is signed by at least 10 percent of the registered voters of the district on the date the petition is submitted. To be counted for purposes of validating the petition, a signature on the petition must have been inscribed not earlier than the 120th day before the date the petition is submitted to the governing body.

(c) The governing body, before the 31st day after the date the petition is submitted to the governing body, shall determine whether a petition under this section is valid, and if the governing body fails to act on the petition before the expiration of that period, the petition is valid.

(d) Sections 451.601, 451.607, 451.608, 451.609, 451.611, 451.612(a), and 451.613 apply to the withdrawal of an emergency services district under this section.

(e) An election may not be called under this section to be held on a date earlier than the first anniversary of the date of the most recent election held under this section.

SECTION 3. This Act takes effect September 1, 2015.

HB 3777 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative C. Turner called up with senate amendments for consideration at this time,

HB 3777, A bill to be entitled An Act relating to the establishment and governance of certain regional transportation authorities.

Representative C. Turner moved to concur in the senate amendments to **HB 3777**.

The motion to concur in the senate amendments to **HB 3777** prevailed by (Record 1623): 143 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles;

Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Thompson, E.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; Hunter; Keough.

STATEMENT OF VOTE

When Record No. 1623 was taken, I was in the house but away from my desk. I would have voted yes.

Keough

Senate Committee Substitute

CSHB 3777, A bill to be entitled An Act relating to the establishment and governance of certain regional transportation authorities.

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

SECTION 1. Section 321.101(b), Tax Code, is amended to read as follows:

(b) A municipality that is not disqualified may, by a majority vote of the qualified voters of the municipality voting at an election held for that purpose, adopt an additional sales and use tax for the benefit of the municipality in accordance with this chapter. A municipality is disqualified from adopting the additional sales and use tax if the municipality:

(1) is included within the boundaries of a rapid transit authority created under Chapter 451, Transportation Code;

(2) is included within the boundaries of a regional transportation authority created under Chapter 452, Transportation Code, by a principal municipality having a population of less than 1.1 million according to the most recent federal decennial census [800,000], unless the municipality has a population of 400,000 or more and is located in more than one county;

(3) is wholly or partly located in a county that contains territory within the boundaries of a regional transportation authority created under Chapter 452, Transportation Code, by a principal municipality having a population in excess of 1.1 million according to the most recent federal decennial census [800,000], unless:

(A) the municipality is a contiguous municipality; or

(B) the municipality is not included within the boundaries of the authority and is located wholly or partly in a county in which fewer than 250 persons are residents of both the county and the authority according to the most recent federal census; or

(C) the municipality is not and on January 1, 1993, was not included within the boundaries of the authority; or

(4) imposes a tax authorized by Chapter 453, Transportation Code.

SECTION 2. Section 321.1025(a), Tax Code, is amended to read as follows:

(a) A municipality that is wholly or partly located in a county that contains territory within the boundaries of a regional transportation authority created under Chapter 452, Transportation Code, by a principal municipality having a population of more than 1.1 million according to the most recent federal decennial census [800,000] and that has adopted an additional sales and use tax for the benefit of the municipality may hold an election on the question of whether the municipality shall be annexed to the authority.

SECTION 3. Section 452.502(a), Transportation Code, is amended to read as follows:

(a) The executive committee of a regional transportation authority confirmed in more than one subregion is composed of 11 members selected as follows:

(1) seven members from the membership of the subregional board in the subregion that has ~~[containing]~~ a principal municipality with ~~[having]~~ a population of more than 1.1 million according to the most recent federal decennial census [800,000]; and

(2) four members from the membership of the subregional board in the subregion that has no principal municipality with a population of more than 1.1 million according to the most recent federal decennial census [800,000].

SECTION 4. The heading to Subchapter N, Chapter 452, Transportation Code, is amended to read as follows:

SUBCHAPTER N. SUBREGIONAL BOARD IN AUTHORITY HAVING NO MUNICIPALITY WITH POPULATION OF MORE THAN 1.1 MILLION
[800,000]

SECTION 5. Section 452.561, Transportation Code, is amended to read as follows:

Sec. 452.561. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to the board of a subregion that has no principal municipality with a population of more than 1.1 million according to the most recent federal decennial census [800,000].

SECTION 6. Sections 452.562(a), (b), and (c), Transportation Code, are amended to read as follows:

(a) A subregional board is composed of 11 ~~[nine]~~ members.

(b) If the entire county of the principal municipality is included in the authority, the subregional board consists of:

(1) five ~~[four]~~ members appointed by the governing body of the principal municipality;

(2) five ~~[four]~~ members appointed by the commissioners court of the county of the principal municipality; and

(3) one member appointed by the governing body of a municipality that is in the authority and has a population of more than 100,000.

(c) If Subsection (b) does not apply, the subregional board shall be appointed as follows:

(1) the commissioners court of the county of the principal municipality shall appoint at least three members [~~one member~~] to represent:

(A) the unincorporated areas and municipalities in the county that are not otherwise represented on the subregional board; and

(B) the municipalities that have entered into a contract with the authority to receive services; and

(2) the remaining members shall be apportioned to the municipalities confirmed as all or part of the subregion according to the ratio that the population of each unit of election bears to the total population of the area confirmed as the subregion.

SECTION 7. The heading to Subchapter O, Chapter 452, Transportation Code, is amended to read as follows:

SUBCHAPTER O. SUBREGIONAL BOARD IN SUBREGION HAVING
PRINCIPAL MUNICIPALITY WITH POPULATION OF MORE THAN 1.1
MILLION [~~800,000~~]

SECTION 8. Section 452.571, Transportation Code, is amended to read as follows:

Sec. 452.571. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to the board of a subregion that has a principal municipality with a population of more than 1.1 million according to the most recent federal decennial census [~~800,000~~].

SECTION 9. Sections 452.605(a) and (b), Transportation Code, are amended to read as follows:

(a) A municipality with [~~having~~] a population of at least 250,000 according to the most recent [~~preceding~~] federal decennial census and located in a county that has no principal municipality with a population of more than 1.1 million [~~800,000~~] according to the most recent [~~preceding~~] federal decennial census may join a separate authority by complying with this chapter.

(b) If a municipality described by Subsection (a) joins a separate authority and another separate authority is subsequently established in a county that has no principal municipality with a [~~of more than 800,000~~] population of more than 1.1 million according to the most recent [~~preceding~~] federal decennial census, any municipality in that county that has voted to participate with any authority created under this chapter may at the time of the creation of the new authority:

(1) remain in the authority that was created first;

(2) join the new authority in the county in which the municipality is located; or

(3) participate with both authorities.

SECTION 10. Section 452.657, Transportation Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) In a unit of election with a population of less than 10,000 according to the most recent federal decennial census that withdraws from an authority consisting of one subregion governed by a subregional board created under

Subchapter N, title to all real estate in the unit of election owned or partially owned by the authority, including improvements made by the authority, except a right-of-way or an improvement to a right-of-way, shall immediately vest in the authority, and the authority may continue to use the real estate and improvements in the withdrawn unit of election as may be determined by the authority to be necessary:

(1) for the continuation of service to other units of election;

(2) to satisfy the authority's remaining federal grant obligation for the real estate and improvements; or

(3) for the operation of a public transportation system as provided by Section 452.056(a).

(f) An authority is responsible for all operation and maintenance costs of the property and improvements located in the withdrawn unit of election that are owned or partially owned by the authority as described by Subsection (e).

SECTION 11. Section 452.659, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e) Notwithstanding any other provision of this chapter, in determining the total financial obligation of a withdrawn unit of election to an authority consisting of one subregion governed by a subregional board created under Subchapter N, Subsection (a)(2) does not apply, and the amounts calculated under Subsection (a)(1) do not include any financial, contractual, or other obligations incurred by the authority between the date that an election to withdraw is ordered and the date of the canvass of the election. The executive committee shall determine the total financial obligation of the withdrawn unit of election not later than the 180th day after the date the election is called. This subsection:

(1) applies to an election to withdraw that is ordered before, on, or after September 1, 2015; and

(2) expires August 31, 2016.

SECTION 12. Section 452.710(b), Transportation Code, is amended to read as follows:

(b) The interim subregional board of a subregion that has no principal municipality with a population of more than 1.1 million according to the most recent federal decennial census [800,000] is composed of 11 [nine] members appointed as provided by Section 452.562(b).

SECTION 13. Section 452.712(d), Transportation Code, is amended to read as follows:

(d) In a subregion that has no principal municipality with a population of more than 1.1 million according to the most recent federal decennial census [800,000], the tax rate must be approved by the commissioners court before the confirmation election.

SECTION 14. This Act takes effect September 1, 2015.

HB 1094 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Geren called up with senate amendments for consideration at this time,

HB 1094, A bill to be entitled An Act relating to certain death benefits for survivors of certain law enforcement officers, firefighters, and others killed in the line of duty.

Representative Geren moved to concur in the senate amendments to **HB 1094**.

The motion to concur in the senate amendments to **HB 1094** prevailed by (Record 1624): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; King, T.; McClendon.

Senate Committee Substitute

CSHB 1094, A bill to be entitled An Act relating to workers' compensation death benefit eligibility for certain spouses of first responders killed in the line of duty.

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

SECTION 1. Section 408.183, Labor Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Notwithstanding Subsection (b), an eligible spouse who remarried is eligible for death benefits for life if the employee was a first responder, as defined by Section 504.055, who suffered death in the course and scope of employment or while providing services as a volunteer.

SECTION 2. The change in law made by this Act to Section 408.183, Labor Code, applies only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after the effective date of this Act. A claim

based on a compensable injury that occurs before that date is governed by the law as it existed on the date the compensable injury occurred, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

**HB 885 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Paddie called up with senate amendments for consideration at this time,

HB 885, A bill to be entitled An Act relating to county bail bond boards.

Representative Paddie moved to concur in the senate amendments to **HB 885**.

The motion to concur in the senate amendments to **HB 885** prevailed by (Record 1625): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; Schaefer.

Senate Committee Substitute

CSHB 885, A bill to be entitled An Act relating to certain county bail bond boards.

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

SECTION 1. Section 1704.055(c), Occupations Code, is amended to read as follows:

(c) A board in a county with a population of less than 150,000 [~~50,000~~] shall meet:

_

(1) at least four times each year during the months of January, April, July, and October at the call of the presiding officer; and

(2) at other times at the call of the presiding officer.

SECTION 2. Section 1704.162, Occupations Code, is amended by adding Subsection (h) to read as follows:

(h) Notwithstanding the expiration date of a license issued under this chapter, if a board to which Section 1704.055(c) applies tables a license holder's application for renewal or otherwise does not take action to approve or deny the application, the applicant's current license continues in effect until the next meeting of the board.

SECTION 3. Section 1704.162(h), Occupations Code, as added by this Act, applies only to an application for renewal of a license filed with a county bail bond board on or after the effective date of this Act. An application filed before that date is governed by the law in effect at the time the application was filed, and the former law is continued in effect for that purpose.

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

HB 2404 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative R. Anderson called up with senate amendments for consideration at this time,

HB 2404, A bill to be entitled An Act relating to certain security devices for residential tenancies.

Representative R. Anderson moved to concur in the senate amendments to **HB 2404**.

The motion to concur in the senate amendments to **HB 2404** prevailed by (Record 1626): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Bell; Dukes.

STATEMENT OF VOTE

When Record No. 1626 was taken, my vote failed to register. I would have voted no.

Bell

Senate Committee Substitute

CSHB 2404, A bill to be entitled An Act relating to certain security devices for residential tenancies.

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

SECTION 1. Section 92.156, Property Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) Except as otherwise provided by Subsection (e), a [A] security device operated by a key, card, or combination shall be rekeyed by the landlord at the landlord's expense not later than the seventh day after each tenant turnover date.

(e) If a tenant vacates the premises in breach of a written lease, the landlord may deduct from the tenant's security deposit the reasonable cost incurred by the landlord to rekey a security device as required by this section only if the lease includes a provision that is underlined or printed in boldface type authorizing the deduction.

SECTION 2. Section 92.157(a), Property Code, is amended to read as follows:

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

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

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

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

lock; and

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

SECTION 3. Section 92.1641, Property Code, is amended to read as follows:

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

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

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

SECTION 4. The changes in law made by this Act apply only to a lease entered into or renewed on or after the effective date of this Act. A lease entered into or renewed before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2015.

HB 2280 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative VanDeaver called up with senate amendments for consideration at this time,

HB 2280, A bill to be entitled An Act relating to the creation and operations of health care provider participation programs in certain counties.

Representative VanDeaver moved to concur in the senate amendments to **HB 2280**.

The motion to concur in the senate amendments to **HB 2280** prevailed by (Record 1627): 143 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Ayccock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddock; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Stickland.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; Elkins; Geren.

STATEMENT OF VOTE

When Record No. 1627 was taken, I was in the house but away from my desk. I would have voted yes.

Geren

Senate Committee Substitute

CSHB 2280, A bill to be entitled An Act relating to the creation and operations of health care provider participation programs in certain counties.

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

SECTION 1. Subtitle D, Title 4, Health and Safety Code, is amended by adding Chapter 291 to read as follows:

CHAPTER 291. COUNTY HEALTH CARE PROVIDER PARTICIPATION
PROGRAM IN CERTAIN COUNTIES IN THE TEXAS-LOUISIANA
BORDER REGION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 291.001. DEFINITIONS. In this chapter:

(1) "Institutional health care provider" means a nonpublic hospital that provides inpatient hospital services.

(2) "Paying hospital" means an institutional health care provider required to make a mandatory payment under this chapter.

(3) "Program" means the county health care provider participation program authorized by this chapter.

Sec. 291.002. APPLICABILITY. This chapter applies only to a county that:

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

(2) is located in the Texas-Louisiana border region, as that region is defined by Section 2056.002, Government Code; and

(3) has a population of more than 50,000 but less than 65,000.

Sec. 291.003. COUNTY HEALTH CARE PROVIDER PARTICIPATION PROGRAM; PARTICIPATION IN PROGRAM. (a) A county health care provider participation program authorizes a county to collect a mandatory payment from each institutional health care provider located in the county to be deposited in a local provider participation fund established by the county. Money in the fund may be used by the county to fund certain intergovernmental transfers and indigent care programs as provided by this chapter.

(b) The commissioners court may adopt an order authorizing a county to participate in the program, subject to the limitations provided by this chapter.

SUBCHAPTER B. POWERS AND DUTIES OF COMMISSIONERS COURT

Sec. 291.051. LIMITATION ON AUTHORITY TO REQUIRE MANDATORY PAYMENT. The commissioners court of a county may require a mandatory payment authorized under this chapter by an institutional health care provider in the county only in the manner provided by this chapter.

Sec. 291.052. MAJORITY VOTE REQUIRED. The commissioners court of a county may not authorize the county to collect a mandatory payment authorized under this chapter without an affirmative vote of a majority of the members of the commissioners court.

Sec. 291.053. RULES AND PROCEDURES. After the commissioners court has voted to require a mandatory payment authorized under this chapter, the commissioners court may adopt rules relating to the administration of the mandatory payment.

Sec. 291.054. INSTITUTIONAL HEALTH CARE PROVIDER REPORTING; INSPECTION OF RECORDS. (a) The commissioners court of a county that collects a mandatory payment authorized under this chapter shall require each institutional health care provider to submit to the county a copy of any financial and utilization data required by and reported to the Department of State Health Services under Sections 311.032 and 311.033 and any rules adopted by the executive commissioner of the Health and Human Services Commission to implement those sections.

(b) The commissioners court of a county that collects a mandatory payment authorized under this chapter may inspect the records of an institutional health care provider to the extent necessary to ensure compliance with the requirements of Subsection (a).

SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

Sec. 291.101. HEARING. (a) Each year, the commissioners court of a county that collects a mandatory payment authorized under this chapter shall hold a public hearing on the amounts of any mandatory payments that the commissioners court intends to require during the year and how the revenue derived from those payments is to be spent.

(b) Not later than the 10th day before the date of the hearing required under Subsection (a), the commissioners court of the county shall publish notice of the hearing in a newspaper of general circulation in the county.

(c) A representative of a paying hospital is entitled to appear at the time and place designated in the public notice and to be heard regarding any matter related to the mandatory payments authorized under this chapter.

Sec. 291.102. DEPOSITORY. (a) The commissioners court of each county that collects a mandatory payment authorized under this chapter by resolution shall designate one or more banks located in the county as the depository for mandatory payments received by the county. A bank designated as a depository serves for two years or until a successor is designated.

(b) All income received by a county under this chapter, including the revenue from mandatory payments remaining after discounts and fees for assessing and collecting the payments are deducted, shall be deposited with the county depository in the county's local provider participation fund and may be withdrawn only as provided by this chapter.

(c) All funds under this chapter shall be secured in the manner provided for securing county funds.

Sec. 291.103. LOCAL PROVIDER PARTICIPATION FUND; AUTHORIZED USES OF MONEY. (a) Each county that collects a mandatory payment authorized under this chapter shall create a local provider participation fund.

(b) The local provider participation fund of a county consists of:

(1) all revenue received by the county attributable to mandatory payments authorized under this chapter, including any penalties and interest attributable to delinquent payments;

(2) money received from the Health and Human Services Commission as a refund of an intergovernmental transfer from the county to the state for the purpose of providing the nonfederal share of Medicaid supplemental payment program payments, provided that the intergovernmental transfer does not receive a federal matching payment; and

(3) the earnings of the fund.

(c) Money deposited to the local provider participation fund may be used only to:

(1) fund intergovernmental transfers from the county to the state to provide:

(A) the nonfederal share of a Medicaid supplemental payment program authorized under the state Medicaid plan, the Texas Healthcare Transformation and Quality Improvement Program waiver issued under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315), or a successor waiver program authorizing similar Medicaid supplemental payment programs; or

(B) payments to Medicaid managed care organizations that are dedicated for payment to hospitals;

(2) subsidize indigent programs;

(3) pay the administrative expenses of the county solely for activities under this chapter;

(4) refund a portion of a mandatory payment collected in error from a paying hospital; and

(5) refund to paying hospitals the proportionate share of money received by the county from the Health and Human Services Commission that is not used to fund the nonfederal share of Medicaid supplemental payment program payments.

(d) Money in the local provider participation fund may not be commingled with other county funds.

(e) An intergovernmental transfer of funds described by Subsection (c)(1) and any funds received by the county as a result of an intergovernmental transfer described by that subsection may not be used by the county or any other entity to expand Medicaid eligibility under the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152).

SUBCHAPTER D. MANDATORY PAYMENTS

Sec. 291.151. MANDATORY PAYMENTS BASED ON PAYING HOSPITAL NET PATIENT REVENUE. (a) Except as provided by Subsection (e), the commissioners court of a county that collects a mandatory payment authorized under this chapter may require an annual mandatory payment to be assessed on the net patient revenue of each institutional health care provider located in the county. The commissioners court may provide for the mandatory payment to be assessed quarterly. In the first year in which the mandatory payment is required, the mandatory payment is assessed on the net patient revenue of an institutional health care provider as determined by the data reported to the Department of State Health Services under Sections 311.032

and 311.033 in the fiscal year ending in 2013 or, if the institutional health care provider did not report any data under those sections in that fiscal year, as determined by the institutional health care provider's Medicare cost report submitted for the 2013 fiscal year or for the closest subsequent fiscal year for which the provider submitted the Medicare cost report. The county shall update the amount of the mandatory payment on an annual basis.

(b) The amount of a mandatory payment authorized under this chapter must be uniformly proportionate with the amount of net patient revenue generated by each paying hospital in the county. A mandatory payment authorized under this chapter may not hold harmless any institutional health care provider, as required under 42 U.S.C. Section 1396b(w).

(c) The commissioners court of a county that collects a mandatory payment authorized under this chapter shall set the amount of the mandatory payment. The amount of the mandatory payment required of each paying hospital may not exceed an amount that, when added to the amount of the mandatory payments required from all other paying hospitals in the county, equals an amount of revenue that exceeds six percent of the aggregate net patient revenue of all paying hospitals in the county.

(d) Subject to the maximum amount prescribed by Subsection (c), the commissioners court of a county that collects a mandatory payment authorized under this chapter shall set the mandatory payments in amounts that in the aggregate will generate sufficient revenue to cover the administrative expenses of the county for activities under this chapter, to fund an intergovernmental transfer described by Section 291.103(c)(1), and to pay for indigent programs, except that the amount of revenue from mandatory payments used for administrative expenses of the county for activities under this chapter in a year may not exceed the lesser of four percent of the total revenue generated from the mandatory payment or \$20,000.

(e) A paying hospital may not add a mandatory payment required under this section as a surcharge to a patient.

Sec. 291.152. ASSESSMENT AND COLLECTION OF MANDATORY PAYMENTS. (a) Except as provided by Subsection (b), the county tax assessor-collector shall collect the mandatory payment authorized under this chapter. The county tax assessor-collector shall charge and deduct from mandatory payments collected for the county a fee for collecting the mandatory payment in an amount determined by the commissioners court of the county, not to exceed the county tax assessor-collector's usual and customary charges.

(b) If determined by the commissioners court to be appropriate, the commissioners court may contract for the assessment and collection of mandatory payments in the manner provided by Title 1, Tax Code, for the assessment and collection of ad valorem taxes.

(c) Revenue from a fee charged by a county tax assessor-collector for collecting the mandatory payment shall be deposited in the county general fund and, if appropriate, shall be reported as fees of the county tax assessor-collector.

Sec. 291.153. INTEREST, PENALTIES, AND DISCOUNTS. Interest, penalties, and discounts on mandatory payments required under this chapter are governed by the law applicable to county ad valorem taxes.

Sec. 291.154. PURPOSE; CORRECTION OF INVALID PROVISION OR PROCEDURE. (a) The purpose of this chapter is to generate revenue by collecting from institutional health care providers a mandatory payment to be used to provide the nonfederal share of a Medicaid supplemental payment program.

(b) To the extent any provision or procedure under this chapter causes a mandatory payment authorized under this chapter to be ineligible for federal matching funds, the county may provide by rule for an alternative provision or procedure that conforms to the requirements of the federal Centers for Medicare and Medicaid Services.

SECTION 2. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

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

HB 1832 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Pickett called up with senate amendments for consideration at this time,

HB 1832, A bill to be entitled An Act relating to the requirements for and confidentiality of state agency continuity of operations plans.

Representative Pickett moved to concur in the senate amendments to **HB 1832**.

The motion to concur in the senate amendments to **HB 1832** prevailed by (Record 1628): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, G.; Burkett; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips;

Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Bonnen, D.; Burns; Dukes.

STATEMENT OF VOTE

When Record No. 1628 was taken, my vote failed to register. I would have voted yes.

Burns

Senate Committee Substitute

CSHB 1832, A bill to be entitled An Act relating to the requirements for and confidentiality of state agency continuity of operations plans.

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

SECTION 1. Sections 412.011(f) and (g), Labor Code, are amended to read as follows:

(f) The office shall work with each state agency to develop an agency-level ~~[business]~~ continuity of operations plan under Section 412.054.

(g) The office shall make available to each agency subject to Section 412.054 guidelines and models for each element listed in Section 412.054. The office shall assist the agency as necessary to ensure that:

(1) agency staff understands each element of the ~~[business]~~ continuity of operations plan developed under Section 412.054; and

(2) each agency provides training and conducts testing and exercises that prepare the agency for implementing ~~[practices implementation of]~~ the plan.

SECTION 2. Section 412.0128, Labor Code, is amended to read as follows:

Sec. 412.0128. CONFIDENTIALITY OF INFORMATION. (a) Information in or derived from a workers' compensation claim file regarding an employee, and information in or derived from a risk management review related to facility security or continuity of operations ~~[of the Texas military forces]~~, is confidential and is exempt from disclosure under Chapter 552, Government Code, and may not be disclosed by the office except as provided by Subsection (b), other provisions of this subchapter, or other law. Classified or sensitive information ~~[of the Texas military forces]~~ specifically preempted from disclosure by federal law retains the confidentiality protection provided by this section for all purposes, including disclosure to the office.

(b) Forms, standards, and other instructional, informational, or planning materials adopted by the office to provide guidance or assistance to a state agency in developing a continuity of operations plan under Section 412.054 are public information subject to disclosure under Chapter 552, Government Code.

SECTION 3. Section 412.032, Labor Code, is amended to read as follows:

Sec. 412.032. BOARD'S REPORT TO LEGISLATURE. (a) Based on the recommendations of the director, the board shall report to each legislature relating to:

- (1) methods to reduce the exposure of state agencies to the risks of property and liability losses, including workers' compensation losses;
- (2) the operation, financing, and management of those risks;
- (3) the handling of claims brought against the state;
- (4) return-to-work outcomes under Section 412.0126 for each state agency; and
- (5) the ~~[business]~~ continuity of operations plan developed by state agencies under Section 412.054.

(b) The report must include:

- (1) the frequency, severity, and aggregate amount of open and closed claims in the preceding biennium by category of risk, including final judgments;
- (2) the identification of each state agency that has not complied with the risk management guidelines and reporting requirements of this chapter;
- (3) recommendations for the coordination and administration of a comprehensive risk management program to serve all state agencies, including recommendations for any necessary statutory changes;
- (4) a report of outcomes by state agency of lost time due to employee injury and return-to-work programs based on the information collected and analyzed by the office in Section 412.0126; and
- (5) an evaluation of ~~[business]~~ continuity of operations plans developed by state agencies under Section 412.054 for completeness and viability.

SECTION 4. Section 412.054, Labor Code, is amended to read as follows:

Sec. 412.054. ~~[BUSINESS]~~ CONTINUITY OF OPERATIONS PLAN. (a) Each state agency shall work with the office to develop an agency-level ~~[business]~~ continuity of operations plan that outlines procedures to keep the agency operational in case of disruptions to production, finance, administration, or other essential operations. The plan must include detailed information regarding resumption of essential services after a catastrophe, including:

- (1) coordination with public authorities;
- (2) management of media;
- (3) customer service delivery;
- (4) assessing immediate financial and operational needs; and
- (5) other services as determined by the office.

(b) A ~~[business]~~ continuity of operations plan that meets ~~[is considered to meet]~~ the requirements of this section must be submitted by each state ~~[if the agency forwards the plan to the office for review and the]~~ agency that is:

- (1) involved in the delivery of emergency services as a member of the governor's Emergency Management Council; ~~[or]~~
- (2) part of the State Data Center program; or
- (3) subject to this chapter or Chapter 501.

(c) Except as otherwise provided by this section, the following information is confidential and is exempt from disclosure under Chapter 552, Government Code:

(1) a continuity of operations plan developed under this section; and
(2) any records written, produced, collected, assembled, or maintained as part of the development or review of a continuity of operations plan under this section.

(d) Forms, standards, and other instructional, informational, or planning materials adopted by the office to provide guidance or assistance to a state agency in developing a continuity of operations plan under this section are public information subject to disclosure under Chapter 552, Government Code.

(e) A state agency may disclose or make available information that is confidential under this section to another state agency, a governmental body, or a federal agency.

(f) Disclosing information to another state agency, a governmental body, or a federal agency under this section does not waive or affect the confidentiality of that information.

SECTION 5. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.156 to read as follows:

Sec. 552.156. EXCEPTION: CONFIDENTIALITY OF CONTINUITY OF OPERATIONS PLAN. (a) Except as otherwise provided by this section, the following information is excepted from disclosure under this chapter:

(1) a continuity of operations plan developed under Section 412.054, Labor Code; and

(2) all records written, produced, collected, assembled, or maintained as part of the development or review of a continuity of operations plan developed under Section 412.054, Labor Code.

(b) Forms, standards, and other instructional, informational, or planning materials adopted by the office to provide guidance or assistance to a state agency in developing a continuity of operations plan under Section 412.054, Labor Code, are public information subject to disclosure under this chapter.

(c) A governmental body may disclose or make available information that is confidential under this section to another governmental body or a federal agency.

(d) Disclosing information to another governmental body or a federal agency under this section does not waive or affect the confidentiality of that information.

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.

HB 1363 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Johnson called up with senate amendments for consideration at this time,

HB 1363, A bill to be entitled An Act relating to the prosecution of and punishment for the offense of prostitution; creating a criminal offense.

Representative Johnson moved to concur in the senate amendments to **HB 1363**.

The motion to concur in the senate amendments to **HB 1363** prevailed by (Record 1629): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; Pickett.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1363** (senate committee report) in SECTION 6 of the bill, by striking amended Section 43.02(c), Penal Code (page 3, lines 8 through 15), and substituting the following:

(c) An offense under Subsection (a) [~~this section~~] is a Class B misdemeanor, except that the offense is:

(1) a Class A misdemeanor if the actor has previously been convicted three, four, or five [~~one or two~~] times of an offense under Subsection (a) [~~this section~~]; or

(2) a state jail felony if the actor has previously been convicted six [~~three~~] or more times of an offense under Subsection (a).

HB 1887 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Muñoz called up with senate amendments for consideration at this time,

HB 1887, A bill to be entitled An Act relating to the establishment of a regional center for public safety excellence in the Rio Grande Valley.

Representative Muñoz moved to concur in the senate amendments to **HB 1887**.

The motion to concur in the senate amendments to **HB 1887** prevailed by (Record 1630): 136 Yeas, 8 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycocock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farney; Farrar; Fletcher; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zerwas.

Nays — Faircloth; Keough; Phillips; Rinaldi; Schaefer; Tinderholt; Turner, E.S.; Zedler.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; Elkins; Flynn.

STATEMENT OF VOTE

When Record No. 1630 was taken, I was in the house but away from my desk. I would have voted no.

Flynn

Senate Committee Substitute

CSHB 1887, A bill to be entitled An Act relating to the establishment of a regional center for public safety excellence in the Rio Grande Valley.

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

SECTION 1. Subchapter F, Chapter 130, Education Code, is amended by adding Section 130.093 to read as follows:

Sec. 130.093. REGIONAL CENTER FOR PUBLIC SAFETY EXCELLENCE. (a) In this section:

(1) "Commission" means the Texas Commission on Law Enforcement ("TCOLE").

(2) "Regional center" means the regional center for public safety excellence established under this section.

(b) The regional center for public safety excellence is established to develop and provide education and training for law enforcement personnel in the Rio Grande Valley, including:

(1) education and training leading toward an associate of applied science degree or certificate or another public safety or law enforcement-related associate degree or certificate;

(2) TCOLE officer certification; and

(3) a continuing education certification.

(c) South Texas College shall administer the regional center in partnership with political subdivisions and participating school districts in the Rio Grande Valley. The headquarters of the regional center are located at South Texas College in Pharr, Texas. The regional center may use property and facilities at other locations in Hidalgo and Starr Counties.

(d) In developing its training programs and courses, the regional center shall ensure that the program or course curriculum satisfies any requirements imposed by the commission under Subchapter F, Chapter 1701, Occupations Code, for the regional center to operate as a commission-approved training provider under that chapter.

(e) The regional center may solicit and accept gifts and grants from any public or private source for purposes of this section. The legislature may appropriate money for purposes of this section.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

HB 1738 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Isaac called up with senate amendments for consideration at this time,

HB 1738, A bill to be entitled An Act relating to the release of certain restrictions on the use of certain highway rights-of-way transferred to a municipality from the Texas Department of Transportation.

Representative Isaac moved to concur in the senate amendments to **HB 1738**.

The motion to concur in the senate amendments to **HB 1738** prevailed by (Record 1631): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; González; Guerra; Gutierrez; Harless; Hernandez;

Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Schaefer.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; Elkins; Gonzales; Guillen; McClendon.

Senate Committee Substitute

CSHB 1738, A bill to be entitled An Act relating to the release of certain restrictions on the use of certain highway rights-of-way transferred to a municipality from the Texas Department of Transportation.

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

SECTION 1. Section 202.021, Transportation Code, is amended by adding Subsection (e-2) to read as follows:

(e-2) A municipality that received a grant of highway right-of-way from the department on June 12, 2013, that is subject to a reservation described by Subsection (e-1) and that is described by Section 2 of the Act enacting this subsection may, with the approval of its governing body after a public hearing, enter into an agreement with the department under which:

(1) the department agrees to:

(A) recommend to the governor that an instrument releasing the reservation be executed; and

(B) if executed, record the instrument in the deed records of the county in which the right-of-way is located; and

(2) the municipality, if the instrument releasing the reservation is executed, agrees to:

(A) transfer the right-of-way to one or more landowners in exchange for real property with a value that is equal to or greater than the value of the right-of-way and that is described by Section 2 of the Act enacting this subsection;

(B) use the acquired real property for public road purposes necessary to accomplish a portion of a transportation master plan adopted by the municipality's governing body at a public meeting in February 2008; and

(C) execute and record in the deed records of the county in which the acquired real property is located a restrictive covenant that grants the real property to the state if the real property ceases to be used for public road purposes.

SECTION 2. The real property to be exchanged under Section 202.021(e-2), Transportation Code, as added by this Act, is the following tracts in Hays County:

(1) FIELD NOTE DESCRIPTION OF 1.503 ACRES OF LAND, MORE OR LESS, OUT OF THE PHILLIP A. SMITH SURVEY NO. 26, ABSTRACT NO. 415, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 8.34 ACRE TRACT OF RIGHT OF WAY CONVEYED TO THE CITY OF DRIPPING SPRINGS BY DEED RECORDED IN VOLUME 4741, PAGE 377, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 1.503 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a concrete highway monument found at a point of curvature in the north right-of-way line of U.S. Hwy 290 (station 924+80.70) and southwest line of Lot 1, R. J. Ragland Subdivision, as recorded in volume 194, page 347, Deed Records, Hays County, Texas, from which a capped 1/2 inch iron [CMA 5911] set in the curving north right-of-way line of U.S. Hwy 290 and south right-of-way line of Hays County Road No. 320, bears S 47°19'30" E, a distance of 275.02 feet, for the POINT OF BEGINNING of the herein described tract;

THENCE with the south right-of-way line of said county road and northeast line of said Lot 1, the following two (2) courses:

1) along a curve to the right, having a radius of 1,959.89 feet, an arc length of 175.39 feet, a chord bearing of N 30°31'20" W, and a chord distance of 175.33 feet to a concrete highway monument found at a point of non-tangency, and

2) N 27°44'46" W, a distance of 245.39 feet to a capped 1/2 inch iron rod [CMA 5911] set in the future south right-of-way line of Roger Hanks Parkway, for the northwest corner of the herein described tract;

THENCE over and across the right-of-way of said county road, along said future right-of-way, along a curve to the right, having a radius of 360.00 feet, an arc length of 100.37 feet, a chord bearing of N 60°41'43" E, and chord distance of 100.05 feet, to a capped 1/2 inch iron rod [RPLS 4404] found in the north right-of-way line of said county road for the northeast corner of the herein described tract;

THENCE leaving said future right-of-way, with the north right-of-way line of said county road and south line of that certain 142.00 acre tract conveyed to Draper Ranch Partnership by deed recorded in volume 936, page 868, Official Public Records, Hays County, Texas, the following two (2) courses:

1) S 27°44'46" E, a distance of 247.58 feet to a concrete monument found for a point of curvature, and

2) along a curve to the left, having a radius of 1,858.68 feet, an arc length of 757.95 feet, a chord bearing of S 39°19'38" E, and a chord distance of 752.71 feet, to a 1/2 inch capped iron rod [CMA 5911] set in the east line of said 142.00 acre tract;

THENCE leaving the north right-of-way line of said county road, with the south line of said 8.34 acre tract, the following three (3) courses:

1) N 53°18'17" W, a distance of 357.78 feet, to a capped 1/2 inch iron rod [RPLS 4404] found for an angle point in south line of the herein described tract,

2) N 44°57'46" W, a distance of 54.06 feet, to a Mag nail found for an angle point in the south line of the herein described tract, and

3) along a curve to the right, having a radius of 5,669.65 feet, an arc length of 200.79 feet, a chord bearing of N 48°50'36" W, and a chord distance of 200.78 feet to the POINT OF BEGINNING, containing 1.503 acres, more or less; and

(2) FIELD NOTE DESCRIPTION OF 11,604 SQUARE FEET ACRES OF LAND, MORE OR LESS, OUT OF THE PHILLIP A. SMITH SURVEY NO. 26, ABSTRACT NO. 415, HAYS COUNTY, TEXAS, AND BEING A PORTION OF LOT 1, R. J. RAGLAND SUBDIVISION, HAYS COUNTY, TEXAS, AS RECORDED IN VOLUME 194, PAGE 347, DEED RECORDS OF HAYS COUNTY, TEXAS, SAID 11,604 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a capped 1/2 inch iron rod [RPLS 4404] found for the northernmost corner of said Lot 1 and easternmost corner of Lot 2 of said Ragland subdivision, in the south right-of-way line of Hays County Road No. 320 (Old U.S. Hwy 290) for the POINT OF BEGINNING and northernmost corner of the herein described tract;

THENCE with said south right-of-way line, S 27°44'46" E, a distance of 88.41 feet to a capped 1/2 inch iron rod [CMA 5911] set in the future south right-of-way line of Roger Hanks Parkway for the easternmost corner of the herein described tract;

THENCE leaving the south right-of-way line of said county road, with future south right-of-way line of Roger Hanks Parkway, over and across said Lot 1, the following two (2) courses:

1) along a curve to the left, having a radius of 360.00 feet, an arc length of 53.88 feet, a chord bearing of S 48°25'13" W, and a chord distance of 53.83 feet to a capped 1/2 inch iron rod [CMA 5911] set for a point of tangency, and

2) S 44°07'58" W, a distance of 76.04 feet, to a capped 1/2 inch iron rod [CMA 5911] set in the north right-of-line of U.S. Hwy 290 (100 foot wide) for the southernmost corner of the herein described tract;

THENCE with said north right-of-way line, N 45°52'02" W, a distance of 80.00 feet, to a capped 1/2 inch iron rod [CMA 5911] set for the westernmost corner of said Lot 1, southernmost corner of said Lot 2, and westernmost corner of the herein described tract;

THENCE with the common line between said Lot 1 and said Lot 2, N 44°07'58" E, a distance of 157.22 feet to the POINT OF BEGINNING, containing 11,604 square feet more or less.

(3) FIELD NOTE DESCRIPTION OF A 1.76 ACRE TRACT OF LAND OUT OF THE P.A.SMITH SURVEY NO. 26, HAYS COUNTY, TEXAS, BEING OUT OF A CALLED 142.00 ACRE TRACT OF LAND CONVEYED TO DRAPER RANCH PARTNERSHIP IN VOLUME 936, PAGE 868, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 1.76 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING at a 1/2 inch iron rod with cap set for the northwest corner of the herein described tract, said iron rod being in the northeast corner of a called 19.21 acre tract of land conveyed to Hilltop Campus, LTD. In Volume 1780, Page 747, Official Public Records of Hays County, Texas, said iron rod being in the south line of a called 98.47 acre tract of land (remainder tract) recorded in Document No. 9926903, Official Public Records of Hays County, Texas;

THENCE N.89°11'23"E, with the south line of said 98.47 acre remainder tract and the north line of the herein described tract, a distance of 19.96 feet to a 1/2 inch iron rod with cap set for the northeast corner of the herein described tract, said iron rod being a northwest corner of a called 4.03 acre tract of land conveyed to The City of Dripping Springs, Texas in Volume 1878, Page 624, Official Public Records of Hays County, Texas;

THENCE S 01°18'22"E, with the west line of said 4.03 acre tract and the east line of said Draper Ranch Partnership remainder tract, a distance of 1010.94 feet to a 1/2 inch iron rod with cap set for the beginning of a non-tangent curve to the right;

THENCE crossing said Draper Ranch Partnership remainder tract, the following three (3) courses and distances;

1) with the arc of a non-tangent curve to the right, a distance of 396.92 feet, said curve having a radius of 440.00 feet and a chord bearing of S 54°49'12"W, a chord distance of 383.60 feet to a 1/2 inch iron rod with cap set for the end of said curve;

2) S 80°39'46"W, a distance of 223.53 feet to a 1/2 inch iron rod with cap set for the beginning of a curve to the left, and

3) with the arc of a curve to the left, a distance of 68.19 feet, said curve having a radius of 360.00 feet and a chord bearing of S 75°14'11"W, a chord distance of 68.09 feet to a 1/2 inch iron rod with cap set in the east right of way of Hays County Road No. 320 (R.O.W. varies), said iron rod being in the westerly line of said Draper Ranch Partnership remainder tract for the most southerly corner of the herein described tract, from which a concrete highway monument found bears S 26°42'54"E, a distance of 247.70 feet;

THENCE N 26°42'54"W, with the east right of way of Hays County Road No. 320, a distance of 80.43 feet to a 1/2 inch iron rod with cap set for the most westerly corner of the herein described tract and the beginning of a non-tangent curve to the right;

THENCE crossing said Draper Ranch Partnership remainder tract, the following four courses and distances;

1) with the arc of a non-tangent curve to the right, a distance of 92.48 feet, said curve having a radius of 440.00 feet and a chord bearing of N 74°38'29"E, a chord distance of 92.31 feet to a 1/2 inch iron rod with cap set for the end of said curve;

2) N 80°39'46"E, a distance of 223.53 feet to a 1/2 inch iron rod with cap set for the beginning of a curve to the left;

3) with the arc of a curve to the left, a distance of 515.03 feet, said curve having a radius of 360.00 feet and a chord bearing of N 39°40'42"E, a distance of 472.22 feet to a 1/2 inch iron rod with cap set for the end of said curve, and

4) N 01°18'22"W, a distance of 789.23 feet to the POINT OF BEGINNING, containing 1.76 acres of land.

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

HB 3523 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Klick called up with senate amendments for consideration at this time,

HB 3523, A bill to be entitled An Act relating to improving the delivery and quality of Medicaid acute care services and long-term care services and supports.

Representative Klick moved to concur in the senate amendments to **HB 3523**.

The motion to concur in the senate amendments to **HB 3523** prevailed by (Record 1632): 142 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer;

Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Wray; Wu; Zerwas.

Nays — Simpson.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; Krause; Workman; Zedler.

STATEMENT OF VOTE

When Record No. 1632 was taken, I was in the house but away from my desk. I would have voted yes.

Workman

Senate Committee Substitute

CSHB 3523, A bill to be entitled An Act relating to improving the delivery and quality of Medicaid acute care services and long-term care services and supports.

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

SECTION 1. Section 533.00251, Government Code, is amended by amending Subsection (c), as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, and amending Subsection (g) to read as follows:

(c) Subject to Section 533.0025 and notwithstanding any other law, the commission, in consultation with the advisory committee, shall provide benefits under Medicaid to recipients who reside in nursing facilities through the STAR + PLUS Medicaid managed care program. In implementing this subsection, the commission shall ensure:

(1) that the commission is responsible for setting the minimum reimbursement rate paid to a nursing facility under the managed care program[; ~~including the staff rate enhancement paid to a nursing facility that qualifies for the enhancement~~];

(2) that a nursing facility is paid not later than the 10th day after the date the facility submits a clean claim;

(3) the appropriate utilization of services consistent with criteria established by the commission;

(4) a reduction in the incidence of potentially preventable events and unnecessary institutionalizations;

(5) that a managed care organization providing services under the managed care program provides discharge planning, transitional care, and other education programs to physicians and hospitals regarding all available long-term care settings;

(6) that a managed care organization providing services under the managed care program:

(A) assists in collecting applied income from recipients; and

(B) provides payment incentives to nursing facility providers that reward reductions in preventable acute care costs and encourage transformative efforts in the delivery of nursing facility services, including efforts to promote a resident-centered care culture through facility design and services provided;

(7) the establishment of a portal that is in compliance with state and federal regulations, including standard coding requirements, through which nursing facility providers participating in the STAR + PLUS Medicaid managed care program may submit claims to any participating managed care organization;

(8) that rules and procedures relating to the certification and decertification of nursing facility beds under Medicaid are not affected; ~~and~~

(9) that a managed care organization providing services under the managed care program, to the greatest extent possible, offers nursing facility providers access to:

(A) acute care professionals; and

(B) telemedicine, when feasible and in accordance with state law, including rules adopted by the Texas Medical Board; and

(10) that the commission approves the staff rate enhancement methodology for the staff rate enhancement paid to a nursing facility that qualifies for the enhancement under the managed care program.

(g) Subsection [Subsections (e);] (d)[, (e), and (f)] and this subsection expire September 1, 2021 ~~[2019]~~.

SECTION 2. Effective September 1, 2021, Section 533.00251(c), Government Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(c) Subject to Section 533.0025 and notwithstanding any other law, the commission, in consultation with the advisory committee, shall provide benefits under Medicaid to recipients who reside in nursing facilities through the STAR + PLUS Medicaid managed care program. In implementing this subsection, the commission shall ensure:

(1) ~~[that the commission is responsible for setting the minimum reimbursement rate paid to a nursing facility under the managed care program, including the staff rate enhancement paid to a nursing facility that qualifies for the enhancement;~~

~~[(2)]~~ that a nursing facility is paid not later than the 10th day after the date the facility submits a clean claim;

(2) ~~[(3)]~~ the appropriate utilization of services consistent with criteria established by the commission;

(3) ~~[(4)]~~ a reduction in the incidence of potentially preventable events and unnecessary institutionalizations;

(4) ~~[(5)]~~ that a managed care organization providing services under the managed care program provides discharge planning, transitional care, and other education programs to physicians and hospitals regarding all available long-term care settings;

(5) ~~[(6)]~~ that a managed care organization providing services under the managed care program:

(A) assists in collecting applied income from recipients; and

(B) provides payment incentives to nursing facility providers that reward reductions in preventable acute care costs and encourage transformative efforts in the delivery of nursing facility services, including efforts to promote a resident-centered care culture through facility design and services provided;

(6) [(7)] the establishment of a portal that is in compliance with state and federal regulations, including standard coding requirements, through which nursing facility providers participating in the STAR + PLUS Medicaid managed care program may submit claims to any participating managed care organization;

(7) [(8)] that rules and procedures relating to the certification and decertification of nursing facility beds under Medicaid are not affected; ~~and~~

(8) [(9)] that a managed care organization providing services under the managed care program, to the greatest extent possible, offers nursing facility providers access to:

(A) acute care professionals; and

(B) telemedicine, when feasible and in accordance with state law, including rules adopted by the Texas Medical Board; and

(9) that the commission approves the staff rate enhancement methodology for the staff rate enhancement paid to a nursing facility that qualifies for the enhancement under the managed care program.

SECTION 3. Section 534.053, Government Code, is amended by adding Subsection (e-1) and amending Subsection (g) to read as follows:

(e-1) The advisory committee may establish work groups that meet at other times for purposes of studying and making recommendations on issues the committee considers appropriate.

(g) On January 1, 2026 ~~[2024]~~:

(1) the advisory committee is abolished; and

(2) this section expires.

SECTION 4. Section 534.054, Government Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 534.054. ANNUAL REPORT ON IMPLEMENTATION. (a) Not later than September 30 of each year, the commission, in consultation and collaboration with the advisory committee, shall prepare and submit a report to the legislature that must include ~~regarding~~:

(1) an assessment of the implementation of the system required by this chapter, including appropriate information regarding the provision of acute care services and long-term services and supports to individuals with an intellectual or developmental disability under Medicaid as described by this chapter; ~~and~~

(2) recommendations regarding implementation of and improvements to the system redesign, including recommendations regarding appropriate statutory changes to facilitate the implementation; and

(3) an assessment of the effect of the system on the following:

(A) access to long-term services and supports;

(B) the quality of acute care services and long-term services and supports;

(C) meaningful outcomes for Medicaid recipients using person-centered planning, individualized budgeting, and self-determination, including a person's inclusion in the community;

(D) the integration of service coordination of acute care services and long-term services and supports;

(E) the efficiency and use of funding;

(F) the placement of individuals in housing that is the least restrictive setting appropriate to an individual's needs;

(G) employment assistance and customized, integrated, competitive employment options; and

(H) the number and types of fair hearing and appeals processes in accordance with applicable federal law.

(b) This section expires January 1, 2026 [2024].

SECTION 5. Section 534.104, Government Code, is amended by amending Subsection (a), as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, amending Subsections (b), (c), (d), (e), and (g), and adding Subsection (h) to read as follows:

(a) The department, in consultation and collaboration with the advisory committee, shall identify private services providers or managed care organizations that are good candidates to develop a service delivery model involving a managed care strategy based on capitation and to test the model in the provision of long-term services and supports under Medicaid to individuals with an intellectual or developmental disability through a pilot program established under this subchapter.

(b) The department shall solicit managed care strategy proposals from the private services providers and managed care organizations identified under Subsection (a). In addition, the department may accept and approve a managed care strategy proposal from any qualified entity that is a private services provider or managed care organization if the proposal provides for a comprehensive array of long-term services and supports, including case management and service coordination.

(c) A managed care strategy based on capitation developed for implementation through a pilot program under this subchapter must be designed to:

- (1) increase access to long-term services and supports;
- (2) improve quality of acute care services and long-term services and supports;
- (3) promote meaningful outcomes by using person-centered planning, individualized budgeting, and self-determination, and promote community inclusion [~~and customized, integrated, competitive employment~~];
- (4) promote integrated service coordination of acute care services and long-term services and supports;
- (5) promote efficiency and the best use of funding;
- (6) promote the placement of an individual in housing that is the least restrictive setting appropriate to the individual's needs;

(7) promote employment assistance and customized, integrated, and competitive [supported] employment;

(8) provide fair hearing and appeals processes in accordance with applicable federal law; and

(9) promote sufficient flexibility to achieve the goals listed in this section through the pilot program.

(d) The department, in consultation and collaboration with the advisory committee, shall evaluate each submitted managed care strategy proposal and determine whether:

(1) the proposed strategy satisfies the requirements of this section; and

(2) the private services provider or managed care organization that submitted the proposal has a demonstrated ability to provide the long-term services and supports appropriate to the individuals who will receive services through the pilot program based on the proposed strategy, if implemented.

(e) Based on the evaluation performed under Subsection (d), the department may select as pilot program service providers one or more private services providers or managed care organizations with whom the commission will contract.

(g) The department, in consultation and collaboration with the advisory committee, shall analyze information provided by the pilot program service providers and any information collected by the department during the operation of the pilot programs for purposes of making a recommendation about a system of programs and services for implementation through future state legislation or rules.

(h) The analysis under Subsection (g) must include an assessment of the effect of the managed care strategies implemented in the pilot programs on:

(1) access to long-term services and supports;

(2) the quality of acute care services and long-term services and supports;

(3) meaningful outcomes using person-centered planning, individualized budgeting, and self-determination, including a person's inclusion in the community;

(4) the integration of service coordination of acute care services and long-term services and supports;

(5) the efficiency and use of funding;

(6) the placement of individuals in housing that is the least restrictive setting appropriate to an individual's needs;

(7) employment assistance and customized, integrated, competitive employment options; and

(8) the number and types of fair hearing and appeals processes in accordance with applicable federal law.

SECTION 6. Sections 534.106(a) and (b), Government Code, are amended to read as follows:

(a) The commission and the department shall implement any pilot programs established under this subchapter not later than September 1, 2017 [2016].

(b) A pilot program established under this subchapter ~~may~~ must operate for up to ~~[not less than]~~ 24 months. A ~~[, except that a]~~ pilot program may cease operation ~~[before the expiration of 24 months]~~ if the pilot program service provider terminates the contract with the commission before the agreed-to termination date.

SECTION 7. Section 534.108(d), Government Code, is amended to read as follows:

(d) ~~The [On or before December 1, 2016, and December 1, 2017, the]~~ commission and the department, in consultation and collaboration with the advisory committee, shall review and evaluate the progress and outcomes of each pilot program implemented under this subchapter and submit, as part of the annual report to the legislature required by Section 534.054, a report to the legislature during the operation of the pilot programs. Each report must include recommendations for program improvement and continued implementation.

SECTION 8. Section 534.110, Government Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 534.110. TRANSITION BETWEEN PROGRAMS. (a) The commission shall ensure that there is a comprehensive plan for transitioning the provision of Medicaid benefits between a Medicaid waiver program or an ICF-IID program and a pilot program under this subchapter to protect continuity of care.

(b) The transition plan shall be developed in consultation and collaboration with the advisory committee and with stakeholder input as described by Section 534.103.

SECTION 9. Section 534.151, Government Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 534.151. DELIVERY OF ACUTE CARE SERVICES FOR INDIVIDUALS WITH AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY. (a) Subject to Section 533.0025, the commission shall provide acute care Medicaid benefits to individuals with an intellectual or developmental disability through the STAR + PLUS Medicaid managed care program or the most appropriate integrated capitated managed care program delivery model and monitor the provision of those benefits.

(b) The commission and the department, in consultation and collaboration with the advisory committee, shall analyze the outcomes of providing acute care Medicaid benefits to individuals with an intellectual or developmental disability under a model specified in Subsection (a). The analysis must:

(1) include an assessment of the effects on:

(A) access to and quality of acute care services; and

(B) the number and types of fair hearing and appeals processes in accordance with applicable federal law;

(2) be incorporated into the annual report to the legislature required under Section 534.054; and

(3) include recommendations for delivery model improvements and implementation for consideration by the legislature, including recommendations for needed statutory changes.

SECTION 10. The heading to Section 534.152, Government Code, is amended to read as follows:

Sec. 534.152. DELIVERY OF CERTAIN OTHER SERVICES UNDER STAR + PLUS MEDICAID MANAGED CARE PROGRAM AND BY WAIVER PROGRAM PROVIDERS.

SECTION 11. Section 534.152, Government Code, is amended by adding Subsection (g) to read as follows:

(g) The department may contract with providers participating in the home and community-based services (HCS) waiver program, the Texas home living (TxHmL) waiver program, the community living assistance and support services (CLASS) waiver program, or the deaf-blind with multiple disabilities (DBMD) waiver program for the delivery of basic attendant and habilitation services described in Subsection (a) for individuals to which that subsection applies. The department has regulatory and oversight authority over the providers with which the department contracts for the delivery of those services.

SECTION 12. Section 534.201, Government Code, is amended by amending Subsections (b) and (e), as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, amending Subsection (d), and adding Subsection (g) to read as follows:

(b) On ~~Not later than~~ September 1, 2018 ~~[2017]~~, the commission shall transition the provision of Medicaid benefits to individuals to whom this section applies to the STAR + PLUS Medicaid managed care program delivery model or the most appropriate integrated capitated managed care program delivery model, as determined by the commission based on cost-effectiveness and the experience of the STAR + PLUS Medicaid managed care program in providing basic attendant and habilitation services and of the pilot programs established under Subchapter C, subject to Subsection (c)(1).

(d) In implementing the transition described by Subsection (b), the commission, in consultation and collaboration with the advisory committee, shall develop a process to receive and evaluate input from interested statewide stakeholders ~~[that is in addition to the input provided by the advisory committee]~~.

(e) The commission, in consultation and collaboration with the advisory committee, shall ensure that there is a comprehensive plan for transitioning the provision of Medicaid benefits under this section that protects the continuity of care provided to individuals to whom this section applies.

(g) The commission, in consultation and collaboration with the advisory committee, shall analyze the outcomes of the transition of the long-term services and supports under the Texas home living (TxHmL) Medicaid waiver program to a managed care program delivery model. The analysis must:

(1) include an assessment of the effect of the transition on:

(A) access to long-term services and supports;

(B) meaningful outcomes using person-centered planning, individualized budgeting, and self-determination, including a person's inclusion in the community;

(C) the integration of service coordination of acute care services and long-term services and supports;

(D) employment assistance and customized, integrated, competitive employment options; and

(E) the number and types of fair hearing and appeals processes in accordance with applicable federal law;

(2) be incorporated into the annual report to the legislature required under Section 534.054; and

(3) include recommendations for improvements to the transition implementation for consideration by the legislature, including recommendations for needed statutory changes.

SECTION 13. Section 534.202(b), Government Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(b) After implementing the transition required by Section 534.201, ~~on [but not later than]~~ September 1, 2021 ~~[2020]~~, the commission shall transition the provision of Medicaid benefits to individuals to whom this section applies to the STAR + PLUS Medicaid managed care program delivery model or the most appropriate integrated capitated managed care program delivery model, as determined by the commission based on cost-effectiveness and the experience of the transition of Texas home living (TxHmL) waiver program recipients to a managed care program delivery model under Section 534.201, subject to Subsections (c)(1) and (g).

SECTION 14. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 15. Except as otherwise provided by this Act:

(1) 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; and

(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

HB 4158 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Bell called up with senate amendments for consideration at this time,

HB 4158, A bill to be entitled An Act relating to the creation of the East Waller County Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

Representative Bell moved to concur in the senate amendments to **HB 4158**.

The motion to concur in the senate amendments to **HB 4158** prevailed by (Record 1633): 142 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Stickland.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Allen; Dukes; Rose; Stephenson.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

HB 2590 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Johnson called up with senate amendments for consideration at this time,

HB 2590, A bill to be entitled An Act relating to providing a remedy for fraud committed in certain real estate and stock transactions.

Representative Johnson moved to concur in the senate amendments to **HB 2590**.

The motion to concur in the senate amendments to **HB 2590** prevailed by (Record 1634): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel;

Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; Giddings; Miller, R.; Stephenson.

Senate Committee Substitute

CSHB 2590, A bill to be entitled An Act relating to providing a remedy for fraud committed in certain real estate transactions.

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

SECTION 1. Chapter 27, Business & Commerce Code, is amended by adding Section 27.015 to read as follows:

Sec. 27.015. DECEPTIVE TRADE PRACTICE; PUBLIC REMEDY. (a) In this section, "consumer protection division" has the meaning assigned by Section 17.45.

(b) A violation of Section 27.01 that relates to the transfer of title to real estate is a false, misleading, or deceptive act or practice as defined by Section 17.46(b), and any public remedy under Subchapter E, Chapter 17, is available for a violation of that section.

(c) It is the duty of city attorneys to lend the consumer protection division any reasonable assistance requested in the commencement and prosecution of actions under this section.

(d) To the same extent and in the same manner a district or county attorney may institute or prosecute an action under this section, a city attorney may institute or prosecute an action under this section.

(e) If a district, county, or city attorney brings an action under this section, 75 percent of any penalty recovered shall be deposited in the general fund of the county or municipality in which the violation occurred.

(f) This section does not apply to an action to recover damages that is subject to Chapter 27, Property Code.

SECTION 2. The changes in law made by this Act apply only to a violation of Section 27.01, Business & Commerce Code, that occurs on or after the effective date of this Act. A violation of Section 27.01, Business & Commerce

Code, that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose. For purposes of this section, a violation occurs before the effective date of this Act if any element of the violation occurs before that date.

SECTION 3. This Act takes effect September 1, 2015.

**HB 530 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Hernandez called up with senate amendments for consideration at this time,

HB 530, A bill to be entitled An Act relating to the use of proceeds from criminal asset forfeiture to provide college scholarships to children of peace officers killed in the line of duty and to an annual report regarding the total value of forfeited property in this state.

Representative Hernandez moved to concur in the senate amendments to **HB 530**.

The motion to concur in the senate amendments to **HB 530** prevailed by (Record 1635): 127 Yeas, 17 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farney; Farrar; Fletcher; Frank; Frullo; Galindo; Geren; Giddings; Goldman; González; Guerra; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zerwas.

Nays — Bell; Cyrier; Dale; Elkins; Flynn; Keough; Metcalf; Murr; Phillips; Rinaldi; Schaefer; Shaheen; Spitzer; Stickland; Tinderholt; Turner, E.S.; Zedler.

Present, not voting — Mr. Speaker; Gonzales; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; Guillen.

STATEMENTS OF VOTE

When Record No. 1635 was taken, I was shown voting present, not voting. I intended to vote no.

Gonzales

When Record No. 1635 was taken, I was shown voting no. I intended to vote yes.

Metcalf

Senate Committee Substitute

CSHB 530, A bill to be entitled An Act relating to the use of proceeds from criminal asset forfeiture to provide college scholarships to children of peace officers killed in the line of duty and to an annual report regarding the total value of forfeited property in this state.

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

SECTION 1. Article 59.06, Code of Criminal Procedure, is amended by adding Subsections (r) and (s) to read as follows:

(r) As a specific exception to Subsection (c)(2), (3), or (4), a law enforcement agency may transfer not more than 10 percent of the gross amount credited to the agency's fund to a separate special fund established in the treasury of the political subdivision or maintained by the state law enforcement agency, as applicable. The law enforcement agency shall administer the separate special fund. Interest received from the investment of money in the fund shall be credited to the fund. The agency may use money in the fund only to provide scholarships to children of peace officers who were employed by the agency or by another law enforcement agency with which the agency has overlapping geographic jurisdiction and who were killed in the line of duty. Scholarships under this subsection may be used only to pay the costs of attendance at an institution of higher education or private or independent institution of higher education, including tuition and fees and costs for housing, books, supplies, transportation, and other related personal expenses. In this subsection, "institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(s) Not later than April 30 of each year, the attorney general shall develop a report based on information submitted by law enforcement agencies and attorneys representing the state under Subsection (g) detailing the total amount of funds forfeited, or credited after the sale of forfeited property, in this state in the preceding calendar year. The attorney general shall maintain in a prominent location on the attorney general's publicly accessible Internet website a link to the most recent annual report developed under this subsection.

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

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HB 1585 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Paul called up with senate amendments for consideration at this time,

HB 1585, A bill to be entitled An Act relating to the use of hotel occupancy tax revenue in certain municipalities.

Representative Paul moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1585**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1585**: Paul, chair; Faircloth, Metcalf, Romero, and Keough.

HB 3175 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Isaac called up with senate amendments for consideration at this time,

HB 3175, A bill to be entitled An Act relating to the creation and operations of health care provider participation programs in certain counties.

Representative Isaac moved to concur in the senate amendments to **HB 3175**.

The motion to concur in the senate amendments to **HB 3175** prevailed by (Record 1636): 137 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Ashby; Aycok; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zerwas.

Nays — Anchia; Phillips; Rinaldi; Stickland; Tinderholt; Zedler.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Cook; Dukes; Raymond; Villalba.

STATEMENTS OF VOTE

When Record No. 1636 was taken, I was shown voting yes. I intended to vote no.

Bell

When Record No. 1636 was taken, my vote failed to register. I would have voted yes.

Cook

When Record No. 1636 was taken, I was shown voting yes. I intended to vote no.

E. S. Turner

When Record No. 1636 was taken, I was in the house but away from my desk. I would have voted yes.

Villalba

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

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

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

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

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

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

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

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

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

**HB 1888 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Isaac called up with senate amendments for consideration at this time,

HB 1888, A bill to be entitled An Act relating to punishment for the offense of driving a commercial motor vehicle without a commercial driver's license; increasing a penalty.

Representative Isaac moved to concur in the senate amendments to **HB 1888**.

The motion to concur in the senate amendments to **HB 1888** prevailed by (Record 1637): 136 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Craddick; Crownover; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Howard; Huberty; Hunter; Isaac; Israel; Johnson; Kacal; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cook; Cyrier; Harless; Phillips; Rinaldi; Simpson; White, J.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; Hughes; Keffer; Murphy.

STATEMENTS OF VOTE

When Record No. 1637 was taken, I was shown voting no. I intended to vote yes.

Cyrier

When Record No. 1637 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

When Record No. 1637 was taken, I was shown voting no. I intended to vote yes.

Rinaldi

When Record No. 1637 was taken, I was shown voting yes. I intended to vote no.

M. White

Senate Committee Substitute

CSHB 1888, A bill to be entitled An Act relating to punishment for the offense of driving a commercial motor vehicle without a commercial driver's license; increasing a penalty.

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

SECTION 1. Section 522.011(c), Transportation Code, is amended to read as follows:

(c) An offense under this section is a [~~Class C~~] misdemeanor punishable by a fine not to exceed \$500, except that the offense is a misdemeanor punishable by a fine not to exceed \$1,000 if it is shown on the trial of the offense that the defendant was convicted of an offense under this section in the year preceding the date of the offense that is the subject of the trial.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2015.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 1888** (senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, lines 26 and 27), strike "Section 522.011(c), Transportation Code, is amended" and substitute "Section 522.011, Transportation Code, is amended by amending Subsections (a) and (c) and adding Subsections (e) and (f)".

(2) In SECTION 1 of the bill, amending Section 522.011, Transportation Code (page 1, between lines 27 and 28), insert the following:

(a) A person may not drive a commercial motor vehicle unless:

(1) the person:

(A) has in the person's immediate possession a commercial driver's license issued by the department appropriate for the class of vehicle being driven; and

(B) is not disqualified or subject to an out-of-service order;

(2) the person:

(A) has in the person's immediate possession a commercial [~~driver~~] learner's permit and driver's license issued by the department; and

(B) is accompanied by the holder of a commercial driver's license issued by the department with any necessary endorsements appropriate for the class of vehicle being driven, and the license holder:

(i) for the purpose of giving instruction in driving the vehicle, at all times occupies a seat beside the permit holder or, in the case of a passenger vehicle, directly behind the driver in a location that allows for direct observation and supervision of the permit holder [~~for the purpose of giving instruction in driving the vehicle~~]; and

(ii) is not disqualified or subject to an out-of-service order; or

(3) the person is authorized to drive the vehicle under Section 522.015.

(3) In SECTION 1 of the bill, amending Section 522.011, Transportation Code (page 1, between lines 33 and 34), insert the following:

(e) It is a defense to prosecution for a violation of Subsection (a)(2)(A) if the person charged produces in court a commercial learner's permit or driver's license, as appropriate, that:

(1) was issued to the person; and

(2) was valid when the offense was committed.

(f) The court may assess a defendant an administrative fee not to exceed \$10 if a charge under this section is dismissed because of the defense listed under Subsection (e).

(4) Strike SECTIONS 2 and 3 of the bill (page 1, lines 34-42).

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

SECTION _____. Section 502.047(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Chapter 548, the ~~[The]~~ department and the Department of Public Safety shall ensure compliance with the motor vehicle inspection requirements under Chapter 548, including compliance with the motor vehicle emissions inspection and maintenance program under Subchapter F of that chapter, through a vehicle registration-based enforcement system.

SECTION _____. Section 522.003, Transportation Code, is amended by amending Subdivisions (4), (12), (22), and (23), and adding Subdivisions (22-a) and (23-a) to read as follows:

(4) "Commercial ~~[driver]~~ learner's permit" means a permit ~~[commercial driver's license]~~ that restricts the holder to driving a commercial motor vehicle as provided by Section 522.011(a)(2)(B).

(12) "Driver's license" has the meaning assigned by Section 521.001, except the term does not include a commercial learner's permit unless otherwise provided by this chapter.

(22) "Non-domiciled ~~[Nonresident]~~ commercial driver's license" means a commercial driver's license issued by a state to an individual who is domiciled ~~[resides]~~ in a foreign jurisdiction.

(22-a) "Non-domiciled commercial learner's permit" means a commercial learner's permit issued by a state to an individual who is domiciled in a foreign jurisdiction.

(23) "Out-of-service order" means:

(A) a temporary prohibition against driving a commercial motor vehicle issued under Section 522.101, the law of another state, ~~[or]~~ 49 C.F.R. Section 383.5, 386.72, 392.5, 392.9a, 395.13, or 396.9, a law compatible with those federal regulations, or the North American Standard Out-of-Service Criteria; or

(B) a declaration by the Federal Motor Carrier Safety Administration or an authorized enforcement officer of a state or local jurisdiction that a driver, commercial motor vehicle, or motor carrier operation is out of

service under 49 C.F.R. Section 383.5, 386.72, 392.5, 392.9a, 395.13, or 396.9, a law compatible with those federal regulations, or the North American Standard Out-of-Service Criteria.

(23-a) "Person" includes the United States, a state, or a political subdivision of a state.

SECTION _____. Section 522.013, Transportation Code, is amended to read as follows:

Sec. 522.013. NON-DOMICILED ~~[NONRESIDENT]~~ LICENSE OR PERMIT. (a) The department may issue a non-domiciled ~~[nonresident]~~ commercial driver's license or commercial learner's permit to a person domiciled in ~~[resident of]~~ a foreign jurisdiction if the secretary has determined that the commercial motor vehicle testing and licensing standards in the foreign jurisdiction do not meet the testing standards established by 49 C.F.R. Part 383.

(b) An applicant for a non-domiciled ~~[nonresident]~~ commercial driver's license must surrender any non-domiciled ~~[nonresident]~~ commercial driver's license issued by another state.

(c) Before issuing a non-domiciled ~~[nonresident]~~ commercial driver's license, the department must establish the practical capability of disqualifying the person under the conditions applicable to a commercial driver's license issued to a resident of this state. Before issuing a non-domiciled commercial learner's permit, the department must establish the practical capability of disqualifying the person under the conditions applicable to a commercial learner's permit issued to a resident of this state.

(d) "Non-domiciled" ~~["Nonresident"]~~ must appear on the face of a license or permit issued under this section.

(e) The department may issue a temporary non-domiciled ~~[nonresident]~~ commercial driver's license to a person who does not present a social security card as required by Section 522.021(a-1)(1) but who otherwise meets the requirements for a non-domiciled ~~[nonresident]~~ commercial driver's license, including the requirement that the commercial motor vehicle testing and licensing standards of the country of which the applicant is domiciled ~~[a resident]~~ not meet the testing and licensing standards established by 49 C.F.R. Part 383. A license issued under this subsection:

(1) expires on the earlier of:

(A) the 60th day after the date the license is issued; or

(B) ~~[the expiration date of the visa presented under Section 522.021(a-1)(2)(B)]; or~~

~~[(C)]~~ the expiration date of any ~~[the]~~ Form I-94 Arrival/Departure record, or a successor document, presented under Section 522.021(a-1) ~~[522.021(a-1)(2)(C)]~~; and

(2) may not be renewed.

(f) The department may not issue more than one temporary non-domiciled ~~[nonresident]~~ commercial driver's license to a person.

SECTION _____. Section 522.014, Transportation Code, is amended to read as follows:

Sec. 522.014. PERMIT. (a) The department may issue a commercial ~~[driver]~~ learner's permit to an individual who:

(1) has been issued a driver's license by the department; and
 (2) has passed the vision and written tests required for ~~[a Texas driver's license appropriate for]~~ the class of vehicle to be driven.

(b) A commercial learner's permit must be a separate document from a driver's license or a commercial driver's license.

(c) The issuance of a commercial learner's permit is required for:
 (1) the initial issuance of a commercial driver's license; or
 (2) the upgrade in classification of a commercial driver's license that requires a skills test.

(d) A commercial learner's permit holder may not take a commercial driver's license skills test before the 15th day after the date of the issuance of the permit.

SECTION _____. Section 522.015, Transportation Code, is amended to read as follows:

Sec. 522.015. LICENSE OR PERMIT ISSUED BY OTHER JURISDICTION. A person may drive a commercial motor vehicle in this state if:

(1) the person has a commercial driver's license or a commercial ~~[driver]~~ learner's permit issued by:

(A) another state in accordance with the minimum federal standards for the issuance of a commercial motor vehicle driver's license; or

(B) a foreign jurisdiction the testing and licensing standards of which the United States Department of Transportation has determined meet the requirements of the federal act;

(2) the person's license or permit is appropriate for the class of vehicle being driven;

(3) the person is not disqualified from driving a commercial motor vehicle and is not subject to an out-of-service order; ~~[and]~~

(4) the person has not had a domicile in this state for more than 30 days; and

(5) if the person has a permit, the person also has a driver's license issued by the same jurisdiction that issued the permit.

SECTION _____. Sections 522.021(a), (a-1), and (d), Transportation Code, are amended to read as follows:

(a) An application for a commercial driver's license or commercial ~~[driver]~~ learner's permit must include:

(1) the full name and current residence and mailing address of the applicant;

(2) a physical description of the applicant, including sex, height, and eye color;

(3) the applicant's date of birth;

(4) the applicant's social security number, unless the application is for a non-domiciled ~~[nonresident]~~ commercial driver's license and the applicant is domiciled in ~~[a resident of]~~ a foreign jurisdiction;

(5) certifications, including those required by 49 C.F.R. Section 383.71(a); and

(6) any other information required by the department.

(a-1) If the application is for a non-domiciled ~~[nonresident]~~ commercial driver's license and the applicant is domiciled in ~~[a resident of]~~ a foreign jurisdiction that does not meet the testing and licensing standards established by 49 C.F.R. Part 383, the applicant must present:

(1) a social security card issued to the applicant; ~~[and]~~

(2) an unexpired foreign passport issued to the applicant;

(3) either:

(A) a Form I-94 Arrival/Departure record or a successor document;

or

(B) an unexpired employment authorization document; and

(4) documentation demonstrating proof of Texas residence as provided by Section 522.0225 [each of the following:

~~[(A) a passport issued to the applicant by the country of which the applicant is a resident;~~

~~[(B) a Temporary Worker visa; and~~

~~[(C) a Form I-94 Arrival/Departure record or a successor document].~~

(d) A person who knowingly falsifies information or a certification required by Subsection (a) commits an offense and is subject to a 60-day disqualification ~~[cancellation]~~ of the person's commercial driver's license, commercial ~~[driver]~~ learner's permit, or application. An offense under this subsection is a Class C misdemeanor.

SECTION _____. Section 522.022, Transportation Code, is amended to read as follows:

Sec. 522.022. LICENSE REQUIREMENTS. The department may not issue a commercial driver's license other than a non-domiciled ~~[nonresident]~~ license to a person unless the person:

(1) has a domicile:

(A) in this state; or

(B) in another state and is a member of the United States armed forces, including a member of the National Guard or a reserve or auxiliary unit of any branch of the armed forces, whose temporary or permanent duty station is located in this state;

(2) has passed knowledge and skills tests for driving a commercial motor vehicle that comply with minimal federal standards established by 49 C.F.R. Part 383, Subparts G and H; and

(3) has satisfied the requirements imposed by the federal act, federal regulation, or state law.

SECTION _____. Section 522.023, Transportation Code, is amended by adding Subsection (j) to read as follows:

(j) The department may administer a skills test to a person who holds a commercial learner's permit issued by another state or jurisdiction.

SECTION _____. Section 522.025, Transportation Code, is amended to read as follows:

Sec. 522.025. LIMITATIONS ON ISSUANCE OF LICENSE OR PERMIT. (a) The department may not issue a commercial driver's license or commercial [~~driver~~] learner's permit to a person who is disqualified from driving a commercial motor vehicle or while the person's driver's license or driving privilege is suspended, revoked, or canceled in any state.

(b) The department may not issue a commercial driver's license to a person who has a driver's license, commercial driver's license, or commercial [~~driver~~] learner's permit issued by another state unless the person surrenders the license or permit. The department shall notify [~~return a surrendered license or permit to~~] the issuing state of the surrendered license or permit [~~for cancellation~~].

SECTION _____. Section 522.027, Transportation Code, is amended to read as follows:

Sec. 522.027. MINIMUM AGE. The department may not issue a commercial driver's license or a commercial [~~driver~~] learner's permit to a person who is younger than 18 years of age.

SECTION _____. Section 522.028, Transportation Code, is amended to read as follows:

Sec. 522.028. CHECK OF DRIVING RECORD. Before issuing a commercial driver's license or commercial learner's permit, the department shall check the applicant's driving record as required by 49 C.F.R. Section 383.73.

SECTION _____. Section 522.029, Transportation Code, is amended by amending Subsections (a), (b), (c), (h), (j), and (k) and adding Subsections (h-1) and (l) to read as follows:

(a) The fee for a commercial driver's license [~~or commercial driver learner's permit~~] issued by the department is \$60, except as provided by Subsections (f), (h), (j), and (k).

(b) The fee for a commercial driver's license [~~or commercial driver learner's permit~~] shall be reduced by \$4 for each remaining year of validity of a driver's license, other than a commercial driver's license [~~or commercial driver learner's permit~~] issued by the department to the applicant.

(c) The fee for a duplicate commercial driver's license or commercial [~~driver~~] learner's permit is \$10.

(h) The fee for a commercial driver's license [~~or commercial driver learner's permit~~] issued under Section 522.033 is \$20.

(h-1) The fee for the issuance or renewal of a commercial learner's permit is \$24.

(j) The fee for issuance or renewal of a commercial driver's license [~~or commercial driver learner's permit~~] is \$25 for a license with an expiration date established under Section 522.054.

(k) The fee for a non-domiciled [~~nonresident~~] commercial driver's license or a non-domiciled commercial learner's permit is \$120. The fee for a temporary non-domiciled [~~nonresident~~] commercial driver's license is \$20.

(l) The fee for the administration of a skills test to a person who is not domiciled in this state is \$60.

SECTION _____. Section 522.029(f), Transportation Code, as added by Chapter 1372 (**HB 1200**), Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

(f) If a commercial driver's license [~~or commercial driver learner's permit~~] includes an authorization to operate a motorcycle or moped, the fee for the driver's license [~~or permit~~] is increased by \$8.

SECTION _____. Section 522.030(a), Transportation Code, is amended to read as follows:

(a) A commercial driver's license or commercial learner's permit must:

(1) be marked:

(A) "Commercial Driver License" or "CDL" for a commercial driver's license; or

(B) "Commercial Learner's Permit" or "CLP" for a commercial learner's permit;

(2) be, to the extent practicable, tamper-proof; and

(3) include:

(A) the name and domicile [~~mailing~~] address of the person to whom it is issued;

(B) the person's [~~color~~] photograph;

(C) a physical description of the person, including sex, height, and eye color;

(D) the person's date of birth;

(E) a number or identifier the department considers appropriate;

(F) the person's signature;

(G) each class of commercial motor vehicle that the person is authorized to drive, with any endorsements or restrictions;

(H) the name of this state; and

(I) the dates between which the license is valid.

SECTION _____. Sections 522.032(a) and (b), Transportation Code, are amended to read as follows:

(a) The holder of a commercial driver's license or commercial [~~driver~~] learner's permit who changes the holder's name or mailing address must apply for a duplicate license or permit not later than the 30th day after the date of the change in the manner provided by Section 521.054.

(b) The holder of a commercial driver's license or commercial [~~driver~~] learner's permit who changes the holder's residence address shall notify the department not later than the 30th day after the date of the change.

SECTION _____. Section 522.033, Transportation Code, is amended to read as follows:

Sec. 522.033. COMMERCIAL DRIVER'S LICENSE ISSUED TO CERTAIN SEX OFFENDERS. (a) The department may issue an original or renewal commercial driver's license or commercial [~~driver~~] learner's permit to a person whose driver's license or personal identification certificate record indicates that the person is subject to the registration requirements of Chapter 62, Code of Criminal Procedure, only if the person is otherwise eligible for the commercial driver's license or commercial [~~driver~~] learner's permit and:

(1) applies in person for the issuance of a license or permit under this section; and

(2) pays a fee of:

(A) \$20 for a commercial driver's license; or

(B) \$24 for a commercial learner's permit.

(b) Notwithstanding Sections 522.013 and [Section] 522.051, a commercial driver's license [~~or commercial driver learner's permit~~] issued under this section, including a renewal, duplicate, or corrected license, expires[~~:~~

~~[(1) if the license or permit holder is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States,] on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application[~~;~~ or~~

~~[(2) if the applicant is not described by Subdivision (1), on the earlier of:~~

~~[(A) the expiration date of the applicant's authorized stay in the United States; or~~

~~[(B) the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application].~~

SECTION _____. Sections 522.034(a) and (b), Transportation Code, are amended to read as follows:

(a) An applicant for an original commercial driver's license [~~or commercial driver learner's permit~~] that includes an authorization to operate a motorcycle must furnish to the department evidence satisfactory to the department that the applicant has successfully completed a basic motorcycle operator training course approved by the department under Chapter 662.

(b) The department may not issue an original commercial driver's license [~~or commercial driver learner's permit~~] that includes an authorization to operate a motorcycle to an applicant who fails to comply with Subsection (a).

SECTION _____. Sections 522.041(a) and (e), Transportation Code, are amended to read as follows:

(a) The department may issue a Class A, Class B, or Class C commercial driver's license or commercial learner's permit.

(e) The holder of a commercial driver's license or commercial learner's permit may drive any vehicle in the class for which the license or permit is issued and lesser classes of vehicles except a motorcycle or moped. The holder may drive a motorcycle only if authorization to drive a motorcycle is shown on the commercial driver's license and the requirements for issuance of a motorcycle license have been met.

SECTION _____. Section 522.042, Transportation Code, is amended by amending Subsections (b) and (c) and adding Subsections (d), (e), and (f) to read as follows:

(b) The department may issue a commercial learner's permit with endorsements authorizing the driving of a passenger vehicle, a school bus, or a tank vehicle.

(c) An endorsement under Subsection (b) for a passenger vehicle or a school bus allows a permit holder to operate a vehicle with only the following passengers:

(1) federal or state auditors and inspectors, test examiners, or other permit holders; and

(2) the commercial driver's license holder required under Section 522.011(a)(2)(B).

(d) An endorsement under Subsection (b) for a tank vehicle allows a permit holder to operate only an empty tank vehicle that has been purged of any hazardous materials.

(e) The holder of a commercial driver's license or commercial learner's permit may not drive a vehicle that requires an endorsement unless the proper endorsement appears on the license or permit.

(f) ~~(e)~~ A person commits an offense if the person violates Subsection (c), (d), or ~~(e)~~ ~~(b)~~. An offense under this section is a Class C misdemeanor.

SECTION _____. Section 522.051, Transportation Code, is amended by amending Subsections (a), (b), (c), (d), and (f) and adding Subsection (h) to read as follows:

(a) Except as provided by Subsection (f) and Sections 522.013(e), 522.033, and 522.054, an original commercial driver's license ~~[or commercial driver learner's permit]~~ expires five years after the applicant's next birthday.

(b) Except as provided by Section 522.054, a commercial driver's license ~~[or commercial driver learner's permit]~~ issued to a person holding a Texas Class A, B, C, or M license that would expire one year or more after the date of issuance of the commercial driver's license ~~[or commercial driver learner's permit]~~ expires five years after the applicant's next birthday.

(c) Except as provided by Section 522.054, a commercial driver's license ~~[or commercial driver learner's permit]~~ issued to a person holding a Texas Class A, B, C, or M license that would expire less than one year after the date of issuance of the commercial driver's license ~~[or commercial driver learner's permit]~~ or that has been expired for less than one year expires five years after the expiration date shown on the Class A, B, C, or M license.

(d) Except as provided by Section 522.054, a commercial driver's license ~~[or commercial driver learner's permit]~~ issued to a person holding a Texas Class A, B, C, or M license that has been expired for at least one year but not more than two years expires five years after the applicant's last birthday.

(f) Except as provided by Section 522.013, a non-domiciled ~~[nonresident]~~ commercial driver's license other than a temporary non-domiciled ~~[nonresident]~~ commercial driver's license under Section 522.013(e) expires on ~~[the earlier of]~~:

(1) the earlier of:

(A) the first birthday of the license holder occurring after the fifth anniversary of the date of the application; or

(B) the expiration date of the license holder's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law [the expiration date of the visa presented under Section 522.021(a 1)(2)(B)]; or

(2) the first anniversary of the date of issuance, if there is no definitive expiration date for the applicant's authorized stay in the United States [expiration date of the Form I 94 Arrival/Departure record, or a successor document, presented under Section 522.021(a 1)(2)(C)].

(h) A commercial learner's permit expires on the earlier of:

(1) the expiration date of the driver's license or commercial driver's license; or

(2) the 181st day after the date of issuance.

SECTION _____. Section 522.052(e), Transportation Code, is amended to read as follows:

(e) A commercial [driver] learner's permit may [not] be renewed once for an additional 180 days without requiring the applicant to retake the general and endorsement knowledge tests.

SECTION _____. Section 522.054(a), Transportation Code, is amended to read as follows:

(a) Each original commercial driver's license [and commercial driver learner's permit] of a person 85 years of age or older expires on the license holder's second birthday after the date of the license application.

SECTION _____. Section 522.0541, Transportation Code, is amended to read as follows:

Sec. 522.0541. DENIAL OF RENEWAL OF COMMERCIAL DRIVER LICENSE OR LEARNER PERMIT. (a) In the manner ordered by a court in another state in connection with a matter involving the violation of a state law or local ordinance relating to motor vehicle traffic control and on receipt of the necessary information from the other state, the department may deny renewal of the commercial driver's license or commercial learner's permit issued to a person by the department for the person's:

(1) failure to appear in connection with a complaint or citation; [or]

(2) failure to pay or satisfy a judgment ordering the payment of a fine and costs; or

(3) failure to answer a citation or to pay fines, penalties, or costs related to the original violation.

(b) The information necessary under Subsection (a) may be transmitted through the commercial driver's license information system and must include:

(1) the name, date of birth, and the commercial driver's license number of the license held by the person;

(2) notice that the person failed to appear as required by law or failed to satisfy a judgment that ordered the payment of a fine and costs in the manner ordered by the court;

(3) the nature of the violation; and

(4) any other information required by the department.

(c) The department shall apply any notification received under Subsection (a) as a conviction to the person's driving record.

SECTION _____. Section 522.055, Transportation Code, is amended to read as follows:

Sec. 522.055. CLEARANCE NOTICE TO DEPARTMENT. On receipt of notice from the other state that the grounds for denial of the renewal of the commercial driver's license or commercial learner's permit based on the ~~[license]~~ holder's previous failure to appear or failure to pay a fine and costs previously reported by that state under Section 522.0541 have ceased to exist, the department shall renew the person's commercial driver's license or commercial learner's permit.

SECTION _____. Sections 522.061(a), (b), and (c), Transportation Code, are amended to read as follows:

(a) A person who holds or is required to hold a commercial driver's license or a commercial learner's permit under this chapter and who is convicted in another state of violating a state law or local ordinance relating to motor vehicle traffic control shall notify the department in the manner specified by the department not later than the seventh day after the date of conviction.

(b) A person who holds or is required to hold a commercial driver's license or commercial learner's permit under this chapter and who is convicted in this state or another state of violating a state law or local ordinance relating to motor vehicle traffic control, including a law regulating the operation of vehicles on highways, shall notify the person's employer in writing of the conviction not later than the seventh day after the date of conviction.

(c) A notification to the department or an employer must be in writing and must contain:

- (1) the driver's full name;
- (2) the driver's license or permit number;
- (3) the date of conviction;
- (4) the nature of the violation;
- (5) a notation of whether the violation was committed in a commercial motor vehicle;
- (6) the location where the offense was committed; and
- (7) the driver's signature.

SECTION _____. Section 522.062(a), Transportation Code, is amended to read as follows:

(a) If a person holds a driver's license, commercial driver's license, or commercial learner's permit issued by another state and is finally convicted of a violation of a state traffic law or local traffic ordinance that was committed in a commercial motor vehicle, the department shall notify the driver's licensing authority in the issuing state of that conviction, in the time and manner required by 49 U.S.C. Section 31311.

SECTION _____. Section 522.071(a), Transportation Code, as amended by Chapters 424 (**SB 1372**) and 499 (**SB 333**), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and amended to read as follows:

(a) A person commits an offense if the person drives a commercial motor vehicle on a highway:

(1) after the person has been denied the issuance of a license or permit, unless the person has a driver's license appropriate for the class of vehicle being driven that was subsequently issued;

(2) during a period that a disqualification of the person's driver's license, permit, or privilege is in effect;

(3) while the person's driver's license or permit is expired, if the license or permit expired during a period of disqualification;

(4) during a period that the person was subject to an order prohibiting the person from obtaining a driver's license or permit; or

(5) during a period in which the person, the person's employer, or the vehicle being operated is subject to an out-of-service order.

SECTION _____. Section 522.071(b), Transportation Code, is amended to read as follows:

(b) It is not a defense to prosecution that the person had not received notice of a disqualification imposed as a result of a conviction that results in an automatic disqualification of the person's driver's license, permit, or privilege.

SECTION _____. Sections 522.081(a), (b), (e), and (g), Transportation Code, are amended to read as follows:

(a) This subsection applies to a violation committed while operating any motor vehicle, including a commercial motor vehicle. A person who holds a commercial driver's license or commercial learner's permit is disqualified from driving a commercial motor vehicle for:

(1) 60 days if convicted of:

(A) two serious traffic violations that occur within a three-year period; or

(B) one violation of a law that regulates the operation of a motor vehicle at a railroad grade crossing; or

(2) 120 days if convicted of:

(A) three serious traffic violations arising from separate incidents occurring within a three-year period; or

(B) two violations of a law that regulates the operation of a motor vehicle at a railroad grade crossing that occur within a three-year period.

(b) Except as provided by this subsection, this [This] subsection applies to a violation committed while operating any type of motor vehicle, including a commercial motor vehicle[-except as provided by this subsection]. A person who holds a commercial driver's license or commercial learner's permit is disqualified from driving a commercial motor vehicle for one year:

(1) if convicted of three violations of a law that regulates the operation of a motor vehicle at a railroad grade crossing that occur within a three-year period;

(2) on first conviction of:

(A) driving a motor vehicle under the influence of alcohol or a controlled substance, including a violation of Section 49.04, 49.045, or 49.07, Penal Code;

(B) leaving the scene of an accident involving a motor vehicle driven by the person;

(C) using a motor vehicle in the commission of a felony, other than a felony described by Subsection (d)(2);

(D) causing the death of another person through the negligent or criminal operation of a motor vehicle; or

(E) driving a commercial motor vehicle while the person's commercial driver's license or commercial learner's permit is revoked, suspended, or canceled, or while the person is disqualified from driving a commercial motor vehicle, for an action or conduct that occurred while operating a commercial motor vehicle;

(3) for refusing to submit to a test under Chapter 724 to determine the person's alcohol concentration or the presence in the person's body of a controlled substance or drug while operating a motor vehicle in a public place; or

(4) if an analysis of the person's blood, breath, or urine under Chapter 522, 524, or 724 determines that the person:

(A) had an alcohol concentration of 0.04 or more, or that a controlled substance or drug was present in the person's body, while operating a commercial motor vehicle in a public place; or

(B) had an alcohol concentration of 0.08 or more while operating a motor vehicle, other than a commercial motor vehicle, in a public place.

(e) A person may not be issued a commercial driver's license or a commercial learner's permit and is disqualified from operating a commercial motor vehicle if, in connection with the person's operation of a commercial motor vehicle, the person commits an offense or engages in conduct that would disqualify the holder of a commercial driver's license from operating a commercial motor vehicle, or is determined to have had an alcohol concentration of 0.04 or more or to have had a controlled substance or drug present in the person's body. The period of prohibition under this subsection is equal to the appropriate period of disqualification required by Subsections (a)-(d).

(g) A person who holds a commercial driver's license or commercial learner's permit is disqualified from operating a commercial motor vehicle if the person's driving is determined to constitute an imminent hazard under 49 C.F.R. Section 383.52. The disqualification is for the disqualification period imposed under that section and shall be noted on the person's driving record.

SECTION _____. Section 522.084, Transportation Code, is amended to read as follows:

Sec. 522.084. NOTIFICATION TO OTHER JURISDICTION. After disqualifying a person who has a domicile in another state or in a foreign jurisdiction, the department shall give notice of that fact to the licensing authority of the state that issued the person's driver's license, commercial driver's license, or commercial [~~driver~~] learner's permit.

SECTION _____. Section 522.087, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) A disqualification imposed under Section 522.081(a)(1)(B) or 522.081(b)(2) or (d)(2) takes effect on the 10th day after the date the department issues the order of disqualification.

SECTION _____. Section 522.089, Transportation Code, is amended to read as follows:

Sec. 522.089. EFFECT OF SUSPENSION, REVOCATION, CANCELLATION, OR DENIAL OF LICENSE OR PERMIT UNDER OTHER LAW. (a) A suspension, revocation, cancellation, or denial of a driver's license, permit, or privilege under Chapter 521 or another law of this state disqualifies the person under this chapter.

(b) If ~~the department disqualifies a person under this chapter [disqualifies a person]~~ for a longer period than the other law, the person is disqualified for the longer period.

SECTION _____. Effective January 30, 2016, Subchapter H, Chapter 522, Transportation Code, is amended by adding Section 522.093 to read as follows:

Sec. 522.093. SELF-CERTIFICATION OF MEDICAL STATUS. The department shall remove the commercial driver's license privilege from the holder of a commercial driver's license or a commercial learner's permit if the holder:

(1) fails to provide the department a self-certification of operating status; or

(2) fails to provide and maintain with the department a current medical examiner's certificate that is required based on the self-certification.

SECTION _____. Section 522.105(a), Transportation Code, is amended to read as follows:

(a) On receipt of a report under Section 522.104, the department shall disqualify the person from driving a commercial motor vehicle under Section 522.081 beginning on the 45th day after the date the report is received unless a hearing is granted.

SECTION _____. Section 524.001(10), Transportation Code, is amended to read as follows:

(10) "Driver's license" has the meaning assigned by Section 521.001. The term includes a commercial driver's license or a commercial ~~[driver]~~ learner's permit issued under Chapter 522.

SECTION _____. Section 543.007, Transportation Code, is amended to read as follows:

Sec. 543.007. NOTICE TO APPEAR: COMMERCIAL VEHICLE OR LICENSE. A notice to appear issued to the operator of a commercial motor vehicle or holder of a commercial driver's license or commercial ~~[driver]~~ learner's permit, for the violation of a law regulating the operation of vehicles on highways, must contain the information required by department rule, to comply with Chapter 522 and the federal Commercial Motor Vehicle Safety Act of 1986 (Title 49, U.S.C. Section 2701 et seq.).

SECTION _____. Section 543.202(b), Transportation Code, is amended to read as follows:

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

- (1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;
- (2) the registration number of the vehicle involved;
- (3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;
- (4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial [~~driver~~] learner's permit;
- (5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;
- (6) whether a search of the vehicle was conducted and whether consent for the search was obtained;
- (7) the plea, the judgment, whether the individual was adjudicated under Article 45.0511, Code of Criminal Procedure, and whether bail was forfeited;
- (8) the date of conviction; and
- (9) the amount of the fine or forfeiture.

SECTION _____. Section 548.256, Transportation Code, is amended to read as follows:

Sec. 548.256. PROOF OF COMPLIANCE WITH INSPECTION REQUIREMENTS REQUIRED TO REGISTER VEHICLE. (a) Except as provided by Subsection (b) or (c), before [~~Before~~] a vehicle may be registered, the Texas Department of Motor Vehicles or the county assessor-collector registering the vehicle shall verify that the vehicle complies with [~~has passed~~] the applicable inspection requirements under this chapter and Chapter 382, Health and Safety Code [~~inspections required by this chapter~~], as indicated in the department's inspection database. If the database information is not available, the owner of the vehicle may present a vehicle inspection report issued for the vehicle.

(b) The Texas Department of Motor Vehicles or a county assessor-collector may register a vehicle that is not in compliance with the applicable inspection requirements under this chapter or Chapter 382, Health and Safety Code, if the vehicle is located in another state at the time the applicant applies for registration or registration renewal under Chapter 502 and the applicant certifies that the vehicle is located in another state and the applicant will comply with the applicable inspection requirements under this chapter, Chapter 382, Health and Safety Code, and the department's administrative rules regarding inspection requirements once the vehicle is operated in this state. The Texas Department of Motor Vehicles or the county assessor-collector shall add a notation to the Texas Department of Motor Vehicles' registration database for law enforcement to verify the inspection status of the vehicle.

(c) Subsection (a) does not apply to:

(1) a vehicle that is being registered under the International Registration Plan as authorized by Section 502.091; or

(2) a token trailer that is being registered under Section 502.255, including a token trailer that is being registered for an extended period under Section 502.0023.

SECTION _____. Subchapter I, Chapter 548, Transportation Code, is amended by adding Section 548.605 to read as follows:

Sec. 548.605. OPERATING A VEHICLE WITHOUT COMPLYING WITH INSPECTION REQUIREMENTS AS CERTIFIED; OFFENSE; DISMISSAL OF CHARGE. (a) In this section, "working day" means any day other than a Saturday, a Sunday, or a holiday on which county offices are closed.

(b) A person commits an offense if:

(1) the person operates in this state a vehicle for which a certification was provided under Section 548.256(b); and

(2) the vehicle is not in compliance with the applicable inspection requirements under this chapter, Chapter 382, Health and Safety Code, or the department's administrative rules regarding inspection requirements.

(c) A peace officer may require the owner or operator to produce a vehicle inspection report issued for the vehicle if the Texas Department of Motor Vehicles' registration database includes a notation for law enforcement to verify the inspection status of the vehicle.

(d) It is a defense to prosecution under Subsection (b) that a passing vehicle inspection report issued for the vehicle is in effect at the time of the offense.

(e) A court shall:

(1) dismiss a charge under this section if the defendant remedies the defect:

(A) not later than the 20th working day after the date of the citation or before the defendant's first court appearance date, whichever is later; and

(B) not later than the 40th working day after the applicable deadline provided by this chapter, Chapter 382, Health and Safety Code, or the department's administrative rules regarding inspection requirements; and

(2) assess an administrative fee not to exceed \$20 when the charge has been remedied under Subdivision (1).

(f) An offense under this section is a Class C misdemeanor.

SECTION _____. Article 62.060(a), Code of Criminal Procedure, is amended to read as follows:

(a) A person subject to registration under this chapter shall apply to the department in person for the issuance of, as applicable, an original or renewal driver's license under Section 521.272, Transportation Code, an original or renewal personal identification certificate under Section 521.103, Transportation Code, or an original or renewal commercial driver's license or commercial ~~driver~~ learner's permit under Section 522.033, Transportation Code, not later than the 30th day after the date:

(1) the person is released from a penal institution or is released by a court on community supervision or juvenile probation; or

(2) the department sends written notice to the person of the requirements of this article.

SECTION _____. Section 103.0213, Government Code, is amended to read as follows:

Sec. 103.0213. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: TRANSPORTATION CODE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Transportation Code if ordered by the court or otherwise required:

(1) administrative fee on dismissal of charge of driving with an expired motor vehicle registration (Sec. 502.407, Transportation Code) . . . not to exceed \$20;

(2) administrative fee on dismissal of charge of driving with an expired driver's license (Sec. 521.026, Transportation Code) . . . not to exceed \$20;

(3) administrative fee on remediation of charge of operating a vehicle without complying with inspection requirements as certified (Sec. 548.605, Transportation Code) . . . not to exceed \$20;

(4) administrative fee for failure to appear for a complaint or citation on certain offenses (Sec. 706.006, Transportation Code) . . . \$30 for each violation; and

(5) ~~(4)~~ administrative fee for failure to pay or satisfy certain judgments (Sec. 706.006, Transportation Code) . . . \$30.

SECTION _____. Section 522.029(f), Transportation Code, as added by Chapter 1156 (**SB 99**), Acts of the 75th Legislature, Regular Session, 1997, is repealed.

SECTION _____. (a) The changes in law made by this Act to Sections 522.011, 522.042, and 522.071, Transportation Code, apply only to an offense that is committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b) The change in law made by this Act to Section 522.021, Transportation Code, applies only to an application for a license that is filed on or after the effective date of this Act.

(c) The changes in law made by this Act to Sections 522.029, 522.033, and 522.051, Transportation Code, apply only to a license or permit that is issued or renewed on or after the effective date of this Act.

SECTION _____. Except as otherwise provided by this Act, this Act takes effect January 1, 2016.

(6) Renumber the SECTIONS of the bill accordingly.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 1888** (senate committee printing) by inserting the following appropriately numbered SECTIONS and renumbering subsequent sections appropriately:

SECTION _____. Section 521.059(a), Transportation Code, is amended to read as follows:

(a) The department shall establish an image verification system based on the following identifiers collected by the department under Section 521.142(b):

(1) an applicant's facial image; and

(2) an applicant's thumbprints or, if thumbprints cannot be taken, the index fingerprints of the applicant.

SECTION _____. Not later than December 31, 2015, the Texas Department of Public Safety shall delete or redact from its records any fingerprint collected from an applicant for a driver's license or personal identification certificate in a manner that does not comply with Section 521.142(b)(1), Transportation Code.

HB 3576 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

Representative Alvarado called up with senate amendments for consideration at this time,

HB 3576, A bill to be entitled An Act relating to restrictions on the use, transfer, and sale of housing developments that have received certain financial assistance administered by the Texas Department of Housing and Community Affairs.

Representative Alvarado moved to concur in the senate amendments to **HB 3576**.

The motion to concur in the senate amendments to **HB 3576** prevailed by (Record 1638): 120 Yeas, 23 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Crownover; Cyrier; Dale; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farney; Farrar; Fletcher; Frank; Frullo; Galindo; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Paul; Peña; Phelan; Pickett; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, M.; Workman; Wray; Wu; Zerwas.

Nays — Aycock; Burrows; Cook; Craddick; Darby; Flynn; Geren; Hughes; Larson; Murr; Paddie; Parker; Phillips; Price; Rinaldi; Schaefer; Shaheen; Simpson; Stickland; Tinderholt; Turner, E.S.; White, J.; Zedler.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; Farias; Moody; Otto.

STATEMENTS OF VOTE

When Record No. 1638 was taken, I was shown voting yes. I intended to vote no.

Button

When Record No. 1638 was taken, I was shown voting no. I intended to vote yes.

Darby

When Record No. 1638 was taken, I was shown voting yes. I intended to vote no.

D. Miller

When Record No. 1638 was taken, I was shown voting yes. I intended to vote present, not voting.

Workman

Senate Committee Substitute

CSHB 3576, A bill to be entitled An Act relating to restrictions on the use, transfer, and sale of housing developments that have received certain financial assistance administered by the Texas Department of Housing and Community Affairs.

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

SECTION 1. Section 2306.185, Government Code, is amended by adding Subsection (d-1) and amending Subsection (e) to read as follows:

(d-1) The department shall adopt rules that provide for the amendment of a land use restriction agreement. Rules adopted under this subsection must require reasonable notice to tenants, a public hearing, and board approval for any material amendment to a land use restriction agreement.

(e) Subsections (c), ~~and~~ (d), and (d-1) and Section 2306.269 apply only to multifamily rental housing developments to which the department is providing one or more of the following forms of assistance:

(1) a loan or grant in an amount greater than 33 percent of the market value of the development on the date the recipient completed the construction of the development;

(2) a loan guarantee for a loan in an amount greater than 33 percent of the market value of the development on the date the recipient took legal title to the development; or

(3) a low income housing tax credit.

SECTION 2. Section 2306.6713, Government Code, is amended by adding Subsection (g) to read as follows:

(g) The transfer of ownership of a development supported with an allocation of housing tax credits under this section does not subject the development to a right of first refusal under Section 2306.6726 if the transfer is made to a newly formed entity:

(1) that is under common control with the development owner; and

(2) the primary purpose of the formation of which is to facilitate the financing of the rehabilitation of the development using assistance administered through a state financing program.

SECTION 3. Section 2306.6720, Government Code, is amended to read as follows:

Sec. 2306.6720. ENFORCEABILITY OF APPLICANT REPRESENTATIONS. Each material representation made by an applicant to secure a housing tax credit allocation is enforceable by the department and the tenants of the development supported with the allocation. Subject to modification and enforcement as provided by this chapter, a land use restriction agreement that is recorded with respect to a development is considered to state the development owner's ongoing obligations with regard to the matters addressed in the agreement.

SECTION 4. Section 2306.6725(b), Government Code, is amended to read as follows:

(b) The department shall provide appropriate incentives as determined through the qualified allocation plan to reward applicants who agree to:

(1) equip the development [~~property~~] that is the basis of the application with energy saving devices that meet the standards established by the state energy conservation office or ~~to~~ provide to a qualified entity, in a land use restriction agreement in accordance with Section 2306.6726, [~~nonprofit organization or tenant organization~~] a right of first refusal to purchase the development [~~property~~] at the minimum price provided in, and in accordance with the requirements of, Section 42(i)(7), Internal Revenue Code of 1986 (26 U.S.C. Section 42(i)(7)); and

(2) locate the development in a census tract in which there are no other existing developments supported by housing tax credits.

SECTION 5. Section 2306.6726, Government Code, is amended to read as follows:

Sec. 2306.6726. SALE OF CERTAIN LOW INCOME HOUSING TAX CREDIT DEVELOPMENTS [~~PROPERTY~~]. (a) An owner of a development subject to [~~Not later than two years before the expiration of the compliance period, a recipient of a low income housing tax credit who agreed to provide~~] a right of first refusal under Section 2306.6725 [~~and~~] who intends to sell the development at any time after the expiration of the compliance period [~~property~~] shall notify the department and the tenants of the development of the owner's [~~recipient's~~] intent to sell and, if applicable, shall specifically identify to the department any qualified entity that is the owner's intended recipient of the right of first refusal in the land use restriction agreement.

(a-1) As soon as practicable after receiving notice under Subsection (a), the department [~~The recipient~~] shall:

(1) provide to any qualified entity specifically identified under Subsection (a) notice regarding the owner's intent to sell the development; and

(2) post on the department's Internet website the notice described by Subdivision (1) [~~notify qualified nonprofit organizations and tenant organizations of the opportunity to purchase the property~~].

(b) The owner of a development subject to a right of first refusal under Section 2306.6725 ~~recipient~~ may:

(1) during the first 60-day ~~six-month~~ period after notice is provided under Subsection (a-1) ~~notifying the department~~, negotiate or enter into a purchase agreement only with a qualified entity ~~nonprofit organization~~ that is:

(A) ~~also~~ a community housing development organization as defined by the federal HOME ~~home~~ investment partnership program; or

(B) controlled by an entity described by Paragraph (A);

(2) during the second 60-day ~~six-month~~ period after notice is provided under Subsection (a-1) ~~notifying the department~~, negotiate or enter into a purchase agreement with a ~~any~~ qualified entity that:

(A) is described by Section 2306.6706 and has a principal place of business in the uniform state service region in which the development is located; or

(B) is controlled by an entity described by Paragraph (A) ~~nonprofit organization or tenant organization~~; and

(3) during the last 60-day period after notice is provided under Subsection (a-1) ~~year before the expiration of the compliance period~~, negotiate or enter into a purchase agreement with ~~the department or~~ any other qualified entity ~~nonprofit organization or tenant organization approved by the department~~.

(c) Beginning on the 181st day after the date the department posts notice under Subsection (a-1), an owner of a development subject to a right of first refusal ~~Notwithstanding an agreement~~ under Section 2306.6725 ~~a recipient of a low income housing tax credit~~ may sell to any purchaser a development ~~property~~ to which the right of first refusal ~~tax credit~~ applies ~~to any purchaser after the expiration of the compliance period~~ if:

(1) a qualified entity ~~nonprofit organization or tenant organization~~ does not offer to purchase the development for a price that the department determines to be reasonable; or

(2) a qualified entity enters into a purchase agreement for the development but does not complete the purchase on or before the 270th day after the date the agreement is entered into, unless the failure to complete the purchase is due to default by the seller or a title problem ~~property at the minimum price provided by Section 42(i)(7), Internal Revenue Code of 1986 (26 U.S.C. Section 42(i)(7)), and the department declines to purchase the property~~.

(c-1) This section applies only to a right of first refusal memorialized in a land use restriction agreement. This section does not authorize a modification of any other agreement between an owner of a development and a qualified entity.

(c-2) The department shall adopt rules and procedures to give effect to the right of first refusal granted by any land use restriction agreement.

(d) In this section:

(1) ~~;~~ "Compliance ~~compliance~~ period" has the meaning assigned by Section 42(i)(1), Internal Revenue Code of 1986 (26 U.S.C. Section 42(i)(1)).

(2) "Qualified entity" means an entity described by, or an entity controlled by an entity described by, Section 42(i)(7)(A), Internal Revenue Code of 1986 (26 U.S.C. Section 42(i)(7)(A)).

SECTION 6. Sections 2306.6713, 2306.6725, and 2306.6726, Government Code, as amended by this Act, apply to the transfer or sale of a development supported with an allocation of low income housing tax credits issued before, on, or after the effective date of this Act.

SECTION 7. This Act takes effect September 1, 2015.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

(A) is described by Section 2306.6706;

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

or

(C) is a tenant organization;

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

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

HB 1905 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Springer called up with senate amendments for consideration at this time,

HB 1905, A bill to be entitled An Act relating to the repeal of certain alcoholic beverage taxes and the tax on controlled substances.

Representative Springer moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1905**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1905**: Springer, chair; D. Bonnen, Darby, C. Turner, and Wray.

**HB 1438 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative S. Thompson called up with senate amendments for consideration at this time,

HB 1438, A bill to be entitled An Act relating to probate matters, including guardianships and other matters related to incapacitated persons.

Representative S. Thompson moved to concur in the senate amendments to **HB 1438**.

The motion to concur in the senate amendments to **HB 1438** prevailed by (Record 1639): 132 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Koop; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, J.; Romero; Rose; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bell; Cook; Keough; Murr; Phillips; Rinaldi; Stickland; Thompson, E.; Tinderholt.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; Faircloth; Klick; Krause; Rodriguez, E.; Sanford.

STATEMENT OF VOTE

When Record No. 1639 was taken, I was shown voting yes. I intended to vote no.

M. White

Senate Committee Substitute

CSHB 1438, A bill to be entitled An Act relating to probate matters, including guardianships and other matters related to incapacitated persons.

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

SECTION 1. Section 1023.005, Estates Code, is amended to read as follows:

Sec. 1023.005. COURT ACTION. ~~[(a)]~~ On hearing an application under Section 1023.003, if good cause is not shown to deny the application and it appears that transfer of the guardianship is in the best interests of the ward, the court shall enter an order:

(1) authorizing the transfer on payment on behalf of the estate of all accrued costs; and

(2) requiring that any existing bond of the guardian must remain in effect until a new bond has been given or a rider has been filed in accordance with Section 1023.010.

~~[(b) In an order entered under Subsection (a), the court shall require the guardian, not later than the 20th day after the date the order is entered, to:~~

~~[(1) give a new bond payable to the judge of the court to which the guardianship is transferred; or~~

~~[(2) file a rider to an existing bond noting the court to which the guardianship is transferred.]~~

SECTION 2. Section 1023.010, Estates Code, is amended to read as follows:

Sec. 1023.010. REVIEW OF TRANSFERRED GUARDIANSHIP. (a) Not later than the 90th day after the date the transfer of the guardianship takes effect under Section 1023.007, the court to which the guardianship was transferred shall hold a hearing to consider modifying the rights, duties, and powers of the guardian or any other provisions of the transferred guardianship.

(b) After the hearing described by Subsection (a), the court to which the guardianship was transferred shall enter an order requiring the guardian to:

(1) give a new bond payable to the judge of the court to which the guardianship was transferred; or

(2) file a rider to an existing bond noting the court to which the guardianship was transferred.

SECTION 3. Section 1051.104(a), Estates Code, is amended to read as follows:

(a) The person filing an application for guardianship shall mail a copy of the application and a notice containing the information required in the citation issued under Section 1051.102 by registered or certified mail, return receipt requested, or by any other form of mail that provides proof of delivery, to the following persons, if their whereabouts are known or can be reasonably ascertained:

(1) each adult child of the proposed ward;

(2) each adult sibling of the proposed ward;

(3) the administrator of a nursing home facility or similar facility in which the proposed ward resides;

(4) the operator of a residential facility in which the proposed ward resides;

(5) a person whom the applicant knows to hold a power of attorney signed by the proposed ward;

(6) a person designated to serve as guardian of the proposed ward by a written declaration under Subchapter E, Chapter 1104, if the applicant knows of the existence of the declaration;

(7) a person designated to serve as guardian of the proposed ward in the probated will of the last surviving parent of the proposed ward;

(8) a person designated to serve as guardian of the proposed ward by a written declaration of the proposed ward's last surviving parent, if the declarant is deceased and the applicant knows of the existence of the declaration; and

(9) each adult [person] named [as another relative within the third degree by consanguinity] in the application as an "other living relative" of the proposed ward within the third degree by consanguinity, as required by Section 1101.001(b)(11) or (13), if the proposed ward's spouse and each of the proposed ward's parents, adult siblings, and adult children are deceased or there is no spouse, parent, adult sibling, or adult child.

SECTION 4. Section 1052.001(a), Estates Code, is amended to read as follows:

(a) The county clerk shall maintain a record book titled "Judge's Guardianship Docket" and shall record in the book:

(1) the name of each person with respect to whom, or with respect to whose estate, a proceeding is commenced or sought to be commenced;

(2) the name of the guardian of the estate or person or of the applicant for letters of guardianship;

(3) the date each original application for a guardianship proceeding is filed;

(4) a notation of each order, judgment, decree, and proceeding that occurs in each guardianship [estate], including the date it occurs; and

(5) the docket number of each guardianship as assigned under Subsection (b).

SECTION 5. Section 1053.052(a), Estates Code, is amended to read as follows:

(a) The clerk may require or may obtain from the court an order requiring a person who files an application, complaint, or opposition relating to a guardianship proceeding, other than a guardian, attorney ad litem, or guardian ad litem, to provide security for the probable costs of the proceeding before filing the application, complaint, or opposition.

SECTION 6. Subchapter A, Chapter 1055, Estates Code, is amended by adding Section 1055.003 to read as follows:

Sec. 1055.003. INTERVENTION BY INTERESTED PERSON. (a) Notwithstanding the Texas Rules of Civil Procedure, an interested person may intervene in a guardianship proceeding only by filing a timely motion to intervene that is served on the parties.

(b) The motion must state the grounds for intervention in the proceeding and be accompanied by a pleading that sets out the purpose for which intervention is sought.

(c) The court has the discretion to grant or deny the motion and, in exercising that discretion, must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights.

SECTION 7. Section 1101.001, Estates Code, is amended by adding Subsection (c) to read as follows:

(c) For purposes of this section, a proposed ward's relatives within the third degree by consanguinity include the proposed ward's:

(1) grandparent or grandchild; and

(2) great-grandparent, great-grandchild, aunt who is a sister of a parent of the proposed ward, uncle who is a brother of a parent of the proposed ward, nephew who is a child of a brother or sister of the proposed ward, or niece who is a child of a brother or sister of the proposed ward.

SECTION 8. Subchapter D, Chapter 1101, Estates Code, is amended by adding Section 1101.156 to read as follows:

Sec. 1101.156. DEPOSIT OF ESTATE ASSETS. (a) After an application for the appointment of a guardian for a proposed ward is filed but before letters of guardianship are issued, or in an order appointing a guardian for the ward, a court may permit the deposit of cash, securities, or other assets of the proposed ward or ward in a financial institution described by Section 1105.155(b) for safekeeping at the request of a person appointed guardian or to be appointed guardian.

(b) The amount of the bond required to be given by the guardian under Section 1105.101 shall be reduced in proportion to the amount of the cash or the value of the securities or other assets deposited under this section.

SECTION 9. Section 1102.001, Estates Code, is amended to read as follows:

Sec. 1102.001. COURT-INITIATED INVESTIGATION. (a) If a court has probable cause to believe that a person domiciled or found in the county in which the court is located is an incapacitated person, and the person does not have a guardian in this state, the court shall appoint a guardian ad litem or court investigator to investigate the person's conditions and circumstances to determine whether:

(1) the person is an incapacitated person; and

(2) a guardianship is necessary.

(b) If a court appoints a guardian ad litem or court investigator under Subsection (a):

(1) the court's order appointing a guardian ad litem or court investigator must include a statement that the person believed to be incapacitated has the right to petition the court to have the appointment set aside;

(2) at the initial meeting between the guardian ad litem or court investigator and the person believed to be incapacitated, the guardian ad litem or court investigator, as appropriate, shall provide a copy of the information letter under Section 1102.003 and the order to, and discuss the contents of the letter and order with, the person believed to be incapacitated; and

(3) during the period beginning after the date of the initial meeting described by Subdivision (2) and ending on the date an application for the appointment of a guardian is filed, the person believed to be incapacitated may petition the court to have the appointment of the guardian ad litem or court investigator, as appropriate, set aside.

SECTION 10. Section 1102.003, Estates Code, is amended by adding Subsection (c) to read as follows:

(c) Any information provided by the Department of Family and Protective Services under this section that is confidential under Chapter 48, Human Resources Code, remains confidential and is not subject to disclosure under Chapter 552, Government Code.

SECTION 11. Section 1102.005, Estates Code, is amended to read as follows:

Sec. 1102.005. COMPENSATION OF GUARDIAN AD LITEM. (a) Regardless of whether a guardianship is created for a proposed ward and except as provided by Section 1155.151, a [A] court that appoints a guardian ad litem under Section 1102.001 may authorize compensation of the guardian ad litem from available funds of:

(1) the proposed ward's estate; or

(2) the management trust, if a management trust has been created for the benefit of the proposed ward under Chapter 1301[~~, regardless of whether a guardianship is created for the proposed ward~~].

(b) Except as provided by Section 1155.151, after [After] examining the proposed ward's assets or the assets of any management trust created for the proposed ward's benefit under Chapter 1301, and determining that the proposed ward or the management trust is unable to pay for services provided by the guardian ad litem, the court may authorize compensation from the county treasury.

SECTION 12. Section 1104.154(a), Estates Code, is amended to read as follows:

(a) As an alternative to the self-proving affidavit authorized by Section 1104.153, a declaration of appointment of a guardian for the declarant's children in the event of the declarant's death or incapacity may be simultaneously executed, attested, and made self-proved by including the following in substantially the same form and with substantially the same contents:

I, _____, as declarant, after being duly sworn, declare to the undersigned witnesses and to the undersigned authority that this instrument is my Declaration of Appointment of Guardian for My Children in the Event of My Death or Incapacity, and that I willingly make [have made] and execute [executed] it for the purposes expressed in the declaration. I now sign this declaration in the presence of the attesting witnesses and the undersigned authority on this ____ day of _____, 20__.

Declarant

The undersigned, _____ and _____, each being 14 years of age or older, after being duly sworn, declare to the declarant and to the undersigned authority that the declarant declared to us that this instrument is the declarant's Declaration of Appointment of Guardian for the Declarant's Children in the Event of Declarant's Death or Incapacity and that the declarant executed it for the purposes expressed in the declaration. The declarant then signed this declaration and we believe the declarant to be of sound mind. We now sign our names as attesting witnesses on this ____ day of _____, 20__.

Witness

Witness

Subscribed and sworn to before me by the above named declarant, and affiants, this ____ day of _____, 20__.

Notary Public in and for the
State of Texas
My Commission expires:

SECTION 13. Section 1104.205(a), Estates Code, is amended to read as follows:

(a) As an alternative to the self-proving affidavit authorized by Section 1104.204, a declaration of guardian in the event of later incapacity or need of guardian may be simultaneously executed, attested, and made self-proved by including the following in substantially the same form and with substantially the same contents:

I, _____, as declarant, after being duly sworn, declare to the undersigned witnesses and to the undersigned authority that this instrument is my Declaration of Guardian in the Event of Later Incapacity or Need of Guardian, and that I willingly make ~~have made~~ and execute ~~executed~~ it for the purposes expressed in the declaration. I now sign this declaration in the presence of the attesting witnesses and the undersigned authority on this ____ day of _____, 20__.

Declarant

The undersigned, _____ and _____, each being 14 years of age or older, after being duly sworn, declare to the declarant and to the undersigned authority that the declarant declared to us that this instrument is the declarant's Declaration of Guardian in the Event of Later Incapacity or Need of Guardian and that the declarant executed it for the purposes expressed in the declaration. The declarant then signed this declaration and we believe the declarant to be of sound mind. We now sign our names as attesting witnesses on this ____ day of _____, 20__.

Witness

Witness

Subscribed and sworn to before me by the above named declarant, and
affiants, this ____ day of _____, 20__.

Notary Public in and for the
State of Texas
My Commission expires:

SECTION 14. Section 1104.402(a), Estates Code, is amended to read as follows:

(a) Except as provided by Section 1104.403, 1104.404, or 1104.406(a), the clerk of the county having venue of the proceeding for the appointment of a guardian shall obtain criminal history record information that is maintained by the Department of Public Safety or the Federal Bureau of Investigation identification division relating to:

- (1) a private professional guardian;
- (2) each person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian;
- (3) each person employed by a private professional guardian who will:
 - (A) have personal contact with a ward or proposed ward;
 - (B) exercise control over and manage a ward's estate; or
 - (C) perform any duties with respect to the management of a ward's estate;
- (4) each person employed by or volunteering or contracting with a guardianship program to provide guardianship services to a ward of the program on the program's behalf; or
- (5) any other person proposed to serve as a guardian under this title, including a proposed temporary guardian and a proposed successor guardian, other than ~~[the ward's or proposed ward's family member or]~~ an attorney.

SECTION 15. Section 1104.409, Estates Code, is amended to read as follows:

Sec. 1104.409. USE OF INFORMATION BY COURT. The court shall use the information obtained under this subchapter only in determining whether to:

- (1) appoint, remove, or continue the appointment of a private professional guardian, a guardianship program, or the department; or
- (2) appoint any other person proposed to serve as a guardian under this title, including a proposed temporary guardian and a proposed successor guardian, other than ~~[the ward's or proposed ward's family member or]~~ an attorney.

SECTION 16. Section 1155.151, Estates Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1), (a-2), (a-3), (a-4), (d), (e), and (f) to read as follows:

(a) In a guardianship proceeding, the court costs of the proceeding, including the costs described by Subsection (a-1) ~~[cost of the guardians ad litem, attorneys ad litem, court visitor, mental health professionals, and interpreters~~

~~appointed under this title, shall be set in an amount the court considers equitable and just and, except as provided by Subsection (e)], shall, except as provided by Subsection (c), be paid as follows [out of the guardianship estate, or the county treasury if the estate is insufficient to pay the cost], and the court shall issue the judgment accordingly:~~

~~(1) out of the guardianship estate;~~

~~(2) out of the management trust, if a management trust has been created for the benefit of the ward under Chapter 1301 and the court determines it is in the ward's best interest;~~

~~(3) by the party to the proceeding who incurred the costs, unless that party filed, on the party's own behalf, an affidavit of inability to pay the costs under Rule 145, Texas Rules of Civil Procedure, that shows the party is unable to afford the costs, if:~~

~~(A) there is no guardianship estate or no management trust has been created for the ward's benefit; or~~

~~(B) the assets of the guardianship estate or management trust, as appropriate, are insufficient to pay the costs; or~~

~~(4) out of the county treasury if:~~

~~(A) there is no guardianship estate or management trust or the assets of the guardianship estate or management trust, as appropriate, are insufficient to pay the costs; and~~

~~(B) the party to the proceeding who incurred the costs filed, on the party's own behalf, an affidavit of inability to pay the costs under Rule 145, Texas Rules of Civil Procedure, that shows the party is unable to afford the costs.~~

~~(a-1) In a guardianship proceeding, the cost of any guardians ad litem, attorneys ad litem, court visitors, mental health professionals, and interpreters appointed under this title shall be set in an amount the court considers equitable and just.~~

~~(a-2) Notwithstanding any other law requiring the payment of court costs in a guardianship proceeding, the following are not required to pay court costs on the filing of or during a guardianship proceeding:~~

~~(1) an attorney ad litem;~~

~~(2) a guardian ad litem;~~

~~(3) a person or entity who files an affidavit of inability to pay the costs under Rule 145, Texas Rules of Civil Procedure, that shows the person or entity is unable to afford the costs;~~

~~(4) a nonprofit guardianship program;~~

~~(5) a governmental entity; and~~

~~(6) a government agency or nonprofit agency providing guardianship services.~~

~~(a-3) For purposes of Subsections (a) and (a-2), a person or entity who files an affidavit of inability to pay the costs under Rule 145, Texas Rules of Civil Procedure, is unable to afford the costs if the affidavit shows that the person or entity:~~

(1) is currently receiving assistance or other benefits from a government program under which assistance or other benefits are provided to individuals on a means-tested basis;

(2) is eligible for and currently receiving free legal services in the guardianship proceeding through the following:

(A) a legal services provider funded partly by the Texas Access to Justice Foundation;

(B) a legal services provider funded partly by the Legal Services Corporation; or

(C) a nonprofit corporation formed under the laws of this state that provides legal services to low-income individuals whose household income is at or below 200 percent of the federal poverty guidelines as determined by the United States Department of Health and Human Services;

(3) applied and was eligible for free legal services through a person or entity listed in Subdivision (2) but was declined representation; or

(4) has a household income that is at or below 200 percent of the federal poverty guidelines as determined by the United States Department of Health and Human Services and has money or other available assets, excluding any homestead and exempt property under Chapter 42, Property Code, in an amount that does not exceed \$2,000.

(a-4) If an affidavit of inability to pay costs filed under Rule 145, Texas Rules of Civil Procedure, is contested, the court, at a hearing, shall review the contents of and attachments to the affidavit and any other evidence offered at the hearing and make a determination as to whether the person or entity is unable to afford the costs. If the court finds that the person or entity is able to afford the costs, the person or entity must pay the court costs. Except with leave of court, no further action in the guardianship proceeding may be taken by a person or entity found able to afford costs until payment of those costs is made.

(b) The costs attributable to the services of a person described by Subsection (a-1) ~~(a)~~ shall be paid under this section at any time after the commencement of the proceeding as ordered by the court.

(d) If a guardianship of the estate or management trust under Chapter 1301 is created, a person or entity who paid any costs on the filing of or during the proceeding is entitled to be reimbursed out of assets of the guardianship estate or management trust, as appropriate, for the costs if:

(1) the assets of the estate or trust, as appropriate, are sufficient to cover the reimbursement of the costs; and

(2) the person or entity has not been ordered by the court to pay the costs as all or part of the payment of court costs under Subsection (c).

(e) If at any time after a guardianship of the estate or management trust under Chapter 1301 is created there are sufficient assets of the estate or trust, as appropriate, to pay the amount of any of the costs exempt from payment under Subsection (a-2), the court shall require the guardian to pay out of the guardianship estate or management trust, as appropriate, to the court clerk for deposit in the county treasury the amount of any of those costs.

(f) To the extent that this section conflicts with the Texas Rules of Civil Procedure or other rules, this section controls.

SECTION 17. Section 1163.101(c), Estates Code, is amended to read as follows:

(c) The guardian of the person shall file a sworn affidavit that contains:

(1) the guardian's current name, address, and telephone number;

(2) the ward's date of birth and current name, address, telephone number, and age;

(3) a description of the type of home in which the ward resides, which shall be described as:

(A) the ward's own home;

(B) a nursing home;

(C) a guardian's home;

(D) a foster home;

(E) a boarding home;

(F) a relative's home, in which case the description must specify the relative's relationship to the ward;

(G) a hospital or medical facility; or

(H) another type of residence;

(4) statements indicating:

(A) the length of time the ward has resided in the present home;

(B) the reason for a change in the ward's residence, if a change in the ward's residence has occurred in the past year;

(C) the date the guardian most recently saw the ward;

(D) how frequently the guardian has seen the ward in the past year;

(E) whether the guardian has possession or control of the ward's estate;

(F) whether the ward's mental health has improved, deteriorated, or remained unchanged during the past year, including a description of the change if a change has occurred;

(G) whether the ward's physical health has improved, deteriorated, or remained unchanged during the past year, including a description of the change if a change has occurred;

(H) whether the ward has regular medical care; and

(I) the ward's treatment or evaluation by any of the following persons during the past year, including the person's name and a description of the treatment:

(i) a physician;

(ii) a psychiatrist, psychologist, or other mental health care provider;

(iii) a dentist;

(iv) a social or other caseworker; or

(v) any other individual who provided treatment;

(5) a description of the ward's activities during the past year, including recreational, educational, social, and occupational activities, or a statement that no activities were available or that the ward was unable or refused to participate in activities;

(6) the guardian's evaluation of:

(A) the ward's living arrangements as excellent, average, or below average, including an explanation if the conditions are below average;

(B) whether the ward is content or unhappy with the ward's living arrangements; and

(C) unmet needs of the ward;

(7) a statement indicating whether the guardian's power should be increased, decreased, or unaltered, including an explanation if a change is recommended;

(8) a statement indicating that the guardian has paid the bond premium for the next reporting period;

(9) if the guardian is a private professional guardian, a guardianship program, or the Department of Aging and Disability Services, whether the guardian or an individual certified under Subchapter C, Chapter 155 [444], Government Code, who is providing guardianship services to the ward and who is filing [swearing to] the affidavit on the guardian's behalf, is or has been the subject of an investigation conducted by the Guardianship Certification Board during the preceding year; and

(10) any additional information the guardian desires to share with the court regarding the ward, including:

(A) whether the guardian has filed for emergency detention of the ward under Subchapter A, Chapter 573, Health and Safety Code; and

(B) if applicable, the number of times the guardian has filed for emergency detention and the dates of the applications for emergency detention.

SECTION 18. The heading to Section 1163.1011, Estates Code, is amended to read as follows:

Sec. 1163.1011. USE OF UNSWORN DECLARATION IN LIEU OF SWORN DECLARATION OR AFFIDAVIT FOR [ELECTRONIC] FILING [OF] ANNUAL REPORT.

SECTION 19. Section 1163.1011(a), Estates Code, is amended to read as follows:

(a) A guardian of the person who is required to file an [files the] annual report under [required by] Section 1163.101 [electronically] with the court, including a guardian filing the annual report electronically, may use an unsworn declaration made as provided by this section instead of the [a written] sworn declaration or affidavit required by Section 1163.101.

SECTION 20. Section 1203.202(c), Estates Code, is amended to read as follows:

(c) A successor guardian may:

(1) make himself or herself, and be made, a party to a suit prosecuted by or against the successor's predecessor;

(2) settle with the predecessor and receive and give a receipt for any portion of the estate property that remains in the predecessor's ~~successor's~~ possession; or

(3) commence a suit on the bond or bonds of the predecessor, in the successor's own name and capacity, for all the estate property that:

(A) came into the predecessor's possession; and

(B) has not been accounted for by the predecessor.

SECTION 21. Section 1251.052(b), Estates Code, is amended to read as follows:

(b) The term of a temporary guardian appointed under Section 1251.051 expires on the earliest of the following:

(1) ~~at~~ the conclusion of the hearing challenging or contesting the application; ~~or~~

(2) ~~on~~ the date a permanent guardian appointed by the court for the proposed ward qualifies to serve as the ward's guardian; or

(3) the 12-month anniversary of the date the temporary guardian qualifies, unless the term is extended by court order issued after a motion to extend the term is filed and a hearing on the motion is held.

SECTION 22. Section 1253.051, Estates Code, is amended to read as follows:

Sec. 1253.051. APPLICATION FOR RECEIPT AND ACCEPTANCE OF FOREIGN GUARDIANSHIP. A guardian appointed by a foreign court to represent an incapacitated person who is residing in this state or intends to move to this state may file an application with a court in the county in which the ward resides or in which it is intended that the ward will ~~intends to~~ reside to have the guardianship transferred to that ~~the~~ court. The application must have attached a certified copy of all papers of the guardianship filed and recorded in the foreign court.

SECTION 23. Section 1301.1535, Estates Code, is amended to read as follows:

Sec. 1301.1535. INITIAL ACCOUNTING BY CERTAIN TRUSTEES REQUIRED. (a) This section applies only to a trustee of a management trust created for a person who ~~for whom a guardianship proceeding is pending~~ on the date the trust is created is:

(1) a ward under an existing guardianship; or

(2) a proposed ward with respect to whom an application for guardianship has been filed and is pending.

(b) Not later than the 30th day after the date a trustee to which this section applies receives property into the trust, the trustee shall file with the court that created the guardianship or the court in which the application for guardianship was filed ~~proceeding is pending~~ a report describing all property held in the trust on the date of the report and specifying the value of the property on that date.

SECTION 24. Section 1351.001, Estates Code, is amended to read as follows:

Sec. 1351.001. AUTHORITY TO SELL MINOR'S INTEREST IN PROPERTY WITHOUT GUARDIANSHIP. (a) A parent or managing conservator of a minor who is not a ward may apply to the court under this subchapter for an order to sell an interest of the minor in property without being appointed guardian if the net value of the interest does not exceed \$100,000.

(b) If a minor who is not a ward does not have a parent or managing conservator willing or able to file an application under Subsection (a), the court may appoint an attorney ad litem or guardian ad litem to act on the minor's behalf for the limited purpose of applying for an order to sell the minor's interest in property under this subchapter.

SECTION 25. Sections 1351.002(a) and (b), Estates Code, are amended to read as follows:

(a) A parent, ~~or~~ managing conservator, or attorney ad litem or guardian ad litem appointed under Section 1351.001(b) shall apply to the court under oath for the sale of property under this subchapter.

(b) An application must contain:

- (1) the minor's name;
- (2) a legal description of the real property or a description that identifies the personal property, as applicable;
- (3) the minor's interest in the property;
- (4) the purchaser's name;
- (5) a statement that the sale of the minor's interest in the property is for cash; and
- (6) a statement that all money received from the sale of the minor's interest in the property ~~[by the parent or managing conservator]~~ shall be used for the minor's use and benefit.

SECTION 26. Section 1351.051, Estates Code, is amended to read as follows:

Sec. 1351.051. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a ward who has:

- (1) a guardian of the person but does not have a guardian of the estate;
- or
- (2) a guardian of the person or estate appointed by a foreign court.

SECTION 27. Section 1351.052, Estates Code, is amended to read as follows:

Sec. 1351.052. AUTHORITY TO SELL WARD'S INTEREST IN PROPERTY WITHOUT APPOINTMENT AS GUARDIAN OF THE ESTATE IN THIS STATE. A guardian of the person of a ward or a guardian of the person or estate of a ward appointed by a foreign court may apply to the court under this subchapter for an order to sell an interest in property in the ward's estate without being appointed guardian of the ward's estate in this state if the net value of the interest does not exceed \$100,000.

SECTION 28. Section 1351.053(b), Estates Code, is amended to read as follows:

(b) For purposes of Subsection (a)(2), references in Section 1351.002(b) to~~±~~

~~[(1)] "minor" are replaced with references to "ward." ["ward", and
 [(2)] "parent or managing conservator" are replaced with references to
 "guardian of the person."]~~

SECTION 29. Section 59.006(a), Finance Code, is amended to read as follows:

(a) This section provides the exclusive method for compelled discovery of a record of a financial institution relating to one or more customers but does not create a right of privacy in a record. This section does not apply to and does not require or authorize a financial institution to give a customer notice of:

(1) a demand or inquiry from a state or federal government agency authorized by law to conduct an examination of the financial institution;

(2) a record request from a state or federal government agency or instrumentality under statutory or administrative authority that provides for, or is accompanied by, a specific mechanism for discovery and protection of a customer record of a financial institution, including a record request from a federal agency subject to the Right to Financial Privacy Act of 1978 (12 U.S.C. Section 3401 et seq.), as amended, or from the Internal Revenue Service under Section 1205, Internal Revenue Code of 1986;

(3) a record request from or report to a government agency arising out of:

(A) the investigation or prosecution of a criminal offense;

(B) the investigation of alleged abuse, neglect, or exploitation of an elderly or disabled person in accordance with Chapter 48, Human Resources Code; or

(C) the assessment for or provision of guardianship services under Subchapter E, Chapter 161, Human Resources Code;

(4) a record request in connection with a garnishment proceeding in which the financial institution is garnishee and the customer is debtor;

(5) a record request by a duly appointed receiver for the customer;

(6) an investigative demand or inquiry from a state legislative investigating committee;

(7) an investigative demand or inquiry from the attorney general of this state as authorized by law other than the procedural law governing discovery in civil cases; ~~or~~

(8) the voluntary use or disclosure of a record by a financial institution subject to other applicable state or federal law; or

(9) a record request in connection with an investigation conducted under Section 1054.151, 1054.152, or 1102.001, Estates Code.

SECTION 30. Sections 25.0022(d) and (h), Government Code, are amended to read as follows:

(d) The presiding judge shall:

(1) ensure the promulgation of local rules of administration in accordance with policies and guidelines set by the supreme court;

(2) advise local statutory probate court judges on case flow management practices and auxiliary court services;

(3) perform a duty of a local administrative statutory probate court judge if the local administrative judge does not perform that duty;

(4) appoint an assistant presiding judge of the statutory probate courts;

(5) call and preside over annual meetings of the judges of the statutory probate courts at a time and place in the state as designated by the presiding judge;

(6) call and convene other meetings of the judges of the statutory probate courts as considered necessary by the presiding judge to promote the orderly and efficient administration of justice in the statutory probate courts;

(7) study available statistics reflecting the condition of the dockets of the probate courts in the state to determine the need for the assignment of judges under this section;

(8) compare local rules of court to achieve uniformity of rules to the extent practical and consistent with local conditions; and

(9) assign or order the clerk who serves the statutory probate courts to randomly assign a judge or former or retired judge of a statutory probate court to hear a case under Section 25.002201(a) or 25.00255, as applicable [the circumstances described by Section 25.002201(b)].

(h) Subject to Section 25.002201, a judge or a former or retired judge of a statutory probate court may be assigned by the presiding judge of the statutory probate courts to hold court in a statutory probate court, a county court, or any statutory court exercising probate jurisdiction when:

(1) a statutory probate judge requests assignment of another judge to the judge's court;

(2) a statutory probate judge is absent, disabled, or disqualified for any reason;

(3) a statutory probate judge is present or is trying cases as authorized by the constitution and laws of this state and the condition of the court's docket makes it necessary to appoint an additional judge;

(4) the office of a statutory probate judge is vacant;

(5) the presiding judge of an administrative judicial district requests the assignment of a statutory probate judge to hear a probate matter in a county court or statutory county court;

(6) the statutory probate [presiding] judge is [of the administrative judicial district fails to timely assign a judge to replace a] recused or disqualified [statutory probate court judge] as described by Section 25.002201(a) [Section 25.002201(b)];

(7) a county court judge requests the assignment of a statutory probate judge to hear a probate matter in the county court; or

(8) a local administrative statutory probate court judge requests the assignment of a statutory probate judge to hear a matter in a statutory probate court.

SECTION 31. Sections 25.002201(a) and (b), Government Code, are amended to read as follows:

(a) Except as provided by Subsection (b), not ~~[Not]~~ later than the 15th day after the date an order of recusal or disqualification of a statutory probate court judge is issued in a case, the presiding judge ~~[of the administrative judicial district]~~ shall assign a statutory probate court judge or a former or retired judge of a statutory probate court to hear the case if:

(1) the judge of the statutory probate court recused himself or herself under Section 25.00255(g)(1)(A);

(2) the judge of the statutory probate court disqualified himself or herself under Section 25.00255(g-1);

(3) the order was issued under Section 25.00255(i-3)(1); or

(4) the presiding judge ~~[of the administrative judicial district]~~ receives notice and a request for assignment from the clerk of the statutory probate court under Section 25.00255(l).

(b) If the ~~[presiding]~~ judge who is the subject of an order of recusal or disqualification is ~~[of an administrative judicial district does not assign a judge under Subsection (a) within the time prescribed by that subsection,]~~ the presiding judge of the statutory probate courts, the chief justice of the supreme court shall ~~[may]~~ assign a regional presiding judge, a statutory probate judge, or a former or retired judge of a statutory probate court to hear the case ~~[instead of the presiding judge of the administrative judicial district making the assignment under that subsection].~~

SECTION 32. Section 25.00255, Government Code, is amended by amending Subsections (a), (g), (g-1), (i-2), (i-3), (i-5), and (l) and adding Subsection (a-1) to read as follows:

(a) Notwithstanding any conflicting provision in the Texas Rules of Civil Procedure, Rules 18a and 18b, Texas Rules of Civil Procedure, apply to the recusal and disqualification of a statutory probate court judge except as otherwise provided by this section or another provision of this subchapter. The presiding judge:

(1) has the authority and shall perform the functions and duties of the presiding judge of the administrative judicial region under the rules, including the duty to hear or rule on a referred motion of recusal or disqualification or, subject to Subdivisions (2) and (3) and to Section 25.002201, assign a judge to hear and rule on a referred motion of recusal or disqualification;

(2) may assign a presiding judge of the administrative judicial region to hear and rule on a referred motion of recusal or disqualification only with the consent of the presiding judge of the administrative judicial region; and

(3) may not assign a judge of a statutory probate court located in the same county as the statutory probate court served by the judge who is the subject of the motion of recusal or disqualification [A party in a hearing or trial in a statutory probate court may file with the clerk of the court a motion stating grounds for the recusal or disqualification of the judge. The grounds may include any disability of the judge to preside over the case].

(a-1) Notwithstanding Rule 18a(h), Texas Rules of Civil Procedure, or any other conflicting provision of the rules, the judge who hears a motion of recusal or disqualification, after notice and hearing, may:

(1) order the party or attorney who filed the motion, or both, to pay the reasonable attorney's fees and expenses incurred by another party if the judge determines that the motion was:

(A) groundless and filed in bad faith or for the purpose of harassment; or

(B) clearly brought for unnecessary delay and without sufficient cause; and

(2) enjoin the movant from filing other recusal motions in the case without the prior written consent of the presiding judge of the statutory probate courts.

(g) A judge who recuses himself or herself:

(1) shall enter an order of recusal and:

(A) if the judge serves a statutory probate court located in a county with only one statutory probate court, request that the presiding judge [of the administrative judicial district] assign a judge under Section 25.002201 to hear the case; or

(B) subject to Subsection (l), if the judge serves a statutory probate court located in a county with more than one statutory probate court, request that the presiding judge order [request that] the clerk who serves the statutory probate courts in that county to randomly reassign the case to a judge of one of the other statutory probate courts located in the county; and

(2) may not take other action in the case except for good cause stated in the order in which the action is taken.

(g-1) A judge who disqualifies himself or herself:

(1) shall enter an order of disqualification and:

(A) if the judge serves a statutory probate court located in a county with only one statutory probate court, request that the presiding judge [of the administrative judicial district] assign a judge under Section 25.002201 to hear the case; or

(B) subject to Subsection (l), if the judge serves a statutory probate court located in a county with more than one statutory probate court, request that the presiding judge order the clerk who serves the statutory probate courts in that county to randomly reassign the case to a judge of one of the other statutory probate courts; and

(2) may not take other action in the case.

(i-2) A judge who hears a motion for recusal or disqualification [under Subsection (i) or (i-1)] may also hear any amended or supplemented motion for recusal or disqualification filed in the case.

(i-3) If a motion for recusal or disqualification is granted [after a hearing conducted as provided by Subsection (i) or (i-1)], the presiding judge [who heard the motion] shall transfer the case to another court or assign another judge to the case and:

(1) if the judge subject to recusal or disqualification serves a statutory probate court located in a county with only one statutory probate court, the presiding judge or judge assigned to decide the motion shall enter an order of

recusal or disqualification, as appropriate, and request that the presiding judge ~~[of the administrative judicial district]~~ assign a judge under Section 25.002201 to hear the case; or

(2) subject to Subsection (1), if the judge subject to recusal or disqualification serves a statutory probate court located in a county with more than one statutory probate court, the presiding judge or judge assigned to decide the motion shall enter an order of recusal or disqualification, as appropriate, and request that the clerk who serves the statutory probate courts in that county randomly reassign the case to a judge of one of the other statutory probate courts located in the county.

(i-5) A judge assigned to hear a motion for recusal or disqualification ~~[under Subsection (i)]~~ is entitled to receive the same salary, compensation, and expenses, and to be paid in the same manner and from the same fund, as a judge otherwise assigned under Section 25.0022~~[, except that a judge assigned under Subsection (i) shall provide the information required by Section 25.0022(1) to the presiding judge of the administrative judicial district, who shall immediately forward the information to the presiding judge of the statutory probate courts].~~

(l) If a clerk of a statutory probate court is unable to reassign a case as requested under Subsection (g)(1)(B), (g-1)(1)(B), or (i-3)(2) because the other statutory probate court judges in the county have been recused or disqualified or are otherwise unavailable to hear the case, the clerk shall immediately notify the presiding judge ~~[of the administrative judicial district]~~ and request that the presiding judge ~~[of the administrative judicial district]~~ assign a judge under Section 25.002201 to hear the case.

SECTION 33. Section 26.012, Government Code, is amended to read as follows:

Sec. 26.012. ASSIGNMENT OF VISITING JUDGE FOR PROBATE, GUARDIANSHIP, AND MENTAL HEALTH MATTERS. If the county judge is absent, incapacitated, recused, or disqualified to act in a probate, guardianship, or mental health matter, a visiting judge shall be assigned in accordance with Section 25.0022(h).

SECTION 34. Sections 411.1386(a) and (e), Government Code, are amended to read as follows:

(a) Except as provided by Subsections (a-1), (a-5), and (a-6), the clerk of the county having venue over a proceeding for the appointment of a guardian under Title 3, Estates [Chapter XIII, Texas Probate] Code, shall obtain from the department criminal history record information maintained by the department that relates to:

- (1) a private professional guardian;
- (2) each person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian;
- (3) each person employed by a private professional guardian who will:
 - (A) have personal contact with a ward or proposed ward;
 - (B) exercise control over and manage a ward's estate; or
 - (C) perform any duties with respect to the management of a ward's estate;

(4) each person employed by or volunteering or contracting with a guardianship program to provide guardianship services to a ward of the program on the program's behalf; or

(5) any other person proposed to serve as a guardian under Title 3, Estates [Chapter XIII, Texas Probate] Code, including a proposed temporary guardian and a proposed successor guardian, other than [~~the ward's or proposed ward's family member or~~] an attorney.

(e) The court, as that term is defined by Section 1002.008, Estates [~~601, Texas Probate]~~ Code, shall use the information obtained or provided under Subsection (a), (a-4)(1), (a-5), or (a-6) only in determining whether to:

(1) appoint, remove, or continue the appointment of a private professional guardian, a guardianship program, or the Department of Aging and Disability Services; or

(2) appoint any other person proposed to serve as a guardian under Title 3, Estates [Chapter XIII, Texas Probate] Code, including a proposed temporary guardian and a proposed successor guardian, other than [~~the ward's or proposed ward's family member or~~] an attorney.

SECTION 35. The following are repealed:

(1) Sections 1052.051(d), (e), and (f), Estates Code;

(2) Sections 25.00255(b), (c), (d), (e), (f), (h), (i), (i-1), (i-4), and (j), Government Code; and

(3) Section 25.002201(c), Government Code.

SECTION 36. (a) Except as otherwise provided by this section, the changes in law made by this Act apply to:

(1) a guardianship created before, on, or after the effective date of this Act; and

(2) an application for a guardianship pending on, or filed on or after, the effective date of this Act.

(b) The changes in law made by this Act to Sections 1023.005 and 1023.010, Estates Code, apply only to an application for the transfer of a guardianship to another county filed on or after the effective date of this Act. An application for the transfer of a guardianship to another county filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(c) The changes in law made by this Act to Sections 1104.154 and 1104.205, Estates Code, apply only to a declaration executed on or after the effective date of this Act. A declaration executed before the effective date of this Act is governed by the law in effect on the date the declaration was executed, and the former law is continued in effect for that purpose.

(d) The changes in law made by this Act to Section 1301.1535, Estates Code, apply only to a management trust created on or after the effective date of this Act. A management trust created before the effective date of this Act is governed by the law in effect on the date the management trust was created, and the former law is continued in effect for that purpose.

(e) The changes in law made by this Act to Sections 1351.001 and 1351.002, Estates Code, apply only to an application for the sale of an interest in property of a minor filed on or after the effective date of this Act. An application for the sale of an interest in property of a minor that is filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(f) The changes in law made by this Act to Sections 1351.051, 1351.052, and 1351.053, Estates Code, apply only to an application for the sale of an interest in property of a ward filed on or after the effective date of this Act. An application for the sale of an interest in property of a ward that is filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(g) The changes in law made by this Act to Sections 1052.051, 1102.001, and 1155.151, Estates Code, and Section 1055.003, Estates Code, as added by this Act, apply only to a guardianship proceeding commenced on or after the effective date of this Act. A guardianship proceeding commenced before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

(h) The change in law made by this Act to Section 1251.052(b), Estates Code, applies only to a temporary guardian appointed on or after the effective date of this Act. A temporary guardian appointed before the effective date of this Act is governed by the law in effect when the guardian was appointed, and the former law is continued in effect for that purpose.

(i) Sections 25.0022, 25.002201, 25.00255, and 26.012, Government Code, as amended by this Act, apply only to a motion for recusal or disqualification of a judge that is filed on or after the effective date of this Act. A motion for recusal or disqualification of a judge filed before the effective date of this Act is governed by the law in effect on the date the motion was filed, and the former law is continued in effect for that purpose.

SECTION 37. This Act takes effect September 1, 2015.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

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

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

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

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

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

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

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

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

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

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

HB 1295 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Isaac called up with senate amendments for consideration at this time,

HB 1295, A bill to be entitled An Act relating to the disclosure of interested parties by persons contracting with governmental entities and state agencies.

Representative Isaac moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1295**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1295**: Capriglione, chair; P. King, Parker, Moody, and Keffer.

**HB 1559 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Parker called up with senate amendments for consideration at this time,

HB 1559, A bill to be entitled An Act relating to public school Internet website information concerning local programs and services available to assist homeless students.

Representative Parker moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1559**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1559**: Parker, chair; Aycock, Deshotel, Farney, and Huberty.

**HB 2 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Otto called up with senate amendments for consideration at this time,

HB 2, A bill to be entitled An Act relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.

Representative Otto moved to concur in the senate amendments to **HB 2**.

The motion to concur in the senate amendments to **HB 2** prevailed by (Record 1640): 145 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer;

Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Simpson.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes.

The chair stated that **HB 2** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

Senate Committee Substitute

CSHB 2, A bill to be entitled An Act relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.

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

SECTION 1. APPROPRIATION REDUCTION: PUBLIC FINANCE AUTHORITY. The unencumbered appropriations from the general revenue fund to the Public Finance Authority made by Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2015, for bond debt service payments, including appropriations subject to Rider 2, page I-45, Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), to the bill pattern of the appropriations to the authority, are reduced by a total aggregate of \$25,000,000. The Public Finance Authority shall identify the strategies and objectives to which the reduction is to be allocated and the amount of the reduction for each of those strategies and objectives.

SECTION 2. APPROPRIATION REDUCTION: TEXAS EDUCATION AGENCY. (a) The unencumbered appropriations from the Foundation School Fund, general revenue account number 0193, to the Texas Education Agency made by Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2015, for Strategy A.1.1., FSP-Equalized Operations, are reduced by \$710,000,000.

(b) Notwithstanding Rider 3, page III-5, to the bill pattern of the appropriations to the Texas Education Agency in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), the sum certain appropriation to the Foundation School Program for the state fiscal year ending August 31, 2015, is \$20,145,858,939.

SECTION 3. APPROPRIATION REDUCTION: DEPARTMENT OF TRANSPORTATION. The unencumbered appropriations from the general revenue fund to the Department of Transportation made by Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2015, for Strategy G.1.1., General Obligation Bonds, are reduced by \$22,100,000.

SECTION 4. APPROPRIATION REDUCTION: HEALTH AND HUMAN SERVICES COMMISSION. The unencumbered appropriations from the general revenue fund to the Health and Human Services Commission made by Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2015, for Strategy D.1.1., TANF (Cash Assistance) Grants, are reduced by \$50,000,000.

SECTION 5. APPROPRIATION REDUCTION: DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. The unencumbered appropriations from the general revenue fund to the Department of Family and Protective Services made by Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2015, for Strategy B.1.11., Foster Care Payments, are reduced by \$33,400,000.

SECTION 6. APPROPRIATION REDUCTION: HIGHER EDUCATION COORDINATING BOARD. The unencumbered appropriations from the general revenue fund to the Higher Education Coordinating Board made by Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2015, for Strategy E.1.1., Baylor College of Medicine - UGME, are reduced by \$221,152.

SECTION 7. APPROPRIATION REDUCTION: DEBT SERVICE PAYMENTS - NON-SELF SUPPORTING G.O. WATER BONDS. (a) The unencumbered appropriations from the general revenue fund to the Debt Service Payments - Non-Self Supporting G.O. Water Bonds made by Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2015, for Strategy A.1.1., EDAP Debt Service, are reduced by \$362,107.

(b) The unencumbered appropriations from the general revenue fund to the Debt Service Payments - Non-Self Supporting G.O. Water Bonds made by Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2015, for Strategy A.1.3., WIF Debt Service, are reduced by \$5,570,411.

SECTION 8. FACILITIES COMMISSION: CRITICAL OPERATIONS, DEFERRED MAINTENANCE, AND HEALTH AND SAFETY MAINTENANCE AT STATE-OWNED BUILDINGS. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, the amount of \$9,538,658 is appropriated out of the general revenue fund to the Facilities Commission for Strategy B.2.1., Facilities Operation, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for the two-year period beginning on the effective date of this Act for critical operations, deferred maintenance, and health and safety maintenance at state-owned buildings.

(b) The Facilities Commission shall report monthly to the Legislative Budget Board, in a manner prescribed by the board, regarding the use of the money appropriated in Subsection (a) of this section. Each report must provide information on project milestones, target completion dates, and money spent as of the date of the report.

SECTION 9. FACILITIES COMMISSION: HEALTH AND SAFETY REPAIRS AT THE TEXAS SCHOOL FOR THE DEAF. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, the amount of \$10,952,024 is appropriated out of the general revenue fund to the Facilities Commission for Strategy B.2.1., Facilities Operation, as listed in Chapter 1411 (**SB 1**, Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for the period beginning on the effective date of this Act and ending on August 31, 2016, for critical operations, deferred maintenance, and health and safety projects at the Texas School for the Deaf.

(b) The Facilities Commission shall report monthly to the Legislative Budget Board, in a manner prescribed by the board, regarding the use of the money appropriated in Subsection (a) of this section. Each report must provide information on project milestones, target completion dates, and money spent as of the date of the report.

SECTION 10. FACILITIES COMMISSION: CAPITOL COMPLEX. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, the amount of \$500,000 is appropriated out of the general revenue fund to the Facilities Commission for Strategy B.2.1., Facilities Operation, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for the two-year period beginning on the effective date of this Act for additional architectural, engineering, and consulting services for a more comprehensive and in-depth assessment of the Capitol Complex.

SECTION 11. FACILITIES COMMISSION: DEPARTMENT OF MOTOR VEHICLES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, the amount of \$500,000 is appropriated out of the general revenue fund to the Facilities Commission for Strategy B.2.1., Facilities Operation, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for the two-year period beginning on the effective date of this Act for engineering and architectural services, the scope of which may include land surveying, building design, closure of property, and environmental analysis.

SECTION 12. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: FOSTER CARE SHORTFALL. Notwithstanding Subsection (k), Section 8.02, Federal Funds/Block Grants, Article IX, Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, the amount of \$43,671,644 is appropriated out of the Temporary Assistance for Needy Families (TANF) federal funds to the Department of Family and Protective Services for Strategy B.1.11., Foster Care

Payments, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for the state fiscal year ending August 31, 2015, for the purpose of providing for foster care.

SECTION 13. HEALTH AND HUMAN SERVICES COMMISSION: MEDICAID SHORTFALL. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, \$75,544,927 is appropriated out of the general revenue fund, and \$104,538,332 is appropriated out of federal funds, to the Health and Human Services Commission for Goal B, Medicaid, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for the state fiscal year ending August 31, 2015, for Medicaid acute care services.

SECTION 14. HEALTH AND HUMAN SERVICES COMMISSION: MEDICAID HEALTH INSURANCE PROVIDERS FEE AND ASSOCIATED FEDERAL INCOME TAX. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, \$79,685,024 is appropriated out of the general revenue fund, and \$113,570,204 is appropriated out of federal funds, to the Health and Human Services Commission for Goal B, Medicaid, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for the state fiscal year ending August 31, 2015, for the purpose of adjusting Medicaid capitation payments made to managed care organizations providing health care services through managed care plans under the Medicaid program to account for the health insurance providers fee imposed under Section 9010 of the federal Patient Protection and Affordable Care Act (Pub. L. No. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152), and the associated effects of that fee on federal income taxes. Before the Health and Human Services Commission makes any capitation payments to managed care organizations that are adjusted using money appropriated under this section, the executive commissioner of the commission shall submit a report to the Legislative Budget Board that specifies:

(1) the methodology and bases used to determine the amount of the capitation payment adjustments;

(2) the amounts by which capitation payments are adjusted using money appropriated under this section; and

(3) whether any managed care organization that is a recipient of a capitation payment adjustment paid using money appropriated under this section was also a recipient of one or more other Medicaid capitation payment adjustments paid during the state fiscal biennium ending August 31, 2013, or August 31, 2015, and the aggregate cost to this state of the other Medicaid capitation payment adjustments paid during those bienniums.

SECTION 15. HEALTH AND HUMAN SERVICES COMMISSION: TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF). Notwithstanding Subsection (k), Section 8.02, Federal Funds/Block Grants, Article IX, Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, the

amount of \$3,055,357 is appropriated out of the Temporary Assistance for Needy Families (TANF) federal funds to the Health and Human Services Commission for Strategy D.1.1., TANF (Cash Assistance) Grants, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for the state fiscal year ending August 31, 2015, to provide cash assistance grants.

SECTION 16. TEACHER RETIREMENT SYSTEM: TRS CARE SHORTFALL. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, \$768,100,754 is appropriated out of the general revenue fund to the Teacher Retirement System for the state fiscal year ending August 31, 2015, for Strategy A.2.1., Retiree Health-Statutory Funds, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for TRS Care.

SECTION 17. THE UNIVERSITY OF TEXAS AT AUSTIN: CENTER FOR ECONOMIC GEOLOGY. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, \$4,471,800 is appropriated out of the general revenue fund to The University of Texas at Austin for the two-year period beginning on the effective date of this Act for the purchase and deployment of seismic equipment, maintenance of seismic networks, modeling of reservoir behavior for systems of wells in the vicinity of faults, and establishment of a technical advisory committee.

(b) From money appropriated in Subsection (a) of this section, \$1,500,000 shall be used for modeling of reservoir behavior described by that subsection and other data analysis conducted through a memorandum of understanding entered into with the Texas A&M Engineering Experiment Station.

(c) The technical advisory committee established using money appropriated in Subsection (a) of this section must be composed of nine members appointed by the governor, at least two of whom represent higher education institutions and have seismic or reservoir modeling experience, at least two of whom are experts from the oil and gas industry, and at least one of whom is a Railroad Commission of Texas seismologist. The technical advisory committee shall advise on the use of the money appropriated in Subsection (a) of this section and on preparation of a report to be delivered not later than December 1, 2016, to the governor, the House Energy Resources Committee, and the Senate Natural Resources and Economic Development Committee. The report must:

(1) include an analysis of how money appropriated in Subsection (a) of this section has been used;

(2) provide the monthly data collected by the seismic equipment described in Subsection (a) of this section and transmitted to the Incorporated Research Institutions for Seismology database;

(3) identify the equipment and personnel costs necessary to maintain the TexNet Seismic Monitoring program after 2016; and

(4) describe preliminary reservoir modeling results.

SECTION 18. LEE COLLEGE: PRISON HIGHER EDUCATION. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, \$775,000 is appropriated out of the general revenue fund to Lee College for the two-year period beginning on the effective date of this Act for the prison higher education program.

SECTION 19. LAMAR STATE COLLEGE - ORANGE: DAMAGES ASSOCIATED WITH HURRICANE IKE. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, \$1,077,557 is appropriated out of the general revenue fund to Lamar State College - Orange for the two-year period beginning on the effective date of this Act for use in addressing damages associated with Hurricane Ike.

SECTION 20. THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON: BIO-CONTAINMENT CRITICAL CARE UNIT. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, \$8,200,000 is appropriated out of the general revenue fund to The University of Texas Medical Branch at Galveston for the two-year period beginning on the effective date of this Act for the Bio-Containment Critical Care Unit.

SECTION 21. JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT: ROUTH TRIAL EXPENSES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, \$500,000 is appropriated out of the general revenue fund to the Judiciary Section, Comptroller's Department, for the two-year period beginning on the effective date of this Act for the purpose of transferring the money to Erath County. Money transferred under this section may be used only for reimbursement of that county's expenses associated with the trial of State v. Eddie Ray Routh, No. CR14024 (266th Dist. Ct., Erath County, Tex. Feb. 24, 2015).

SECTION 22. DEPARTMENT OF CRIMINAL JUSTICE: CORRECTIONAL MANAGED HEALTH CARE SHORTFALL. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, \$42,500,000 is appropriated out of the general revenue fund to the Department of Criminal Justice for the state fiscal year ending August 31, 2015, for Strategy C.1.8., Hospital and Clinical Care, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for correctional managed health care.

SECTION 23. DEPARTMENT OF PUBLIC SAFETY: BORDER SECURITY SHORTFALL. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, \$29,253,684 is appropriated out of the general revenue fund to the Department of Public Safety for the state fiscal year ending August 31, 2015, for Strategy A.1.3., Border Security, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for border security operations.

SECTION 24. TEXAS MILITARY DEPARTMENT: BORDER SECURITY SHORTFALL. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, the amount of \$9,000,000 is appropriated out of the general revenue fund to the Texas Military Department for the state fiscal year ending August 31, 2015, for border security operations.

SECTION 25. ANIMAL HEALTH COMMISSION: CATTLE TUBERCULOSIS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, the amount of \$188,736 is appropriated out of the general revenue fund to the Animal Health Commission for Strategy A.1.1., Field Operations, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for the two-year period beginning on the effective date of this Act for the purpose of combatting cattle tuberculosis.

SECTION 26. ANIMAL HEALTH COMMISSION: CATTLE FEVER TICK QUARANTINE. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, the amount of \$601,111 is appropriated out of the general revenue fund to the Animal Health Commission for Strategy A.1.1., Field Operations, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for the two-year period beginning on the effective date of this Act for the purpose of instituting a quarantine zone for cattle fever ticks.

SECTION 27. PARKS AND WILDLIFE DEPARTMENT: BORDER SECURITY SHORTFALL. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, \$2,095,447 is appropriated out of the general revenue fund to the Parks and Wildlife Department for the state fiscal year ending August 31, 2015, for border security operations.

SECTION 28. PARKS AND WILDLIFE DEPARTMENT: SAN JACINTO LAWSUIT SETTLEMENT. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, if money is recovered under an agreed final judgment in Harris County v. Waste Management of Texas, Inc., No. 2011-76724-A (295th Dist. Ct., Harris County, Tex. ____ 2014), and deposited to the credit of the general revenue fund, the amount of that recovered money that is deposited to the credit of the general revenue fund, but not to exceed \$10 million, is appropriated from that fund to the Parks and Wildlife Department for the two-year period beginning on the effective date of this Act for the purpose of transferring the money to Harris County. Funds may be transferred to Harris County under this section only in accordance with an agreement between the Parks and Wildlife Department and Harris County for use along the San Jacinto River and in its watershed to mitigate the effects of environmental contamination and the effects of that contamination on natural resources and the public use of natural resources. Funds transferred under this section may be used only for one or more of the following:

(1) dissemination of information pertaining to marine life, wild animal life, wildlife values, and wildlife management;

(2) scientific investigation and survey of marine life for the better protection and conservation of marine life;

- (3) propagation and distribution of marine life, game animals, and wild birds;
- (4) protection of wild birds, fish, and game;
- (5) research, management, and protection of the fish and wildlife resources of this state;
- (6) expansion and development of additional opportunities of hunting and fishing in state-owned land and water;
- (7) purchase, construction, and maintenance of boat ramps on or near public waters; and
- (8) resource protection activities.

SECTION 29. TEXAS DEPARTMENT OF INSURANCE: HEALTHY TEXAS PROGRAM. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, \$708,000 is appropriated from the general revenue fund to the Texas Department of Insurance for the state fiscal year ending August 31, 2015, for Strategy A.1.1., Consumer Education and Outreach, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for agency operations.

(b) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, \$1,000,000 is appropriated from the general revenue fund to the Texas Department of Insurance for the state fiscal year ending August 31, 2015, for Strategy A.3.1., Process Rates, Forms & Licenses, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for agency operations.

(c) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2015, \$3,592,000 is appropriated from the general revenue fund to the Texas Department of Insurance for the state fiscal year ending August 31, 2015, for Strategy A.4.3., Healthy Texas, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for agency operations.

SECTION 30. VETERANS COMMISSION: FULL-TIME EQUIVALENT EMPLOYEES. The Veterans Commission may use money appropriated to the commission to employ 19.5 full-time equivalent employees (FTEs) during the state fiscal year ending August 31, 2015, in addition to the number of full-time equivalent employees (FTEs) the commission is authorized by other law to employ during that state fiscal year.

SECTION 31. DEPARTMENT OF AGING AND DISABILITY SERVICES: CERTAIN TRANSFERS. (a) The Department of Aging and Disability Services may transfer for the state fiscal year ending August 31, 2015, a total amount of general revenue fund appropriations not to exceed \$936,474 made for the state fiscal biennium ending August 31, 2015, from capital budget item BIP-Level 1 Screening Tool to capital budget item BIP-Secure Web Portal, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), to implement a "no wrong door" provider portal.

(b) The limitations on transfers of capital budget item appropriations, including prior approval requirements, specified in Section 14.03, Limitation on Expenditures-Capital Budget, Article IX, Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), do not apply to the transfer of capital budget item appropriations under Subsection (a) of this section.

SECTION 32. DEPARTMENT OF AGING AND DISABILITY SERVICES: CERTAIN TRANSFERS. (a) The Department of Aging and Disability Services may transfer for the state fiscal year ending August 31, 2015, a total amount of general revenue fund appropriations not to exceed \$219,550, and a total amount of federal funds appropriations not to exceed \$219,551, made for the state fiscal biennium ending August 31, 2015, from capital budget item Lease of Personal Computers to capital budget item Software Licenses, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), to purchase an annual Microsoft Enterprise Subscription Agreement.

(b) The limitations on transfers of capital budget item appropriations, including prior approval requirements, specified in Section 14.03, Limitation on Expenditures-Capital Budget, Article IX, Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), do not apply to the transfer of capital budget item appropriations under Subsection (a) of this section.

SECTION 33. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: CERTAIN TRANSFERS. (a) The Department of Family and Protective Services may transfer for the state fiscal year ending August 31, 2015, a total amount not to exceed \$16,520,662 of general revenue fund appropriations made for the state fiscal biennium ending August 31, 2015, between any department strategies, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), to address shortfalls.

(b) The limitations on transfers of appropriations, including notification or prior approval requirements, specified in Rider 15 (page II-40), Limitation on Transfers: CPS and APS Direct Delivery Staff, and Rider 27 (page II-43), Limitation on Appropriations for Day Care Services, in the bill pattern of the Department of Family and Protective Services in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), do not apply to the transfer of appropriations under Subsection (a) of this section.

SECTION 34. DEPARTMENT OF STATE HEALTH SERVICES: CERTAIN TRANSFERS. (a) The Department of State Health Services may transfer for the state fiscal year ending August 31, 2015, a total amount not to exceed \$4,650,000 of general revenue fund appropriations made for the state fiscal biennium ending August 31, 2015, between any department strategies, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), to address shortfalls.

(b) The limitations on transfers of appropriations, including notification or prior approval requirements, specified in Rider 13 (page II-59), Limitation: Transfer Authority, in the bill pattern of the Department of State Health Services in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), do not apply to the transfer of appropriations under Subsection (a) of this section.

SECTION 35. HEALTH AND HUMAN SERVICES COMMISSION: CERTAIN TRANSFERS. The following amounts of general revenue funds appropriated for the state fiscal biennium ending August 31, 2015, are transferred to the Health and Human Services Commission for the state fiscal year ending August 31, 2015, for Goal B, Medicaid, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for Medicaid acute care services:

(1) \$98,762,408 from the appropriations made to the Department of Aging and Disability Services for Strategy A.2.4., Habilitation Services, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act);

(2) \$31,151,738 from the appropriations made to the Department of Aging and Disability Services for Goal A, Long-Term Services and Supports, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act);

(3) \$5,900,000 from the appropriations made to the Department of State Health Services for Strategy B.1.4., Community Primary Care Services, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act);

(4) \$101,812,581 from the appropriations made to the Health and Human Services Commission for Strategy A.1.2., Integrated Eligibility and Enrollment (IEE), as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act);

(5) \$2,722,670 from the appropriations made to the Health and Human Services Commission for Strategy G.1.1., Office of Inspector General, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act);

(6) \$2,412,362 from the appropriations made to the Health and Human Services Commission for Strategy D.1.1., TANF (Cash Assistance) Grants, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act); and

(7) \$1,300,000 from the appropriations made to the Department of State Health Services for Strategy B.2.3., Community Mental Health Crisis Services, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act).

SECTION 36. HEALTH AND HUMAN SERVICES COMMISSION: CERTAIN TRANSFERS. (a) The Health and Human Services Commission may transfer for the state fiscal year ending August 31, 2015, a total amount of general revenue fund appropriations not to exceed \$699,627, and a total amount of federal funds appropriations not to exceed \$831,367, made for the state fiscal

biennium ending August 31, 2015, and a total amount not to exceed \$5,541,381 in capital budget transfer authority from interagency contracts for that biennium, from capital budget item Enterprise Information and Asset Management (Data Warehouse) to capital budget item Secure Mobile Infrastructure and Enterprise Communications, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), to address shortfalls.

(b) The limitations on transfers of capital budget item appropriations, including prior approval requirements, specified in Section 14.03, Limitation on Expenditures-Capital Budget, Article IX, Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), do not apply to the transfer of capital budget item appropriations under Subsection (a) of this section.

SECTION 37. MIDLAND COLLEGE: AMERICAN AIRPOWER HERITAGE MUSEUM. Unexpended and unencumbered amounts appropriated from the general revenue fund to Midland College for Strategy AB.1.1., American Airpower Heritage Museum, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2015, shall be distributed to the Permian Basin Petroleum Museum. Before disbursing any state money, Midland College must enter into a grant agreement with the Permian Basin Petroleum Museum that specifies the use of the money and requires that the money be spent in accordance with state law and the General Appropriations Act.

SECTION 38. DEPARTMENT OF CRIMINAL JUSTICE: CERTAIN TRANSFERS. Notwithstanding Rider 30 (page V-18), Appropriation: Education and Recreation Program Receipts, in the bill pattern of the Department of Criminal Justice in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), the department may transfer for the state fiscal year ending August 31, 2015, a total amount not to exceed \$5,000,000 of general revenue fund appropriations made for the state fiscal biennium ending August 31, 2015, from Strategy C.1.5., Institutional Services, as listed in Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), to Strategy C.1.8., Hospital and Clinical Care, as listed in that chapter, to address shortfalls.

SECTION 39. DEPARTMENT OF PUBLIC SAFETY: LIMITATION ON APPROPRIATIONS FOR RECRUIT SCHOOLS. (a) In this section:

(1) "New trooper" means a trooper employed by the Department of Public Safety for less than 52 weeks.

(2) "Recruit school" and "training school" include any school or other training program operated by or for the benefit of the Department of Public Safety for a purpose that may include training a new trooper.

(b) This section applies only to:

(1) the unexpended and unencumbered appropriations from the general revenue fund to the Department of Public Safety made by Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2015; and

(2) any appropriated money transferred to the Department of Public Safety pursuant to Chapter 317, Government Code, during the state fiscal biennium ending August 31, 2015, for use by the department during that biennium.

(c) Money to which this section applies may be used to pay:

(1) any cost or expense that may be directly or indirectly related to the operation of a training school or recruit school that provides a new trooper with 8 weeks of training, but only until 250 troopers have graduated and been employed as a result of an 8-week training program; or

(2) compensation provided to a trooper who completes the 8-week recruit school in an amount that exceeds the entry-level trooper compensation.

SECTION 40. DEPARTMENT OF PUBLIC SAFETY: CERTAIN TRANSFER AUTHORITY. Notwithstanding the transfer authority provided in Section 14.01, Article IX, Chapter 1411 (**SB 1**), Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), and Rider 19 (page V-50), Appropriation Transfers, in the bill pattern of the Department of Public Safety, a total amount that exceeds \$11,312,729 in general revenue fund appropriations, or a total amount that exceeds \$5,700,000 in appropriations from State Highway Fund No. 6, made to the Department of Public Safety by that Act, or any appropriated money transferred to the Department of Public Safety pursuant to Chapter 317, Government Code, during the state fiscal biennium ending August 31, 2015, for a purpose may not be transferred to another appropriation item or purpose without the prior written approval of the Legislative Budget Board.

SECTION 41. DEPARTMENT OF TRANSPORTATION: UNEXPENDED BALANCE AUTHORITY FOR ENERGY SECTOR ROAD APPROPRIATIONS. Any money appropriated by Section 40, Chapter 836 (**HB 1025**), Acts of the 83rd Legislature, Regular Session, 2013, from the general revenue fund to the Department of Transportation for transfer to the Transportation Infrastructure Fund or State Highway Fund No. 6 and use during the two-year period beginning on the effective date of that Act for road repairs in energy sectors as specified by that Act that, immediately preceding the expiration of that two-year period, is unexpended and unencumbered, is appropriated to the department for the same purpose for the two-year period beginning on the effective date of this Act.

SECTION 42. COMPTROLLER OF PUBLIC ACCOUNTS: TEXAS TOMORROW FUND. In addition to amounts previously appropriated to the comptroller of public accounts for the state fiscal biennium ending August 31, 2015, \$87,671,644 is appropriated from the general revenue fund to the comptroller for the state fiscal year ending August 31, 2015, for the purpose of depositing that amount in the Texas tomorrow fund created under Section 19, Article VII, Texas Constitution.

SECTION 43. EFFECTIVE DATE. This Act takes effect immediately.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 2** (senate committee printing) by striking SECTION 6 of the bill, regarding a reduction of appropriations to the Higher Education Coordinating Board for the Baylor College of Medicine - UGME (page 2, lines 20 through 26), and renumbering subsequent SECTIONS of the bill accordingly.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 2** (senate committee printing), in SECTION 17, as follows:

(1) On page 4, line 34, strike "CENTER" and substitute "BUREAU".

(2) On page 4, lines 43 to 47, strike Subsection (b) and substitute the following:

(b) From the money appropriated in Subsection (a) of this section, the Bureau of Economic Geology shall use an amount as determined by the technical advisory committee to enter into collaborative research relationships with other universities in Texas, including the Texas A&M Engineering Experiment Station, for the purpose of modeling of reservoir behavior described by that subsection and other data analysis.

Senate Amendment No. 3 (Senate Floor Amendment No. 3)

Amend **CSHB 2** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. DEPARTMENT OF PUBLIC SAFETY: USE OF STATE HOMELAND SECURITY GRANT PROGRAM FUNDS FOR UNACCOMPANIED MINORS. Subject to any applicable federal law or rule, the Department of Public Safety shall:

(1) prioritize the allocation of money appropriated to the department from the State Homeland Security Grant Program established by 6 U.S.C. Section 605 for state fiscal years 2014 and 2015 and available on or after January 1, 2014; and

(2) transfer projects eligible for disbursements from the State Homeland Security Grant Program in state fiscal year 2014 to state fiscal year 2015 to increase, to the extent possible, the amount of money available from the fund for use by communities in this state that are located on this state's international border with Mexico to provide humanitarian relief or to be reimbursed for the costs related to providing humanitarian relief.

**HB 3311 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Alvarado called up with senate amendments for consideration at this time,

HB 3311, A bill to be entitled An Act relating to the scoring criteria for an application for a low income housing tax credit and the allocation of those credits to developments reserved for elderly persons.

Representative Alvarado moved to concur in the senate amendments to **HB 3311**.

The motion to concur in the senate amendments to **HB 3311** prevailed by (Record 1641): 128 Yeas, 16 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Clardy; Coleman; Collier; Cook; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schubert; Sheets; Sheffield; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Bohac; Burrows; Capriglione; Craddick; Fletcher; Goldman; Phillips; Rinaldi; Schaefer; Schofield; Shaheen; Simmons; Simpson; Tinderholt; Zedler.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Deshotel; Dukes; Miles.

STATEMENTS OF VOTE

When Record No. 1641 was taken, I was shown voting yes. I intended to vote no.

Bell

When Record No. 1641 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1641 was taken, I was shown voting yes. I intended to vote no.

E. S. Turner

When Record No. 1641 was taken, I was shown voting yes. I intended to vote present, not voting.

Workman

When Record No. 1641 was taken, I was shown voting yes. I intended to vote no.

Wray

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

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

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

(1) provide quality social support services to residents;

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

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

(4) serve traditionally underserved areas;

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

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

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

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

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

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

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

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

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

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

(1) prioritizes in descending order criteria regarding:

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

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

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

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

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

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

(D) the size and quality of the units;

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

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

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

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

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

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

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

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

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

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

- (1) positive points for positive written statements received;
- (2) negative points for negative written statements received; and
- (3) zero points for neutral statements received.

HB 2131 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Márquez called up with senate amendments for consideration at this time,

HB 2131, A bill to be entitled An Act relating to the designation of centers of excellence to achieve healthy fetal outcomes in this state.

Representative Márquez moved to concur in the senate amendments to **HB 2131**.

The motion to concur in the senate amendments to **HB 2131** prevailed by (Record 1642): 136 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Keough; Phillips; Rinaldi; Simpson; Spitzer; Stickland; White, M.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Deshotel; Dukes; Geren; VanDeaver.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB 324 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Dutton called up with senate amendments for consideration at this time,

HB 324, A bill to be entitled An Act relating to a requirement that a peace officer obtain a search warrant before conducting a body cavity search during a traffic stop.

Representative Dutton moved to concur in the senate amendments to **HB 324**.

The motion to concur in the senate amendments to **HB 324** prevailed by (Record 1643): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Senate Committee Substitute

CSHB 324, A bill to be entitled An Act relating to a requirement that a peace officer obtain a search warrant before conducting a body cavity search during a traffic stop.

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

SECTION 1. Chapter 18, Code of Criminal Procedure, is amended by adding Article 18.24 to read as follows:

Art. 18.24. BODY CAVITY SEARCH DURING TRAFFIC STOP. (a) In this article, "body cavity search" means an inspection that is conducted of a person's anal or vaginal cavity in any manner, but the term does not include a pat-down.

(b) Notwithstanding any other law, a peace officer may not conduct a body cavity search of a person during a traffic stop unless the officer first obtains a search warrant pursuant to this chapter authorizing the body cavity search.

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

**HB 408 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative C. Turner called up with senate amendments for consideration at this time,

HB 408, A bill to be entitled An Act relating to the retirement benefits for certain elected state officials.

Representative C. Turner moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 408**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 408**: C. Turner, chair; Flynn, J. Rodriguez, S. Davis, and Cook.

**HB 870 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Smith called up with senate amendments for consideration at this time,

HB 870, A bill to be entitled An Act relating to the investment training requirement for certain school district financial officers.

Representative Smith moved to concur in the senate amendments to **HB 870**.

The motion to concur in the senate amendments to **HB 870** prevailed by (Record 1644): 143 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycok; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Rinaldi; Simpson; Stickland.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes.

Senate Committee Substitute

CSHB 870, A bill to be entitled An Act relating to the investment training requirement for certain local government financial officers.

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

SECTION 1. Section 2256.008, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsections (a-1), (b), and (e), the treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a local government shall:

(1) attend at least one training session from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government and containing at least 10 hours of instruction relating to the treasurer's or officer's responsibilities under this subchapter within 12 months after taking office or assuming duties; and

(2) ~~[except as provided by Subsections (b) and (e),]~~ attend an investment training session not less than once in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than 10 hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government.

(a-1) In addition to the requirements of Subsection (a)(1), the treasurer, or the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a school district or a municipality shall attend an investment training session not less than once in a two-year period that begins on the first day of the school district's or municipality's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than five hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the governing body of the school district or municipality, or by a designated investment committee advising the investment officer as provided for in the investment policy of the school district or municipality.

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

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

**HB 11 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative D. Bonnen called up with senate amendments for consideration at this time,

HB 11, A bill to be entitled An Act relating to the powers and duties of the Texas Department of Public Safety and the investigation, prosecution, punishment, and prevention of certain offenses; creating an offense and increasing a criminal penalty.

HB 11 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE MARTINEZ FISCHER: Mr. Chairman, that's the part that I wanted to get some clarity on. The oversight committee, in my estimation, looks very similar to the oversight committee that you and I worked on and other people. Would you commit to me that the spirit and intent of the oversight committee is to accomplish the same goals and function?

REPRESENTATIVE D. BONNEN: Absolutely.

MARTINEZ FISCHER: And I guess that while there are other parts of the bill, as you know—respectfully, I respect all the work that you do and we work well together—there are other aspects of the bill that I can't come to terms with. One thing being the price. But if this bill is a reality, I wanted to make sure that we had adequate belt and suspenders; that we were looking at every dollar, looking at every contract; that we weren't going to fall for the excuse that everything is a state investigation or everything could be compromised law enforcement strategy. Do you feel comfortable that with this oversight authority that you or others or whoever serves on this ultimate oversight committee will have all the tools they need to monitor the agency, both from a law enforcement objective as well as from an agency accountability perspective?

D. BONNEN: Absolutely, I do. And I think also—I don't want to ignore the opportunity and the efforts that our Appropriations Committee will have with Chairman Otto. And that DPS will be—I believe they're in, and Chairman Price can remind me—but I believe they're under the sunset review in the 2017 cycle. So I believe this interim select committee will have that opportunity with the pure focus on the issues you raised, Mr. Martinez Fischer, but we will also have other legislative committees that I think will be there to work with us, too.

MARTINEZ FISCHER: If at any time the oversight committee or a member feels that there needs to be some attention drawn to an issue, I would imagine that in working with the oversight committee, that you can at least account for the folks on the house side—that this oversight appointee on the house side will be able to interact with members to—and particularly those in the region, in the impacted area—to make sure that all areas of the mission and the intent of the legislature are being carried out for the right reasons.

D. BONNEN: Absolutely, and I think that's one of the things, Representative Martinez Fischer, that I'm so very proud of the work that the house has done on this bill. This is about addressing the issues that come across our border

region—but into the rest of the state and even to the rest of the country. This is not an issue that simply is a border region issue. This is an issue that we have to deal with across our state. And I think you're right, that we need to pay particular deference and respect to our colleagues' districts that maybe are the front line in addressing these issues.

MARTINEZ FISCHER: And I respect the work of the house, and I also respect the fact that while I may not agree on the policy, you were willing to work with me to make sure that whatever policy came out of **HB 11** there would be a lasting component and an oversight function that made sure that we were doing everything properly. The mission's being met, we are being told exactly what's happening in the region, and we are accounting for every dollar in a very transparent way. And so I appreciate you telling me that this oversight mirrors and reflects the idea that we had here in the house. And I know that you and I will respectfully disagree ultimately on the final vote, but we can also agree that when it comes to the accountability component, that we did some very good work here. And I want to thank you for that.

D. BONNEN: Absolutely. And one thing I do want to correct is—Chairman Price let me know that I was wrong—DPS's sunset date would be 2019, not 2017. I apologize for that.

REPRESENTATIVE ANCHIA: I was looking through the bill really quickly and there were some concerns articulated in the first go around about what is success for this effort. I was looking through the bill and didn't necessarily see any metrics that DPS is going to be held to with respect to this operation. What were those discussions like when you were visiting with the senate and coming up with the final bill?

D. BONNEN: We didn't have discussions about creating metrics. The biggest discussion was making sure that there was an oversight committee to ensure that we, as elected representatives—and with the discretion and leadership of the lieutenant governor and the speaker for our body—that we are making sure that these dollars are being spent with respect to being efficient and effective and providing a positive result to Texas and Sunset coming up in the 2019 cycle.

ANCHIA: Since the bill first left the house and now that it's coming back, there have been significant reports and engagement by the legislature with DPS about the reporting of crime interdiction statistics. And it was discovered that DPS was simply relying on the federal government's statistics and reporting those as their own. Did we do anything in this bill to make sure that DPS had to report their own statistics on a disaggregated basis versus just simply reporting the federal government's statistics?

D. BONNEN: We didn't speak to that other than requesting that we try and create a uniformity across the state following NIBRS, and there is some money in the budget to help communities that need support transitioning into that system.

ANCHIA: That's a big concern. We are going to be spending a lot of money on this operation, and we don't have visibility on what success is. And then the data that is being provided is data that the federal government's using. It makes me

sometimes, Mr. Speaker—and I have a great deal of respect for you and the work that you've done—but it makes me a little uncomfortable that we don't have a metric for success and a way to evaluate whether we are winning.

D. BONNEN: I respectfully disagree with you slightly in that I really believe that the oversight committee has that responsibility. Representative Martinez Fischer really put us on record with his questions at the beginning of the conversation saying is that not the things that this oversight committee should be doing? And I think it's very much what we should be doing. With that, I don't want to mislead you or the body. I think it will be a challenge to come up with clear metrics—that we can say, here is the mark to reach. But I commit to you and to our colleagues that this oversight committee—whoever's on it, whoever's chairing it in the senate and house together—should very much be paying great attention. And again, I'm not comfortable saying there'll be a metrics we can have created by that oversight committee, but I do think we can clearly be holding them accountable to the best of our ability for creating success or at least why we aren't having the success for these dollars we had hoped we would see.

REMARKS ORDERED PRINTED

Representative Martinez Fischer moved to print remarks between Representative D. Bonnen and Representative Martinez Fischer.

The motion prevailed.

Representative D. Bonnen moved to concur in the senate amendments to **HB 11**.

The motion to concur in the senate amendments to **HB 11** prevailed by (Record 1645): 122 Yeas, 22 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Ashby; Aycok; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; Guerra; Guillen; Harless; Herrero; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; Vo; White, J.; White, M.; Workman; Wray; Zedler.

Nays — Anchia; Bernal; Blanco; Collier; Farias; González; Gutierrez; Hernandez; Howard; Israel; Martinez Fischer; Miles; Minjarez; Naishtat; Rodriguez, E.; Rodriguez, J.; Romero; Simpson; Turner, C.; Turner, S.; Walle; Wu.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; King, S.; Zerwas.

STATEMENT OF VOTE

When Record No. 1645 was taken, I was in the house but away from my desk. I would have voted yes.

Zerwas

Senate Committee Substitute

CSHB 11, A bill to be entitled An Act relating to the powers and duties of the Texas Department of Public Safety, military and law enforcement training, and the investigation, prosecution, punishment, and prevention of certain offenses; creating an offense and increasing a criminal penalty; authorizing fees.

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

SECTION 1. Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

(1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(4) rangers, ~~and~~ officers, and members of the reserve officer corps commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

(6) law enforcement agents of the Texas Alcoholic Beverage Commission;

(7) each member of an arson investigating unit commissioned by a city, a county, or the state;

(8) officers commissioned under Section 37.081, Education Code, or Subchapter E, Chapter 51, Education Code;

(9) officers commissioned by the General Services Commission;

(10) law enforcement officers commissioned by the Parks and Wildlife Commission;

(11) airport police officers commissioned by a city with a population of more than 1.18 million located primarily in a county with a population of 2 million or more that operates an airport that serves commercial air carriers;

(12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state, other than a city described by Subdivision (11), that operates an airport that serves commercial air carriers;

- (13) municipal park and recreational patrolmen and security officers;
- (14) security officers and investigators commissioned as peace officers by the comptroller;
- (15) officers commissioned by a water control and improvement district under Section 49.216, Water Code;
- (16) officers commissioned by a board of trustees under Chapter 54, Transportation Code;
- (17) investigators commissioned by the Texas Medical Board;
- (18) officers commissioned by:
- (A) the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, the Bexar County Hospital District, or the El Paso County Hospital District under Section 281.057, Health and Safety Code;
- (B) the board of directors of the Ector County Hospital District under Section 1024.117, Special District Local Laws Code; and
- (C) the board of directors of the Midland County Hospital District of Midland County, Texas, under Section 1061.121, Special District Local Laws Code;
- (19) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;
- (20) investigators employed by the Texas Racing Commission;
- (21) officers commissioned under Chapter 554, Occupations Code;
- (22) officers commissioned by the governing body of a metropolitan rapid transit authority under Section 451.108, Transportation Code, or by a regional transportation authority under Section 452.110, Transportation Code;
- (23) investigators commissioned by the attorney general under Section 402.009, Government Code;
- (24) security officers and investigators commissioned as peace officers under Chapter 466, Government Code;
- (25) ~~an officer employed by the Department of State Health Services under Section 431.2471, Health and Safety Code;~~
- ~~[(26)]~~ officers appointed by an appellate court under Subchapter F, Chapter 53, Government Code;
- ~~[(27)]~~ officers commissioned by the state fire marshal under Chapter 417, Government Code;
- ~~[(28)]~~ an investigator commissioned by the commissioner of insurance under Section 701.104, Insurance Code;
- ~~[(29)]~~ apprehension specialists and inspectors general commissioned by the Texas Juvenile Justice Department as officers under Sections 242.102 and 243.052, Human Resources Code;
- ~~[(30)]~~ officers appointed by the inspector general of the Texas Department of Criminal Justice under Section 493.019, Government Code;
- ~~[(31)]~~ investigators commissioned by the Texas Commission on Law Enforcement under Section 1701.160, Occupations Code;
- ~~[(32)]~~ commission investigators commissioned by the Texas Private Security Board under Section 1702.061 ~~[1702.061(A)]~~, Occupations Code;

(32) [~~(33)~~] the fire marshal and any officers, inspectors, or investigators commissioned by an emergency services district under Chapter 775, Health and Safety Code;

(33) [~~(34)~~] officers commissioned by the State Board of Dental Examiners under Section 254.013, Occupations Code, subject to the limitations imposed by that section;

(34) [~~(35)~~] investigators commissioned by the Texas Juvenile Justice Department as officers under Section 221.011, Human Resources Code; and

(35) [~~(36)~~] the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code.

SECTION 2. Section 4, Article 18.20, Code of Criminal Procedure, is amended to read as follows:

Sec. 4. OFFENSES FOR WHICH INTERCEPTIONS MAY BE AUTHORIZED. A judge of competent jurisdiction may issue an order authorizing interception of wire, oral, or electronic communications only if the prosecutor applying for the order shows probable cause to believe that the interception will provide evidence of the commission of:

- (1) a felony under Section 19.02, 19.03, or 43.26, Penal Code;
- (2) a felony under:
 - (A) Chapter 481, Health and Safety Code, other than felony possession of marijuana;
 - (B) Section 485.032, Health and Safety Code; or
 - (C) Chapter 483, Health and Safety Code;
- (3) an offense under Section 20.03 or 20.04, Penal Code;
- (4) an offense under Chapter 20A, Penal Code;
- (5) an offense under Chapter 34, Penal Code, if the criminal activity giving rise to the proceeds involves the commission of an offense under Title 5, Penal Code, or an offense under federal law or the laws of another state containing elements that are substantially similar to the elements of an offense under Title 5;
- (6) an offense under Section 38.11, Penal Code; ~~[or]~~
- (7) an offense under Section 43.04 or 43.05, Penal Code; or
- (8) an attempt, conspiracy, or solicitation to commit an offense listed in this section.

SECTION 3. Article 59.01(2), Code of Criminal Procedure, as amended by Chapters 427 (**SB 529**) and 1357 (**SB 1451**), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(2) "Contraband" means property of any nature, including real, personal, tangible, or intangible, that is:

- (A) used in the commission of:
 - (i) any first or second degree felony under the Penal Code;
 - (ii) any felony under Section 15.031(b), 20.05, 20.06, 21.11, 38.04, or Chapter 43, 20A, 29, 30, 31, 32, 33, 33A, or 35, Penal Code;
 - (iii) any felony under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes); or

(iv) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;

(B) used or intended to be used in the commission of:

(i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);

(ii) any felony under Chapter 483, Health and Safety Code;

(iii) a felony under Chapter 151, Finance Code;

(iv) any felony under Chapter 34, Penal Code;

(v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;

(vi) any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves the state Medicaid program;

(vii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;

(viii) a Class A misdemeanor under Section 306.051, Business & Commerce Code;

(ix) any offense under Section 42.10, Penal Code;

(x) any offense under Section 46.06(a)(1) or 46.14, Penal Code;

(xi) any offense under Chapter 71, Penal Code;

(xii) any offense under Section 20.05 or 20.06, Penal Code; or

(xiii) [~~(xiv)~~] an offense under Section 326.002, Business & Commerce Code;

(C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), or (xi) of this subdivision, or a crime of violence;

(D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), or (xi) of this subdivision, or a crime of violence;

(E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or 43.25, Penal Code; or

(F) used to facilitate or intended to be used to facilitate the commission of a felony under Section 20A.02 or Chapter 43, Penal Code.

SECTION 4. Subchapter B, Chapter 402, Government Code, is amended by adding Section 402.038 to read as follows:

Sec. 402.038. TRANSNATIONAL AND ORGANIZED CRIME DIVISION. (a) The office of the attorney general shall establish a transnational and organized crime division.

(b) To address matters related to border security and organized crime, the transnational and organized crime division shall:

(1) establish within the division a prosecution unit to provide critical assistance to local prosecutors;

(2) using existing funds, establish within the division a trafficking of persons unit to:

(A) assist local law enforcement agencies and local prosecutors in investigating and prosecuting trafficking of persons and related crimes; and

(B) work with the appropriate local and state agencies to identify victims of trafficking of persons and to provide the types of assistance available for those victims under Chapter 56, Code of Criminal Procedure; and

(3) develop initiatives to provide greater state assistance, support, and coordination among state law enforcement agencies, local law enforcement agencies, and local prosecutors.

(c) Prosecution assistance provided by the division under this section shall be in accordance with the assistance authorized under Section 402.028.

SECTION 5. Section 411.0043, Government Code, is amended to read as follows:

Sec. 411.0043. TECHNOLOGY POLICY; REVIEW. (a) The commission shall implement a policy requiring the department to use appropriate technological solutions to improve the department's ability to perform its functions. The policy must ensure that the public is able to interact with the department on the Internet.

(b) The department shall periodically:

(1) review the department's existing information technology system to determine whether:

(A) the system's security should be upgraded; and

(B) the system provides the department with the best ability to monitor and investigate criminal activity on the Internet; and

(2) make any necessary improvements to the department's information technology system.

SECTION 6. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0163 to read as follows:

Sec. 411.0163. HIRING OFFICERS WITH PREVIOUS LAW ENFORCEMENT EXPERIENCE. Notwithstanding any other provision of law, the department may, at the time a commissioned officer is hired, elect to credit up to four years of experience as a peace officer in the state as years of service for the purpose of calculating the officer's salary under Schedule C. All officers are subject to the one-year probationary period under Section 411.007(g) notwithstanding the officer's rank or salary classification.

SECTION 7. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0164 to read as follows:

Sec. 411.0164. 50-HOUR WORKWEEK FOR COMMISSIONED OFFICERS. Notwithstanding any other law, the department may implement a 10-hour workday and 50-hour workweek for commissioned officers of the department.

SECTION 8. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0165 to read as follows:

Sec. 411.0165. VETERAN APPLICANTS FOR TROOPER TRAINING. The department may accept a person applying to the department's trooper trainee academy if the person:

(1) has served four or more years in the United States armed forces as a member of the military police or other security force and received an honorable discharge; and

(2) meets all other department requirements for a commissioned officer.

SECTION 9. Subchapter A, Chapter 411, Government Code, is amended by adding Sections 411.0208 and 411.0209 to read as follows:

Sec. 411.0208. RESERVE OFFICER CORPS. (a) The commission may provide for the establishment of a reserve officer corps consisting of retired or previously commissioned officers of the department who retired or resigned in good standing.

(b) The commission shall establish qualifications and standards of training for members of the reserve officer corps.

(c) The commission may limit the size of the reserve officer corps.

(d) The director shall appoint the members of the reserve officer corps. Members serve at the director's discretion.

(e) The director may call the reserve officer corps into service at any time the director considers it necessary to have additional officers to assist the department in conducting background investigations, sex offender compliance checks, and other duties as determined necessary by the director.

Sec. 411.0209. DEPARTMENT ASSISTANCE AT INTERNATIONAL BORDER CHECKPOINTS. (a) To prevent the unlawful transfer of contraband from this state to the United Mexican States and other unlawful activity, the department shall implement a strategy for providing to federal authorities and to local law enforcement authorities working with those federal authorities at international border checkpoints assistance in the interdiction of weapons, bulk currency, stolen vehicles, and other contraband, and of fugitives, being smuggled into the United Mexican States.

(b) The department may share with the federal government the cost of staffing any international border checkpoints for the purposes described by this section.

(c) The director and applicable local law enforcement authorities shall adopt procedures as necessary to administer this section.

SECTION 10. Subchapter D, Chapter 411, Government Code, is amended by adding Section 411.054 to read as follows:

Sec. 411.054. INCIDENT-BASED CRIME STATISTICS REPORTING GOAL. (a) The department shall establish a goal that, not later than September 1, 2019, all local law enforcement agencies:

(1) will have implemented an incident-based reporting system that meets the reporting requirements of the National Incident-Based Reporting System of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(2) will use the system described by Subdivision (1) to submit to the department information and statistics concerning criminal offenses committed in the jurisdiction of the local law enforcement agency.

(b) Not later than January 1, 2017, the department shall submit a report to the legislature that identifies the number of local law enforcement agencies that have implemented the system described by Subsection (a).

SECTION 11. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0141 to read as follows:

Sec. 411.0141. MULTIUSE TRAINING FACILITY. (a) The Texas Facilities Commission shall construct a multiuse training facility to be used by the department, the Texas military forces, county and municipal law enforcement agencies, and any other military or law enforcement agency, including agencies of the federal government, for training purposes.

(b) The Texas Facilities Commission, with the assistance of the department, shall locate and acquire real property for the purpose of constructing the training facility. The governing body of a county or municipality, on behalf of the county or municipality, may donate real property to the department for the training facility. The donation may be in fee simple or otherwise.

(c) The department shall, with the assistance of the Texas Facilities Commission, design the training facility.

(d) On completion of the construction of the training facility, the Texas Facilities Commission shall transfer ownership of the training facility, including the real property and buildings, to the department.

(e) The department shall manage the training facility and may adopt rules necessary to implement this section. The department shall make the training facility available for use by the department, the Texas military forces, county and municipal law enforcement agencies, and any other military or law enforcement agency, including agencies of the federal government. The department may set and collect fees for the use of the training facility.

SECTION 12. Section 772.007, Government Code, is reenacted to read as follows:

Sec. 772.007. TEXAS ANTI-GANG GRANT PROGRAM. (a) The criminal justice division established under Section 772.006 shall administer a competitive grant program to support regional, multidisciplinary approaches to combat gang violence through the coordination of gang prevention, intervention, and suppression activities.

(b) The grant program administered under this section must be directed toward regions of this state that have demonstrably high levels of gang violence.

(c) The criminal justice division shall award grants to qualified applicants, as determined by the division, that demonstrate a comprehensive approach that balances gang prevention, intervention, and suppression activities to reduce gang violence.

(d) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) detailed reporting of the results and performance of the grant program administered under this section.

(e) The criminal justice division may use any revenue available for purposes of this section.

SECTION 13. Chapter 362, Local Government Code, is amended by adding Section 362.005 to read as follows:

Sec. 362.005. TEXAS TRANSNATIONAL INTELLIGENCE CENTER.

(a) The sheriff's department of a county with a population of at least 700,000 but not more than 800,000 that borders the Texas-Mexico border and the police department of the municipality having the largest population in that county shall jointly establish and operate the Texas Transnational Intelligence Center as a central repository of real-time intelligence relating to:

(1) autopsies in which the person's death is likely connected to transnational criminal activity;

(2) criminal activity in the counties along the Texas-Mexico border and certain other counties; and

(3) other transnational criminal activity in the state.

(b) The Texas Department of Public Safety shall assist the county sheriff's department and the municipal police department in the establishment and operation of the center.

(c) Each law enforcement agency in a county located along the Texas-Mexico border or in a county that contains a federal checkpoint shall report to the Texas Transnational Intelligence Center intelligence regarding criminal activity in the law enforcement agency's jurisdiction, including details on kidnappings, home invasions, and incidents of impersonation of law enforcement officers. The Texas Alcoholic Beverage Commission and Parks and Wildlife Department shall report to the center intelligence regarding transnational criminal activity in the agency's jurisdiction.

(d) The intelligence in the Texas Transnational Intelligence Center shall be made available to each law enforcement agency in the state and the Texas Alcoholic Beverage Commission and Parks and Wildlife Department.

(e) The Texas Transnational Intelligence Center shall comply with Section 421.085, Government Code, and the rules relating to that section.

SECTION 14. Section 20.05, Penal Code, is amended to read as follows:

Sec. 20.05. SMUGGLING OF PERSONS. (a) A person commits an offense if the person, with the intent to obtain a pecuniary benefit, knowingly:

(1) intentionally uses a motor vehicle, aircraft, ~~or~~ watercraft, or other means of conveyance to transport an individual with the intent to:

(A) ~~(4)~~ conceal the individual from a peace officer or special investigator; or

(B) ~~(2)~~ flee from a person the actor knows is a peace officer or special investigator attempting to lawfully arrest or detain the actor; or

(2) encourages or induces a person to enter or remain in this country in violation of federal law by concealing, harboring, or shielding that person from detection.

(b) An ~~Except as provided by Subsection (c), an~~ offense under this section is ~~a state jail felony.~~

~~[(c) An offense under this section is]~~ a felony of the third degree, except that [if the actor commits] the offense is:

(1) a felony of the second degree if:

(A) the actor commits the offense [for pecuniary benefit; or

~~(2)]~~ in a manner that creates a substantial likelihood that the smuggled [transported] individual will suffer serious bodily injury or death; or

(B) the smuggled individual is a child younger than 18 years of age at the time of the offense; or

(2) a felony of the first degree if:

(A) it is shown on the trial of the offense that, as a direct result of the commission of the offense, the smuggled individual became a victim of sexual assault, as defined by Section 22.011, or aggravated sexual assault, as defined by Section 22.021; or

(B) the smuggled individual suffered serious bodily injury or death.

(c) ~~[(d)]~~ It is an affirmative defense to prosecution of an offense under this section, other than an offense punishable under Subsection (b)(1)(A) or (b)(2), that the actor is related to the smuggled [transported] individual within the second degree of consanguinity or, at the time of the offense, within the second degree of affinity.

(d) ~~[(e)]~~ If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

SECTION 15. Chapter 20, Penal Code, is amended by adding Section 20.06 to read as follows:

Sec. 20.06. CONTINUOUS SMUGGLING OF PERSONS. (a) A person commits an offense if, during a period that is 10 or more days in duration, the person engages two or more times in conduct that constitutes an offense under Section 20.05.

(b) If a jury is the trier of fact, members of the jury are not required to agree unanimously on which specific conduct engaged in by the defendant constituted an offense under Section 20.05 or on which exact date the defendant engaged in that conduct. The jury must agree unanimously that the defendant, during a period that is 10 or more days in duration, engaged two or more times in conduct that constitutes an offense under Section 20.05.

(c) If the victim of an offense under Subsection (a) is the same victim as a victim of an offense under Section 20.05, a defendant may not be convicted of the offense under Section 20.05 in the same criminal action as the offense under Subsection (a), unless the offense under Section 20.05:

(1) is charged in the alternative;

(2) occurred outside the period in which the offense alleged under Subsection (a) was committed; or

(3) is considered by the trier of fact to be a lesser included offense of the offense alleged under Subsection (a).

(d) A defendant may not be charged with more than one count under Subsection (a) if all of the conduct that constitutes an offense under Section 20.05 is alleged to have been committed against the same victim.

(e) Except as provided by Subsections (f) and (g), an offense under this section is a felony of the second degree.

(f) An offense under this section is a felony of the first degree if:

(1) the conduct constituting an offense under Section 20.05 is conducted in a manner that creates a substantial likelihood that the smuggled individual will suffer serious bodily injury or death; or

(2) the smuggled individual is a child younger than 18 years of age at the time of the offense.

(g) An offense under this section is a felony of the first degree, punishable by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than 25 years, if:

(1) it is shown on the trial of the offense that, as a direct result of the commission of the offense, the smuggled individual became a victim of sexual assault, as defined by Section 22.011, or aggravated sexual assault, as defined by Section 22.021; or

(2) the smuggled individual suffered serious bodily injury or death.

SECTION 16. Sections 71.02(a) and (b), Penal Code, are amended to read as follows:

(a) A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, the person commits or conspires to commit one or more of the following:

(1) murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, continuous sexual abuse of young child or children, solicitation of a minor, forgery, deadly conduct, assault punishable as a Class A misdemeanor, burglary of a motor vehicle, or unauthorized use of a motor vehicle;

(2) any gambling offense punishable as a Class A misdemeanor;

(3) promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution;

(4) unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons;

(5) unlawful manufacture, delivery, dispensation, or distribution of a controlled substance or dangerous drug, or unlawful possession of a controlled substance or dangerous drug through forgery, fraud, misrepresentation, or deception;

(5-a) causing the unlawful delivery, dispensation, or distribution of a controlled substance or dangerous drug in violation of Subtitle B, Title 3, Occupations Code;

(6) any unlawful wholesale promotion or possession of any obscene material or obscene device with the intent to wholesale promote the same;

(7) any offense under Subchapter B, Chapter 43, depicting or involving conduct by or directed toward a child younger than 18 years of age;

(8) any felony offense under Chapter 32;

(9) any offense under Chapter 36;

- (10) any offense under Chapter 34, 35, or 35A;
- (11) any offense under Section 37.11(a);
- (12) any offense under Chapter 20A;
- (13) any offense under Section 37.10;
- (14) any offense under Section 38.06, 38.07, 38.09, or 38.11;
- (15) any offense under Section 42.10;
- (16) any offense under Section 46.06(a)(1) or 46.14;
- (17) any offense under Section 20.05 or 20.06; or
- (18) any offense classified as a felony under the Tax Code.

(b) Except as provided in Subsections (c) and (d), an offense under this section is one category higher than the most serious offense listed in Subsection (a) that was committed, and if the most serious offense is a Class A misdemeanor, the offense is a state jail felony, except that the offense is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for:

(1) life without parole, if the most serious offense is an aggravated sexual assault and if at the time of that offense the defendant is 18 years of age or older and:

(A) the victim of the offense is younger than six years of age;

(B) the victim of the offense is younger than 14 years of age and the actor commits the offense in a manner described by Section 22.021(a)(2)(A); or

(C) the victim of the offense is younger than 17 years of age and suffered serious bodily injury as a result of the offense; ~~[or]~~

(2) life or for any term of not more than 99 years or less than 30 years if the most serious offense is an offense under Section 20.06 that is punishable under Subsection (g) of that section; or

(3) life or for any term of not more than 99 years or less than 15 years if the most serious offense is an offense punishable as a felony of the first degree, other than an offense described by Subdivision (1) or (2).

SECTION 17. The change in law made by this Act to Section 4, Article 18.20, Code of Criminal Procedure, applies only to an application for an interception order filed on or after the effective date of this Act. An application for an interception order filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 18. Not later than December 1, 2015, the office of the attorney general shall establish the transnational and organized crime division as required by Section 402.038, Government Code, as added by this Act.

SECTION 19. The changes in law made by this Act to Sections 20.05 and 71.02, Penal Code, 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.

SECTION 20. 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 21. This Act takes effect September 1, 2015.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 11** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill as appropriate:

SECTION _____. (a) The lieutenant governor and the speaker of the house of representatives shall create a joint interim committee to study border security.

(b) The committee shall be composed of 10 members as follows:

(1) five members of the senate appointed by the lieutenant governor;
and

(2) five members of the house of representatives appointed by the speaker of the house of representatives.

(c) The lieutenant governor and speaker of the house of representatives shall each designate a co-chair from among the committee members.

(d) The committee shall submit a full report, including findings and recommendations, to the 85th Legislature before it convenes in regular session in January of 2017.

(e) The lieutenant governor and the speaker of the house of representatives shall appoint the members of the committee created under this section as soon as possible after the effective date of this Act.

**HB 48 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative McClendon called up with senate amendments for consideration at this time,

HB 48, A bill to be entitled An Act relating to the creation of a commission to review convictions after exoneration and to prevent wrongful convictions.

Representative McClendon moved to concur in the senate amendments to **HB 48**.

The motion to concur in the senate amendments to **HB 48** prevailed by (Record 1646): 138 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Metcalf; Meyer; Miles; Miller, D.; Miller, R.;

Minjarez; Moody; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler.

Nays — Anderson, R.; Craddick; Phillips; Rinaldi; Schofield.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; King, P.; Morrison; Zerwas.

STATEMENT OF VOTE

When Record No. 1646 was taken, I was in the house but away from my desk. I would have voted yes.

Zerwas

Senate Committee Substitute

CSHB 48, A bill to be entitled An Act relating to the creation of a commission to review convictions after exoneration and to prevent wrongful convictions.

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

SECTION 1. Chapter 43, Code of Criminal Procedure, is amended by adding Article 43.27 to read as follows:

Art. 43.27. TIMOTHY COLE EXONERATION REVIEW COMMISSION

Sec. 1. CREATION. The Timothy Cole Exoneration Review Commission is created.

Sec. 2. COMPOSITION. (a) The commission is composed of the following 11 members:

(1) a member appointed by the governor;

(2) the chair of the Senate Committee on Criminal Justice;

(3) the chair of the Senate Committee on State Affairs;

(4) the chair of the House Committee on Criminal Jurisprudence;

(5) the chair of the House Committee on Judiciary and Civil Jurisprudence;

(6) a member appointed by the chair of the Texas Judicial Council;

(7) the presiding officer of the Texas Commission on Law Enforcement, or a member or employee of the Texas Commission on Law Enforcement appointed by the presiding officer;

(8) the presiding officer of the Texas Indigent Defense Commission, or a member or employee of the Texas Indigent Defense Commission appointed by the presiding officer;

(9) the presiding officer of the Texas Forensic Science Commission, or a member or employee of the Texas Forensic Science Commission who has significant experience in the field of forensic science appointed by the presiding officer;

(10) the president of the Texas Criminal Defense Lawyers Association, or the president's designee; and

(11) the chairman of the board of the Texas District and County Attorneys Association, or the chairman's designee.

(b) A person appointed under this section may not, while serving on the commission, be an active judge, as that term is defined by Section 74.041, Government Code.

(c) The following persons serve as advisory members to the commission:

(1) the director of the Texas Center for Actual Innocence at The University of Texas School of Law;

(2) the director of the Texas Innocence Network at the University of Houston Law Center;

(3) the executive director of the Innocence Project of Texas; and

(4) the executive director of the Innocence Project at Thurgood Marshall School of Law.

Sec. 3. TERMS; VACANCIES. (a) A member of the commission serves until the commission is dissolved.

(b) The presiding officer of the commission shall be elected by the members of the commission.

(c) A vacancy on the commission is filled in the same manner as the original appointment.

(d) The presiding officer may appoint committees from the membership of the commission as needed to organize the commission or to perform the duties of the commission.

Sec. 4. ADMINISTRATIVE ATTACHMENT. (a) The commission exists under the Texas Judicial Council created under Chapter 71, Government Code. The commission operates independently of the Texas Judicial Council.

(b) The commission is administratively attached to the Office of Court Administration of the Texas Judicial System.

(c) Notwithstanding any other law, and subject to available funding, the Office of Court Administration of the Texas Judicial System shall:

(1) provide administrative assistance and services to the commission;

(2) accept, deposit, and disburse money made available to the commission; and

(3) provide the commission with adequate computer equipment and support.

Sec. 5. MEETINGS. (a) The commission may hold its hearing and meetings and other proceedings at a time and in a manner determined by the commission, but shall meet in Austin at least annually. The commission shall hold its first meeting on or before October 31, 2015.

(b) The commission shall conduct one public hearing. Advisory members may participate in the public hearing of the commission but do not count toward a quorum and are not entitled to vote on matters before the commission.

(c) Six members of the commission constitute a quorum. The commission may act only on the concurrence of six or more members. The commission may issue a report under Section 9 only on the concurrence of seven members.

(d) Subject to the availability of funds, a member of the commission is entitled only to reimbursement for the member's travel expenses as provided by Chapter 660, Government Code, and the General Appropriations Act.

Sec. 6. QUALIFICATIONS. (a) A member of the commission may not participate in or vote on any matter before the commission if the matter directly concerns an individual related to the member within the second degree by affinity or consanguinity.

(b) An individual may not be a member of the commission if the individual or individual's spouse is required to register as a lobbyist under Chapter 305, Government Code, because of the individual's activities for compensation on behalf of a profession or entity related to the operation of the commission.

Sec. 7. GROUNDS FOR REMOVAL. (a) It is a ground for removal from the commission that a member:

(1) if applicable, does not have at the time of appointment the qualifications required by this article;

(2) does not maintain during service on the commission the qualifications required by this article;

(3) violates a prohibition established by this article;

(4) is ineligible for membership under this article;

(5) cannot, because of illness or disability, discharge the member's duties for a substantial period; or

(6) is absent from more than half of the regularly scheduled meetings that the member is eligible to attend during a calendar year, unless the absence is excused by a majority vote of the commission.

(b) The validity of an action of the commission is not affected by the fact that it is taken when a ground for removal of a commission member exists.

Sec. 8. DUTIES. (a) The commission may review and examine all cases in this state in which an innocent defendant was convicted and then, on or after January 1, 2010, was exonerated to, as applicable:

(1) identify the causes of wrongful convictions and suggest ways to prevent future wrongful convictions and improve the reliability and fairness of the criminal justice system;

(2) ascertain errors and defects in the laws, evidence, and procedures applied or omitted in the defendant's case;

(3) consider suggestions to correct the identified errors and defects through legislation or procedural changes;

(4) identify procedures, programs, and educational or training opportunities designed to eliminate or minimize the identified causes of wrongful convictions;

(5) collect and evaluate data and information from an actual innocence exoneration reported to the commission by a state-funded innocence project, for inclusion in the commission's report under Section 9;

(6) identify any patterns in errors or defects in the criminal justice system in this state that impact the pretrial, trial, appellate, or habeas review process; or

(7) consider and suggest legislative, training, or procedural changes to correct the patterns, errors, and defects in the criminal justice system that are identified through the work of the commission.

(b) The commission shall consider potential implementation plans, costs, cost savings, and the impact on the criminal justice system for each potential solution identified through the work of the commission.

(c) The commission shall review and update the research, reports, and recommendations of the Timothy Cole advisory panel established in the 81st Regular Session and shall include in its report under Section 9 the degree to which the panel's recommendations were implemented.

(d) The commission may solicit input from innocence projects, bar associations, judicial entities, law enforcement agencies, prosecutor associations, public defender or criminal defense associations, public and private universities, and advocacy organizations.

Sec. 9. REPORT AND RECORDS. (a) The commission shall compile and issue a detailed report of its findings and recommendations, including any legislation or policy changes the commission recommends to implement procedures and programs to prevent the causes and occurrence of future wrongful convictions. The report must also describe statutory, procedural, and evidentiary reforms that have already been implemented in this state to prevent the causes and occurrence of future wrongful convictions.

(b) The report may not include any recommendation regarding the use of the death penalty or related procedures.

(c) The official report issued by the commission must be made available to the public on request.

(d) Working papers and records, including all documentary or other information, collected, received, prepared, or maintained by the commission or members of the commission in performing under this article or other law the commission's duties to conduct an evaluation and prepare a report, are confidential and not subject to disclosure under Chapter 552, Government Code.

(e) The commission may request that an entity of state government or of a political subdivision provide information related to the commission's duties under Section 8. On the request of the commission, an entity may provide information to the commission unless otherwise prohibited from disclosing that information.

(f) Information held by an entity of state government or of a political subdivision that is confidential and that the commission receives in connection with the performance of the commission's functions under this article or other law remains confidential and is not subject to disclosure under Chapter 552, Government Code.

(g) In carrying out its duties, the commission may examine the public records of an entity of state government or a political subdivision that are provided under Subsection (e).

Sec. 10. ASSISTANCE OF STATE-SUPPORTED UNIVERSITIES. The commission may request assistance from any state-supported university in performing the commission's duties.

Sec. 11. SUBMISSION. The commission shall submit the report described by Section 9 to the governor, the lieutenant governor, the speaker of the house of representatives, the legislature, and the Texas Judicial Council not later than December 1, 2016.

Sec. 12. EXPIRATION. (a) This article expires December 1, 2016.

(b) The commission is dissolved on the earlier of:

- (1) the date the commission submits its report; or
- (2) December 1, 2016.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

HB 48 - REMARKS

REPRESENTATIVE LEACH: This is a tremendous victory for this house, for the legislature, and this lady right here whom all of us know and love. This has been a labor of love for her, for how long? Many, many, years. Many of us from all sides of the aisle: republican, democrat, conservative, liberal, everyone in between, have joined her in this effort. Let me tell you, this is a wonderful, wonderful lady and many, many lives are going to be saved and changed because of her work on this issue. It has been—I've only been here not even three years yet, but this has been an honor of a lifetime to get to stand shoulder to shoulder with this wonderful lady on this bill. Ruth, on behalf of the entire Texas House and the people of Texas, we love you and congratulations on this tremendous victory.

REPRESENTATIVE MCCLENDON: I just want to briefly say that I appreciate those who stuck with me and those who some said it wouldn't work, that we couldn't do it. There are others, who as I look into their faces, Carol—you know, sometimes you have to cry sometimes—I remember Susan King, who is always there for me. But seriously, I really want to thank all of you. We had—last session was the roughest session that we had on this bill. You know, these ladies and gentlemen hung with me. It makes a difference when you have people who care about you, and who believe in you, and my San Antonio friends. You know, it makes a difference.

Many of you know that I have been through a lot of health problems and one thing about—all my doctors are here—and people like Turner, who understand about illness. People like Alma Allen. She lost her husband, and she just kept going. I have been so proud of Alma. And all of you who have been with me though all of this: my staff is just about the same staff and they have been with

me; my colleagues, just about the same colleagues; and the speaker, he has not changed, we've had the same speaker. I have the same friends and I am so blessed to have my friends in this legislature.

My husband says it makes a difference. People ask me, "Well, what are you going to do? You got that done." I say, "I haven't gotten anything done. It's been my colleagues, my friends, and all of those who care about this innocence project. Those who care who don't even know what it takes to do all the things you have done in this house. Thank you so much.

REPRESENTATIVE KEFFER: You know, Ruthie, there's only three of us left from our class—you and me and this bald-headed guy here coming up toward us right now. You know, through these 10 sessions we have seen a lot of changes, haven't we?

MCCLENDON: We sure have.

KEFFER: But one thing that hasn't changed, one thing that I will always be proud of, is the family that we have in this chamber. And through these 10 sessions, we have seen a lot of people come and go, but all in all the spirit of this chamber, the need of each other in this chamber, to get through these 140 days, has not changed. And you are a great example of someone with the strength of character and the focus that we need in this house, and everything that is good about this house you portray. Your fight—and not wanting to give in and not wanting to be a victim—is a great example to all of us, and I am proud to call you my friend and will always be there for you. Again, you are the best example of this house and our class. God bless you.

(Speaker in the chair)

REMARKS ORDERED PRINTED

Representative D. Bonnen moved to print all remarks on **HB 48**.

The motion prevailed.

Representative Anchia moved to print remarks between Representative D. Bonnen and Representative Anchia on **HB 11**.

The motion prevailed.

(Kuempel in the chair)

HB 4037 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Guillen called up with senate amendments for consideration at this time,

HB 4037, A bill to be entitled An Act relating to the rate of the hotel occupancy tax in certain counties and the use of revenue from the hotel occupancy tax by certain counties; authorizing an increase in the rate of a tax.

Representative Guillen moved to concur in the senate amendments to **HB 4037**.

The motion to concur in the senate amendments to **HB 4037** prevailed by (Record 1647): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler.

Nays — Simpson.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; McClendon; Stickland; Thompson, E.; Zerwas.

STATEMENTS OF VOTE

When Record No. 1647 was taken, I was in the house but away from my desk. I would have voted yes.

E. Thompson

When Record No. 1647 was taken, I was shown voting yes. I intended to vote no.

M. White

When Record No. 1647 was taken, I was in the house but away from my desk. I would have voted yes.

Zerwas

Senate Committee Substitute

CSHB 4037, A bill to be entitled An Act relating to the authority of certain counties to impose a hotel occupancy tax and the use of revenue from the hotel occupancy tax by certain counties; authorizing an increase in the rate of a tax; authorizing the imposition of a tax.

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

SECTION 1. Section 352.002, Tax Code, is amended by adding Subsection (n) to read as follows:

(n) The commissioners court of a county with a population of more than 300,000 and in which there is located all or part of the most populous military installation in this state may impose a tax as provided by Subsection (a).

SECTION 2. Section 352.003, Tax Code, is amended by adding Subsections (p) and (t) to read as follows:

(p) In a county authorized to impose the tax under Section 352.002(n), the county tax rate in relation to a hotel located in a municipality that imposes a tax under Chapter 351 may not exceed a rate that, when added to the rate of the tax imposed by the municipality under Chapter 351, exceeds the sum of the rate prescribed by Section 351.003(a) plus two percent.

(t) The tax rate in a county that is authorized to impose the tax under Section 352.002(a)(6), that has a population of less than 25,000, and that is adjacent to a county with a population of more than 750,000 may not exceed nine percent of the price paid for a room in a hotel.

SECTION 3. Sections 352.1033(a) and (c), Tax Code, are amended to read as follows:

(a) Subject to Subsection (c), the revenue from a tax imposed under this chapter by a county that borders the Gulf of Mexico authorized to impose the tax by Section 352.002(a)(6) may be used only to:

- (1) clean public beaches;
- (2) acquire, furnish, or maintain facilities, including parks, that enhance public access to beaches;
- (3) provide and maintain public restrooms on or adjacent to beaches or beach access facilities;
- (4) provide and maintain litter containers on or adjacent to beaches or beach access facilities;
- (5) create, renovate, promote, and maintain parks adjacent to bays, rivers, and other navigable waterways if the county does not operate a public beach on the Gulf of Mexico; ~~and~~
- (6) advertise and conduct solicitations and promotional programs to attract tourists and convention delegates or registrants to the county or its vicinity, any of which may be conducted by the county or through contracts with persons or organizations selected by the county;
- (7) acquire a site for and construct, improve, enlarge, equip, repair, operate, and maintain a visitor information center; and
- (8) encourage, promote, and improve historical preservation and restoration efforts.

(c) In addition to the uses allowed by Subsection (a), a county authorized to impose a tax under this chapter by Section 352.002(a)(6) that has a population of 50,000 or less and in which there is located at least one ~~[state park and one]~~ national wildlife refuge may use the revenue from the tax to:

- (1) acquire, construct, furnish, or maintain facilities, such as aquariums, birding centers and viewing sites, history and art centers, and nature centers and trails;
- (2) advertise and conduct solicitations and promotional programs to attract conventions and visitors; and

(3) provide and maintain public restrooms and litter containers on public land in an area that is a tourism venue.

SECTION 4. 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.

HB 2896 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Parker called up with senate amendments for consideration at this time,

HB 2896, A bill to be entitled An Act relating to apportionment of certain receipts of a broadcaster under the franchise tax.

Representative Parker moved to concur in the senate amendments to **HB 2896**.

The motion to concur in the senate amendments to **HB 2896** prevailed by (Record 1648): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; McClendon; Miller, D.

Senate Committee Substitute

CSHB 2896, A bill to be entitled An Act relating to apportionment of certain receipts of a broadcaster under the franchise tax.

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

SECTION 1. Section 171.106, Tax Code, is amended by adding Subsection (h) to read as follows:

(h) A taxable entity that is a broadcaster shall include in the numerator of the broadcaster's apportionment factor receipts arising from licensing income from broadcasting or otherwise distributing film programming by any means only if the legal domicile of the broadcaster's customer is in this state. In this subsection:

(1) "Broadcaster" means a taxable entity, not including a cable service provider or a direct broadcast satellite service, that is a:

(A) television station licensed by the Federal Communications Commission;

(B) television broadcast network;

(C) cable television network; or

(D) television distribution company.

(2) "Customer" means a person, including a licensee, that has a direct connection or contractual relationship with a broadcaster under which the broadcaster derives revenue.

(3) "Film programming" means all or part of a live or recorded performance, event, or production intended to be distributed for visual and auditory perception by an audience.

(4) "Programming" includes news, entertainment, sporting events, plays, stories, or other literary, commercial, educational, or artistic works.

SECTION 2. This Act applies only to a report originally due on or after the effective date of this Act.

SECTION 3. This Act takes effect January 1, 2018.

HB 2630 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative S. Thompson called up with senate amendments for consideration at this time,

HB 2630, A bill to be entitled An Act relating to certain programs provided to families of children at risk for abuse and neglect.

Representative S. Thompson moved to concur in the senate amendments to **HB 2630**.

The motion to concur in the senate amendments to **HB 2630** prevailed by (Record 1649): 136 Yeas, 5 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio;

Márquez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Rinaldi; Schaefer; Simpson; Stickland; Tinderholt.

Present, not voting — Mr. Speaker; Kuempel(C); Martinez.

Absent, Excused — Fallon.

Absent — Anchia; Bernal; Darby; Dukes; McClendon.

Senate Committee Substitute

CSHB 2630, A bill to be entitled An Act relating to certain programs provided to families of children at risk for abuse and neglect.

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

SECTION 1. Section 264.201(d), Family Code, is amended to read as follows:

(d) The services may include in-home programs, parenting skills training, youth coping skills, and individual and family counseling. If the department requires or a court orders parenting skills training services through a parenting education program, the program must be an evidence-based or promising practice parenting education program described by Section 265.101 that is provided in the community in which the family resides, if available.

SECTION 2. Chapter 265, Family Code, is amended by designating Sections 265.001, 265.002, 265.003, and 265.004 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. PREVENTION AND EARLY INTERVENTION SERVICES

SECTION 3. Section 265.004, Family Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) To the extent that money is appropriated for the purpose, the department shall fund evidence-based programs, including parenting education, home visitation, family support services, mentoring, positive youth development programs, and crisis counseling, offered by community-based organizations that are designed to prevent or ameliorate child abuse and neglect. The ~~[evidence-based]~~ programs funded under this subsection may be offered by a child welfare board established under Section 264.005, a local governmental board granted the powers and duties of a child welfare board under state law, ~~[or]~~ a children's advocacy center established under Section 264.402, or other persons determined appropriate by the department.

(a-1) The department shall ensure that not less than 75 percent of the money appropriated for parenting education programs under Subsection (a) funds evidence-based programs described by Section 265.101(b) and that the remainder of that money funds promising practice programs described by Section 265.101(c).

(a-2) The department shall actively seek and apply for any available federal funds to support parenting education programs provided under this section.

SECTION 4. Subchapter A, Chapter 265, Family Code, as added by this Act, is amended by adding Section 265.005 to read as follows:

Sec. 265.005. STRATEGIC PLAN. (a) The department shall develop and implement a five-year strategic plan for prevention and early intervention services. Not later than September 1 of the last fiscal year in each five-year period, the department shall issue a new strategic plan for the next five fiscal years beginning with the following fiscal year.

(b) A strategic plan required under this section must:

(1) identify methods to leverage other sources of funding or provide support for existing community-based prevention efforts;

(2) include a needs assessment that identifies programs to best target the needs of the highest risk populations and geographic areas;

(3) identify the goals and priorities for the department's overall prevention efforts;

(4) report the results of previous prevention efforts using available information in the plan;

(5) identify additional methods of measuring program effectiveness and results or outcomes;

(6) identify methods to collaborate with other state agencies on prevention efforts; and

(7) identify specific strategies to implement the plan and to develop measures for reporting on the overall progress toward the plan's goals.

(c) The department shall coordinate with interested parties and communities in developing the strategic plan under this section.

(d) The department shall annually update the strategic plan developed under this section.

(e) The department shall post the strategic plan developed under this section and any update to the plan on its Internet website.

SECTION 5. Subchapter D, Chapter 40, Human Resources Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is transferred to Chapter 265, Family Code, redesignated as Subchapter B, Chapter 265, Family Code, and amended to read as follows:

SUBCHAPTER B [D]. CHILD ABUSE AND NEGLECT PRIMARY PREVENTION PROGRAMS

Sec. 265.051 [40.104]. DEFINITIONS. In this subchapter:

(1) "Children's trust fund" means a child abuse and neglect primary prevention program.

(2) "Primary prevention" means services and activities available to the community at large or to families to prevent child abuse and neglect before it occurs. The term includes infant mortality prevention education programs.

(3) "Operating fund" means the Department of Family and Protective Services child abuse and neglect prevention operating fund account.

(4) "State agency" means a board, commission, department, office, or other state agency that:

(A) is in the executive branch of the state government;

(B) was created by the constitution or a statute of this state; and

(C) has statewide jurisdiction.

(5) "Trust fund" means the child abuse and neglect prevention trust fund account.

Sec. 265.052 [~~40.102~~]. CHILD ABUSE AND NEGLECT PRIMARY PREVENTION PROGRAMS. (a) The department shall operate the children's trust fund to:

(1) set policy, offer resources for community primary prevention programs, and provide information and education on prevention of child abuse and neglect;

(2) develop a state plan for expending funds for child abuse and neglect primary prevention programs that includes an annual schedule of transfers of trust fund money to the operating fund;

(3) develop eligibility criteria for applicants requesting funding for child abuse and neglect primary prevention programs; and

(4) establish funding priorities for child abuse and neglect primary prevention programs.

(b) The children's trust fund shall accommodate the department's existing rules and policies in procuring, awarding, and monitoring contracts and grants.

(c) The department may:

(1) apply for and receive funds made available by the federal government or another public or private source for administering programs under this subchapter and for funding for child abuse and neglect primary prevention programs; and

(2) solicit donations for child abuse and neglect primary prevention programs.

Sec. 265.053 [~~40.104~~]. ADMINISTRATIVE AND OTHER COSTS. (a) Administrative costs under this subchapter during any fiscal year may not exceed an amount equal to 50 percent of the interest credited to the trust fund during the preceding fiscal year.

(b) Funds expended under a special project grant from a governmental source or a nongovernmental source for public education or public awareness may not be counted as administrative costs for the purposes of this section.

Sec. 265.054 [~~40.105~~]. CHILD ABUSE AND NEGLECT PREVENTION TRUST FUND ACCOUNT. (a) The child abuse and neglect prevention trust fund account is an account in the general revenue fund. Money in the trust fund is dedicated to child abuse and neglect primary prevention programs.

(b) The department may transfer money contained in the trust fund to the operating fund at any time. However, during a fiscal year the department may not transfer more than the amount appropriated for the operating fund for that fiscal year. Money transferred to the operating fund that was originally deposited to the credit of the trust fund under Section 118.022, Local Government Code, may be used only for child abuse and neglect primary prevention programs.

(c) Interest earned on the trust fund shall be credited to the trust fund.

(d) The trust fund is exempt from the application of Section 403.095, Government Code.

(e) All marriage license fees and other fees collected for and deposited in the trust fund and interest earned on the trust fund balance shall be appropriated each biennium only to the operating fund for ~~[primary]~~ child abuse and neglect primary prevention programs.

Sec. 265.055 ~~[40.106]~~. DEPARTMENT OPERATING FUND ACCOUNT.

(a) The operating fund is an account in the general revenue fund.

(b) Administrative and other costs allowed in Section 265.053 ~~[40.104]~~ shall be taken from the operating fund. The department may transfer funds contained in the operating fund to the trust fund at any time.

(c) The legislature may appropriate the money in the operating fund to carry out the provisions of this subchapter.

(d) The operating fund is exempt from the application of Section 403.095, Government Code.

Sec. 265.056 ~~[40.107]~~. CONTRIBUTIONS. (a) The department may solicit contributions from any appropriate source.

(b) Any other contributions for child abuse and neglect primary prevention or other prevention and early intervention programs shall be deposited into a separate designated fund in the state treasury and shall be used for that designated purpose.

(c) A person may contribute funds to either the trust fund, the operating fund, or a fund designated by the department for a specific child abuse and neglect primary prevention or other prevention or early intervention purpose.

(d) If a person designates that a contribution is intended as a donation to a specific fund, the contribution shall be deposited in the designated fund.

SECTION 6. Section 40.0561, Human Resources Code, is transferred to Subchapter B, Chapter 265, Family Code, as transferred and redesignated from Subchapter D, Chapter 40, Human Resources Code, by this Act, and redesignated as Section 265.057, Family Code, to read as follows:

Sec. 265.057 ~~[40.0561]~~. COMMUNITY YOUTH DEVELOPMENT GRANTS. (a) Subject to available funding, the department shall award community youth development grants to communities identified by incidence of crime. The department shall give priority in awarding grants under this section to areas of the state in which there is a high incidence of juvenile crime.

(b) The purpose of a grant under this section is to assist a community in alleviating conditions in the family and community that lead to juvenile crime.

SECTION 7. Chapter 265, Family Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. PARENTING EDUCATION

Sec. 265.101. PARENTING EDUCATION PROGRAMS. (a) A parenting education program provided by the department must be an evidence-based program or a promising practice program described by this section.

(b) An evidence-based program is a parenting education program that:

(1) is research-based and grounded in relevant, empirical knowledge and program-determined outcomes;

(2) has comprehensive standards ensuring the highest quality service delivery with continuous improvement in the quality of service delivery;

(3) has demonstrated significant positive short-term and long-term outcomes;

(4) has been evaluated by at least one rigorous, random, controlled research trial across heterogeneous populations or communities with research results that have been published in a peer-reviewed journal;

(5) substantially complies with a program manual or design that specifies the purpose, outcomes, duration, and frequency of the program services; and

(6) employs well-trained and competent staff and provides continual relevant professional development opportunities to the staff.

(c) A promising practice program is a parenting education program that:

(1) has an active impact evaluation program or demonstrates a schedule for implementing an active impact evaluation program;

(2) has been evaluated by at least one outcome-based study demonstrating effectiveness or random, controlled trial in a homogeneous sample;

(3) substantially complies with a program manual or design that specifies the purpose, outcomes, duration, and frequency of the program services;

(4) employs well-trained and competent staff and provides continual relevant professional development opportunities to the staff; and

(5) is research-based and grounded in relevant, empirical knowledge and program-determined outcomes.

Sec. 265.102. OUTCOMES OF EVIDENCE-BASED PARENTING EDUCATION. The department shall ensure that a parenting education program provided under this chapter achieves favorable behavioral outcomes in at least two of the following areas:

(1) improved cognitive development of children;

(2) increased school readiness of children;

(3) reduced child abuse, neglect, and injury;

(4) improved child safety;

(5) improved social-emotional development of children;

(6) improved parenting skills, including nurturing and bonding;

(7) improved family economic self-sufficiency;

(8) reduced parental involvement with the criminal justice system; and

(9) increased paternal involvement and support.

Sec. 265.103. EVALUATION OF EVIDENCE-BASED PARENTING EDUCATION. (a) The department shall adopt outcome indicators to measure the effectiveness of parenting education programs provided under this chapter in achieving desired outcomes.

(b) The department may work directly with the model developer of a parenting education program to identify appropriate outcome indicators for the program and to ensure that the program substantially complies with the model.

(c) The department shall develop internal processes to share information with parenting education programs to assist the department in analyzing the performance of the programs.

(d) The department shall use information obtained under this section to:

- (1) monitor parenting education programs;
- (2) continually improve the quality of the programs; and
- (3) evaluate the effectiveness of the programs.

Sec. 265.1035. INITIAL REPORT. (a) Not later than December 1, 2016, the department shall prepare and submit a report on state-funded parenting education programs to the standing committees of the senate and house of representatives with jurisdiction over child protective services.

(b) The report submitted under this section must include:

- (1) the status and a description of the parenting education programs implemented and a description of the models associated with the programs; and
- (2) information on the number of families served by the programs, including their demographic information.

(c) This section expires January 1, 2017.

Sec. 265.104. REPORTS TO LEGISLATURE. (a) Not later than December 1 of each even-numbered year, the department shall prepare and submit a report on state-funded parenting education programs to the standing committees of the senate and house of representatives with jurisdiction over child protective services.

(b) A report submitted under this section must include:

- (1) a description of the parenting education programs implemented and of the models associated with the programs;
- (2) information on the families served by the programs, including the number of families served and their demographic information;
- (3) the goals and achieved outcomes of the programs;
- (4) information on the cost for each family served, including any available third-party return-on-investment analysis; and
- (5) information explaining the percentage of money spent on evidence-based programs and on promising practice programs.

Sec. 265.105. RULES. The executive commissioner of the Health and Human Services Commission may adopt rules as necessary to implement this subchapter.

SECTION 8. Section 40.0523, Human Resources Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is repealed.

SECTION 9. The changes in law made by this Act apply only to a program provided under Chapter 265, Family Code, on or after the effective date of this Act.

SECTION 10. Not later than September 1, 2016, the Department of Family and Protective Services shall adopt the initial strategic plan required by Section 265.005, Family Code, as added by this Act.

SECTION 11. This Act takes effect September 1, 2015.

**HB 2965 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Gonzales called up with senate amendments for consideration at this time,

HB 2965, A bill to be entitled An Act relating to administrative support positions with the Texas Military Department.

Representative Gonzales moved to concur in the senate amendments to **HB 2965**.

The motion to concur in the senate amendments to **HB 2965** prevailed by (Record 1650): 142 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler.

Nays — Simpson.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Bell; Dukes; McClendon; Zerwas.

STATEMENT OF VOTE

When Record No. 1650 was taken, I was in the house but away from my desk. I would have voted yes.

Zerwas

Senate Committee Substitute

CSHB 2965, A bill to be entitled An Act relating to administrative support positions with the Texas Military Department.

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

SECTION 1. Subchapter E, Chapter 437, Government Code, is amended by adding Section 437.2121 to read as follows:

Sec. 437.2121. EXTENDED STATE ACTIVE DUTY SERVICE FOR ADMINISTRATIVE SUPPORT. (a) The adjutant general may hire service members of the Texas military forces to fill state military positions with the department as authorized by the General Appropriations Act. A service member hired under this section is considered to be on extended state active duty service.

(b) A service member called to extended state active duty service under this section is entitled to the benefits and paid leave generally provided to state employees.

(c) The adjutant general shall establish and the department shall maintain the criteria for activating a service member under this section.

(d) A state military position may have a limited term with a defined end date or may be a continuing position without a defined end date.

(e) As soon as practicable before the end of each state fiscal year, the department shall notify each service member called to extended state active duty service under this section whether the department will continue the service member's state military position for the next state fiscal year.

(f) The department shall consult with the classification officer, as authorized by Chapter 654, to develop a state salary structure classification applicable to service members called to extended state active duty service under this section. The salary structure classification may allow for automatic salary increases based on the service member's military rank and years of service. The department may use the salary structure classification established under this subsection before it is adopted in the General Appropriations Act. This subsection expires August 31, 2017.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

HB 3781 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Crossover called up with senate amendments for consideration at this time,

HB 3781, A bill to be entitled An Act relating to the creation of the Texas Health Improvement Network.

Representative Crownover moved to concur in the senate amendments to **HB 3781**.

The motion to concur in the senate amendments to **HB 3781** prevailed by (Record 1651): 135 Yeas, 8 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Keough; Murr; Phillips; Rinaldi; Schaefer; Stickland; Tinderholt; White, M.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; McClendon; Raney; Turner, E.S.

STATEMENTS OF VOTE

When Record No. 1651 was taken, I was shown voting yes. I intended to vote no.

Bell

When Record No. 1651 was taken, I was shown voting yes. I intended to vote no.

Hunter

Senate Committee Substitute

CSHB 3781, A bill to be entitled An Act relating to the creation of the Texas Health Improvement Network.

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

SECTION 1. Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 118 to read as follows:

CHAPTER 118. TEXAS HEALTH IMPROVEMENT NETWORKSUBCHAPTER A. GENERAL PROVISIONS

Sec. 118.001. DEFINITION. In this chapter, "network" means the Texas Health Improvement Network established under this chapter.

SUBCHAPTER B. NETWORK

Sec. 118.051. ESTABLISHMENT; PURPOSE. (a) The Texas Health Improvement Network is established to address urgent health care challenges and improve the health care system in this state and the nation and to develop, based on population health research, health care initiatives, policies, and best practices.

(b) The purpose of the network is to:

- (1) reduce the per capita costs of health care;
- (2) improve the individual experience of health care, including the quality of care and patient satisfaction; and
- (3) improve the health of residents of this state.

Sec. 118.052. COMPOSITION OF NETWORK. The network consists of experts in:

- (1) general public health and other medical fields;
- (2) mental health;
- (3) nursing;
- (4) pharmacy;
- (5) social work;
- (6) health economics;
- (7) health policy and law;
- (8) epidemiology;
- (9) biostatistics;
- (10) health informatics;
- (11) health services research;
- (12) engineering; and
- (13) computer science.

Sec. 118.053. DUTIES. (a) The network shall establish as its primary goals:

(1) evaluating and eliminating health disparities in this state, including racial, ethnic, geographic, and income-related or education-related disparities; and

(2) health care cost containment and the economic analysis of health policy.

(b) The network shall:

(1) function as an incubator and evaluator of health improvement practices; and

(2) support local communities in this state by offering leadership training, data analytics, community health assessments, and grant writing support to local communities.

Sec. 118.054. ADMINISTRATIVE ATTACHMENT TO THE UNIVERSITY OF TEXAS SYSTEM. (a) The network is administratively attached to The University of Texas System.

(b) The University of Texas System shall administer and coordinate the network and provide administrative support to the network as necessary to carry out the purposes of this chapter.

Sec. 118.055. GIFTS AND GRANTS. The network may accept and administer gifts and grants to fund the network from an individual, corporation, trust, or foundation or the federal government, subject to any limitations or conditions imposed by law.

Sec. 118.056. REPORT. The network shall report the results of the network's efforts, findings, and activities to the legislature, state and federal partners, and other interested entities.

SUBCHAPTER C. ADVISORY COUNCIL

Sec. 118.101. ADVISORY COUNCIL. The network shall establish an advisory council to advise the network on the health care needs of this state.

Sec. 118.102. COMPOSITION OF ADVISORY COUNCIL. The advisory council is composed of:

(1) members who are appointed by an executive officer of The University of Texas System and nominated by participants in the network and who are:

(A) state and national leaders in population health;

(B) experts in traditional public health and medical fields; and

(C) leaders in the fields of behavioral health, business, insurance, philanthropy, education, and health law and policy; and

(2) representatives from the department and the commission, selected by the executive head of the agency.

Sec. 118.103. TERMS. Members of the advisory council serve staggered three-year terms, with the terms of one-third of the members expiring on January 1 of each year.

Sec. 118.104. PRESIDING OFFICER. The executive officer of The University of Texas System who appoints members to the advisory council shall appoint a presiding officer from among the members to serve a one-year term.

Sec. 118.105. MEETINGS. The advisory council shall meet at the call of the presiding officer or at other times that the council determines are necessary or appropriate.

Sec. 118.106. COMPENSATION AND REIMBURSEMENT. A member of the advisory council may not receive compensation for service on the advisory council but may be reimbursed for travel expenses incurred by the member while conducting the business of the advisory council, if funds are available for that purpose, as provided by the General Appropriations Act.

Sec. 118.107. APPLICABILITY OF OTHER LAW. Chapter 2110, Government Code, does not apply to the advisory council.

SECTION 2. As soon as practicable after the effective date of this Act, The University of Texas System shall establish the Texas Health Improvement Network as required by Chapter 118, Health and Safety Code, as added by this Act.

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

**HB 483 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Capriglione called up with senate amendments for consideration at this time,

HB 483, A bill to be entitled An Act relating to the establishment and administration of a state bullion depository; authorizing fees.

Representative Capriglione moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 483**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 483**: Capriglione, chair; Flynn, Parker, Longoria, and Simpson.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 32 - Part 2).

HB 1378 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Flynn submitted the following conference committee report on **HB 1378**:

Austin, Texas, May 25, 2015

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1378** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Bettencourt
Creighton
Huffines
Lucio
Hancock

On the part of the senate

Flynn
D. Bonnen
P. King
J. Rodriguez
Zedler

On the part of the house

HB 1378, A bill to be entitled An Act relating to the fiscal transparency and accountability of political subdivisions.

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

SECTION 1. Chapter 140, Local Government Code, is amended by adding Section 140.008 to read as follows:

Sec. 140.008. ANNUAL REPORT OF CERTAIN FINANCIAL INFORMATION. (a) In this section:

(1) "Debt obligation" means an issued public security, as defined by Section 1201.002, Government Code.

(2) "Political subdivision" means a county, municipality, school district, junior college district, other special district, or other subdivision of state government.

(b) A political subdivision shall annually compile and report the following financial information in the manner prescribed by this section:

(1) as of the last day of the preceding fiscal year, debt obligation information for the political subdivision that must state:

(A) the amount of all authorized debt obligations;

(B) the principal of all outstanding debt obligations;

(C) the principal of each outstanding debt obligation;

(D) the combined principal and interest required to pay all outstanding debt obligations on time and in full;

(E) the combined principal and interest required to pay each outstanding debt obligation on time and in full;

(F) the amounts required by Paragraphs (A)-(E) limited to authorized and outstanding debt obligations secured by ad valorem taxation, expressed as a total amount and, if the political subdivision is a municipality, county, or school district, as a per capita amount; and

(G) the following for each debt obligation:

(i) the issued and unissued amount;

(ii) the spent and unspent amount;

(iii) the maturity date; and

(iv) the stated purpose for which the debt obligation was authorized;

(2) the current credit rating given by any nationally recognized credit rating organization to debt obligations of the political subdivision; and

(3) any other information that the political subdivision considers relevant or necessary to explain the values required by Subdivisions (1)(A)-(F), including:

(A) an amount required by Subdivision (1)(F) stated as a per capita amount if the political subdivision is not required to provide the amount under that paragraph;

(B) an explanation of the payment sources for the different types of debt; and

(C) a projected per capita amount of an amount required by Subdivision (1)(F), as of the last day of the maximum term of the most recent debt obligation issued by the political subdivision.

(c) Instead of replicating in the annual report information required by Subsection (b) that is posted separately on the political subdivision's Internet website, the political subdivision may provide in the report a direct link to, or a clear statement describing the location of, the separately posted information.

(d) As an alternative to providing an annual report under Subsection (f), a political subdivision may provide to the comptroller the information described by Subsection (b) and any other related information required by the comptroller in the form and in the manner prescribed by the comptroller. The comptroller shall post the information on the comptroller's Internet website. The comptroller may post the information in the format that the comptroller determines appropriate, provided that the information for each political subdivision is easily located by searching the name of the political subdivision on the Internet. If the political subdivision maintains an Internet website, the political subdivision shall provide a link from the website to the location on the comptroller's website where the political subdivision's financial information may be viewed. The comptroller shall adopt rules necessary to implement this subsection.

(e) This subsection applies only to a municipality with a population of less than 15,000 or a county with a population of less than 35,000. As an alternative to providing an annual report under Subsection (f), a municipality or county may provide to the comptroller, in the form and in the manner prescribed by the comptroller, a document that includes the information described by Subsection (b). The comptroller shall post the information from the document submitted under this subsection on the comptroller's Internet website on a web page that is easily located by searching the name of the municipality or county on the Internet. If the municipality or county maintains or causes to be maintained an Internet website, the municipality or county shall provide a link from the website to the web page on the comptroller's website where the information may be viewed. The comptroller shall adopt rules necessary to implement this subsection.

(f) Except as provided by Subsection (d) or (e), the governing body of a political subdivision shall take action to ensure that:

(1) the political subdivision's annual report is made available for inspection by any person and is posted continuously on the political subdivision's Internet website until the political subdivision posts the next annual report; and

(2) the contact information for the main office of the political subdivision is continuously posted on the website, including the physical address, the mailing address, the main telephone number, and an e-mail address.

(g) Notwithstanding any other provision of this section, a district, as defined by Section 49.001, Water Code, satisfies the requirements of this section if the district:

(1) complies with the requirements of Subchapter G, Chapter 49, Water Code, regarding audit reports, affidavits of financial dormancy, and annual financial reports; and

(2) submits the financial documents described by Subchapter G, Chapter 49, Water Code, to the comptroller.

(h) The comptroller shall post the documents submitted to the comptroller under Subsection (g) on the comptroller's Internet website. The comptroller shall adopt rules necessary to implement this subsection and Subsection (g).

SECTION 2. Section 271.047, Local Government Code, is amended by adding Subsection (d) to read as follows:

(d) Except as provided by this subsection, the governing body of an issuer may not authorize a certificate to pay a contractual obligation to be incurred if a bond proposition to authorize the issuance of bonds for the same purpose was submitted to the voters during the preceding three years and failed to be approved. A governing body may authorize a certificate that the governing body is otherwise prohibited from authorizing under this subsection:

(1) in a case described by Sections 271.056(1)-(3); and

(2) to comply with a state or federal law, rule, or regulation if the political subdivision has been officially notified of noncompliance with the law, rule, or regulation.

SECTION 3. The requirements to compile and report information under Section 140.008, Local Government Code, as added by this Act, apply only to a fiscal year ending on or after the effective date of this Act.

SECTION 4. This Act takes effect January 1, 2016.

HB 1378 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE KEFFER: Chairman Flynn, thank you for bringing this bill to increase the transparency for local governmental entities. Wasn't there a provision which allowed small cities and counties to submit a comparable financial report to comply with the reporting provisions of the bill when the bill left the house?

REPRESENTATIVE FLYNN: Yes.

KEFFER: Even though that phrase is not included in the conference committee report, is it your intent that small cities and counties still be allowed to use a comparable financial report to comply with the reporting requirements?

FLYNN: Yes, and that was an amendment in the original house version.

KEFFER: Chairman Flynn, as **HB 1378** left the house, didn't the phrase comparable financial report mean the most recent financial statement, audit, exhibit, or other report a municipality or county is required by law to prepare?

FLYNN: Yes, sir.

KEFFER: Is it your intent that small cities and counties, as described in **HB 1378**, can use any comparable financial report to comply with the financial reporting requirements in Subsection (b) of the bill?

FLYNN: That is the intent. Yes, sir.

KEFFER: Is it also your intent to work with the House Rural Caucus and the comptroller to ensure the rules developed to implement **HB 1378**, allow for small cities and counties to submit a comparable financial report defined as the most recent financial statement, audit, exhibit, or other report a municipality or county

is required by law to prepare as a method of complying with all of the financial reporting provisions of Subsection (b) in the conference committee report before us?

FLYNN: That's correct.

REMARKS ORDERED PRINTED

Representative Keffer moved to print remarks between Representative Flynn and Representative Keffer.

The motion prevailed.

Representative Flynn moved to adopt the conference committee report on **HB 1378**.

The motion to adopt the conference committee report on **HB 1378** prevailed by (Record 1652): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; McClendon; Simpson.

STATEMENT OF VOTE

When Record No. 1652 was taken, I was in the house but away from my desk. I would have voted yes.

Simpson

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 2 and 3).

**HB 2123 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative P. King called up with senate amendments for consideration at this time,

HB 2123, A bill to be entitled An Act relating to participation of the state military forces in the state group benefits program.

Representative P. King moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2123**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2123**: P. King, chair; R. Miller, Frank, S. King, and Blanco.

SB 733 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Workman submitted the conference committee report on **SB 733**.

Representative Workman moved to adopt the conference committee report on **SB 733**.

The motion to adopt the conference committee report on **SB 733** prevailed by (Record 1653): 137 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; Metcalf; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Meyer; Rinaldi.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; Hughes; McClendon; Sanford; Smith; Smithee; Stickland; White, J.

STATEMENT OF VOTE

When Record No. 1653 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

HCR 136 - ADOPTED

(by Smithee)

Representative Smithee moved to suspend all necessary rules to take up and consider at this time **HCR 136**.

The motion prevailed.

The following resolution was laid before the house:

HCR 136, Honoring Conquer Chiari for its efforts in behalf of those with Chiari malformation.

HCR 136 was adopted by (Record 1654): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Fallon.

Absent — Dukes; McClendon; Peña.

HB 3615 - VOTE RECONSIDERED

Representative Isaac moved to reconsider the vote by which the motion to concur in the senate amendments to **HB 3615** prevailed by Record No. 1617.

The motion to reconsider prevailed.

**HB 3615 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

HB 3615, A bill to be entitled An Act relating to the use of hotel occupancy tax revenues in certain municipalities.

Representative Isaac moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3615**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3615**: Isaac, chair; Springer, Howard, Cyrier, and E. Rodriguez.

HCR 139 - VOTE RECONSIDERED

Representative J. White moved to reconsider the vote by which **HCR 139** was adopted by Record No. 1606.

The motion to reconsider prevailed.

**HCR 139 - ADOPTED
(by Larson)**

The following privileged resolution was laid before the house:

HCR 139

WHEREAS, **HB 30** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 84th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct the enrolled version of **HB 30** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. To the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, affecting Section 16.060, Water Code.

(Sheets in the chair)

HCR 139 was adopted by (Record 1655): 134 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Simmons; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Keough; Phillips; Rinaldi; Schaefer; Simpson; Spitzer; Stickland; Tinderholt; White, M.

Present, not voting — Mr. Speaker; Sheets(C).

Absent, Excused — Fallon.

Absent — Dukes; Hughes; Laubenberg; McClendon.

STATEMENTS OF VOTE

When Record No. 1655 was taken, I was in the house but away from my desk. I would have voted no.

Hughes

When Record No. 1655 was taken, I was shown voting yes. I intended to vote no.

J. White

HR 3055 - ADOPTED (by Muñoz)

Representative Muñoz moved to suspend all necessary rules to take up and consider at this time **HR 3055**.

The motion prevailed.

The following resolution was laid before the house:

HR 3055, Congratulating Staff Lieutenant Art Barrera on his retirement from the Texas Rangers.

HR 3055 was adopted.

HR 3361 - ADOPTED
(by Muñoz)

Representative Muñoz moved to suspend all necessary rules to take up and consider at this time **HR 3361**.

The motion prevailed.

The following resolution was laid before the house:

HR 3361, Commemorating the Bert Ogden Mission Chevrolet Cowboy Christmas Cook-Off.

HR 3361 was adopted.

HR 3375 - ADOPTED
(by Sheets)

Representative R. Anderson moved to suspend all necessary rules to take up and consider at this time **HR 3375**.

The motion prevailed.

The following resolution was laid before the house:

HR 3375, Recognizing Texas Supreme Court Justice Don Willett as the Tweeter Laureate of Texas.

HR 3375 was adopted.

On motion of Representative Dale, the names of all the members of the house were added to **HR 3375** as signers thereof.

HB 3736 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED

Representative S. Davis called up with senate amendments for consideration at this time,

HB 3736, A bill to be entitled An Act relating to conflicts of interest by members of state agency governing boards and governing officers; creating a criminal offense.

Representative S. Davis moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3736**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3736**: S. Davis, chair; Geren, Cook, C. Turner, and Capriglione.

HB 4025 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

Representative Keffer called up with senate amendments for consideration at this time,

HB 4025, A bill to be entitled An Act relating to county energy transportation reinvestment zones.

Representative Keffer moved to concur in the senate amendments to **HB 4025**.

The motion to concur in the senate amendments to **HB 4025** prevailed by (Record 1656): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddock; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Sheets(C).

Absent, Excused — Fallon.

Absent — Bonnen, D.; Dukes; Johnson; McClendon; White, M.

STATEMENT OF VOTE

When Record No. 1656 was taken, I was in the house but away from my desk. I would have voted yes.

D. Bonnen

Senate Committee Substitute

CSHB 4025, A bill to be entitled An Act relating to funding to counties for transportation infrastructure projects located in areas of the state affected by increased oil and gas production, including money from county energy transportation reinvestment zones.

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

SECTION 1. Sections 222.1071(b), (f), (i), and (m), Transportation Code, are amended to read as follows:

(b) A county, after determining that an area is affected because of oil and gas exploration and production activities and would benefit from funding under Chapter 256, by order or resolution of the commissioners court:

(1) may designate a contiguous geographic area in the jurisdiction of the county to be a county energy transportation reinvestment zone to promote one or more transportation infrastructure projects, as that term is defined by Section 256.101, located in the county [zone]; and

(2) may jointly administer a county energy transportation reinvestment zone with a contiguous county energy transportation reinvestment zone formed by another county.

(f) The order or resolution designating an area as a county energy transportation reinvestment zone must:

(1) describe the boundaries of the zone with sufficient definiteness to identify with ordinary and reasonable certainty the territory included in the zone;

(2) provide that the zone takes effect immediately on adoption of the order or resolution designating an area and that the base year shall be the year of passage of the order or resolution designating an area or some year in the future;

(3) establish an ad valorem tax increment account for the zone or provide for the establishment of a joint ad valorem tax increment account, if applicable; and

(4) if two or more counties are designating a zone for the same transportation infrastructure project or projects, include a finding that:

(A) the project or projects will benefit the property and residents located in the counties [zone];

(B) the creation of the zone will serve a public purpose of the county; and

(C) details the transportation infrastructure projects for which each county is responsible.

(i) The county may:

(1) use money in the tax increment account to provide:

(A) matching funds under Section 256.105; and

(B) funding for one or more transportation infrastructure projects located in the county [zone];

(2) apply for grants under Subchapter C, Chapter 256~~], subject to Section 222.1072~~;

(3) use one ~~[five]~~ percent of any grant distributed to the county under Subchapter C, Chapter 256, for the administration of a county energy transportation reinvestment zone, not to exceed \$100,000 ~~[\$250,000]~~;

(4) enter into an agreement to provide for the joint administration of county energy transportation reinvestment zones if the commissioners court of the county has designated a county energy transportation reinvestment zone under this section for the same transportation infrastructure project or projects as another county commissioners court; and

(5) pledge money in the tax increment account to a road utility district formed as provided by Subsection (n).

(m) The commissioners court of a county may enter into an agreement with the department to designate a county energy transportation reinvestment zone under this section for a specified transportation infrastructure project involving a state highway located in the county [proposed zone].

SECTION 2. Sections 222.1072(a) and (b), Transportation Code, are amended to read as follows:

(a) A county may create ~~[is eligible to apply for a grant under Subchapter C, Chapter 256, if the county creates]~~ an advisory board to advise the county on the establishment, administration, and expenditures of a county energy transportation reinvestment zone. The county commissioners court shall determine the terms and duties of the advisory board members.

(b) Except as provided by Subsection (c), the advisory board of a county energy transportation reinvestment zone consists of the following members appointed by the county judge and approved by the county commissioners court:

(1) up to three oil and gas company representatives who perform a company activity or related service ~~[activities in the county and are local taxpayers];~~ and

(2) two public members.

SECTION 3. Section 251.018, Transportation Code, as added by Chapter 1372 (SB 1747), Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

Sec. 251.018. ROAD REPORTS. A road condition report made by a county that is operating under a system of administering county roads under Chapter 252 or a special law, including a report made under Section 251.005, must include the primary cause of any road, culvert, or bridge degradation if reasonably ascertained along with a brief description of the degradation.

SECTION 4. Sections 256.101(3) and (4), Transportation Code, are amended to read as follows:

(3) "Weight tolerance permit" means a permit issued under Section 623.011 for ~~[Chapter 623 authorizing]~~ a vehicle operating specifically in relation to the exploration, development, or production of oil or gas ~~[to exceed maximum legal weight limitations].~~

(4) "Well completion" means the completion, reentry, or recompletion of a vertical or horizontal ~~[an]~~ oil or gas well.

SECTION 5. Section 256.103(b), Transportation Code, is amended to read as follows:

(b) Grants distributed during a fiscal year must be allocated among counties as follows:

(1) 20 percent according to weight tolerance permits, determined by the ratio of weight tolerance permits issued in the preceding fiscal year for the county that designated a county energy transportation reinvestment zone to the total number of weight tolerance permits issued in the state in that fiscal year, as determined by the Texas Department of Motor Vehicles;

(2) 20 percent according to oil and gas production taxes, determined by the ratio of oil and gas production taxes collected by the comptroller in the preceding fiscal year in the county that designated a county energy transportation reinvestment zone to the total amount of oil and gas production taxes collected in the state in that fiscal year, as determined by the comptroller;

(3) 10 ~~[50]~~ percent according to vertical well completions, determined by the ratio of vertical well completions in the preceding fiscal year in the county that designated a county energy transportation reinvestment zone to the total number of vertical well completions in the state in that fiscal year, as determined by the Railroad Commission of Texas; ~~[and]~~

(4) 40 percent according to horizontal well completions, determined by the ratio of horizontal well completions in the preceding fiscal year in the county that designated a county energy transportation reinvestment zone to the total number of horizontal well completions in the state in that fiscal year, as determined by the Railroad Commission of Texas; and

(5) 10 percent according to the total number ~~[volume]~~ of oil and gas waste disposal wells as defined by the Railroad Commission of Texas ~~[injected]~~, determined by the ratio of the total number ~~[volume]~~ of oil and gas waste disposal wells ~~[injected]~~ in the last full ~~[preceding fiscal]~~ year for which the Railroad Commission of Texas has a report for commercial disposal wells in the county that designated a county energy transportation reinvestment zone to the total number ~~[volume]~~ of oil and gas waste disposal wells ~~[injected]~~ in the state in that ~~[fiscal]~~ year, as determined by the Railroad Commission of Texas.

SECTION 6. Section 256.106, Transportation Code, is amended to read as follows:

Sec. 256.106. PROGRAM ADMINISTRATION. (a) A county that makes a second or subsequent application for a grant from the department under this subchapter must:

(1) provide the department with a copy of a report filed under Section 251.018;

(2) certify that all previous grants are being spent in accordance with the plan submitted under Section 256.104; ~~[and]~~

(3) provide an update on and brief description of the status of all uncompleted transportation infrastructure projects; and

(4) provide an accounting of how previous grants were spent, including any amounts spent on administrative costs.

(b) The department may use ~~[one-half of]~~ one percent of the amount deposited into the fund in the preceding fiscal year, not to exceed \$500,000 in a state fiscal biennium, to administer this subchapter.

SECTION 7. This Act takes effect September 1, 2015.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 4025** (senate committee printing) as follows:

(1) In SECTION 5 of the bill, in amended Section 256.103(b)(3), Transportation Code (page 3, line 6), strike "10" and substitute "20".

(2) In SECTION 5 of the bill, in amended Section 256.103(b)(4), Transportation Code (page 3, line 12), strike "40" and substitute "30".

HR 3372 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 3372**, suspending the limitations on the conferees for **HB 483**.

HR 3131 - ADOPTED
(by Flynn)

The following privileged resolution was laid before the house:

HR 3131

BE IT RESOLVED by the House of Representatives of the State of Texas, 84th Legislature, Regular Session, 2015, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 923** (the issuance of 36th Infantry Division specialty license plates and souvenir license plates) to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter which is not included in either the house or senate version of the bill by adding the following text to SECTION 1 of the bill, in added Section 504.009(a-1), Transportation Code:

Texas Military Department, as defined by Section 437.001, Government Code,

Explanation: This addition is necessary to authorize the Texas Military Department to issue a souvenir version of the 36th Infantry Division specialty license plate.

HR 3131 was adopted by (Record 1657): 135 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Sanford; Schaefer; Schofield; Schubert; Sheffield; Simmons; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Rinaldi; Shaheen; Simpson; Spitzer; Stickland; Tinderholt.

Present, not voting — Mr. Speaker; Sheets(C).

Absent, Excused — Fallon.

Absent — Dukes; Johnson; Laubenberg; McClendon; Otto; Rose.

HB 923 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Flynn submitted the following conference committee report on **HB 923**:

Austin, Texas, May 24, 2015

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 923** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

V. Taylor

Hall

Burton

Huffines

Garcia

On the part of the senate

Flynn

Bell

Fletcher

Huberty

P. King

On the part of the house

HB 923, A bill to be entitled An Act relating to the issuance of 36th Infantry Division specialty license plates and souvenir license plates.

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

SECTION 1. Section 504.009, Transportation Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) On request, the Texas Military Department, as defined by Section 437.001, Government Code, shall issue a souvenir version of the specialty license plate described by Section 504.320.

SECTION 2. Subchapter D, Chapter 504, Transportation Code, is amended by adding Section 504.320 to read as follows:

Sec. 504.320. 36TH INFANTRY DIVISION. The department shall issue specialty license plates for persons who have served in the 36th Infantry Division of the Texas Army National Guard. The license plates must include the 36th Infantry Division emblem and must include the words "36th Infantry Division" at the bottom of each plate.

SECTION 3. This Act takes effect January 1, 2016.

Representative Flynn moved to adopt the conference committee report on **HB 923**.

The motion to adopt the conference committee report on **HB 923** prevailed by (Record 1658): 143 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycok; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo;

Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Simpson.

Present, not voting — Mr. Speaker; Sheets(C).

Absent, Excused — Fallon.

Absent — Dukes; Johnson; McClendon.

HB 1454 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Raney submitted the following conference committee report on **HB 1454**:

Austin, Texas, May 25, 2015

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1454** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Eltife	Raney
Watson	Parker
Ellis	Kacal
L. Taylor	Capriglione
Creighton	Guerra
On the part of the senate	On the part of the house

HB 1454, A bill to be entitled An Act relating to notice, reporting, and records requirements for holders of certain personal property that is or may be presumed abandoned.

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

SECTION 1. Subchapter B, Chapter 72, Property Code, is amended by adding Section 72.1021 to read as follows:

Sec. 72.1021. SHARES OF MUTUAL FUND; DESIGNATION OF REPRESENTATIVE FOR NOTICE. (a) The owner of shares of a mutual fund may designate the name and a mailing or e-mail address of a representative of the owner only for the purpose of receiving the notice required by Section 74.1011. The owner is not required to designate a representative under this subsection.

(b) The comptroller shall prescribe a form that a holder of shares of a mutual fund may make available to an owner of the shares to designate a representative for notice under this section.

(c) A representative for notice designated under this section does not have any rights to the mutual fund shares and may not access the shares.

(d) The running of the three-year period of abandonment under Section 72.101 ceases immediately if a representative designated under this section communicates to the holder that the representative knows:

(1) the owner's location; and

(2) that the owner exists and has not abandoned the shares of the mutual fund.

SECTION 2. Subchapter B, Chapter 73, Property Code, is amended by adding Section 73.103 to read as follows:

Sec. 73.103. DESIGNATION OF REPRESENTATIVE FOR NOTICE. (a) The depositor of an account or the owner of the contents of a safe deposit box may designate the name and a mailing or e-mail address of a representative of the depositor or the owner only for the purpose of receiving the notice required by Section 74.1011. The depositor or owner is not required to designate a representative under this subsection.

(b) The comptroller shall prescribe a form that a holder of an account or the contents of a safe deposit box may make available to a depositor of the account or owner of the contents of the box to designate a representative for notice under this section.

(c) A representative for notice designated under this section does not have any rights to the account or safe deposit box and may not access the account or box.

(d) The running of a period of abandonment under Section 73.101 ceases immediately if a representative designated under this section communicates to the holder that the representative knows:

(1) the depositor's or owner's location; and

(2) that the depositor or owner exists and has not abandoned the account or the contents of a safe deposit box.

SECTION 3. Section 74.101(c), Property Code, is amended to read as follows:

(c) The property report must include, if known by the holder:

(1) the name, social security number, driver's license or state identification number, e-mail address, and ~~the~~ last known address of:

(A) each person who, from the records of the holder of the property, appears to be the owner of the property; or

(B) any person who is entitled to the property;

(2) the name and last known mailing or e-mail address of any person designated as a representative for notice under Section 72.1021 or 73.103;

(3) a description of the property, the identification number, if any, and, if appropriate, a balance of each account, except as provided by Subsection (d);

(4) ~~(3)~~ the date that the property became payable, demandable, or returnable;

(5) ~~(4)~~ the date of the last transaction with the owner concerning the property; and

(6) ~~(5)~~ other information that the comptroller by rule requires to be disclosed as necessary for the administration of this chapter.

SECTION 4. Section 74.1011, Property Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) If an owner has designated a representative for notice under Section 72.1021 or 73.103, the holder shall mail or e-mail the written notice required under Subsection (a) to the representative in addition to mailing the notice to the owner.

SECTION 5. Section 74.103(a), Property Code, is amended to read as follows:

(a) A holder required to file a property report under Section 74.101 shall keep a record of:

(1) the name, the social security number, if known, and the last known address of each person who, from the records of the holder of the property, appears to be the owner of the property;

(2) the name and last known mailing or e-mail address of any representative for notice designated under Section 72.1021 or 73.103;

(3) a brief description of the property, including the identification number, if any; and

(4) ~~(3)~~ the balance of each account, if appropriate.

SECTION 6. This Act takes effect September 1, 2017.

Representative Raney moved to adopt the conference committee report on **HB 1454**.

The motion to adopt the conference committee report on **HB 1454** prevailed by (Record 1659): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycocck; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips;

Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Sheets(C).

Absent, Excused — Fallon.

Absent — Dukes; Johnson; McClendon.

HB 200 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Keffer submitted the following conference committee report on **HB 200**:

Austin, Texas, May 26, 2015

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 200** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Perry	Keffer
Hinojosa	D. Bonnen
Creighton	Lucio
Hall	Larson
Kolkhorst	Nevárez
On the part of the senate	On the part of the house

HB 200, A bill to be entitled An Act relating to the regulation of groundwater.

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

SECTION 1. Section 36.0015, Water Code, is amended to read as follows:

Sec. 36.0015. PURPOSE. (a) In this section, "best available science" means conclusions that are logically and reasonably derived using statistical or quantitative data, techniques, analyses, and studies that are publicly available to reviewing scientists and can be employed to address a specific scientific question.

(b) In order to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and to control subsidence caused by withdrawal of water from those groundwater reservoirs or their subdivisions, consistent with the objectives of Section 59, Article XVI, Texas Constitution, groundwater conservation districts may be created as provided by this chapter. Groundwater conservation districts created as provided by this chapter are the state's preferred method of groundwater management in order to protect property rights, balance

the conservation and development of groundwater to meet the needs of this state, and use the best available science in the conservation and development of groundwater through rules developed, adopted, and promulgated by a district in accordance with the provisions of this chapter.

SECTION 2. Section 36.066, Water Code, is amended by amending Subsection (g) and adding Subsection (h) to read as follows:

(g) If the district prevails in any suit other than a suit in which it voluntarily intervenes, the district may seek and the court shall grant, in the interests of justice and as provided by Subsection (h), in the same action, recovery for attorney's fees, costs for expert witnesses, and other costs incurred by the district before the court. The amount of the attorney's fees shall be fixed by the court.

(h) If the district prevails on some, but not all, of the issues in the suit, the court shall award attorney's fees and costs only for those issues on which the district prevails. The district has the burden of segregating the attorney's fees and costs in order for the court to make an award.

SECTION 3. Section 36.108(d-1), Water Code, is amended to read as follows:

(d-1) After considering and documenting the factors described by Subsection (d) and other relevant scientific and hydrogeological data, the [The] districts may establish different desired future conditions for:

(1) each aquifer, subdivision of an aquifer, or geologic strata located in whole or in part within the boundaries of the management area; or

(2) each geographic area overlying an aquifer in whole or in part or subdivision of an aquifer within the boundaries of the management area.

SECTION 4. Section 36.1083, Water Code, is amended by amending Subsections (a) and (b) and adding Subsections (e) through (r) to read as follows:

(a) In this section:

(1) "Affected person" has the meaning assigned by Section 36.1082.

(2) "Development [~~development~~] board" means the Texas Water Development Board.

(3) "Office" means the State Office of Administrative Hearings.

(b) Not later than the 120th day after the date on which a district adopts a desired future condition under Section 36.108(d-4), an affected [~~A~~] person [~~with a legally defined interest in the groundwater in the management area, a district in or adjacent to the management area, or a regional water planning group for a region in the management area~~] may file a petition with the district requiring that the district contract with the office to conduct a hearing [~~development board~~] appealing the reasonableness [~~approval~~] of the desired future condition [~~conditions of the groundwater resources established under this section~~]. The petition must provide evidence that the districts did not establish a reasonable desired future condition of the groundwater resources in the management area.

(e) Not later than the 10th day after receiving a petition described by Subsection (b), the district shall submit a copy of the petition to the development board. On receipt of the petition, the development board shall conduct:

(1) an administrative review to determine whether the desired future condition established by the district meets the criteria in Section 36.108(d); and

(2) a study containing scientific and technical analysis of the desired future condition, including consideration of:

(A) the hydrogeology of the aquifer;

(B) the explanatory report provided to the development board under Section 36.108(d-3);

(C) the factors described under Section 36.108(d); and

(D) any relevant:

(i) groundwater availability models;

(ii) published studies;

(iii) estimates of total recoverable storage capacity;

(iv) average annual amounts of recharge, inflows, and discharge of groundwater; or

(v) information provided in the petition or available to the development board.

(f) The development board must complete and deliver to the office a study described by Subsection (e)(2) not later than the 120th day after the date the development board receives a copy of the petition.

(g) For the purposes of a hearing conducted under Subsection (b):

(1) the office shall consider the study described by Subsection (e)(2) and the desired future conditions explanatory report submitted to the development board under Section 36.108(d-3) to be part of the administrative record; and

(2) the development board shall make available relevant staff as expert witnesses if requested by the office or a party to the hearing.

(h) Not later than the 60th day after receiving a petition under Subsection (b), the district shall:

(1) contract with the office to conduct the contested case hearing requested under Subsection (b); and

(2) submit to the office a copy of any petitions related to the hearing requested under Subsection (b) and received by the district.

(i) A hearing under Subsection (b) must be held:

(1) at a location described by Section 36.403(c); and

(2) in accordance with Chapter 2001, Government Code, and the rules of the office.

(j) During the period between the filing of the petition and the delivery of the study described by Subsection (e)(2), the district may seek the assistance of the Center for Public Policy Dispute Resolution, the development board, or another alternative dispute resolution system to mediate the issues raised in the petition. If the district and the petitioner cannot resolve the issues raised in the petition, the office will proceed with a hearing as described by this section.

(k) The district may adopt rules for notice and hearings conducted under this section that are consistent with the procedural rules of the office. In accordance with rules adopted by the district and the office, the district shall provide:

(1) general notice of the hearing; and

(2) individual notice of the hearing to:

- (A) the petitioner;
- (B) any person who has requested notice;
- (C) each nonparty district and regional water planning group located in the same management area as a district named in the petition;
- (D) the development board; and
- (E) the commission.

(l) Before a hearing conducted under this section, the office shall hold a prehearing conference to determine preliminary matters, including:

- (1) whether the petition should be dismissed for failure to state a claim on which relief can be granted;
- (2) whether a person seeking to participate in the hearing is an affected person who is eligible to participate; and
- (3) which affected persons shall be named as parties to the hearing.

(m) The petitioner shall pay the costs associated with the contract for the hearing under this section. The petitioner shall deposit with the district an amount sufficient to pay the contract amount before the hearing begins. After the hearing, the office may assess costs to one or more of the parties participating in the hearing and the district shall refund any excess money to the petitioner. The office shall consider the following in apportioning costs of the hearing:

- (1) the party who requested the hearing;
- (2) the party who prevailed in the hearing;
- (3) the financial ability of the party to pay the costs;
- (4) the extent to which the party participated in the hearing; and
- (5) any other factor relevant to a just and reasonable assessment of costs.

(n) On receipt of the administrative law judge's findings of fact and conclusions of law in a proposal for decision, including a dismissal of a petition, the district shall issue a final order stating the district's decision on the contested matter and the district's findings of fact and conclusions of law. The district may change a finding of fact or conclusion of law made by the administrative law judge, or may vacate or modify an order issued by the administrative law judge, as provided by Section 2001.058(e), Government Code.

(o) If the district vacates or modifies the proposal for decision, the district shall issue a report describing in detail the district's reasons for disagreement with the administrative law judge's findings of fact and conclusions of law. The report shall provide the policy, scientific, and technical justifications for the district's decision.

(p) If the district in its final order finds that a desired future condition is unreasonable, not later than the 60th day after the date of the final order, the districts in the same management area as the district that received the petition shall reconvene in a joint planning meeting for the purpose of revising the desired future condition. The districts in the management area shall follow the procedures in Section 36.108 to adopt new desired future conditions applicable to the district that received the petition.

(q) A final order by the district finding that a desired future condition is unreasonable does not invalidate the adoption of a desired future condition by a district that did not participate as a party in the hearing conducted under this section.

(r) The administrative law judge may consolidate hearings requested under this section that affect two or more districts. The administrative law judge shall prepare separate findings of fact and conclusions of law for each district included as a party in a multidistrict hearing.

SECTION 5. Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.10835 to read as follows:

Sec. 36.10835. JUDICIAL APPEAL OF DESIRED FUTURE CONDITIONS. (a) A final district order issued under Section 36.1083 may be appealed to a district court with jurisdiction over any part of the territory of the district that issued the order. An appeal under this subsection must be filed with the district court not later than the 45th day after the date the district issues the final order. The case shall be decided under the substantial evidence standard of review as provided by Section 2001.174, Government Code. If the court finds that a desired future condition is unreasonable, the court shall strike the desired future condition and order the districts in the same management area as the district that received the petition to reconvene not later than the 60th day after the date of the court order in a joint planning meeting for the purpose of revising the desired future condition. The districts in the management area shall follow the procedures in Section 36.108 to adopt new desired future conditions applicable to the district that received the petition.

(b) A court's finding under this section does not apply to a desired future condition that is not a matter before the court.

SECTION 6. Sections 36.1083(c) and (d), Water Code, are repealed.

SECTION 7. Section 36.1083, Water Code, as amended by this Act, and Section 36.10835, Water Code, as added by this Act, apply only to a desired future condition adopted by a groundwater conservation district on or after the effective date of this Act. A desired future condition adopted before that date is governed by the law in effect on the date the desired future condition was adopted, and the former law is continued in effect for that purpose.

SECTION 8. This Act takes effect September 1, 2015.

Representative Keffer moved to adopt the conference committee report on **HB 200**.

The motion to adopt the conference committee report on **HB 200** prevailed by (Record 1660): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Kacal; Keffer; Keough;

King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martínez; Martínez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Simpson.

Present, not voting — Mr. Speaker; Sheets(C).

Absent, Excused — Fallon.

Absent — Anderson, R.; Dukes; González; Johnson; McClendon.

**SB 523 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Keffer, the house granted the request of the senate for the appointment of a Conference Committee on **SB 523**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 523**: Keffer, chair; Howard, Workman, Ashby, and Burns.

**HR 3371 - ADOPTED
(by Wu)**

Representative Wu moved to suspend all necessary rules to take up and consider at this time **HR 3371**.

The motion prevailed.

The following resolution was laid before the house:

HR 3371, Commending Maritza Cordova for her service in the office of State Representative Gene Wu as part of the Project PLACE program through the Baker-Ripley Neighborhood Center.

HR 3371 was adopted.

**HB 3405 - RECALLED FROM THE SENATE
BY THE SPEAKER**

The speaker requested the return of **HB 3405** with senate amendments from the senate.

PROVIDING FOR ADJOURNMENT

At 7:09 p.m., Representative D. Bonnen moved that, at the conclusion of the receipt of messages from the senate, the house adjourn until 10 a.m. tomorrow in memory of Sergeant First Class Joseph Timothy Ros of Ashwood.

The motion prevailed.

(Sheffield in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

ADJOURNMENT

In accordance with a previous motion, the house, at 9:53 a.m. Friday, May 29, adjourned until 10 a.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 31

HB 168, HB 207, HB 229, HB 257, HB 262, HB 307, HB 326, HB 480, HB 504, HB 518, HB 634, HB 644, HB 710, HB 771, HB 790, HB 825, HB 884, HB 905, HB 906, HB 1015, HB 1026, HB 1038, HB 1074, HB 1083, HB 1128, HB 1237, HB 1277, HB 1278, HB 1286, HB 1287, HB 1329, HB 1337, HB 1360, HB 1394, HB 1431, HB 1449, HB 1455, HB 1514, HB 1535, HB 1549, HB 1551, HB 1595, HB 1617, HB 1628, HB 1640, HB 1661, HB 1670, HB 1702, HB 1733, HB 1781, HB 1793, HB 1807, HB 1846, HB 1855, HB 1879, HB 1908, HB 1914, HB 1924, HB 2031, HB 2055, HB 2063, HB 2067, HB 2108, HB 2121, HB 2134, HB 2232, HB 2251, HB 2290, HB 2299, HB 2300, HB 2313, HB 2372, HB 2390, HB 2407, HB 2472, HB 2499, HB 2528, HB 2547, HB 2549, HB 2558, HB 2589, HB 2598, HB 2629, HB 2634, HB 2646, HB 2647, HB 2655, HB 2660, HB 2680, HB 2706, HB 2763, HB 2775, HB 2827, HB 2828, HB 2851, HB 2945, HB 2946, HB 3002, HB 3074, HB 3092, HB 3264, HB 3283, HB 3316, HB 3357, HB 3373, HB 3374, HB 3404, HB 3438, HB 3439, HB 3517, HB 3547, HB 3595, HB 3629, HB 3685, HB 3707, HB 3710, HB 3748, HB 3772, HB 3982, HB 4030, HB 4046, HB 4133, HB 4134, HB 4148, HB 4174, HB 4183, HB 4199, HB 4207, HCR 35, HCR 46, HCR 62, HCR 76, HCR 77, HCR 81, HCR 85, HCR 93, HCR 94, HCR 130

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 28, 2015 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 57	(31 Yeas, 0 Nays)
SB 59	(31 Yeas, 0 Nays)
SB 195	(31 Yeas, 0 Nays)
SB 200	(31 Yeas, 0 Nays)
SB 304	(31 Yeas, 0 Nays)
SB 530	(31 Yeas, 0 Nays)
SB 610	(31 Yeas, 0 Nays)
SB 631	(31 Yeas, 0 Nays)
SB 760	(31 Yeas, 0 Nays)
SB 791	(31 Yeas, 0 Nays)
SB 876	(31 Yeas, 0 Nays)
SB 1171	(31 Yeas, 0 Nays)
SB 1189	(31 Yeas, 0 Nays)
SB 1196	(31 Yeas, 0 Nays)
SB 1304	(31 Yeas, 0 Nays)
SB 1305	(31 Yeas, 0 Nays)
SB 1512	(31 Yeas, 0 Nays)
SB 1560	(31 Yeas, 0 Nays)
SB 1664	(31 Yeas, 0 Nays)
SB 1743	(31 Yeas, 0 Nays)
SB 1831	(31 Yeas, 0 Nays)
SB 1853	(31 Yeas, 0 Nays)
SB 2025	(31 Yeas, 0 Nays)

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

SB 9 (viva-voce vote)

Senate Conferees: Hancock - Chair/Kolkhorst/Nichols/Taylor, Larry/Uresti

SB 11

Senate Conferees: Birdwell - Chair/Burton/Hinojosa/Huffman/Schwertner

SB 19

Senate Conferees: Taylor, Van - Chair/Birdwell/Creighton/Huffman/Watson

SB 776

Senate Conferees: Fraser - Chair/Ellis/Estes/Hancock/Nichols

SB 1007

Senate Conferees: Eltife - Chair/Creighton/Nichols/Seliger/West

SB 1071

Senate Conferees: Hinojosa - Chair/Burton/Huffman/Perry/Whitmire

SB 1630

Senate Conferees: Whitmire - Chair/Eltife/Hinojosa/Huffman/Nelson

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 910

Senate Conferees: Estes - Chair/Eltife/Huffines/Huffman/Uresti

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, May 28, 2015 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 128

Price

SPONSOR: Seliger

Honoring Shanna Peebles on her selection as National Teacher of the Year.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 37	(30 Yeas, 1 Nay)
SB 158	(24 Yeas, 7 Nays)
SB 239	(25 Yeas, 6 Nays)
SB 267	(19 Yeas, 12 Nays)
SB 386	(29 Yeas, 2 Nays)
SB 735	(23 Yeas, 8 Nays)
SB 818	(30 Yeas, 1 Nay)
SB 873	(30 Yeas, 1 Nay)
SB 900	(24 Yeas, 7 Nays)
SB 1168	(26 Yeas, 5 Nays)
SB 1356	(25 Yeas, 6 Nays)
SB 1385	(30 Yeas, 1 Nay)
SB 1394	(31 Yeas, 0 Nays)
SB 1436	(24 Yeas, 7 Nays)
SB 1455	(31 Yeas, 0 Nays)
SB 1461	(31 Yeas, 0 Nays)
SB 1899	(31 Yeas, 0 Nays)
SB 2041	(29 Yeas, 2 Nays)

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

SB 313

Senate Conferees: Seliger - Chair/Eltife/Estes/Taylor, Larry/West

SB 632

Senate Conferees: Fraser - Chair/Estes/Huffman/Nelson/Zaffirini

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 189

Senate Conferees: Taylor, Van - Chair/Huffman/Kolkhorst/Menéendez/Perry

HB 311

Senate Conferees: Lucio - Chair/Eltife/Rodríguez/Taylor, Larry/Uresti

HB 1305

Senate Conferees: Taylor, Larry - Chair/Bettencourt/Campbell/Lucio/Taylor, Van

HB 2578

Senate Conferees: Nelson - Chair/Birdwell/Campbell/Hinojosa/Schwertner

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 28, 2015 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

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

SB 1756

Senate Conferees: Taylor, Van - Chair/Creighton/Hall/Huffines/West

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 29, 2015 - 1

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

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

SB 507

Senate Conferees: Lucio - Chair/Bettencourt/Garcia/Menéndez/Taylor, Larry

SB 551

Senate Conferees: Seliger - Chair/Creighton/Nichols/Perry/Zaffirini

SB 1316

Senate Conferees: Watson - Chair/Bettencourt/Eltife/Menéndez/Seliger

SB 1338

Senate Conferees: Perry - Chair/Hinojosa/Huffines/Kolkhorst/Nichols

SB 1727

Senate Conferees: Creighton - Chair/Lucio/Schwertner/Taylor, Larry/West

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 1690

Senate Conferees: Huffman - Chair/Creighton/Nelson/Nichols/Watson

HB 2633

Senate Conferees: Perry - Chair/Creighton/Ellis/Estes/Taylor, Van

HB 2968

Senate Conferees: Menéndez - Chair/Campbell/Creighton/Estes/Uresti

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 27

Energy Resources - **HCR 123**

ENROLLED

May 27 - HB 4, HB 30, HB 168, HB 207, HB 229, HB 257, HB 262, HB 283, HB 307, HB 326, HB 372, HB 480, HB 504, HB 518, HB 549, HB 634, HB 644, HB 710, HB 771, HB 790, HB 825, HB 830, HB 884, HB 905, HB 906, HB 1015, HB 1026, HB 1038, HB 1074, HB 1083, HB 1128, HB 1212, HB 1217, HB 1237, HB 1273, HB 1277, HB 1278, HB 1286, HB 1287, HB 1309, HB 1329, HB 1337, HB 1338, HB 1360, HB 1394, HB 1431, HB 1449, HB 1455, HB 1514, HB 1535, HB 1549, HB 1551, HB 1595, HB 1617, HB 1628, HB 1640, HB 1661, HB 1670, HB 1702, HB 1733, HB 1781, HB 1793, HB 1807, HB 1846, HB 1855, HB 1879, HB 1908, HB 1914, HB 1924, HB 2031, HB 2055, HB 2063, HB 2067, HB 2108, HB 2121, HB 2134, HB 2182, HB 2232, HB 2235, HB 2251, HB 2265, HB 2290, HB 2299, HB 2300, HB 2313, HB 2372, HB 2390, HB 2391, HB 2407, HB 2472, HB 2498, HB 2499, HB 2528, HB 2547,

**HB 2549, HB 2558, HB 2589, HB 2598, HB 2629, HB 2634, HB 2646,
HB 2647, HB 2655, HB 2660, HB 2680, HB 2706, HB 2739, HB 2763,
HB 2775, HB 2789, HB 2827, HB 2828, HB 2830, HB 2851, HB 2921,
HB 2945, HB 2946, HB 3002, HB 3074, HB 3092, HB 3150, HB 3264,
HB 3283, HB 3316, HB 3357, HB 3373, HB 3374, HB 3404, HB 3438,
HB 3439, HB 3517, HB 3547, HB 3595, HB 3618, HB 3629, HB 3685,
HB 3707, HB 3710, HB 3748, HB 3772, HB 3982, HB 4001, HB 4030,
HB 4046, HB 4097, HB 4133, HB 4134, HB 4148, HB 4174, HB 4183,
HB 4199, HB 4207, HCR 35, HCR 46, HCR 62, HCR 76, HCR 77, HCR 81,
HCR 85, HCR 93, HCR 94, HCR 130**

SENT TO THE GOVERNOR

**May 27 - HB 4, HB 9, HB 10, HB 19, HB 274, HB 638, HB 685, HB 731,
HB 867, HB 992, HB 994, HB 1072, HB 1101, HB 1114, HB 1144, HB 1252,
HB 1289, HB 1403, HB 1474, HB 1510, HB 1626, HB 1629, HB 1774,
HB 1804, HB 2014, HB 2049, HB 2084, HB 2168, HB 2171, HB 2463,
HB 2481, HB 2568, HB 2593, HB 2772, HB 2812, HB 3014, HB 3230,
HB 3307, HB 3402, HB 3456, HB 3610, HB 3842, HCR 108**

