

HOUSE JOURNAL

EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTY-THIRD DAY — FRIDAY, MAY 29, 2015

The house met at 10:03 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1661).

Present — Mr. Speaker; 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; 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 Schaefer who introduced Reverend James Perryman, pastor, Hill Creek Baptist Church, Whitehouse, who offered the invocation.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

(Price in the chair)

HR 3060 - ADOPTED
(by Harless)

Representative Harless moved to suspend all necessary rules to take up and consider at this time **HR 3060**.

The motion prevailed.

The following resolution was laid before the house:

HR 3060, Congratulating Robin Burke on being named captain of the 2016 USA Curtis Cup women's golf team.

HR 3060 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Harless who introduced Robin Burke and members of her family and friends.

HR 3360 - ADOPTED
(by Farney)

Representative Farney moved to suspend all necessary rules to take up and consider at this time **HR 3360**.

The motion prevailed.

The following resolution was laid before the house:

HR 3360, Commending Lynn Forney Young on her outstanding service as president general of the National Society Daughters of the American Revolution.

HR 3360 was adopted.

CAPITOL PHYSICIAN

The chair recognized Representative Sheffield who presented Dr. Clayton K. Roberts of Glen Rose as the "Doctor for the Day."

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

HR 3200 - ADOPTED
(by Gonzales)

Representative Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 3200**.

The motion prevailed.

The following resolution was laid before the house:

HR 3200, Congratulating Doretta Conrad of Williamson County on her retirement as an employee of the State of Texas.

HR 3200 was adopted.

LEAVE OF ABSENCE GRANTED

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

McClendon on motion of Allen.

RESOLUTIONS ADOPTED

Representative Naishtat 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 3160 (by Naishtat), Recognizing Access College Texas for its leadership in providing postsecondary educational opportunities to Texans with intellectual and developmental disabilities.

HR 3161 (by Naishtat), Congratulating Penny Seay on her retirement as director of the Texas Center for Disability Studies.

HR 3163 (by Naishtat), Commending the Houston Community College VAST Academy for providing postsecondary education to Texans with intellectual and developmental disabilities.

HR 3260 (by Naishtat), Honoring the STEPS Program at Austin Community College for its leadership in postsecondary education for Texans with intellectual and developmental disabilities.

HR 3314 (by Naishtat), Honoring Dr. Jon Pierce-Shimomura and The University of Texas at Austin Informal Classes for their outreach to adults with intellectual and developmental disabilities.

The resolutions were adopted.

HR 3384 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 3384**, suspending the limitations on the conferees for **HB 910**.

HR 3385 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 3385**, suspending the limitations on the conferees for **SJR 5**.

**HR 3104 - ADOPTED
(by Crossover)**

Representative Crossover moved to suspend all necessary rules to take up and consider at this time **HR 3104**.

The motion prevailed.

The following resolution was laid before the house:

HR 3104, Recognizing members of the NTDC Internship Program from the University of North Texas for their service during the 84th Legislative Session.

HR 3104 was adopted.

RESOLUTIONS REFERRED TO COMMITTEES

Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

RESOLUTIONS ADOPTED

Representative Meyer 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 3348 (by Meyer), Commending Shelby Goff for her service as district director in the office of State Representative Morgan Meyer.

HR 3349 (by Meyer), Commending Sallie Armstrong for her service as legislative director in the office of State Representative Morgan Meyer.

HR 3350 (by Meyer), Commending Stephen Kyle McDonald for his service as a legislative analyst in the office of State Representative Morgan Meyer.

HR 3351 (by Meyer), Commending Sarah Talley for her service as a staff member in the office of State Representative Morgan Meyer during the 84th Legislative Session.

The resolutions were adopted.

HR 3353 - ADOPTED (by Metcalf)

Representative Metcalf moved to suspend all necessary rules to take up and consider at this time **HR 3353**.

The motion prevailed.

The following resolution was laid before the house:

HR 3353, In memory of Edward M. Nelson, Jr., and Dorothy Louise Nelson of Austin.

HR 3353 was unanimously adopted by a rising vote.

On motion of Representative Metcalf, the names of all the members of the house were added to **HR 3353** as signers thereof.

(Speaker in the chair)

SB 1317 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Moody, Representatives S. Thompson, Herrero, R. Anderson, and Moody were authorized as house sponsors to **SB 1317**.

SB 1881 - HOUSE SPONSOR AUTHORIZED

On motion of Representative Raymond, Representative Zedler was authorized as a house sponsor to **SB 1881**.

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).

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, Senate List No. 31).

**HR 3315 - ADOPTED
(by Otto)**

The following privileged resolution was laid before the house:

HR 3315, Suspending limitations on conference committee jurisdiction, **HB 1**.

HR 3315 - POINT OF ORDER

Representative Simpson raised a point of order against further consideration of **HR 3315** under Rule 13, Section 9 of the House Rules on the grounds that text of the bill that was not in disagreement between the two houses was changed.

The speaker overruled the point of order and submitted the following statement:

Representative Simpson raised a point of order under Rule 13, Section 9 of the House Rules against further consideration of the out-of-bounds resolution for the budget, **HR 3315**, as well as the budget bill, **HB 1**.

At the heart of the matter is Representative Simpson's belief that conference committees, once appointed, should never take any action that is not specifically authorized in Rule 13, Section 9(b) of the House Rules unless the conference committee returns to the house before working on the item and receives approval to proceed with the change.

This matter has been discussed at some length by Representative Simpson. See 84 H.J. Reg. 160 (2015) (Amendment No. 23, a proposed rule change to conform House Rules to Representative Simpson's line of reasoning); 84 H.J. Reg. 1821 (2015) (Simpson motion to instruct budget conferees to be bound by his interpretation of Rule 13, Section 9 of the House Rules); 84 H.J. Reg. 4464-4466 (2015) (discussion of Representative Simpson's interpretation of Rule 13, Section 9 of the House Rules). Neither Mr. Simpson's motion to amend the rules nor to instruct budget conferees to be bound by his interpretation of the conference committee restrictions was adopted.

The central problem with Representative Simpson's argument is that he seeks to construe Rule 13, Section 9 of the House Rules and, at the same time, ignore Subsection (f) of the rule that allows limitations to be "suspended in part by permission of the house to allow consideration of and action on a specific

matter or matters which would be prohibited." As Representative Simpson candidly admitted, he is unaware of any time when a house conference committee has acted in the manner that he says the rule requires.

The house Conference Committee on **HB 1** acted properly under the House Rules. The points of order on **HR 3315** and **HB 1** are respectfully overruled. Representative Simpson's comment should be considered in working with the senate to adopt a joint rule to deal with conference committees.

HR 3315 was adopted by (Record 1662): 134 Yeas, 11 Nays, 1 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; 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; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; 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; 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 — Miles; Rinaldi; Schaefer; Shaheen; Simpson; Spitzer; Stickland; Tinderholt; Turner, E.S.; White, M.; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — McClendon.

Absent — Dukes; Krause; Sanford.

STATEMENT OF VOTE

When Record No. 1662 was taken, I was in the house but away from my desk. I would have voted no.

Krause

HB 1 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Otto submitted the following conference committee report on **HB 1**:

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 1** 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.

Nelson	Otto
Hinojosa	S. Turner
Schwertner	Gonzales
Huffman	S. Davis
Kolkhorst	Ashby
On the part of the senate	On the part of the house

HB 1 - POINT OF ORDER

Representative Simpson raised a point of order against further consideration of **HB 1** under Rule 13, Section 9 of the House Rules on the grounds that text of the bill that was not in disagreement between the two houses was changed.

The speaker overruled the point of order and submitted the following statement:

Representative Simpson raised a point of order under Rule 13, Section 9 of the House Rules against further consideration of the out-of-bounds resolution for the budget, **HR 3315**, as well as the budget bill, **HB 1**.

At the heart of the matter is Representative Simpson's belief that conference committees, once appointed, should never take any action that is not specifically authorized in Rule 13, Section 9(b) of the House Rules unless the conference committee returns to the house before working on the item and receives approval to proceed with the change.

This matter has been discussed at some length by Representative Simpson. See 84 H.J. Reg. 160 (2015) (Amendment No. 23, a proposed rule change to conform House Rules to Representative Simpson's line of reasoning); 84 H.J. Reg. 1821 (2015) (Simpson motion to instruct budget conferees to be bound by his interpretation of Rule 13, Section 9 of the House Rules); 84 H.J. Reg. 4464-4466 (2015) (discussion of Representative Simpson's interpretation of Rule 13, Section 9 of the House Rules). Neither Mr. Simpson's motion to amend the rules nor to instruct budget conferees to be bound by his interpretation of the conference committee restrictions was adopted.

The central problem with Representative Simpson's argument is that he seeks to construe Rule 13, Section 9 of the House Rules and, at the same time, ignore Subsection (f) of the rule that allows limitations to be "suspended in part by permission of the house to allow consideration of and action on a specific matter or matters which would be prohibited." As Representative Simpson candidly admitted, he is unaware of any time when a house conference committee has acted in the manner that he says the rule requires.

The house Conference Committee on **HB 1** acted properly under the House Rules. The points of order on **HR 3315** and **HB 1** are respectfully overruled. Representative Simpson's comment should be considered in working with the senate to adopt a joint rule to deal with conference committees.

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).

LEAVE OF ABSENCE GRANTED

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

Dukes on motion of Israel.

HB 1 - (consideration continued)

Representative Otto moved to adopt the conference committee report on **HB 1**.

The motion to adopt the conference committee report on **HB 1** prevailed by (Record 1663): 115 Yeas, 33 Nays, 0 Present, not voting.

Yeas — Mr. Speaker(C); Alonzo; Alvarado; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Coleman; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Deshotel; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Guerra; Guillen; Harless; 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; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Raymond; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Allen; Anchia; Bernal; Blanco; Canales; Collier; Davis, Y.; Dutton; Farias; Farrar; Giddings; González; Gutierrez; Hernandez; Howard; Israel; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Muñoz; Naishtat; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Simpson; Turner, C.; Turner, S.; Vo; Walle.

Absent, Excused — Dukes; McClendon.

The speaker stated that **HB 1** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

STATEMENT OF VOTE

When Record No. 1663 was taken, I was shown voting yes. I intended to vote no.

S. Thompson

REASONS FOR VOTE

Passing a budget is the most significant action we take as legislators. It should be done with full vetting and transparency. Yet, the summary of the conference committee report for **HB 1** was distributed to members mere hours before floor debate. Furthermore, limitations were imposed on members' ability to ask questions of conferees, leaving only a few hours for consideration of a \$209.4 billion budget.

HB 1 left the house after months of bipartisan work by the House Appropriations Committee members with 141 aye votes. However, the bill we were asked to vote on today took that house-supported budget backward. Public education funding was essentially cut in half, \$1.5 billion of sorely needed transportation funding that the house had included was omitted, and reimbursement rates for physicians providing Medicaid were reduced. Additionally, the final budget included significantly more funding for border operations despite the house's oft expressed concerns about the lack of accountability to support those operations.

Though the house made significant headway in addressing the practice of using GR-dedicated funds to certify the budget rather than appropriate those funds, it is anticipated that the final budget will still be relying on approximately \$3 billion of GR-dedicated funds to balance the budget. If the proposed bills are passed to reduce GR-dedicated reliance, that would still leave another approximately \$3 billion under the pay-as-you-go limit as well as \$2.9 billion under the spending cap, plus an estimated \$11 billion untouched in the economic stabilization fund.

And what was not funded? Public school funding still leaves 31 percent of our school districts with less funding per pupil than they received prior to the 2011 budget cuts. Pre-K funding at approximately \$148 million is still below the \$200 million appropriated prior to the 2011 budget cuts. Higher education funding is still less than the high-water mark of approximately a decade ago, and our TEXAS Grant recipients are receiving smaller grants than previously offered.

Therefore, I cannot vote for this budget. It is neither conservative nor responsible to leave so many critical programs underfunded when the necessary funds are available, even after considering the proposed tax cuts of \$3.8 billion. This budget shortchanges those services that Texans expect state government to provide in order to ensure the continuing prosperity and well-being of our citizens.

Anchia, Bernal, Blanco, Collier, Hernandez, Howard,
Martinez, Martinez Fischer, Minjarez, Moody, Muñoz,
Naishtat, J. Rodriguez, and C. Turner

We want to thank Chairman Otto, Vice-Chair S. Turner, and the rest of the house conferees for their diligent work in advocating for the priorities set out by the house on the budget. It is with respect and deference that we speak against the final product of this intense, difficult budget process.

The budget passed by our house was not a perfect document. We always harbored concern and frustration with our state's continued avoidance of the expansion of Medicaid or any sort of plan that would draw down federal dollars to ensure folks who can't afford health care coverage can start receiving coverage. This uninsured population continues to stress our overextended public health safety net. There are many of us who had concerns about the amount of money and relative lack of oversight given to the border security effort. Even with Chairman Otto's contingency rider to add \$800 million for school finance, we still doubted whether this level of funding would be adequate and pass muster with the courts. It gave us great pause to leave major priorities like public education and health care underfunded while staying \$2 billion short of our constitutional spending cap and overspending on border security efforts needing improved accountability.

However, many of us still voted in favor of **HB 1** when it left the house because we believed, given the body's diverse priorities, we did reasonably well to compromise and move forward. Unfortunately, this bill returns to the chamber as a substantially inferior document than the one that left.

On top of not even discussing coverage expansion, the conference committee report to **HB 1** completely removed the Medicaid reimbursement rate increases for doctors included in the house budget, further reducing the incentive for doctors to accept Medicaid patients. Additionally, the conference committee report to **HB 1** continues to not provide for Medicaid cost growth or assist with Disproportionate Share Hospital payments, likely forcing more providers out of Medicaid and increasing the burden on entities like public hospital systems. With the renewal of the 1115 Medicaid waiver uncertain and looming in the upcoming biennium, the shortsighted spending decisions in the conference committee report to **HB 1** set our public health safety net up for disaster.

The conference committee report to **HB 1** drastically reduced the increases to public education, reducing the \$2.2 billion the house put in above enrollment growth down to \$1.5 billion. Even with Chairman Otto's amendment raising the potential increase to \$3 billion, the constitutionality of the school finance system still remained very questionable; funding increases likely will remain insufficient. The funding levels in the conference committee report to **HB 1** only weaken the state's position in the ongoing court case and send a message to Texas families that the legislature doesn't care to finally resolve the "constitutionally inadequate, unsuitable, and financially inefficient" school finance system.

Some funding decisions made by the conference committee do improve on what the house passed out, including improved GME funding, rural hospital funding, and increased financial aid via TEXAS Grants. However, with more than \$11 billion in the economic stabilization fund, nearly \$3 billion left under the spending cap, \$3.8 billion in tax relief, and nearly \$300 million more for

border security, it is disappointing to see so many critical budget priorities left unmet. With the legislature using revenue to provide franchise tax cuts to out-of-state shareholders, we are simply leaving too much money in the bank.

Farias, Hernandez, Moody, E. Rodriguez, C. Turner, and Walle

(Keffer in the chair)

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).

COMMITTEE GRANTED PERMISSION TO MEET

Representative Anchia requested permission for the Committee on International Trade and Intergovernmental Affairs to meet while the house is in session, at 2:30 p.m. today, in 3W.9, to consider **HCR 140**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

International Trade and Intergovernmental Affairs, 2:30 p.m. today, 3W.9, for a formal meeting, to consider **HCR 140**.

SB 2041 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Pickett, Representatives Phillips and Flynn were authorized as house sponsors to **SB 2041**.

SJR 5 - HOUSE SPONSOR AUTHORIZED

On motion of Representative Pickett, Representative Metcalf was authorized as a house sponsor to **SJR 5**.

HCR 141 - ADOPTED

(by Smith)

Representative Smith moved to suspend all necessary rules to take up and consider at this time **HCR 141**.

The motion prevailed.

The following resolution was laid before the house:

HCR 141, Recalling **HB 2187** from the senate for further consideration.

HCR 141 was adopted by (Record 1664): 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; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dutton; Elkins; Fallon; 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; 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.; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Deshotel; Faircloth; Gutierrez; Minjarez.

STATEMENT OF VOTE

When Record No. 1664 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

REMARKS ORDERED PRINTED

Representative Howard moved to print all remarks on **HB 1**.

The motion prevailed. [Please refer to the supplement to this journal for the text of the debate on **HB 1**.]

HB 3387 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3387, A bill to be entitled An Act relating to sex offender treatment as a condition of parole or mandatory supervision for certain releasees.

Representative Krause moved to concur in the senate amendments to **HB 3387**.

The motion to concur in the senate amendments to **HB 3387** prevailed by (Record 1665): 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; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; 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; 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; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Coleman; Herrero; Phillips.

Senate Committee Substitute

CSHB 3387, A bill to be entitled An Act relating to sex offender treatment as a condition of parole or mandatory supervision for certain releasees.

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

SECTION 1. Subchapter F, Chapter 508, Government Code, is amended by adding Section 508.1862 to read as follows:

Sec. 508.1862. SEX OFFENDER TREATMENT. A parole panel shall require as a condition of release on parole or to mandatory supervision that a releasee participate in a sex offender treatment program developed by the department if:

(1) the releasee:

(A) was serving a sentence for an offense under Chapter 21, Penal Code; or

(B) is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; and

(2) immediately before release, the releasee is participating in a sex offender treatment program established under Section 499.054.

SECTION 2. Subchapter G, Chapter 508, Government Code, is amended by adding Section 508.228 to read as follows:

Sec. 508.228. SEX OFFENDER TREATMENT. A parole panel may require as a condition of release on parole or to mandatory supervision that a releasee participate in a sex offender treatment program as specified by the parole panel if:

(1) the releasee:

(A) was serving a sentence for an offense under Chapter 21, Penal Code; or

(B) is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or

(2) a designated agent of the board after conducting a hearing that allows the releasee to contest the evidence, on evidence that a sex offense occurred during the commission of the offense for which the releasee was serving

a sentence, makes an affirmative finding that, regardless of the offense for which the releasee was serving a sentence, the releasee constitutes a threat to society because of the releasee's lack of sexual control.

SECTION 3. Sections 508.1862 and 508.228, Government Code, as added by this Act, apply only to a decision of a parole panel made on or after the effective date of this Act. A decision of a parole panel made before the effective date of this Act is governed by the law in effect on the date the decision was made, and the former law is continued in effect for that purpose.

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

**SB 11 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Fletcher, the house granted the request of the senate for the appointment of a Conference Committee on **SB 11**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 11**: Fletcher, chair; Zerwas, Aycock, Martinez Fischer, and D. Bonnen.

**HB 14 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 14, A bill to be entitled An Act relating to the Texas emissions reduction plan.

Representative Morrison 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 14**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 14**: Morrison, chair; Deshotel, T. King, P. King, and Kacal.

**HB 2206 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 2206, A bill to be entitled An Act relating to transfer of the oversight of the Texas State Cemetery to the State Preservation Board.

Representative Crownover 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 2206**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2206**: Crownover, chair; Harless, Howard, Geren, and Naishtat.

**HB 1334 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1334, A bill to be entitled An Act relating to the appeal of a residential eviction suit.

Representative Clardy moved to concur in the senate amendments to **HB 1334**.

The motion to concur in the senate amendments to **HB 1334** prevailed by (Record 1666): 143 Yeas, 0 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; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; 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; 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; Sheets; Sheffield; Simmons; Simpson; Smith; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Allen; Burrows; Smithee.

STATEMENTS OF VOTE

When Record No. 1666 was taken, I was in the house but away from my desk. I would have voted yes.

Burrows

When Record No. 1666 was taken, I was in the house but away from my desk. I would have voted yes.

Smithee

Senate Committee Substitute

CSHB 1334, A bill to be entitled An Act relating to the appeal of a residential eviction suit.

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

SECTION 1. Chapter 24, Property Code, is amended by adding Sections 24.00511 and 24.00512 to read as follows:

Sec. 24.00511. APPEAL BOND FOR CERTAIN EVICTION SUITS. (a) In a residential eviction suit for nonpayment of rent, the justice court shall state in the court's judgment the amount of the appeal bond, taking into consideration the money required to be paid into the court registry under Section 24.0053.

(b) In addition to meeting all other requirements of law, the bond must require the surety to provide the surety's contact information, including an address, phone number, and e-mail address, if any. If any of the contact information changes, the surety shall inform the court of the surety's new contact information.

Sec. 24.00512. CONTEST OF CERTAIN APPEAL BONDS. (a) This section does not apply to an appeal bond issued by a corporate surety authorized by the Texas Department of Insurance to engage in business in this state.

(b) If a party appeals the judgment of a justice court in a residential eviction suit for nonpayment of rent by filing an appeal bond, the opposing party may contest the bond amount, form of the bond, or financial ability of a surety to pay the bond by filing a written notice with the justice court contesting the appeal bond on or before the fifth day after the date the appeal bond is filed and serving a copy on the other party. After the notice is filed, the justice court shall notify the other party and the surety of the contest.

(c) Not later than the fifth day after the date the contest is filed, the justice court shall hold a hearing to hear evidence to determine whether to approve or disapprove the amount or form of the bond or the surety.

(d) If a party contests the amount or form of the bond, the contesting party has the burden to prove, by a preponderance of the evidence, that the amount or form of the bond, as applicable, is insufficient. If a party contests the financial ability of a surety to pay the bond, the party filing the bond must prove, by a preponderance of the evidence, that the surety has sufficient nonexempt assets to pay the appeal bond. If the justice court determines that the amount or form of the bond is insufficient or the surety does not have sufficient nonexempt assets to pay the appeal bond, the justice court must disapprove the bond. If the surety fails to appear at the contest hearing, the failure to appear is prima facie evidence that the bond should be disapproved.

(e) Not later than the fifth day after the date the justice court disapproves an appeal bond, the party appealing may make a cash deposit, file a sworn statement of inability to pay with the justice court, or appeal the decision disapproving the appeal bond to the county court. If the party appealing fails to make a cash deposit, file a sworn statement of inability to pay, or appeal the decision disapproving the appeal bond, the judgment of the justice court becomes final and a writ of possession and other processes to enforce the judgment must be issued on the payment of the required fee.

(f) If an appeal is filed, the justice court shall transmit to the county court the contest to the appeal bond and all relevant documents. The county court shall docket the appeal, schedule a hearing to be held not later than the fifth day after the date the appeal is docketed, notify the parties and the surety of the hearing time and date, and hear the contest de novo. The failure of the county court to hold a timely hearing is not grounds for approval or denial of the appeal. A writ of possession may not be issued before the county court issues a final decision on the appeal bond.

(g) After the contest is heard by the county court, the county clerk shall transmit the transcript and records of the case to the justice court. If the county court disapproves the appeal bond, the party may, not later than the fifth day after the date the court disapproves the appeal bond, perfect the appeal of the judgment on the eviction suit by making a cash deposit in the justice court in an amount determined by the county court or by filing a sworn statement of inability to pay with the justice court pursuant to the Texas Rules of Civil Procedure. If the tenant is the appealing party and a cash deposit in the required amount is not timely made or a sworn statement of inability to pay is not timely filed, the judgment of the justice court becomes final and a writ of possession and other processes to enforce the judgment must be issued on the payment of the required fee. If the landlord is the appealing party and a cash deposit is not timely made or a sworn statement of inability to pay is not timely filed, the judgment of the justice court becomes final. If the appeal bond is approved by the county court, the court shall transmit the transcript and other records of the case to the justice court, and the justice court shall proceed as if the appeal bond was originally approved.

SECTION 2. Chapter 24, Property Code, is amended by adding Section 24.00521 to read as follows:

Sec. 24.00521. CONTEST OF CERTAIN APPEAL BONDS IN COUNTY COURT. A contest under Section 24.00512 does not preclude a party from contesting the appeal bond in the county court after the county court has jurisdiction over the eviction suit. After the county court has jurisdiction over the eviction suit, the county court may modify the amount or form of the bond and determine the sufficiency of the surety.

SECTION 3. Section 24.0053, Property Code, is amended by amending Subsections (a-1) and (a-2) and adding Subsections (a-3) and (a-4) to read as follows:

(a-1) In an eviction suit for nonpayment of rent, if ~~[[~~ a tenant files a pauper's affidavit in the period prescribed by Section 24.0052 or an appeal bond pursuant to the Texas Rules of Civil Procedure ~~[to appeal an eviction for nonpayment of rent]~~, the justice court shall provide to the tenant a written notice at the time the pauper's affidavit or appeal bond is filed that contains the following information in bold or conspicuous type:

(1) the amount of the initial deposit of rent stated in the judgment that the tenant must pay into the justice court registry;

(2) whether the initial deposit must be paid in cash, cashier's check, or money order, and to whom the cashier's check or money order, if applicable, must be made payable;

(3) the calendar date by which the initial deposit must be paid into the justice court registry;

(4) for a court that closes before 5 p.m. on the date specified by Subdivision (3), the time the court closes; and

(5) a statement that failure to pay the required amount into the justice court registry by the date prescribed by Subdivision (3) may result in the court issuing a writ of possession without a hearing.

(a-2) The date by which an initial deposit must be paid into the justice court registry under Subsection (a-1)(3) must be within five days of the date the tenant files the pauper's affidavit as required by the [Rule 749b(1),] Texas Rules of Civil Procedure.

(a-3) If a tenant files an appeal bond to appeal an eviction for nonpayment of rent, the tenant must, not later than the fifth day after the date the tenant filed the appeal bond, pay into the justice court registry the amount of rent to be paid in one rental pay period as determined by the court under Subsection (a). If the tenant fails to timely pay that amount into the justice court registry and the transcript has not yet been transmitted to the county court, the plaintiff may request a writ of possession. On request and payment of the applicable fee, the justice court shall issue the writ of possession immediately and without a hearing. Regardless of whether a writ of possession is issued, the justice court shall transmit the transcript and appeal documents to the county court for trial de novo on issues relating to possession, rent, or attorney's fees.

(a-4) On sworn motion and hearing, the plaintiff in the eviction suit may withdraw money deposited in the court registry before the final determination in the case, dismissal of the appeal, or order of the court after final hearing. The county court shall give precedence to a hearing or motion under this subsection.

SECTION 4. The change in law made by this Act applies only to an eviction suit filed on or after the effective date of this Act. A suit filed 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 5. This Act takes effect January 1, 2016.

HB 2489 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2489, A bill to be entitled An Act relating to regulation by a property owners' association of residential leases or rental agreements.

Representative Leach moved to concur in the senate amendments to **HB 2489**.

The motion to concur in the senate amendments to **HB 2489** prevailed by (Record 1667): 143 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; 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; 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; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Bell; Rose.

STATEMENTS OF VOTE

When Record No. 1667 was taken, my vote failed to register. I would have voted yes.

Bell

When Record No. 1667 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

Senate Committee Substitute

CSHB 2489, A bill to be entitled An Act relating to regulation by a property owners' association of residential leases or rental agreements.

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

SECTION 1. Chapter 209, Property Code, is amended by adding Section 209.016 to read as follows:

Sec. 209.016. REGULATION OF RESIDENTIAL LEASES OR RENTAL AGREEMENTS. (a) In this section, "sensitive personal information" means an individual's:

- (1) social security number;
- (2) driver's license number;
- (3) government-issued identification number; or
- (4) account, credit card, or debit card number.

(b) A property owners' association may not adopt or enforce a provision in a dedicatory instrument that:

(1) requires a lease or rental applicant or a tenant to be submitted to and approved for tenancy by the property owners' association; or

(2) requires the following information to be submitted to a property owners' association regarding a lease or rental applicant or current tenant:

(A) a consumer or credit report; or

(B) a lease or rental application submitted by the applicant, tenant, or that person's agent to the property owner or property owner's agent when applying for tenancy.

(c) If a copy of the lease or rental agreement is required by the property owners' association, any sensitive personal information may be redacted or otherwise made unreadable or indecipherable.

(d) Except as provided by Subsection (b), nothing in this section shall be construed to prohibit the adoption or enforcement of a provision in a dedicatory instrument establishing a restriction relating to occupancy or leasing.

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 2524 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 2524, A bill to be entitled An Act relating to legal services provided by a district or county attorney to county and precinct officials.

Representative Coleman 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 2524**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2524**: Coleman, chair; Farias, Blanco, Schubert, and Murr.

**HB 1982 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1982, A bill to be entitled An Act relating to the transfer of certain state property from the Texas Department of Transportation to the University of Houston.

Representative R. Miller moved to concur in the senate amendments to **HB 1982**.

The motion to concur in the senate amendments to **HB 1982** prevailed by (Record 1668): 146 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; 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; 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; Rane; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Senate Committee Substitute

CSHB 1982, A bill to be entitled An Act relating to the transfer of certain state property from the Texas Department of Transportation to the University of Houston.

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

SECTION 1. (a) Not later than December 31, 2015, the Texas Department of Transportation shall donate and transfer to the University of Houston the real property described by Subsection (e) of this section.

(b) The University of Houston may use the property transferred under this Act only for a purpose that benefits the public interest of the state. If the University of Houston uses the property for any purpose other than a purpose described by this subsection, ownership of the property automatically reverts to the Texas Department of Transportation.

(c) The Texas Department of Transportation shall transfer the property by an appropriate instrument of transfer. The instrument of transfer must:

(1) provide that:

(A) the University of Houston may use the property only for a purpose that benefits the public interest of the state; and

(B) ownership of the property will automatically revert to the Texas Department of Transportation if the University of Houston uses the property for any purpose other than a purpose described by Paragraph (A) of this subdivision; and

(2) describe the property to be transferred by metes and bounds.

(d) The Texas Department of Transportation shall retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of Fort Bend County.

(e) The real property referred to in this section consists of the following three tracts of land:

(1) Being a tract of land containing 5.000 acres (217,800 square feet), located in the Alexander Hodges Survey, Abstract-32, in Fort Bend County, Texas; being a portion of a called 1093.65 acre tract recorded in the name of the State of Texas, State Department of Highways and Public Transportation in Volume 2329, Page 50 of the Fort Bend County Deed Records, and being all of a call 5.000 acre tract recorded as Tract 5 Part 3 of the State of Texas Department of Transportation Tract 5 Partition Plat, a plat of record in Slide Numbers 1655B and 1656A of the Plat Records of Fort Bend County; said 5.000 acre tract being more particularly described by metes and bounds as follows (all bearings referenced to said Tract 5 partition plat):

Beginning at a TxDOT disk found at the northwest corner of a said 5.000 acre tract, and being on the southeasterly Right-Of-Way (R.O.W.) line of U.S. Highway 59 (width varies), from which a TxDOT disk found for an angle point in said southeasterly R.O.W. line bears South 52 degrees 29 minutes 36 seconds West, a distance of 453.80 feet;

Thence, with the lines common to said 5.000 acre tract and the southeasterly R.O.W. line of said U.S. Highway 59, the following two (2) courses:

1. North 52 degrees 29 minutes 44 seconds East, a distance of 400.00 feet to a TxDOT disk found for an angle point;

2. North 76 degrees 03 minutes 27 seconds East, a distance of 339.25 feet to a TxDOT disk found at the northeast corner of said 5.000 acres and the northwest corner of a call 8.000 acre tract recorded as Tract 5, Part 4 of said Tract 5 partition plat, for the northeast corner of the herein described tract;

Thence, with the line common to said 5.000 acre and said 8.000 acre tracts, South 04 degrees 10 minutes 00 seconds East, a distance of 436.38 feet to a TxDOT disk found at the southeast corner of said 5.000 acre tract and being a northeasterly corner of The Board of Regents of the University of Houston System Tract 5, Part 2 (U of H) recorded in Fort Bend County Clerk's File Number 98103479, for the southeast corner of the herein described tract;

Thence, with the lines common to said U of H tract and said 5.000 acre tract, the following two (2) courses:

1. South 85 degrees 50 minutes 00 seconds West, a distance of 563.90 feet to a TxDOT disk found at the southwest corner of said 5.000 acre and the herein described tract;

2. North 37 degrees 31 minutes 00 seconds West, a distance of 190.28 feet to the Point of Beginning and containing 5.000 acres (217,800 square feet) of land;

(2) Being a tract of land containing 3.194 acres (139,131 square feet), located in the Alexander Hodges Survey, Abstract-32, in Fort Bend County, Texas; being a portion of a call 105.505 acre tract of land Parcel

Number 121 dedicated as the Right-Of-Way of U.S. Highway 59 (width varies) recorded in Volume 460, Page 73 of the Fort Bend County Deed Records; said 3.194 acre tract being more particularly described by metes and bounds as follows (all bearings referenced to the State of Texas Department of Transportation Tract 5 Partition Plat, a plat of record in Slide Numbers 1655B and 1656A of the Plat Records of Fort Bend County, Texas):

Commencing at a TxDOT disk found at the westerly northwest corner of a call 5.000 acre tract recorded as Tract 5, Part 3 of said Tract 5 partition plat, and being on the southeasterly R.O.W. line of said U.S. Highway 59, from which a TxDOT disk found for an angle point in said southeasterly R.O.W. line bears South 52 degrees 29 minutes 36 seconds West, a distance of 453.80 feet;

Thence, with the lines common to said 5.000 acre tract and the southeasterly R.O.W. line of U.S. Highway 59, North 52 degrees 29 minutes 44 seconds East, a distance of 400.00 feet to a TxDOT disk found for the southwest corner and Point of Beginning of the herein described tract;

Thence, through and across said 105.505 acre tract and with the proposed south R.O.W. line of said U.S. Highway 59, and the proposed west R.O.W. line of University Boulevard, the following five (5) courses:

1. North 52 degrees 29 minutes 44 seconds East, a distance of 409.89 feet to a 5/8-inch iron rod with a Miller Survey Group (MSG) cap set for an angle point;

2. North 56 degrees 50 minutes 07 seconds East, a distance of 97.35 feet to a 5/8-inch iron rod with a MSG cap set for an angle point;

3. North 52 degrees 29 minutes 44 seconds East, a distance of 274.54 feet to a 5/8-inch iron rod with a MSG cap set for an angle point;

4. South 72 degrees 43 minutes 47 seconds East, a distance of 83.12 feet to a 5/8-inch iron rod with a MSG cap set at the northeast corner of the herein described tract and being at the intersection of the proposed southeast R.O.W. line of proposed U.S. Highway 59 and the projection of the west R.O.W. line of University Boulevard;

5. South 04 degrees 10 minutes 00 seconds East, a distance of 362.11 feet to a 5/8-inch iron rod with a MSG cap set at the northeast corner of a call 8.000 acre tract recorded as Tract 5, Part 4 of said Tract 5 partition plat, and being on the present southeast R.O.W. line of said U.S. Highway 59, for the southeast corner of the herein described tract;

Thence, with the southeast R.O.W. line of U.S. Highway 59 and the north lines of said 8.000 acre and 5.000 acre tracts, the following three (3) courses:

1. North 49 degrees 10 minutes 00 seconds West, a distance of 35.51 feet to a 5/8 inch iron Rod with a MSG cap set for an angle point;

2. South 86 degrees 05 minutes 07 seconds West, a distance of 374.89 feet to a TxDOT disk found for the northwest corner of said 8.000 acre tract and the northeast corner of said 5.000 acre tract;

3. South 76 degrees 03 minutes 27 seconds West, a distance of 339.25 feet to the Point of Beginning and containing 3.194 acres (139,131 square feet) of land; and

(3) Being a tract of land containing 8.000 acres (348,480 square feet), located in the Alexander Hodges Survey, Abstract-32, in Fort Bend County, Texas; being all of a call 8.000 acre tract recorded in the name of the State of Texas, State Department of Highways and Public Transportation in Volume 1821, Page 993 of the Fort Bend County Deed Records, and platted as Tract 5 Part 4 of the State of Texas Department of Transportation Tract 5 Partition Plat, a plat of record in Slide Numbers 1655B and 1656A of the Plat Records of Fort Bend County; said 8.000 acre tract being more particularly described by metes and bounds as follows (all bearings referenced to said Tract 5 partition plat):

Commencing at a TxDOT disk found at the northwest corner of a call 5.000 acre tract recorded as Tract 5, Part 3 of said Tract 5 partition plat, and being on the southeasterly Right-Of-Way (R.O.W.) line of U.S. Highway 59 (width varies), from which a TxDOT disk found for an angle point in said southeasterly R.O.W. line bears South 52 degrees 29 minutes 36 seconds West, a distance of 453.80 feet;

Thence, with the lines common to said 5.000 acre tract and the southeasterly R.O.W. line of said U.S. Highway 59, the following four (4) courses:

1. North 52 degrees 29 minutes 44 seconds East, a distance of 400.00 feet to a TxDOT disk found for an angle point;

2. North 76 degrees 03 minutes 27 seconds East, a distance of 339.25 feet to a TxDOT disk found at the northeast corner of said 5.000 acre tract and the northwest corner of said 8.000 acre tract and Point of Beginning of the herein described tract;

3. North 86 degrees 05 minutes 07 seconds East, a distance of 374.89 feet to a 5/8-inch iron rod with a "Miller Survey Group" (MSG) cap set for an angle point;

4. South 49 degrees 10 minutes 00 seconds East, a distance of 35.51 feet to a 5/8-inch iron rod with a MSG cap set on the west R.O.W. line of University Boulevard (width varies per said Tract 5 partition plat), for the northeast corner of said 8.000 acre and the herein described tract;

Thence, with the west R.O.W. line of said University Boulevard, and the east line of said 8.000 acre tract, South 04 degrees 10 minutes 00 seconds East, a distance of 846.11 feet to an "X" cut in concrete set at the southeast corner of said 8.000 acre tract and being an easterly northeast corner of The Board of Regents of the University of Houston System Tract 5, Part 2 (U of H) recorded in Fort Bend County Clerk's File Number 98103479, for the southeast corner of the herein described tract;

Thence, with the lines common to said U of H tract and said 8.000 acre tract, South 85 degrees 50 minutes 00 seconds West, a distance of 400.00 feet to an "X" cut in concrete set at the southwest corner of said 8.000 acre and the herein described tract;

Thence, with the west line of said 8.000 acre tract, a northeast line of said U of H tract and the east line of said 5.000 acre tract, North 04 degrees 10 minutes 00 seconds West, at a distance of 436.49 feet pass a

TxDOT disk found at the southeast corner of said 5.000 acre tract and continue in all a total distance of 872.87 feet to the Point of Beginning and containing 8.000 acres (348,480 square feet) of land.

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

**HB 4059 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 4059, A bill to be entitled An Act relating to limitations on annexation by and extraterritorial jurisdiction of certain municipalities.

Representative Oliveira moved to concur in the senate amendments to **HB 4059**.

The motion to concur in the senate amendments to **HB 4059** prevailed by (Record 1669): 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; 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; 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; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Phelan.

Senate Committee Substitute

CSHB 4059, A bill to be entitled An Act relating to limitations on annexation by and extraterritorial jurisdiction of certain municipalities.

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

SECTION 1. Section 42.023, Local Government Code, is amended to read as follows:

Sec. 42.023. REDUCTION OF EXTRATERRITORIAL JURISDICTION. The extraterritorial jurisdiction of a municipality may not be reduced unless the governing body of the municipality gives its written consent by ordinance or resolution, except:

- (1) in cases of judicial apportionment of overlapping extraterritorial jurisdictions under Section 42.901; ~~[or]~~
- (2) in accordance with an agreement under Section 42.022(d); or
- (3) as necessary to comply with Section 42.0235.

SECTION 2. Subchapter B, Chapter 42, Local Government Code, is amended by adding Section 42.0235 to read as follows:

Sec. 42.0235. LIMITATION ON EXTRATERRITORIAL JURISDICTION OF CERTAIN MUNICIPALITIES. (a) Notwithstanding Section 42.021, the extraterritorial jurisdiction of a municipality with a population of more than 175,000 located in a county that contains an international border and borders the Gulf of Mexico terminates two miles from the extraterritorial jurisdiction of a neighboring municipality if extension of the extraterritorial jurisdiction beyond that limit would:

- (1) completely surround the corporate boundaries or extraterritorial jurisdiction of the neighboring municipality; and
- (2) limit the growth of the neighboring municipality by precluding the expansion of the neighboring municipality's extraterritorial jurisdiction.

(b) A municipality shall release extraterritorial jurisdiction as necessary to comply with Subsection (a).

(c) Notwithstanding any other law, a municipality that owns an electric system and that releases extraterritorial jurisdiction under Subsection (b) may provide electric service in the released area to the same extent that the service would have been provided if the municipality had annexed the area.

SECTION 3. Subchapter B, Chapter 43, Local Government Code, is amended by adding Section 43.037 to read as follows:

Sec. 43.037. PROHIBITION AGAINST ANNEXATION TO SURROUND MUNICIPALITY IN CERTAIN COUNTIES. A municipality with a population of more than 175,000 located in a county that contains an international border and borders the Gulf of Mexico may not annex an area that would cause another municipality to be entirely surrounded by the corporate limits or extraterritorial jurisdiction of the annexing municipality.

SECTION 4. The change in law made by Section 43.037, Local Government Code, as added by this Act, applies to any annexation, including an annexation proposed in an annexation plan under Section 43.052, Local Government Code, that is not final before the effective date of this Act.

SECTION 5. 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 77 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 77, A bill to be entitled An Act relating to a study of the Dallas Men Against Abuse program.

Representative González moved to concur in the senate amendments to **HB 77**.

The motion to concur in the senate amendments to **HB 77** prevailed by (Record 1670): 113 Yeas, 31 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Burkett; Burns; Burrows; Canales; Capriglione; Clardy; Coleman; Collier; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Frullo; Galindo; Geren; Giddings; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Hunter; Isaac; Israel; Johnson; Kacal; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Kuempel; 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; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Shaheen; Sheets; Sheffield; Smith; Smithee; Springer; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; Workman; Wray; Wu; Zerwas.

Nays — Bell; Bonnen, G.; Button; Cook; Craddick; Cyrier; Dale; Fallon; Flynn; Goldman; Gonzales; Hughes; Keough; Krause; Landgraf; Murr; Phillips; Rinaldi; Sanford; Schaefer; Simmons; Simpson; Spitzer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; White, J.; White, M.; Zedler.

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

Absent, Excused — Dukes; McClendon.

Absent — Frank; Huberty.

STATEMENTS OF VOTE

When Record No. 1670 was taken, I was shown voting no. I intended to vote yes.

Landgraf

When Record No. 1670 was taken, I was shown voting no. I intended to vote yes.

Simmons

When Record No. 1670 was taken, I was shown voting yes. I intended to vote no.

Springer

When Record No. 1670 was taken, I was shown voting yes. I intended to vote no.

Wray

Senate Committee Substitute

CSHB 77, A bill to be entitled An Act relating to a study of the Dallas Men Against Abuse program and other activities in the Dallas community addressing family violence.

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

SECTION 1. DEFINITIONS. In this Act:

- (1) "Commission" means the Health and Human Services Commission.
- (2) "Program" means the Dallas Men Against Abuse program implemented by the City of Dallas.

SECTION 2. STUDY REQUIRED. (a) The Health and Human Services Commission, in conjunction with a statewide coalition on family violence, shall conduct a study of activities in the Dallas community addressing family violence, with a specific focus on each aspect of the Dallas Men Against Abuse program, to determine if any or all of those activities or program aspects should be implemented at the state level or in additional local communities or school districts.

(b) In conducting the study, the commission and the statewide coalition on family violence shall consult with:

- (1) the City of Dallas Domestic Violence Task Force; and
- (2) a researcher with expertise on family violence who is affiliated with an institution of higher education in this state.

SECTION 3. CONTENTS OF STUDY. The study must:

- (1) examine each aspect of the program;
- (2) evaluate the effectiveness of each aspect of the program and the effectiveness of other community activities that contributed to changes in community responses to family violence, based on indicators developed in consultation with family violence experts, including the statewide coalition on family violence conducting the study in conjunction with the commission and the researcher described by Section 2(b)(2) of this Act;
- (3) evaluate the effectiveness of the program in increasing male involvement in addressing family violence;
- (4) incorporate background information, such as the number of calls made to domestic violence hotlines, the number of prosecutions of offenses involving family violence, and the number of charges filed in family violence cases, to provide context for the issue of family violence in the Dallas community and this state;
- (5) assess the costs associated with the program and other community activities addressing family violence and sources of funding;

(6) determine the feasibility of implementing any or all of the program aspects or other community activities addressing family violence at the state level or in additional local communities or school districts; and

(7) make recommendations to the legislature regarding implementing any or all of the program aspects or other community activities addressing family violence at the state level or in additional local communities or school districts.

SECTION 4. AGENCY PARTICIPATION AND COOPERATION. At the request of the commission, the Department of Family and Protective Services and each other health and human services agency under the authority of the commission shall participate in the study and provide appropriate assistance. The Texas Education Agency shall cooperate with the commission as necessary to enable the commission to assess the feasibility of implementing any or all of the program aspects or other community activities addressing family violence in school districts.

SECTION 5. REPORT. Not later than December 1, 2016, the commission shall submit a report to the legislature regarding the results of the study and the commission's recommendations regarding expanded implementation of any or all program aspects or other community activities addressing family violence.

SECTION 6. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

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).

HB 3605 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3605, A bill to be entitled An Act relating to the creation of the Joshua Farms Municipal Management District No. 2; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments or fees.

Representative Burns moved to concur in the senate amendments to **HB 3605**.

The motion to concur in the senate amendments to **HB 3605** prevailed by (Record 1671): 143 Yeas, 0 Nays, 3 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; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; 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; 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; 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; Keffer(C); Stephenson.

Absent, Excused — Dukes; McClendon.

Absent — Capriglione; Giddings.

STATEMENT OF VOTE

When Record No. 1671 was taken, I was in the house but away from my desk. I would have voted present, not voting.

Capriglione

Senate Committee Substitute

CSHB 3605, A bill to be entitled An Act relating to the creation of the Joshua Farms Municipal Management District No. 2; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments or fees.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3929 to read as follows:

CHAPTER 3929. JOSHUA FARMS MUNICIPAL MANAGEMENT DISTRICT

NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3929.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the City of Cleburne, Texas.

(3) "Commission" means the Texas Commission on Environmental Quality.

(4) "County" means Johnson County, Texas.

(5) "Director" means a board member.

(6) "District" means the Joshua Farms Municipal Management District

No. 2.

Sec. 3929.002. CREATION AND NATURE OF DISTRICT. The Joshua Farms Municipal Management District No. 2 is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3929.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

Sec. 3929.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(c) The district is created to accomplish the purposes of a municipal management district as provided by general law and Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

(d) The creation of the district is in the public interest and is essential to:

(1) further the public purposes of developing and diversifying the economy of the state;

(2) eliminate unemployment and underemployment; and

(3) develop or expand transportation and commerce.

(e) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center; and

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty.

(f) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

Sec. 3929.005. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;
- (2) right to contract;
- (3) authority to borrow money or issue bonds or other obligations described by Section 3929.253 or to pay the principal and interest of the bonds or other obligations;
- (4) right to impose or collect an assessment or collect other revenue; or
- (5) legality or operation.

Sec. 3929.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

(a) All or any part of the area of the district is eligible to be included in:

- (1) a tax increment reinvestment zone created under Chapter 311, Tax Code;
- (2) a tax abatement reinvestment zone created under Chapter 312, Tax Code; or
- (3) an enterprise zone created under Chapter 2303, Government Code.

(b) If the city creates a tax increment reinvestment zone described by Subsection (a), the city and the board of directors of the zone, by contract with the district, may grant money deposited in the tax increment fund to the district to be used by the district for:

(1) the purposes permitted for money granted to a corporation under Section 380.002(b), Local Government Code; and

(2) any other district purpose, including the right to pledge the money as security for any bonds or other obligations issued by the district under Section 3929.253.

(c) If the city creates a tax increment reinvestment zone described by Subsection (a), the city may determine the percentage of the property in the zone that may be used for residential purposes and is not subject to the limitations provided by Section 311.006, Tax Code.

Sec. 3929.007. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. On receipt of a petition signed by the owners of a majority of the acreage and the assessed value of real property in the district according to the most recent certified tax appraisal roll for the county, the initial directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 3929.008. DEVELOPMENT AND OPERATING AGREEMENT EXECUTION REQUIRED. (a) The initial directors may not hold an election under Section 3929.007 until the city has entered into a development and operating agreement under Section 3929.156.

(b) The district is dissolved and this chapter expires March 1, 2018, if the development and operating agreement is not entered into before that date.

Sec. 3929.009. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICT LAW. (a) Except as provided by this chapter, Chapter 375, Local Government Code, including Subchapters E and F, applies to the district.

(b) The following provisions of Chapter 375, Local Government Code, do not apply to the district:

- (1) Sections 375.164 and 375.262; and
- (2) Subchapters B and O.

Sec. 3929.010. CONSTRUCTION OF CHAPTER. This chapter shall be construed in conformity with the findings and purposes stated in this chapter.

Sec. 3929.011. CONCURRENCE ON ADDITIONAL POWERS. If the legislature grants the district a power that is in addition to the powers approved by the initial resolution of the governing body of the city consenting to the creation of the district, the district may not exercise that power unless the governing body of the city consents to that change by ordinance or resolution.

Sec. 3929.012. CITY CONSENT TO CREATION OF DISTRICT. The city's consent to the creation of the district is not subject to the limitations on the conditions or other restrictions the city may place on its consent under Section 42.042, Local Government Code.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3929.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 3929.054, directors serve staggered four-year terms, with two or three directors' terms expiring June 1 of each odd-numbered year.

Sec. 3929.052. BOARD MEETINGS. The board shall hold meetings at a place accessible to the public.

Sec. 3929.053. REMOVAL OF DIRECTORS. (a) The board may remove a director by unanimous vote of the other directors if the director has missed at least half of the meetings scheduled during the preceding 12 months.

(b) A director removed under this section may file a written appeal with the commission not later than the 30th day after the date the director receives written notice of the board action. The commission may reinstate the director if the commission finds that the removal was unwarranted under the circumstances after considering the reasons for the absences, the time and place of the meetings, the business conducted at the meetings missed, and any other relevant circumstances.

Sec. 3929.054. INITIAL DIRECTORS. (a) The initial board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>David Rex</u>
<u>2</u>	<u>Barb Levis</u>
<u>3</u>	<u>John Tatum</u>
<u>4</u>	<u>Charles Collie</u>
<u>5</u>	<u>Stephanie Fine</u>

(b) Initial directors serve until the earlier of:

- (1) the date permanent directors are elected under Section 3929.007; or
- (2) the fourth anniversary of the effective date of the Act enacting this

chapter.

(c) If permanent directors have not been elected under Section 3929.007 and the terms of the initial directors have expired, successor initial directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

- (1) the date permanent directors are elected under Section 3929.007; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal rolls for the county may submit a petition to the commission requesting that the commission appoint as successor initial directors the five persons named in the petition. The commission shall appoint as successor initial directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3929.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3929.102. IMPROVEMENT PROJECTS. The district may provide, or it may enter into contracts with a governmental or private entity to provide, the improvement projects described by Subchapter C-1 or activities in support of or incidental to those projects.

Sec. 3929.103. WATER DISTRICT POWERS. The district has the powers provided by the general laws relating to conservation and reclamation districts created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 54, Water Code.

Sec. 3929.104. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads or improvements, including storm drainage, in aid of those roads.

Sec. 3929.105. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 3929.106. PUBLIC IMPROVEMENT DISTRICT POWERS. The district has the powers provided by Chapter 372, Local Government Code, to a municipality or county.

Sec. 3929.107. CONTRACT POWERS. The district may contract with a governmental or private entity, on terms determined by the board, to carry out a power or duty authorized by this chapter or to accomplish a purpose for which the district is created.

Sec. 3929.108. AD VALOREM TAXATION. The district may not impose an ad valorem tax.

Sec. 3929.109. LIMITATIONS ON EMERGENCY SERVICES POWERS. The district may not establish, operate, maintain, or finance a police or fire department without the consent of the city by ordinance or resolution.

Sec. 3929.110. ADDING OR REMOVING TERRITORY. As provided by Subchapter J, Chapter 49, Water Code, the board may add territory inside the extraterritorial jurisdiction of the city to the district or remove territory inside the extraterritorial jurisdiction of the city from the district, except that:

(1) the addition or removal of the territory must be approved by the city;

(2) the addition or removal may not occur without petition by the owners of the territory being added or removed; and

(3) territory may not be removed from the district if bonds or other obligations of the district payable wholly or partly from assessments assessed on the territory are outstanding.

Sec. 3929.111. NO TOLL ROADS. The district may not construct, acquire, maintain, or operate a toll road.

Sec. 3929.112. EMINENT DOMAIN. (a) Section 375.094, Local Government Code, does not apply to the district.

(b) Except as provided by Subsection (c), and subject to the consent of the city by ordinance or resolution, the district may exercise the right of eminent domain in the manner provided by Section 49.222, Water Code. The city may not unreasonably withhold consent under this section.

(c) The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section 3929.104; or

(2) a recreational facility as defined by Section 49.462, Water Code.

Sec. 3929.113. ENFORCEMENT OF REAL PROPERTY RESTRICTIONS. The district may enforce a real property restriction in the manner provided by Section 54.237, Water Code, if, in the reasonable judgment of the board, the enforcement of the restriction is necessary.

Sec. 3929.114. POWERS SUBJECT TO DEVELOPMENT AND OPERATING AGREEMENT. In addition to the other limitations provided by this chapter, the district's authority to exercise its powers is subject to the terms of the development and operating agreement required under Section 3929.156.

SUBCHAPTER C-1. IMPROVEMENT PROJECTS AND SERVICES

Sec. 3929.151. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service, including water, wastewater, drainage, and roadway projects or services, using any money available to the district, or contract with a governmental or private entity and reimburse that entity for the provision, design, construction, acquisition, improvement, relocation, operation, maintenance, or financing of an improvement project, service, or cost, for the provision of credit enhancement, or for any cost of operating or maintaining the district or the issuance of district obligations authorized under this chapter, Chapter 372 or 375, Local Government Code, or Chapter 49 or 54, Water Code.

Sec. 3929.152. BOARD DETERMINATION REQUIRED. The district may not undertake an improvement project unless the board determines the project is necessary to accomplish a public purpose of the district.

Sec. 3929.153. LOCATION OF IMPROVEMENT PROJECT. An improvement project may be located or provide service inside or outside the district.

Sec. 3929.154. CITY REQUIREMENTS. An improvement project in the district must comply with any applicable requirements of the city, including codes and ordinances, unless specifically waived or superseded by the development and operating agreement entered into under Section 3929.156 or another agreement with the city.

Sec. 3929.155. IMPROVEMENT PROJECT AND SERVICE IN DEFINABLE AREA; BENEFIT BASIS. The district may undertake an improvement project or service that confers a special benefit on a definable area in the district and levy and collect a special assessment on benefited property in the district in accordance with:

- (1) Chapter 372, Local Government Code; or
- (2) Chapter 375, Local Government Code.

Sec. 3929.156. DEVELOPMENT AND OPERATING AGREEMENT REQUIRED. (a) After the district's board is organized, but before the district may undertake any improvement project, issue bonds, levy assessments or fees, or borrow money, the district, the city, and the owner of a majority of the assessed value of real property in the district according to the most recent certified tax rolls of the central appraisal district of the county must negotiate and execute a mutually approved and accepted development and operating agreement, including any limitations imposed by the city.

(b) An agreement authorized by this section is not effective until its terms and execution are approved by the board, the governing body of the city by ordinance or resolution, and the owner described by Subsection (a).

SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

Sec. 3929.201. DIVISION OF DISTRICT; PREREQUISITES. (a) Subject to Subsection (b), the district, including territory added to the district under Section 3929.110, may be divided into two or more new districts only if the district has no outstanding bonded debt. Territory previously added to the district under Section 3929.110 may be included in a new district.

(b) If the board adds territory inside the extraterritorial jurisdiction of the city or any other municipality to the district under Section 3929.110, the district may be divided under Subsection (a) only with the consent by ordinance or resolution of the city and any other municipality whose extraterritorial jurisdiction is included in the district.

Sec. 3929.202. LAW APPLICABLE TO NEW DISTRICT. This chapter applies to any new district created by division of the district, and a new district has all the powers and duties of the district.

Sec. 3929.203. DIVISION PROCEDURES. (a) The board, on its own motion or on receipt of a petition signed by an owner of real property in the district, may adopt an order proposing to divide the district.

(b) If the board decides to divide the district, the board shall:

(1) set the terms of the division, including names for the new districts and a plan for the payment or performance of any outstanding district obligations;

(2) prepare a metes and bounds description for each proposed district;

and

(3) appoint initial directors for each new district.

Sec. 3929.204. NOTICE AND RECORDING OF ORDER. Not later than the 30th day after the date of an order dividing the district, the district shall:

(1) file the order with the commission; and

(2) record the order in the real property records of the county.

Sec. 3929.205. CONTRACT AUTHORITY OF NEW DISTRICTS. (a) Except as provided by Subsection (b), the new districts may contract with each other for any matter the boards of the new districts consider appropriate, including the joint construction or financing of a utility or roadway improvement and the joint financing of a maintenance obligation.

(b) The new districts may not contract with each other for water and wastewater services. This subsection does not affect the right to contract described by Subsection (a).

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3929.251. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3929.252. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may undertake and provide an improvement project or service authorized by this chapter using any money available to the district.

Sec. 3929.253. BORROWING MONEY; OBLIGATIONS. (a) Subject to the terms of the development and operating agreement required under Section 3929.156, the district may borrow money for a district purpose, including the acquisition or construction of improvement projects authorized by this chapter and the reimbursement of a person who develops or owns an improvement project authorized by this chapter, by issuing bonds, notes, time warrants, or other obligations, or by entering into a contract or other agreement payable wholly or partly from an assessment, a contract payment, a grant, revenue from a zone created under Chapter 311 or 312, Tax Code, other district revenue, or a combination of these sources.

(b) An obligation described by Subsection (a):

(1) may bear interest at a rate determined by the board; and

(2) may include a term or condition as determined by the board.

(c) The board may issue an obligation under this section without an election.

Sec. 3929.254. ASSESSMENTS. (a) Except as provided by Subsection (b), the district may impose an assessment on property in the district to pay for an obligation described by Section 3929.253 or an improvement project authorized by Section 3929.151 in the manner provided for:

(1) a district under Subchapters A, E, and F, Chapter 375, Local Government Code; or

(2) a municipality or county under Subchapter A, Chapter 372, Local Government Code.

(b) The district may not impose an assessment on a municipality, county, or other political subdivision.

Sec. 3929.255. RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161, Local Government Code, does not apply to the district.

Sec. 3929.256. NO IMPACT FEES. The district may not impose an impact fee.

Sec. 3929.257. COLLECTION OF ASSESSMENTS. The district may contract as provided by Chapter 791, Government Code, with the commissioners court of the county for the assessment and collection of assessments imposed under this subchapter.

SUBCHAPTER F. DISSOLUTION

Sec. 3929.301. DISSOLUTION BY BOARD. The board may dissolve the district in the manner provided by Section 375.261, Local Government Code, subject to Section 375.264, Local Government Code.

Sec. 3929.302. DISSOLUTION BY CITY. (a) The city may dissolve the district by ordinance.

(b) The city may not dissolve the district until:

(1) the district's outstanding debt or contractual obligations have been repaid or discharged; or

(2) the city agrees to succeed to the rights and obligations of the district, including an obligation described by Section 3929.304.

Sec. 3929.303. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has bonds or other obligations outstanding secured by and payable from assessments or other revenue, the city succeeds to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

(b) The city shall have and exercise all district powers to enforce and collect the assessments or other revenue to pay:

(1) the bonds or other obligations when due and payable according to their terms; or

(2) revenue or assessment bonds or other obligations issued by the city to refund the outstanding bonds or obligations of the district.

Sec. 3929.304. ASSUMPTION OF ASSETS AND LIABILITIES. (a) After the city dissolves the district, the city assumes the obligations of the district, including any contractual obligations or bonds or other debt payable from assessments or other district revenue.

(b) If the city dissolves the district, the board shall transfer ownership of all district property to the city.

SECTION 2. The Joshua Farms Municipal Management District No. 2 initially includes all the territory contained in the following area:

BEING a tract of land situated in the B.B.B. & C.R.R. Co. Survey, Abstract Number 103, the A.J. Tucker Survey, Abstract Number 833, and the William P. King Survey, Abstract Number 489, Johnson County, Texas and being a portion of that tract of land described by deed Joshua Land Farm LLC., recorded in Instrument Number 22522, County Records, Johnson County, Texas:

BEGINNING at the northwest corner of said Joshua Land Farm tract, in the south right-of-way line of FM 917 (a 80 foot right-of-way);

THENCE N 89°58'32"E, 1768.76 feet with said south right-of-way;

THENCE S 01°19'08"E, 1991.93 feet;

THENCE N 89°05'57"E, 3989.06 feet;

THENCE N 89°16'48"E, 830.50 feet to the east line of said Joshua Land Farm tract;

THENCE S 00°04'27"W, 1665.41 feet with said east line;

THENCE S 89°28'44"W, 3093.70 feet with said east line;

THENCE S 00°03'03"W, 1465.70 feet with said east line;

THENCE S 68°17'01"W, 1321.19 feet departing said east line;

THENCE N 56°14'59"W, 442.41 feet;

THENCE N 33°45'00"W, 3383.50 feet to the west line of said Joshua Land Farm tract;

THENCE N 01°24'23"W, 2507.29 feet with said west line to the Point of Beginning and containing 17,649,096 square feet or 405 acres of land more or less.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 4. (a) Section 3929.112, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 3929, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 3929.112 to read as follows:

Sec. 3929.112. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

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

**HB 3888 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3888, A bill to be entitled An Act relating to the creation of the Barrett Management District.

Representative Dutton moved to concur in the senate amendments to **HB 3888**.

The motion to concur in the senate amendments to **HB 3888** prevailed by (Record 1672): 145 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; 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; 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; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Anderson, C.

STATEMENT OF VOTE

When Record No. 1672 was taken, I was in the house but away from my desk. I would have voted yes.

C. Anderson

Senate Committee Substitute

CSHB 3888, A bill to be entitled An Act relating to the creation of the Barrett Management District.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3930 to read as follows:

CHAPTER 3930. BARRETT MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3930.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the City of Houston, Texas.

(3) "County" means Harris County, Texas.

(4) "Director" means a board member.

(5) "District" means the Barrett Management District.

Sec. 3930.002. CREATION AND NATURE OF DISTRICT. The district is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3930.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city, county, and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(c) This chapter and the creation of the district may not be interpreted to relieve the city or county from providing the level of services provided as of the effective date of the Act enacting this chapter to the area in the district. The district is created to supplement and not to supplant city and county services provided in the district.

Sec. 3930.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(c) The creation of the district is in the public interest and is essential to further the public purposes of:

(1) developing and diversifying the economy of the state;

(2) eliminating unemployment and underemployment; and

(3) developing or expanding transportation and commerce.

(d) The district will:

(1) promote the health, safety, and general welfare of residents, employers, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center; and

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty.

(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(f) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3930.005. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 2 of the Act enacting this chapter, as that territory may have been modified under Section 3930.107 or other law.

(b) The boundaries and field notes of the district contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes of the district contained in Section 2 of the Act enacting this chapter or in copying the field notes in the legislative process does not in any way affect the district's:

(1) organization, existence, or validity; or

(2) legality or operation.

Sec. 3930.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

(a) All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created by the city under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created by the city under Chapter 312, Tax Code; or

(3) an enterprise zone created by the city under Chapter 2303, Government Code.

(b) A tax increment reinvestment zone created by the city in the district is not subject to the limitations provided by Section 311.006, Tax Code.

Sec. 3930.007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3930.008. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3930.051. GOVERNING BODY; TERMS. The district is governed by a board of nine directors who serve staggered terms of three years, with three directors' terms expiring June 1 of each year.

Sec. 3930.052. APPOINTMENT OF DIRECTORS. (a) The mayor and members of the governing body of the city shall appoint directors from persons recommended by the board. A person is appointed if a majority of the members and the mayor vote to appoint that person.

(b) A person may not be appointed to the board if the appointment of that person would result in fewer than two-thirds of the directors being residents of the city.

Sec. 3930.053. EX OFFICIO DIRECTORS. (a) The following persons serve as nonvoting ex officio directors:

(1) the directors of the parks and recreation, planning and development, public works, and civic center departments of the city;

(2) the chief of police of the city;

(3) the county's general manager of the Metropolitan Transit Authority of Harris County, Texas; and

(4) the president of each institution of higher learning located in the district.

(b) If a department described by Subsection (a) is consolidated, renamed, or changed, the board may appoint a director of the consolidated, renamed, or changed department as a nonvoting ex officio director. If a department described by Subsection (a) is abolished, the board may appoint a representative of another department of the city that performs duties comparable to those performed by the abolished department.

(c) The board may appoint the presiding officer of a nonprofit corporation that is actively involved in activities in the district to serve as a nonvoting ex officio director.

Sec. 3930.054. CONFLICTS OF INTEREST. (a) Except as provided by this section:

(1) a director may participate in all board votes and decisions; and

(2) Chapter 171, Local Government Code, governs conflicts of interest of board members.

(b) Section 171.004, Local Government Code, does not apply to the district. A director who has a substantial interest in a business or charitable entity that will receive a pecuniary benefit from a board action shall file an affidavit with the board secretary declaring the interest. Another affidavit is not required if the director's interest changes.

(c) After the affidavit is filed, the director may participate in a discussion or vote on that action if:

(1) a majority of the directors have a similar interest in the same entity;

or

(2) all other similar business or charitable entities in the district will receive a similar pecuniary benefit.

(d) A director who is also an officer or employee of a public entity may not participate in a discussion of or vote on a matter regarding a contract with that same public entity.

(e) For purposes of this section, a director has a substantial interest in a charitable entity in the same manner that a person would have a substantial interest in a business entity under Section 171.002, Local Government Code.

Sec. 3930.055. COMPENSATION. The district shall compensate a director as provided by Section 49.060, Water Code.

Sec. 3930.056. INITIAL DIRECTORS. (a) The initial board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Judy Armstrong</u>
<u>2</u>	<u>Fred Barrett</u>
<u>3</u>	<u>Rita Zarghami</u>
<u>4</u>	<u>Andrew Sonnier</u>
<u>5</u>	<u>Wilbert Eagleton</u>
<u>6</u>	<u>Melody Fontenot</u>
<u>7</u>	<u>Daryl Johnson</u>
<u>8</u>	<u>Dwight Judge</u>
<u>9</u>	<u>Jerry Blufft</u>

(b) Of the initial directors, the terms of directors serving in positions 1, 2, and 3 expire June 1, 2017, the terms of directors serving in positions 4, 5, and 6 expire June 1, 2018, and the terms of directors serving in positions 7, 8, and 9 expire June 1, 2019.

(c) Section 3930.052 does not apply to the initial directors.

(d) This section expires September 1, 2019.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3930.101. HOUSING FINANCE CORPORATION POWERS. (a) The district has the powers of a housing finance corporation created under Chapter 394, Local Government Code.

(b) The district may exercise the powers to provide housing or residential development projects in the district.

Sec. 3930.102. DEVELOPMENT CORPORATION POWERS. The district, using money available to the district, may exercise the powers given to a development corporation under Chapter 505, Local Government Code, including the power to own, operate, acquire, construct, lease, improve, or maintain a project under that chapter.

Sec. 3930.103. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and

(2) may implement any project and provide any service authorized by this chapter.

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit corporation shall serve in the same manner as the board of directors of a local government corporation created under Subchapter D, Chapter 431, Transportation Code, except that a board member is not required to reside in the district.

Sec. 3930.104. AGREEMENTS; GRANTS. (a) As provided by Chapter 375, Local Government Code, the district may make an agreement with or accept a gift, grant, or loan from any person.

(b) The implementation of a project is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 3930.105. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with the county or the city to provide law enforcement services in the district for a fee.

Sec. 3930.106. COMPETITIVE BIDDING. Section 375.221, Local Government Code, does not apply to a district contract for \$25,000 or less.

Sec. 3930.107. ANNEXATION. In addition to the authority to annex territory under Subchapter C, Chapter 375, Local Government Code, the district has the authority to annex territory located in a reinvestment zone created by the city under Chapter 311, Tax Code, if the city's governing body consents to the annexation.

Sec. 3930.108. ECONOMIC DEVELOPMENT PROGRAM. (a) The district may establish and provide for the administration of one or more programs to promote economic development and to stimulate business and commercial activity in the district, including programs to secure loans and receive grants of public money.

(b) The district may:

(1) contract with the federal government, this state, a political subdivision, a nonprofit organization, or any other person for the administration of the program; and

(2) accept contributions, gifts, or other resources to develop and administer the program.

Sec. 3930.109. STRATEGIC PARTNERSHIP AGREEMENT. The district may negotiate and enter into a written strategic partnership agreement with the city, the county, or the Crosby Independent School District.

Sec. 3930.110. REAL PROPERTY. (a) The district may buy, sell, own, or lease real property.

(b) The district may receive real property as a gift.

Sec. 3930.111. RECEIPT OF SURPLUS PROPERTY. The district may receive surplus property from a school district that is located in the district.

Sec. 3930.112. PROJECT FOR EDUCATIONAL OPPORTUNITY. The district may own, lease, operate, or manage a project to improve educational opportunities in the district.

Sec. 3930.113. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 3930.151. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS. (a) The board may not finance a service or an improvement project under this chapter unless a written petition requesting that service or improvement is filed with the board.

(b) The petition must be signed by:

(1) the owners of a majority of the assessed value of real property in the district according to the most recent certified tax appraisal roll for the county; or

(2) at least 25 owners of land in the district, if more than 25 persons own property in the district according to the most recent certified tax appraisal roll for the county.

Sec. 3930.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3930.153. NO AD VALOREM TAX. The district may not impose an ad valorem tax.

Sec. 3930.154. ASSESSMENTS NOT AUTHORIZED. (a) The district may not impose an assessment.

(b) Subchapter F, Chapter 375, Local Government Code, does not apply to the district.

Sec. 3930.155. NO IMPACT FEES. The district may not impose an impact fee.

Sec. 3930.156. NO AUTHORITY TO ISSUE BONDS. The district may not issue a bond to pay for any district purpose.

Sec. 3930.157. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT OBLIGATIONS. Except as provided by Section 375.263, Local Government Code, a municipality is not required to pay an obligation of the district.

SUBCHAPTER E. DISSOLUTION

Sec. 3930.201. EXCEPTION FOR DISSOLUTION OF DISTRICT WITH OUTSTANDING DEBT. (a) The board may vote to dissolve a district that has debt. If the vote is in favor of dissolution, the district shall remain in existence solely for the limited purpose of discharging its debts. The dissolution is effective when all debts have been discharged.

(b) Section 375.264, Local Government Code, does not apply to the district.

SECTION 2. BOUNDARIES. The Barrett Management District initially includes all the territory contained in the following area:

Lying wholly in Harris County, Texas, and being 1195.1475 acres, more or less, out of the Humphrey Jackson Survey, A-37, the Thomas Toby Survey, A-784, and the Reuben white Survey, A-84, and described by metes and bounds as follows:

Beginning at the northeast corner of the Reuben White Survey, A-84, which is the most easterly northeast corner of the herein described tract.

Thence S 89° 25' W 1669.735 feet along the north line of the Reuben White Survey, A-84, and the south line of the Thomas Toby Survey, A-784, for a corner in the center of the right of way of the Crosby-Cedar Bayou Road.

Thence N 00° 35' W 3150.949 feet along the east line of Dream Land Place, an unrecorded subdivision of Harris County, and the east line of a 107.40-acre tract of land for a corner in the south right-of-way line of Kennings Road, a county road.

Thence S 89° 25' W 2848.372 feet along the south right-of-way line of Kennings Road to a corner at its intersection with the southeast right-of-way line of U.S. Highway 90.

Thence S 27° 25' W 924.762 feet along the southeast right-of-way line of U.S. Highway 90 to the P.C. of a 3° 00' circular curve to the west having a central angle of 48° 20' and a radius of 1909.86 feet.

Thence around said curve along said southeast right-of-way line of U.S. Highway 90 to the P.T. of said curve a distance of 1611.112 feet.

Thence S 75° 45' W 1843.438 feet along said southeast right-of-way line of U.S. Highway 90 for a corner in the Northwest corner of a 43.592-acre tract.

Thence S 15° 15' E 993.853 feet along the west line of said 43.592-acre tract to a corner in the north line of the Reuben White Survey, A-84.

Thence S 89° 25' W 589.318 feet along the north line of the Reuben White Survey, A-84, to a corner, being the northeast corner of a 102-acre tract.

Thence S 10° 35' E 3410.926 feet along the east line of said 102-acre tract to a corner.

Thence S 0° 35' E 406.131 feet for a corner, being the southwest corner of the D.C. Hautier 5.11-acre tract.

Thence S 89° 25' W 137.508 feet for a corner, being the most westerly northeast corner of Harris County Fresh Water Supply District No. 46.

Thence South 320 feet along the most northerly east line of Harris County Fresh Water Supply District No. 46 to a corner in the west line of Arcadian Gardens Subdivision, Section 3, as recorded in Volume 22, Page 58, of the Harris County Map Records, being the northwest corner of Lot 109 and the southwest corner of Lot 38 of said subdivision.

Thence N 89° 30' E 1650 feet along the most southerly north line of Harris County Fresh Water Supply District No. 46 for a corner in the east right-of-way line of Locust Street, being a northeast corner of Harris County Fresh Water Supply District No. 46, and northwest corner of Lot 80 of said Arcadian Gardens Subdivision, Section 3.

Thence S 02° 55' E 1080 feet along east right-of-way line of Locust Street to the southeast corner of Harris County Fresh Water Supply District No. 46 for the most southerly southwest corner of the herein described tract.

Thence N 89° 25' E 1547.06 feet along the south line of Arcadian Gardens Subdivision, Section 4, to corner in the east right-of-way line of Farm Market Road 2100.

Thence N 03° 25' W 354.172 feet along the east right-of-way line of Farm Market Road 2100 for a corner at the southwest corner of St. Charles Place Subdivision.

Thence N 89° 25' E 4641.181 feet along south line St. Charles Place for a corner in east line of Reuben White Survey, A-84.

Thence N 00° 35' W 4834.738 feet along said east line of the Reuben White Survey, A-84 and west line of the HT&BRR Survey, A-1619, to the place of beginning.

Containing 1195.1475 acres, more or less.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) The general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with.

(e) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

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 1424 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1424, A bill to be entitled An Act relating to the designation of certain synthetic compounds to Penalty Group 2 or 2-A of the Texas Controlled Substances Act; increasing penalties for certain persons convicted of the manufacture and delivery of controlled substances.

Representative Lozano moved to concur in the senate amendments to **HB 1424**.

The motion to concur in the senate amendments to **HB 1424** prevailed by (Record 1673): 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; Dutton; Elkins; Faircloth; Fallon; 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; 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; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Herrero.

Senate Committee Substitute

CSHB 1424, A bill to be entitled An Act relating to increasing penalties for defendants convicted of the manufacture or delivery of certain controlled substances.

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

SECTION 1. Section 481.119(a), Health and Safety Code, is amended to read as follows:

(a) A person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in a schedule by an action of the commissioner under this chapter but not listed in a penalty group. An offense under this subsection is a Class A misdemeanor, except that the offense is:

(1) a state jail felony, if the person has been previously convicted of an offense under this subsection; or

(2) a felony of the third degree, if the person has been previously convicted two or more times of an offense under this subsection.

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.

HB 583 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 583, A bill to be entitled An Act relating to donations to certain local veteran's charities ordered as a condition of community supervision.

Representative Larson moved to concur in the senate amendments to **HB 583**.

The motion to concur in the senate amendments to **HB 583** prevailed by (Record 1674): 144 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; 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; 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; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Bell.

Senate Committee Substitute

CSHB 583, A bill to be entitled An Act relating to donations to certain local veteran's charities ordered as a condition of community supervision.

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

SECTION 1. Section 16, Article 42.12, Code of Criminal Procedure, is amended by amending Subsection (f) and adding Subsection (h) to read as follows:

(f) In lieu of requiring a defendant to work a specified number of hours at a community service project or projects under Subsection (a), the judge may order a defendant to make a specified donation to:

(1) a nonprofit food bank or food pantry in the community in which the defendant resides;

(2) a charitable organization engaged primarily in performing charitable functions for veterans in the community in which the defendant resides; or

(3) in a county with a population of less than 50,000, another nonprofit organization that:

(A) is exempt from taxation under Section 501(a) of the Internal Revenue Code of 1986 because it is listed in Section 501(c)(3) of that code; and

(B) provides services or assistance to needy individuals and families in the community in which the defendant resides.

(h) In this section:

(1) "Charitable organization" has the meaning assigned by Section 2252.906, Government Code.

(2) "Veteran" has the meaning assigned by Section 434.022, Government Code.

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

**HB 3511 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3511, A bill to be entitled An Act relating to the contents of financial statements that are electronically filed by certain persons; adding a provision subject to criminal penalties.

Representative S. Davis moved to concur in the senate amendments to **HB 3511**.

The motion to concur in the senate amendments to **HB 3511** prevailed by (Record 1675): 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; 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; 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; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Rose.

STATEMENT OF VOTE

When Record No. 1675 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

Senate Committee Substitute

CSHB 3511, A bill to be entitled An Act relating to the contents of financial statements filed by certain persons; adding a provision subject to criminal penalties.

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

SECTION 1. Section 572.023, Government Code, is amended by amending Subsection (a) and adding Subsections (g) and (h) to read as follows:

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

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

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

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

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

(g) A person who electronically files a verified financial statement with the commission or another filing authority is not required to include a notarized affidavit with the financial statement if the person:

(1) has requested and received an electronic filing password pursuant to the rules of the commission or other authority, as applicable; and

(2) uses that password to file the financial statement.

(h) Each financial statement filed under this chapter that is not filed electronically must be accompanied by an affidavit executed by the person required to file the financial statement. The affidavit must contain the statement: "I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Chapter 572, Government Code." Each financial statement filed electronically under this chapter must be under oath by the person required to file the financial statement and must contain, in compliance with commission or local filing authority specifications, the digitized signature of the person required to file the financial statement. A financial statement filed under this chapter is considered to be under oath by the person required to file the financial statement, and the person is subject to prosecution under Chapter 37, Penal Code, regardless of the absence of or a defect in the affidavit.

SECTION 2. This Act applies only to a financial statement due on or after the effective date of this Act. A financial statement due before the effective date of this Act is governed by the law in effect on the date the financial statement was due, and the former law is continued in effect for that purpose.

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

HB 4155 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 4155, A bill to be entitled An Act relating to the creation of the Vineyard Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

Representative Farney moved to concur in the senate amendments to **HB 4155**.

The motion to concur in the senate amendments to **HB 4155** prevailed by (Record 1676): 146 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; 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; 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; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Senate Committee Substitute

CSHB 4155, A bill to be entitled An Act relating to the creation of the Vineyard Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3933 to read as follows:

CHAPTER 3933. VINEYARD MUNICIPAL MANAGEMENT DISTRICT

NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3933.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental

Quality.

(3) "County" means Williamson County, Texas.

(4) "Director" means a board member.

(5) "District" means the Vineyard Municipal Management District No. 1.

Sec. 3933.002. CREATION AND NATURE OF DISTRICT. The Vineyard Municipal Management District No. 1 is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3933.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. On receipt of a petition signed by the owners of a majority of the acreage and the assessed value of real property in the district according to the most recent certified tax appraisal roll for the county, the initial directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 3933.004. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare and for other similar purposes in the district.

(c) This chapter and the creation of the district may not be interpreted to relieve the county from providing the level of services provided to the area in the district as of the effective date of the Act enacting this chapter. The district is created to supplement and not to supplant the county services provided in the district.

Sec. 3933.005. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(c) The district is created to accomplish the purposes of a municipal management district as provided by general law and Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

(d) The creation of the district is in the public interest and is essential to:
(1) further the public purposes of developing and diversifying the economy of the state;

(2) eliminate unemployment and underemployment; and

(3) develop or expand transportation and commerce.

(e) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community, residential, tourism, recreational, business, and commerce center; and

(3) promote the health, safety, welfare, education, convenience, and enjoyment of the public by:

(A) improving, landscaping, and developing certain areas in or adjacent to the district; and

(B) providing public services and facilities in or adjacent to the district that are necessary for the restoration, preservation, and enhancement of scenic beauty.

(f) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(g) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3933.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to contract;

(3) authority to borrow money or issue bonds or other obligations or to pay the principal and interest of the bonds or other obligations;

(4) right to impose or collect an assessment, fee, or tax or collect other revenue; or

(5) legality or operation.

Sec. 3933.007. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

(a) All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code; or

(3) an enterprise zone created under Chapter 2303, Government Code.

(b) If the county or a municipality in the county creates a tax increment reinvestment zone described by Subsection (a), the county or municipality and the board of directors of the zone, by contract with the district, may grant money deposited in the tax increment fund to the district to be used by the district for:

(1) the purposes permitted for money granted to a corporation under Section 380.002(b), Local Government Code; and

(2) any other district purpose, including the right to pledge the money as security for any bonds or other obligations issued by the district.

(c) If the county or a municipality in the county creates a tax increment reinvestment zone described by Subsection (a), the county or municipality may determine the percentage of the property in the zone that may be used for residential purposes and is not subject to the limitations provided by Section 311.006, Tax Code.

Sec. 3933.008. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICT LAW. Except as provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3933.009. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3933.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 3933.052, directors serve staggered four-year terms.

Sec. 3933.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

- (1) Cynthia Mitchell;
- (2) Lindsey Tootle;
- (3) Kathy Parker;
- (4) Spencer Bryson; and
- (5) Stephen Woehr.

(b) Temporary directors serve until the earlier of:

- (1) the date permanent directors are elected under Section 3933.003; or
- (2) the fourth anniversary of the effective date of the Act enacting this

chapter.

(c) If permanent directors have not been elected under Section 3933.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

- (1) the date permanent directors are elected under Section 3933.003; or
- (2) the fourth anniversary of the date of the appointment or

reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3933.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3933.102. IMPROVEMENT PROJECTS. The district may provide, or it may enter into contracts with a governmental or private entity to provide, the improvement projects described by Subchapter C-1 or activities in support of or incidental to those projects.

Sec. 3933.103. WATER DISTRICT POWERS. The district has the powers provided by the general laws relating to conservation and reclamation districts created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 54, Water Code.

Sec. 3933.104. ROAD DISTRICT POWERS. The district has the powers provided by the general laws relating to road districts and road utility districts created under Section 52(b), Article III, Texas Constitution, including Chapters 257 and 441, Transportation Code.

Sec. 3933.105. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 3933.106. PUBLIC IMPROVEMENT DISTRICT POWERS. The district has the powers provided by Chapter 372, Local Government Code, to a municipality or county.

Sec. 3933.107. COUNTY DEVELOPMENT DISTRICT POWERS. The district has the powers of a county development district provided by Chapter 383, Local Government Code.

Sec. 3933.108. CONTRACT POWERS. The district may contract with a governmental or private entity, on terms determined by the board, to carry out a power or duty authorized by this chapter or to accomplish a purpose for which the district is created.

Sec. 3933.109. ECONOMIC DEVELOPMENT PROGRAMS. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

- (1) make loans and grants of public money; and
- (2) provide district personnel and services.

(c) The district may create economic development programs, make loans and grants for economic development purposes to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, safety, and the public welfare and for other similar purposes, and exercise the economic development powers that:

(1) Chapter 380, Local Government Code, provides to a municipality;
and

(2) Subchapter A, Chapter 1509, Government Code, provides to a municipality.

Sec. 3933.110. ADDING OR REMOVING TERRITORY. As provided by Subchapter J, Chapter 49, Water Code, the board may add territory to the district or remove territory from the district.

Sec. 3933.111. NO TOLL ROADS. The district may not construct, acquire, maintain, or operate a toll road.

Sec. 3933.112. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER C-1. IMPROVEMENT PROJECTS AND SERVICES

Sec. 3933.151. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service, including tourism and visitor facilities, using any money available to the district, or contract with a governmental or private entity and reimburse that entity for the provision, design, construction, acquisition, improvement, relocation, operation, maintenance, or financing of an improvement project, service, or cost, for the provision of credit enhancement, or for any cost of operating or maintaining the district or the issuance of district obligations authorized under this chapter, Chapter 372, 375, or 383, Local Government Code, or Chapter 49 or 54, Water Code.

Sec. 3933.152. BOARD DETERMINATION REQUIRED. The district may not undertake an improvement project unless the board determines the project is necessary to accomplish a public purpose of the district.

Sec. 3933.153. LOCATION OF IMPROVEMENT PROJECT. An improvement project may be located or provide service inside or outside the district.

Sec. 3933.154. IMPROVEMENT PROJECT AND SERVICE IN DEFINABLE AREAS. The district may undertake an improvement project or service that confers a special benefit on one or more definable areas in the district that share a common characteristic or use and levy and collect a special assessment on benefited property in the district in accordance with:

(1) Chapter 372, Local Government Code; or

(2) Chapter 375, Local Government Code.

SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

Sec. 3933.201. DIVISION OF DISTRICT; PREREQUISITE. The district, including territory added to the district under Section 3933.110, may be divided into two or more new districts only if the district has no outstanding bonded debt. Territory previously added under Section 3933.110 may be included in a new district.

Sec. 3933.202. LAW APPLICABLE TO NEW DISTRICT. This chapter applies to any new district created by division of the district, and a new district has all the powers and duties of the district.

Sec. 3933.203. DIVISION PROCEDURES. (a) The board, on its own motion or on receipt of a petition signed by an owner of real property in the district, may adopt an order proposing to divide the district.

(b) If the board decides to divide the district, the board shall:

(1) set the terms of the division, including names for the new districts and a plan for the payment or performance of any outstanding district obligations;

(2) prepare a metes and bounds description for each proposed district;
and

(3) appoint initial directors for each new district.

Sec. 3933.204. CONTRACT AUTHORITY OF NEW DISTRICTS. The new districts may contract with each other for any matter the boards of the new districts consider appropriate, including the joint construction or financing of a utility improvement, the joint financing of a maintenance obligation, and water and wastewater services.

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3933.251. MONEY USED FOR IMPROVEMENTS, SERVICES, OR OTHER EXPENSES. (a) The district may undertake and provide an improvement project or service authorized by this chapter using any money available to the district.

(b) The district may provide or secure the payment or repayment of any cost or expense related to the establishment, administration, and operation of the district and the district's costs or share of the costs of a district contractual obligation or debt through:

(1) a lease, installment purchase contract, or other agreement with any person; or

(2) the imposition of taxes, user fees, concessions, rentals, or other revenue or resources of the district.

Sec. 3933.252. BORROWING MONEY; OBLIGATIONS. (a) The district may borrow money for a district purpose, including the acquisition or construction of improvement projects authorized by this chapter and the reimbursement of a person who develops or owns an improvement project authorized by this chapter, without holding an election by issuing bonds, notes, time warrants, credit agreements, or other obligations, or by entering into a contract or other agreement payable wholly or partly from an assessment, a contract payment, a grant, revenue from a zone created under Chapter 311 or 312, Tax Code, sales and use taxes, hotel occupancy taxes, other district revenue, or a combination of these sources.

(b) An obligation described by Subsection (a):

(1) may bear interest at a rate determined by the board; and

(2) may include a term or condition as determined by the board.

Sec. 3933.253. ASSESSMENTS. (a) Except as provided by Subsection (b), the district may impose an assessment on property in the district, regardless of whether the property is contiguous, to pay for an obligation described by Section 3933.252 or for an improvement project authorized under Section 3933.151 in the manner provided for:

(1) a district under Subchapter A, E, or F, Chapter 375, Local Government Code; or

(2) a municipality or county under Subchapter A, Chapter 372, Local Government Code.

(b) The district may:

(1) adopt procedures for the collection of assessments under this chapter that are consistent with the procedures for the collection of a hotel occupancy tax under Chapter 351, Tax Code; and

(2) pursue remedies for the failure to pay an assessment under this chapter that are available for failure to pay a hotel occupancy tax under Chapter 351, Tax Code.

(c) The district may not impose an assessment on a municipality, county, or other political subdivision.

Sec. 3933.254. RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161, Local Government Code, does not apply to the district.

Sec. 3933.255. IMPACT FEES; EXEMPTION. (a) The district may impose an impact fee on property in the district, including an impact fee on residential property, according to the benefit received by the property.

(b) An impact fee for residential property must be for the limited purpose of providing capital funding for:

(1) public water and wastewater facilities;

(2) drainage and storm water facilities; and

(3) streets and alleys.

(c) The district may not impose an impact fee on the property, including equipment and facilities, of a public utility provider or a cable operator as defined by 47 U.S.C. Section 522.

Sec. 3933.256. RATES, FEES, AND CHARGES. The district may establish, revise, repeal, enforce, and collect rates, fees, and charges for the enjoyment, sale, rental, or other use of:

(1) an improvement project;

(2) a product resulting from an improvement project; or

(3) another district facility, service, or property.

Sec. 3933.257. PUBLIC SERVICE USER CHARGES. The district may establish user charges related to various public services, including:

(1) the collection and treatment of wastewater;

(2) the operation of storm water facilities, including the regulation of storm water for the protection of water quality in the district; or

(3) the provision of septic tank maintenance services inside and outside the district.

Sec. 3933.258. COSTS FOR IMPROVEMENT PROJECTS. The district may undertake separately or jointly with other persons all or part of the cost of an improvement project, including an improvement project:

(1) for improving, enhancing, and supporting public safety and security, fire protection and emergency medical services, and law enforcement in or adjacent to the district;

- (2) for improving, enhancing, providing, or supporting tourism, recreation, housing, the arts, entertainment, or economic development; or
(3) that confers a general benefit on the entire district or a special benefit on a definable part of the district.

SUBCHAPTER F. TAXES AND BONDS

Sec. 3933.301. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by assessments, contract payments, sales and use taxes, hotel occupancy taxes, or any other revenue from any source other than ad valorem taxes.

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

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 3933.302. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election held under Section 3933.301, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

(c) Notwithstanding Subsection (a), Section 49.107(f), Water Code, does not apply to the district.

Sec. 3933.303. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

Sec. 3933.304. TAXES FOR BONDS AND OTHER OBLIGATIONS. At the time bonds or other obligations payable wholly or partly from ad valorem taxes are issued:

(1) the board shall impose a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding; and

(2) the district annually shall impose an ad valorem tax on all taxable property in the district in an amount sufficient to:

(A) pay the interest on the bonds or other obligations as the interest becomes due;

(B) create a sinking fund for the payment of the principal of the bonds or other obligations when due or the redemption price at any earlier required redemption date; and

(C) pay the expenses of imposing the taxes.

Sec. 3933.305. TAX ABATEMENT. The district may enter into a tax abatement agreement in accordance with the general laws of this state authorizing and applicable to a tax abatement agreement by a municipality.

SUBCHAPTER G. SALES AND USE TAX

Sec. 3933.351. MEANINGS OF WORDS AND PHRASES. A word or phrase used in this subchapter that is defined by Chapters 151 and 321, Tax Code, has the meanings assigned by Chapters 151 and 321, Tax Code.

Sec. 3933.352. APPLICABILITY OF CERTAIN TAX CODE PROVISIONS. (a) The provisions of Subchapters C, D, E, and F, Chapter 323, Tax Code, relating to county sales and use taxes apply to the application, collection, and administration of a sales and use tax imposed under this subchapter to the extent consistent with this chapter, as if references in Chapter 323, Tax Code, to a county referred to the district and references to a commissioners court referred to the board.

(b) Sections 323.401-323.404 and 323.505, Tax Code, do not apply to a tax imposed under this subchapter.

Sec. 3933.353. AUTHORIZATION; ELECTION. (a) The district shall adopt, reduce, or repeal the sales and use tax authorized by this subchapter at an election in which a majority of the voters of the district voting in the election approve the adoption, reduction, or repeal of the tax, as applicable.

(b) The board by order shall call an election to adopt, reduce, or repeal a sales and use tax. The election shall be held on the first authorized uniform election date that occurs after the time required by Section 3.005, Election Code.

(c) The district shall provide notice of the election and shall hold the election in the manner prescribed by Chapter 54, Water Code, for bond elections for municipal utility districts.

(d) The ballots shall be printed to provide for voting for or against the following appropriate proposition:

(1) "Adoption of a ___ percent district sales and use tax in the district";

(2) "Reduction of the district sales and use tax in the district from ___ percent to ___ percent"; or

(3) "Repeal of the district sales and use tax in the district."

Sec. 3933.354. EFFECTIVE DATE OF TAX. A tax imposed under this subchapter or the repeal or reduction of a tax under this subchapter takes effect on the first day of the first calendar quarter that occurs after the date the comptroller receives the copy of the resolution as required by Section 323.405(b), Tax Code.

Sec. 3933.355. SALES AND USE TAX RATE. (a) On adoption of the tax authorized by this subchapter, there is imposed a tax of two percent, or the maximum rate at which the combined tax rate of all local sales and use taxes in any location in the district does not exceed two percent, on the receipts from the sale at retail of taxable items in the district, and an excise tax on the use, storage, or other consumption in the district of taxable items purchased, leased, or rented from a retailer in the district during the period that the tax is in effect.

(b) The rate of the excise tax is the same as the rate of the sales tax portion of the tax and is applied to the sales price of the taxable item.

Sec. 3933.356. EXAMINATION AND RECEIPT OF INFORMATION. The district may examine and receive information related to the imposition of a sales and use tax to the same extent as if the district were a municipality.

Sec. 3933.357. ALTERNATIVE METHOD OF IMPOSITION. Notwithstanding any other provision of this subchapter, the district may impose the sales and use tax as provided by Subchapter F, Chapter 383, Local Government Code, instead of as provided by the other provisions of this subchapter.

SUBCHAPTER H. HOTEL OCCUPANCY TAX

Sec. 3933.401. DEFINITION. In this subchapter, "hotel" has the meaning assigned by Section 156.001, Tax Code.

Sec. 3933.402. APPLICABILITY OF CERTAIN TAX CODE PROVISIONS. (a) In this subchapter:

(1) a reference in Chapter 352, Tax Code, to a county is a reference to the district; and

(2) a reference in Chapter 352, Tax Code, to the commissioners court is a reference to the board.

(b) Except as inconsistent with this subchapter, Subchapter A, Chapter 352, Tax Code, governs a hotel occupancy tax authorized by this subchapter, including the collection of the tax, subject to the limitations prescribed by Sections 352.002(b) and (c), Tax Code.

Sec. 3933.403. TAX AUTHORIZED; TAX RATE. (a) The district may impose a hotel occupancy tax for the purposes described by Section 3933.405.

(b) The amount of the tax may not exceed seven percent of the price paid for a room in a hotel.

Sec. 3933.404. INFORMATION. The district may examine and receive information related to the imposition of hotel occupancy taxes to the same extent as if the district were a municipality.

Sec. 3933.405. USE OF HOTEL OCCUPANCY TAX. (a) The district may use the proceeds from a hotel occupancy tax imposed under this subchapter for any of the district's purposes and for the purposes described by Section 352.1015, Tax Code, to the extent the board considers appropriate.

(b) During each interval of three calendar years following the date on which a hotel occupancy tax imposed under this subchapter is initially collected, the board may not apply an annual average of more than 10 percent of the amount of tax collected under that section, excluding any interest earnings or investment profits and after a deduction for the costs of imposing and collecting the taxes, for the administrative expenses of the district or a district purpose other than:

(1) the costs of advertising and promoting tourism; or

(2) the costs of business development and commerce, including the costs of planning, designing, constructing, acquiring, leasing, financing, owning, operating, maintaining, managing, improving, repairing, rehabilitating, or reconstructing improvement projects for:

(A) conferences, conventions, meeting space, and exhibitions;

(B) manufacturer, consumer, or trade shows;

- (C) hotels, lodging, and hospitality;
- (D) arts and entertainment;
- (E) parks and recreation;
- (F) economic development; and
- (G) civic, community, or institutional events.

SUBCHAPTER I. DISSOLUTION OF DISTRICT

Sec. 3933.451. DISSOLUTION. (a) Except as provided by Subsection (b), the board:

- (1) may dissolve the district; and
- (2) shall dissolve the district on receipt of a written petition requesting dissolution signed by the owners of 75 percent of the acreage of real property in the district.

(b) The board may not dissolve the district until the district's outstanding indebtedness or contractual obligations have been repaid or discharged.

(c) After the board dissolves the district, the board shall transfer ownership of all district property and assets to the county.

SECTION 2. The Vineyard Municipal Management District No. 1 initially includes all the territory contained in the following area:

FIELD NOTE DESCRIPTION OF A

467.379 ACRE TRACT OF LAND OUT OF THE DAVID B. BERRY SURVEY, ABSTRACT NO. 104, JOSEPH TOM SURVEY, ABSTRACT NO. 615, JAMES H. TOM SURVEY, ABSTRACT NO. 616 AND THE FRANCIS NASH SURVEY, ABSTRACT NO. 476, SITUATED IN WILLIAMSON COUNTY, TEXAS

BEING A 467.379 ACRE (20,359,019 SQUARE FOOT) TRACT OF LAND OUT OF THE DAVID B. BERRY SURVEY, ABSTRACT NO. 104, JOSEPH TOM SURVEY, ABSTRACT NO. 615, JAMES H. TOM SURVEY, ABSTRACT NO. 616 AND THE FRANCIS NASH SURVEY, ABSTRACT NO. 476, SITUATED IN WILLIAMSON COUNTY, TEXAS; SAID 467.379 ACRE TRACT BEING COMPRISED OF ALL OF THAT CERTAIN CALLED 438.80 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO AVATAR INVESTMENTS, FILED MAY 2, 2006, AND RECORDED IN DOCUMENT NO. 2006034691, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.T.), ALL OF THAT CERTAIN CALLED 18.4938 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO GARY D. NEWMAN, ALSO KNOWN AS GARY NEWMAN, AND MARY L. NEWMAN, ALSO KNOWN AS MARY NEWMAN, FILED OCTOBER 12, 2001, AND RECORDED IN DOCUMENT NO. 2001075675, O.P.R.W.C.T., AND ALL OF THAT CERTAIN CALLED 10.0000 ACRE TRACT OF LAND DESCRIBED IN A DEED TO WILLIAM EDWARD LEGALLEY AND TERESA S. LEGALLEY, FILED SEPTEMBER 1, 2000, AND RECORDED IN DOCUMENT NO. 2001018938, O.P.R.W.C.T.; SAID 467.379 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CTS 4029" FOUND FOR THE NORTHERNMOST CORNER OF THE HEREIN DESCRIBED TRACT AND BEING ON THE SOUTHWEST RIGHT-OF-WAY (R.O.W.) LINE OF F.M. HIGHWAY 487 (A VARIABLE WIDTH R.O.W.), SAID POINT MARKING THE NORTHERNMOST CORNER OF SAID 438.80 ACRE TRACT, SAME BEING THE EASTERNMOST CORNER OF THAT CERTAIN CALLED 28.24 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO JIMMIE MACK HORTON AND WIFE, NANCY LOUISE HORTON, FILED JULY 10, 2002, AND RECORDED IN DOCUMENT NO. 2002052147, O.P.R.W.C.T.;

THENCE, SOUTH 68 DEGREES 55 MINUTES 28 SECONDS EAST, WITH THE COMMON SOUTHWESTERLY R.O.W. LINE OF SAID F.M. HIGHWAY 487 AND THE NORTHEASTERLY LINE OF SAID 438.80 ACRE TRACT, A DISTANCE OF 1,198.69 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT ALSO MARKING A CORNER OF THE REMAINDER OF THAT CERTAIN CALLED 161.526 ACRE TRACT OF LAND (TRACT I) DESCRIBED IN A OWELTY DEED TO JOE M. MAINES, FILED SEPTEMBER 23, 1994, AND RECORDED IN VOLUME 2610, PAGE 0670, OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS (O.R. W.C.T.);

THENCE, SOUTH 24 DEGREES 57 MINUTES 18 SECONDS WEST, DEPARTING THE SOUTHWESTERLY R.O.W. LINE OF SAID F.M. HIGHWAY 487, WITH THE COMMON LINE OF SAID 438.80 ACRE TRACT AND SAID 161.526 ACRE REMAINDER TRACT, A DISTANCE OF 311.91 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT AND SAID 161.526 ACRE REMAINDER TRACT;

THENCE, SOUTH 83 DEGREES 14 MINUTES 22 SECONDS WEST, WITH A SOUTHERLY LINE OF SAID 438.80 ACRE TRACT, AND PARTWAY WITH A NORTHERLY LINE OF SAID 161.526 ACRE REMAINDER TRACT AND PARTWAY WITH THE NORTHERLY LINE OF THAT CERTAIN CALLED 4.18 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO JOE M. MAINES AND WIFE, PATSY L. MAINES, FILED MARCH 10, 2000, AND RECORDED IN DOCUMENT NO. 2000014838, O.P.R.W.C.T., AT A DISTANCE OF 120.05 FEET PASSING A 1/2-INCH IRON ROD IN A FENCE LINE FOUND AND AS CALLED FOR IN THE DEED FOR SAID 4.18 ACRE TRACT, AND AT A DISTANCE OF 703.40 FEET PASSING A 1/2-INCH IRON ROD IN A FENCE LINE FOUND AND AS CALLED FOR IN THE DEED FOR SAID 4.18 ACRE TRACT, CONTINUING IN ALL A TOTAL DISTANCE OF 1,303.99 FEET TO A 1/2-INCH IRON ROD FOUND FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT, SAME MARKING THE WESTERNMOST CORNER OF SAID 4.18 ACRE TRACT;

THENCE, SOUTH 22 DEGREES 02 MINUTES 56 SECONDS EAST, WITH A NORTHEASTERLY LINE OF SAID 438.80 ACRE TRACT AND THE SOUTHWESTERLY LINE OF SAID 4.18 ACRE TRACT, A DISTANCE OF 39.82 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE

HEREIN DESCRIBED TRACT, SAID POINT MARKING THE SOUTHWEST CORNER OF SAID 4.18 ACRE TRACT, SAME BEING THE WESTERNMOST CORNER OF SAID 161.526 ACRE REMAINDER TRACT; THENCE, WITH A NORTHEASTERLY LINE OF SAID 438.80 ACRE TRACT, SAME BEING THE SOUTHWESTERLY LINE OF SAID 161.526 ACRE REMAINDER TRACT, AND WITH THE MAIN ANGLE POINTS OF AN EXISTING FENCE, THE FOLLOWING EIGHT (8) CALLS:

SOUTH 20 DEGREES 15 MINUTES 18 SECONDS EAST, A DISTANCE OF 63.07 FEET TO WOOD FENCE POST FOUND AT ANGLE POINT IN FENCE FOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 21 DEGREES 55 MINUTES 44 SECONDS EAST, A DISTANCE OF 484.71 FEET TO WOOD FENCE POST FOUND AT ANGLE POINT IN FENCE FOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 21 DEGREES 44 MINUTES 54 SECONDS EAST, A DISTANCE OF 746.20 FEET TO WOOD FENCE POST FOUND AT ANGLE POINT IN FENCE FOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 19 DEGREES 38 MINUTES 24 SECONDS EAST, A DISTANCE OF 179.20 FEET TO WOOD FENCE POST FOUND AT ANGLE POINT IN FENCE FOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 20 DEGREES 37 MINUTES 57 SECONDS EAST, A DISTANCE OF 62.31 FEET TO WOOD FENCE POST FOUND AT ANGLE POINT IN FENCE FOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 22 DEGREES 58 MINUTES 45 SECONDS EAST, A DISTANCE OF 250.25 FEET TO WOOD FENCE POST FOUND AT ANGLE POINT IN FENCE FOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 20 DEGREES 28 MINUTES 21 SECONDS EAST, A DISTANCE OF 743.23 FEET TO WOOD FENCE POST FOUND AT ANGLE POINT IN FENCE FOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 23 DEGREES 27 MINUTES 58 SECONDS EAST, A DISTANCE OF 876.50 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT AND SAID 438.80 ACRE TRACT, SAID POINT MARKING THE SOUTHERNMOST CORNER OF SAID 161.526 ACRE REMAINDER TRACT, SAID POINT ALSO BEING ON THE NORTHWESTERLY LINE OF THAT CERTAIN CALLED 10.009 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO LANA D. BRANUM, FILED AUGUST 23, 2004, AND RECORDED IN DOCUMENT NO. 2004066566, O.P.R.W.C.T.;

THENCE, SOUTH 68 DEGREES 49 MINUTES 55 SECONDS WEST, WITH A SOUTHEASTERLY LINE OF SAID 438.80 ACRE TRACT, SAME BEING THE NORTHWESTERLY LINE OF SAID 10.009 ACRE TRACT, A DISTANCE OF 59.71 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT MARKING THE WESTERNMOST CORNER OF SAID 10.009 ACRE TRACT, SAME BEING THE NORTHERNMOST CORNER OF SAID 18.4938 ACRE TRACT;

THENCE, DEPARTING THE SOUTHEASTERLY LINE OF SAID 438.80 ACRE TRACT, AND WITH THE COMMON LINE OF SAID 10.009 ACRE TRACT AND SAID 18.4938 ACRE TRACT, THE FOLLOWING FIVE (5) CALLS:

SOUTH 24 DEGREES 07 MINUTES 49 SECONDS EAST, A DISTANCE OF 692.05 FEET TO A 1/2-INCH IRON ROD WITH ORANGE PLASTIC CAP STAMPED "WALLACE GROUP" (HEREAFTER REFERRED TO AS "WALLACE CAP") SET FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 65 DEGREES 52 MINUTES 11 SECONDS EAST, A DISTANCE OF 371.53 FEET TO A 1/2-INCH IRON ROD WITH "WALLACE CAP" SET FOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 21 DEGREES 04 MINUTES 39 SECONDS EAST, A DISTANCE OF 923.01 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 21 DEGREES 03 MINUTES 10 SECONDS EAST, A DISTANCE OF 828.76 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 21 DEGREES 01 MINUTES 32 SECONDS EAST, A DISTANCE OF 1,017.15 FEET TO A 5/8-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT MARKING THE EASTERNMOST CORNER OF SAID 18.4938 ACRE TRACT, SAME BEING THE SOUTHERNMOST CORNER OF SAID 10.009 ACRE TRACT, SAID POINT ALSO BEING ON THE NORTHWESTERLY R.O.W. LINE OF COUNTY ROAD 233 (A VARIABLE WIDTH R.O.W.);

THENCE, SOUTH 61 DEGREES 26 MINUTES 22 SECONDS WEST, WITH THE COMMON LINE OF SAID COUNTY ROAD 233 AND SAID 18.4938 ACRE TRACT, A DISTANCE OF 50.32 FEET TO A 1/2-INCH IRON ROD WITH "WALLACE CAP" SET FOR THE SOUTHERNMOST CORNER OF THE HEREIN DESCRIBED TRACT AND SAID 18.4938 ACRE TRACT, SAME BEING THE EASTERNMOST CORNER OF THAT CERTAIN CALLED 10.0000 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO RANDY A. GAITAN AND KATHY L. GAITAN, FILED AUGUST 24, 2001, AND RECORDED IN DOCUMENT NO. 2001062815, O.P.R.W.C.T.;

THENCE, DEPARTING THE NORTHWESTERLY R.O.W. LINE OF SAID COUNTY ROAD 233, AND WITH THE COMMON LINE OF SAID GAITAN 10.0000 ACRE TRACT AND SAID 18.4938 ACRE TRACT, THE FOLLOWING FOUR (4) CALLS:

NORTH 21 DEGREES 01 MINUTES 32 SECONDS WEST, A DISTANCE OF 1,023.71 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 21 DEGREES 03 MINUTES 24 SECONDS WEST, A DISTANCE OF 828.76 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 21 DEGREES 09 MINUTES 16 SECONDS WEST, A DISTANCE OF 220.11 FEET TO A COTTON SPINDLE FOUND FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 65 DEGREES 52 MINUTES 28 SECONDS WEST, A DISTANCE OF 289.39 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT MARKING THE WESTERNMOST CORNER OF SAID GAITAN 10.0000 ACRE TRACT, SAID POINT ALSO BEING ON THE NORTHEASTERLY LINE OF THAT CERTAIN CALLED 33.0000 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO GLYNN WALKER AND WIFE, PAULA WALKER, FILED MARCH 20, 2000, AND RECORDED IN DOCUMENT NO. 2000016881, O.P.R.W.C.T.;

THENCE, WITH THE COMMON LINE OF SAID 33.0000 ACRE TRACT AND SAID 18.4938 ACRE TRACT, THE FOLLOWING TWO (2) CALLS:

NORTH 23 DEGREES 30 MINUTES 00 SECONDS WEST, A DISTANCE OF 509.41 FEET TO A COTTON SPINDLE FOUND FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 69 DEGREES 01 MINUTES 16 SECONDS WEST, A DISTANCE OF 519.98 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT MARKING THE WESTERNMOST CORNER OF SAID 33.0000 ACRE TRACT, SAID POINT ALSO BEING ON THE NORTHEASTERLY LINE OF THAT CERTAIN CALLED 44.9655 ACRE TRACT OF LAND DESCRIBED IN A CASH WARRANTY DEED TO THE JERRY AND KAREN MILLER LIVING TRUST, FILED APRIL 6, 2005, AND RECORDED IN DOCUMENT NO. 2005025132, O.P.R.W.C.T.;

THENCE, NORTH 23 DEGREES 31 MINUTES 47 SECONDS WEST, WITH THE COMMON LINE OF SAID 44.9655 ACRE TRACT AND SAID 18.4938 ACRE TRACT, A DISTANCE OF 882.29 FEET TO A 1/2-INCH IRON ROD FOUND FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT MARKING THE NORTHERNMOST CORNER OF SAID 44.9655 ACRE TRACT, SAME BEING THE WESTERNMOST CORNER OF SAID 18.4938 ACRE TRACT, SAID POINT ALSO BEING ON A SOUTHEASTERLY LINE OF SAID 438.80 ACRE TRACT;

THENCE, WITH THE COMMON LINE OF SAID 44.9655 ACRE TRACT AND SAID 438.80 ACRE TRACT, THE FOLLOWING TWO (2) CALLS:

SOUTH 69 DEGREES 08 MINUTES 35 SECONDS WEST, A DISTANCE OF 246.52 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 69 DEGREES 04 MINUTES 36 SECONDS WEST, A DISTANCE OF 875.39 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT MARKING THE WESTERNMOST CORNER OF SAID 44.9655 ACRE TRACT, SAME BEING THE NORTHERNMOST CORNER OF THAT CERTAIN CALLED 18.9154 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED WITH

VENDOR'S LIEN TO MICHAEL D. WILLIAMS AND WIFE, SHAWN M. WILLIAMS, FILED AUGUST 1, 2000, AND RECORDED IN DOCUMENT NO. 2000049993, O.P.R.W.C.T.;

THENCE, SOUTH 71 DEGREES 16 MINUTES 39 SECONDS WEST, WITH THE COMMON LINE OF SAID 18.9154 ACRE TRACT AND SAID 438.80 ACRE TRACT, A DISTANCE OF 39.88 FEET TO A 8-INCH CEDAR POST FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 68 DEGREES 06 MINUTES 40 SECONDS WEST, CONTINUING WITH A SOUTHEASTERLY LINE OF SAID 438.80 ACRE TRACT, AND PARTWAY WITH THE NORTHWESTERLY LINE OF SAID 18.9154 ACRE TRACT AND PARTWAY WITH THE NORTHWESTERLY LINE OF THAT CERTAIN CALLED 18.7129 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO MICHAEL D. WILLIAMS AND SHAWN M. WILLIAMS, FILED OCTOBER 4, 2000, AND RECORDED IN DOCUMENT NO. 2000066760, O.P.R.W.C.T., A DISTANCE OF 1,399.76 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 68 DEGREES 43 MINUTES 29 SECONDS WEST, CONTINUING WITH A SOUTHEASTERLY LINE OF SAID 438.80 ACRE TRACT, SAME BEING THE NORTHWESTERLY LINE OF SAID 18.7129 ACRE TRACT, A DISTANCE OF 132.54 FEET TO A 1/2-INCH IRON ROD FOUND FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT MARKING THE MOST WESTERLY NORTHWEST CORNER OF SAID 18.7129 ACRE TRACT, SAME BEING THE NORTHERNMOST CORNER OF SAID LEGALLEY 10.0000 ACRE TRACT; THENCE, DEPARTING A SOUTHEASTERLY LINE OF SAID 438.80 ACRE TRACT, AND WITH THE COMMON LINE OF SAID 18.7129 ACRE TRACT AND SAID LEGALLEY 10.0000 ACRE TRACT, THE FOLLOWING THREE (3) CALLS:

SOUTH 19 DEGREES 29 MINUTES 13 SECONDS EAST, A DISTANCE OF 1,063.40 FEET TO A P.K. NAIL IN ROCK FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 50 DEGREES 00 MINUTES 37 SECONDS WEST, A DISTANCE OF 472.13 FEET TO A COTTON SPINDLE FOUND FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 26 DEGREES 18 MINUTES 54 SECONDS EAST, A DISTANCE OF 452.27 FEET TO A 1/2-INCH IRON ROD WITH "WALLACE CAP" SET FOR CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT MARKING THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID 18.7129 ACRE TRACT, SAME BEING THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID LEGALLEY 10.0000 ACRE TRACT, SAID POINT ALSO BEING ON THE NORTHWESTERLY R.O.W. LINE OF SAID COUNTY ROAD 233;

THENCE, SOUTH 63 DEGREES 37 MINUTES 50 SECONDS WEST, WITH THE COMMON LINE OF SAID COUNTY ROAD 233 AND SAID LEGALLEY 10.0000 ACRE TRACT, A DISTANCE OF 50.04 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN

DESCRIBED TRACT, SAID POINT MARKING THE SOUTHERNMOST CORNER OF SAID LEGALLEY 10.0000 ACRE LEGALLEY TRACT, SAME BEING THE MOST EASTERLY SOUTHEAST CORNER OF THAT CERTAIN CALLED 25.9920 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO DARREL W. WARREN AND WIFE, CARA WARREN, FILED MARCH 12, 2004, AND RECORDED IN DOCUMENT NO. 2004019080, O.P.R.W.C.T.;

THENCE, DEPARTING THE NORTHWESTERLY R.O.W. LINE OF SAID COUNTY ROAD 233, AND WITH THE COMMON LINE OF SAID LEGALLEY 10.0000 ACRE TRACT AND SAID 25.9920 ACRE TRACT, THE FOLLOWING TWO (2) CALLS:

NORTH 26 DEGREES 18 MINUTES 54 SECONDS WEST, A DISTANCE OF 454.19 FEET TO A 1/2-INCH IRON ROD WITH RED PLASTIC CAP STAMPED "B. HARMON 4482" FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 07 DEGREES 56 MINUTES 53 SECONDS WEST, A DISTANCE OF 1,250.12 FEET TO A 1/2-INCH IRON ROD FOUND FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT MARKING THE NORTHWEST CORNER OF SAID LEGALLEY 10.0000 ACRE TRACT, SAME BEING THE NORTHERNMOST CORNER OF SAID 25.9220 ACRE TRACT, SAID POINT ALSO BEING ON A SOUTHEASTERLY LINE OF SAID 438.80 ACRE TRACT;

THENCE, WITH THE COMMON LINE OF SAID 25.9920 ACRE TRACT AND SAID 438.80 ACRE TRACT, THE FOLLOWING TWO (2) CALLS:

SOUTH 68 DEGREES 46 MINUTES 29 SECONDS WEST, A DISTANCE OF 1,339.70 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 68 DEGREES 13 MINUTES 14 SECONDS WEST, A DISTANCE OF 11.86 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT MARKING THE WESTERNMOST CORNER OF SAID 25.9920 ACRE TRACT, SAME BEING THE NORTHERNMOST CORNER OF THAT CERTAIN CALLED 25.42 ACRE TRACT OF LAND DESCRIBED IN A CONTRACT OF SALE AND PURCHASE TO JOSEPH JAY CIPRIANO, JR., FILED JANUARY 6, 1977, AND RECORDED IN VOLUME 656, PAGE 691, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS (D.R.W.C.T.);

THENCE, WITH THE COMMON LINE OF SAID 25.42 ACRE TRACT AND SAID 438.80 ACRE TRACT, THE FOLLOWING THREE (3) CALLS:

SOUTH 70 DEGREES 38 MINUTES 25 SECONDS WEST, A DISTANCE OF 319.39 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 68 DEGREES 08 MINUTES 59 SECONDS WEST, A DISTANCE OF 205.49 FEET TO A 60D NAIL IN BASE OF 16" CEDAR FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 71 DEGREES 14 MINUTES 29 SECONDS WEST, A DISTANCE OF 582.69 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT MARKING THE WESTERNMOST CORNER OF SAID 25.42 ACRE TRACT, SAME BEING THE NORTHERNMOST CORNER OF THAT CERTAIN CALLED 20.0 ACRE TRACT OF LAND DESCRIBED IN AN ASSIGNMENT OF CONTRACT OF VETERAN'S LAND BOARD CONTRACT OF SALE AND PURCHASE TO THEOFIL LOUIS ZUROVETZ AND WIFE ROSE MARIE, FILED JANUARY 13, 1981, AND RECORDED IN VOLUME 822, PAGE 456, D.R.W.C.T.;

THENCE, WITH THE COMMON LINE OF SAID 20.0 ACRE TRACT AND SAID 438.80 ACRE TRACT, THE FOLLOWING TWO (2) CALLS:

SOUTH 69 DEGREES 22 MINUTES 30 SECONDS WEST, A DISTANCE OF 39.01 FEET TO A 60D NAIL IN BASE OF 24" LIVE OAK FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 69 DEGREES 13 MINUTES 40 SECONDS WEST, A DISTANCE OF 124.85 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT AND BEING THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID 438.80 ACRE TRACT, SAME BEING THE EASTERNMOST CORNER OF THAT CERTAIN CALLED 568.52 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO BERNARD E. MILLER AND WIFE, LINDA L. MILLER, FILED SEPTEMBER 24, 1997, AND RECORDED IN DOCUMENT NO. 9743775, O.P.R.W.C.T.;

THENCE, WITH THE COMMON LINE OF SAID 568.52 ACRE TRACT AND SAID 438.80 ACRE TRACT, THE FOLLOWING FIVE (5) CALLS:

NORTH 19 DEGREES 31 MINUTES 30 SECONDS WEST, A DISTANCE OF 610.03 FEET TO A 60D NAIL FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 21 DEGREES 53 MINUTES 43 SECONDS WEST, A DISTANCE OF 395.88 FEET TO A 60D NAIL IN BASE OF 20" LIVE OAK FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 22 DEGREES 20 MINUTES 50 SECONDS WEST, A DISTANCE OF 708.15 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 21 DEGREES 41 MINUTES 15 SECONDS WEST, A DISTANCE OF 218.81 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 20 DEGREES 39 MINUTES 15 SECONDS WEST, A DISTANCE OF 614.32 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT MARKING THE WESTERNMOST CORNER OF SAID 438.80 ACRE TRACT, SAME BEING THE SOUTHERNMOST CORNER OF THAT CERTAIN CALLED 122.51 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO BURL W. TYSON AND WIFE, LYNN M. TYSON, FILED JULY 25, 1989, AND RECORDED IN VOLUME 1802, PAGE 140, O.P.R.W.C.T.;

THENCE, WITH THE COMMON LINE OF SAID 122.51 ACRE TRACT AND SAID 438.80 ACRE TRACT, THE FOLLOWING TWO (2) CALLS:

NORTH 69 DEGREES 29 MINUTES 17 SECONDS EAST, A DISTANCE OF 3,428.43 FEET TO A 1/2-INCH IRON ROD FOUND FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 21 DEGREES 07 MINUTES 24 SECONDS WEST, A DISTANCE OF 498.39 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT MARKING THE SOUTHERNMOST CORNER OF THAT CERTAIN CALLED 30.00 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO KEVIN J. STEVENS AND SANDRA K. STEVENS, FILED MAY 20, 2005, AND RECORDED IN DOCUMENT NO. 2005037908, O.P.R.W.C.T., AND FROM WHICH A 1/2-INCH IRON ROD FOUND FOR REFERENCE BEARS SOUTH 16 DEGREES 09 MINUTES 58 SECONDS WEST, AT 1.16 FEET;

THENCE, WITH THE COMMON LINE OF SAID 30.00 ACRE TRACT AND SAID 438.80 ACRE TRACT, THE FOLLOWING FOUR (4) CALLS:

NORTH 49 DEGREES 51 MINUTES 53 SECONDS EAST, A DISTANCE OF 895.21 FEET TO A 1/2-INCH IRON ROD IN A FENCE LINE FOUND AND AS CALLED FOR IN THE DEED FOR SAID 30.00 ACRE TRACT FOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 49 DEGREES 49 MINUTES 34 SECONDS EAST, A DISTANCE OF 907.69 FEET TO A 1/2-INCH IRON ROD FOUND FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 07 DEGREES 06 MINUTES 09 SECONDS EAST, A DISTANCE OF 227.47 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 48 DEGREES 47 MINUTES 39 SECONDS EAST, A DISTANCE OF 231.45 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT MARKING THE EASTERNMOST CORNER OF SAID 30.00 ACRE TRACT, SAME BEING THE SOUTHERNMOST CORNER OF SAID 28.24 ACRE TRACT;

THENCE, WITH THE COMMON LINE OF SAID 28.24 ACRE TRACT AND SAID 438.80 ACRE TRACT, THE FOLLOWING TWO (2) CALLS:

NORTH 48 DEGREES 52 MINUTES 04 SECONDS EAST, A DISTANCE 663.16 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 66 DEGREES 51 MINUTES 10 SECONDS EAST, A DISTANCE 603.96 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT, DELINEATING AND ENCOMPASSING WITHIN THE METES RECITED 467.379 ACRES (20,359,019 SQUARE FEET) OF LAND, MORE OR LESS, BASED ON A SURVEY PERFORMED ON THE GROUND BY THE WALLACE GROUP, INC., ROUND ROCK, TEXAS IN NOVEMBER AND DECEMBER OF 2006.

FIELD NOTE DESCRIPTION
OF A

165.300 ACRE TRACT OF LAND

OUT OF THE JOSEPH TOM SURVEY, ABSTRACT NO. 615,
SITUATED IN

WILLIAMSON COUNTY, TEXAS

BEING A 165.300 ACRE (7,200,477 SQUARE FOOT) TRACT OF LAND OUT OF THE JOSEPH TOM SURVEY, ABSTRACT NO. 615, SITUATED IN WILLIAMSON COUNTY, TEXAS; SAID 165.300 ACRE TRACT BEING COMPRISED OF ALL OF THE CALLED 4.18 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO JOE M. MAINES AND WIFE, PATSY L. MAINES, FILED MARCH 10, 2000, AND RECORDED IN DOCUMENT NO. 2000014838, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.T.) AND ALL OF THE REMAINDER OF THAT CERTAIN CALLED 161.526 ACRE TRACT OF LAND (TRACT I) DESCRIBED IN A OWELTY DEED TO JOE M. MAINES, FILED SEPTEMBER 23, 1994, AND RECORDED IN VOLUME 2610, PAGE 0670, OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS (O.R.W.C.T.); SAID 165.300 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CTS 4029" FOUND ON THE SOUTHWESTERLY RIGHT-OF-WAY (R.O.W.) LINE OF F.M. HIGHWAY 487 (A VARIABLE WIDTH R.O.W.), SAID POINT MARKING THE NORTHERNMOST CORNER OF THAT CERTAIN CALLED 438.80 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO DIONYSUS GROUP, L.L.P., FILED MARCH 1, 2007, AND RECORDED IN DOCUMENT NO. 2007016454, O.P.R.W.C.T., SAME BEING THE EASTERNMOST CORNER OF THAT CERTAIN CALLED 28.24 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO JIMMIE MACK HORTON AND WIFE, NANCY LOUISE HORTON, FILED JULY 10, 2002, AND RECORDED IN DOCUMENT NO. 2002052147, O.P.R.W.C.T.;

THENCE, SOUTH 68 DEGREES 55 MINUTES 28 SECONDS EAST, WITH THE COMMON SOUTHWESTERLY R.O.W. LINE OF SAID F.M. HIGHWAY 487 AND THE NORTHEASTERLY LINE OF SAID 438.80 ACRE TRACT, A DISTANCE OF 1,198.69 FEET TO A 1/2-INCH IRON ROD FOUND FOR THE POINT OF BEGINNING AND MOST NORTHERLY NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT ALSO MARKING A CORNER OF SAID 161.526 ACRE REMAINDER TRACT;

THENCE, SOUTH 24 DEGREES 57 MINUTES 18 SECONDS WEST, DEPARTING THE SOUTHWESTERLY R.O.W. LINE OF SAID F.M. HIGHWAY 487, WITH THE COMMON LINE OF SAID 438.80 ACRE TRACT AND SAID 161.526 ACRE REMAINDER TRACT, A DISTANCE OF 311.91 FEET TO A 1/2-INCH IRON ROD FOUND FOR A CORNER OF THE HEREIN DESCRIBED TRACT AND SAID 161.526 ACRE REMAINDER TRACT;

THENCE, SOUTH 83 DEGREES 14 MINUTES 22 SECONDS WEST, WITH A SOUTHERLY LINE OF SAID 438.80 ACRE TRACT, AND PARTWAY WITH A NORTHERLY LINE OF SAID 161.526 ACRE REMAINDER TRACT AND PARTWAY WITH THE NORTHERLY LINE OF SAID 4.18 ACRE TRACT, AT A DISTANCE OF 120.05 FEET PASSING A 1/2-INCH IRON ROD IN A FENCE LINE FOUND AND AS CALLED FOR IN THE DEED FOR SAID 4.18 ACRE TRACT, AND AT A DISTANCE OF 703.40 FEET PASSING A 1/2-INCH IRON ROD IN A FENCE LINE FOUND AND AS CALLED FOR IN THE DEED FOR SAID 4.18 ACRE TRACT, CONTINUING IN ALL A TOTAL DISTANCE OF 1,303.99 FEET TO A 1/2-INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, SAME MARKING THE COMMON WESTERNMOST CORNER OF SAID 4.18 ACRE TRACT AND AN INTERIOR CORNER OF SAID 438.80 ACRE TRACT;

THENCE, SOUTH 22 DEGREES 02 MINUTES 56 SECONDS EAST, WITH A NORTHEASTERLY LINE OF SAID 438.80 ACRE TRACT, SAME BEING THE SOUTHWESTERLY LINE OF SAID 4.18 ACRE TRACT, A DISTANCE OF 39.82 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT ALSO MARKING THE COMMON SOUTHWEST CORNER OF SAID 4.18 ACRE TRACT AND THE WESTERNMOST CORNER OF SAID 161.526 ACRE REMAINDER TRACT; THENCE WITH A NORTHEASTERLY LINE OF SAID 438.80 ACRE TRACT, SAME BEING THE SOUTHWESTERLY LINE OF SAID 161.526 ACRE REMAINDER TRACT, AND WITH THE MAIN ANGLE POINTS OF AN EXISTING FENCE, THE FOLLOWING EIGHT (8) CALLS:

1) SOUTH 20 DEGREES 15 MINUTES 18 SECONDS EAST, A DISTANCE OF 63.07 FEET TO WOOD FENCE POST FOUND AT ANGLE POINT IN FENCE FOR CORNER OF THE HEREIN DESCRIBED TRACT;

2) SOUTH 21 DEGREES 55 MINUTES 44 SECONDS EAST, A DISTANCE OF 484.71 FEET TO WOOD FENCE POST FOUND AT ANGLE POINT IN FENCE FOR CORNER OF THE HEREIN DESCRIBED TRACT;

3) SOUTH 21 DEGREES 44 MINUTES 54 SECONDS EAST, A DISTANCE OF 746.20 FEET TO WOOD FENCE POST FOUND AT ANGLE POINT IN FENCE FOR CORNER OF THE HEREIN DESCRIBED TRACT;

4) SOUTH 19 DEGREES 38 MINUTES 24 SECONDS EAST, A DISTANCE OF 179.20 FEET TO WOOD FENCE POST FOUND AT ANGLE POINT IN FENCE FOR CORNER OF THE HEREIN DESCRIBED TRACT;

5) SOUTH 20 DEGREES 37 MINUTES 57 SECONDS EAST, A DISTANCE OF 62.31 FEET TO WOOD FENCE POST FOUND AT ANGLE POINT IN FENCE FOR CORNER OF THE HEREIN DESCRIBED TRACT;

6) SOUTH 22 DEGREES 58 MINUTES 45 SECONDS EAST, A DISTANCE OF 250.25 FEET TO WOOD FENCE POST FOUND AT ANGLE POINT IN FENCE FOR CORNER OF THE HEREIN DESCRIBED TRACT;

7) SOUTH 20 DEGREES 28 MINUTES 21 SECONDS EAST, A DISTANCE OF 743.23 FEET TO WOOD FENCE POST FOUND AT ANGLE POINT IN FENCE FOR CORNER OF THE HEREIN DESCRIBED TRACT;

8) SOUTH 23 DEGREES 27 MINUTES 58 SECONDS EAST, A DISTANCE OF 876.50 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT AND SAID 438.80 ACRE TRACT, SAID POINT MARKING THE SOUTHERNMOST CORNER OF SAID 161.526 ACRE REMAINDER TRACT, SAID POINT ALSO BEING ON THE NORTHWESTERLY LINE OF THAT CERTAIN CALLED 10.009 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO LANA D. BRANUM, FILED AUGUST 23, 2004, AND RECORDED IN DOCUMENT NO. 2004066566, O.P.R.W.C.T.;

THENCE, NORTH 70 DEGREES 13 MINUTES 59 SECONDS EAST, WITH THE SOUTHEASTERLY LINE OF SAID 161.526 ACRE REMAINDER TRACT, SAME BEING THE NORTHWESTERLY LINE OF SAID 10.009 ACRE TRACT, AT A DISTANCE OF 398.69 FEET PASSING A 1/2-INCH IRON ROD FOUND WHICH BEARS SOUTH 19 DEGREES 46 MINUTES 01 SECONDS EAST, AT 0.22 FEET, SAID POINT MARKING THE NORTHERNMOST CORNER OF SAID 10.009 ACRE TRACT, CONTINUING WITH THE SOUTHEASTERLY LINE OF SAID 161.526 ACRE REMAINDER TRACT, IN ALL A TOTAL DISTANCE OF 466.05 FEET TO A 60D NAIL IN 16" LIVE OAK FOUND FOR CORNER OF SAID 161.526 ACRE REMAINDER TRACT AND THE HEREIN DESCRIBED TRACT, SAME MARKING AN ANGLE POINT ALONG THE NORTHWESTERLY LINE OF THAT CERTAIN CALLED 94.6241 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO DON R. HEWLETT AND WIFE, DONNA HEWLETT, FILED JUNE 19, 2000, AND RECORDED IN DOCUMENT NO. 200039184, O.P.R.W.C.T.

THENCE, CONTINUING WITH THE SOUTHEASTERLY LINE OF SAID 161.526 ACRE REMAINDER TRACT, SAME BEING THE NORTHWESTERLY LINE OF SAID 94.6241 ACRE TRACT, THE FOLLOWING TWO (2) CALLS:

1) NORTH 69 DEGREES 31 MINUTES 53 SECONDS EAST, A DISTANCE OF 544.39 FEET TO A 60D NAIL IN WOOD FENCE POST FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

2) NORTH 69 DEGREES 29 MINUTES 10 SECONDS EAST, A DISTANCE OF 591.07 FEET TO A 60D NAIL IN WOOD FENCE POST FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT MARKING THE COMMON NORTHERNMOST CORNER OF SAID 94.6241 ACRE TRACT AND THE WESTERNMOST CORNER OF THAT CERTAIN CALLED FIRST TRACT DESCRIBED IN A DEED TO MERCER H. SATTERFIELD, ET UX., FILED SEPTEMBER 9, 1963, AND RECORDED IN VOLUME 462, PAGE 420, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS (D.R.W.C.T.);

THENCE, NORTH 67 DEGREES 45 MINUTES 44 SECONDS EAST, CONTINUING WITH THE SOUTHEASTERLY LINE OF SAID 161.526 ACRE REMAINDER TRACT, SAME BEING THE NORTHWESTERLY LINE OF SAID FIRST TRACT, A DISTANCE OF 644.25 FEET TO 1/2-INCH IRON ROD FOUND FOR THE EASTERNMOST CORNER OF SAID 161.526 ACRE

REMAINDER TRACT AND THE HEREIN DESCRIBED TRACT, SAID POINT ALSO MARKING THE SOUTHEASTERLY LINE OF SAID 161.526 ACRE REMAINDER TRACT, SAME BEING THE NORTHWESTERLY LINE OF SAID FIRST TRACT, A DISTANCE OF 644.25 FEET TO A 1/2-INCH IRON ROD FOUND FOR THE EASTERNMOST CORNER OF SAID 161.526 ACRE REMAINDER TRACT AND THE HEREIN DESCRIBED TRACT, SAID POINT ALSO MARKING THE SOUTHERNMOST CORNER OF THAT CERTAIN CALLED 92.83 ACRE TRACT (TRACT 5) DESCRIBED IN A WARRANTY DEED TO DECATA W. ISBELL AND HUSBAND, ALAN D. ISBELL, FILED MARCH 3, 2000, AND RECORDED IN DOCUMENT NO. 2000013063, O.P.R.W.C.T.;

THENCE, WITH THE NORTHEASTERLY LINE OF SAID 161.526 ACRE REMAINDER TRACT, SAME BEING THE SOUTHWESTERLY LINE OF SAID 92.83 TRACT, THE FOLLOWING SEVEN (7) CALLS:

1) NORTH 21 DEGREES 00 MINUTES 26 SECONDS WEST, A DISTANCE OF 470.24 FEET TO AN ORANGE PLASTIC CAP STAMPED "WALLACE GROUP" (HEREAFTER REFERRED TO AS CORNER OF THE HEREIN DESCRIBED TRACT;

2) NORTH 21 DEGREES 39 MINUTES 37 SECONDS WEST, A DISTANCE OF 297.53 FEET TO A 1/2-INCH IRON ROD WITH "WALLACE CAP" SET FOR CORNER OF THE HEREIN DESCRIBED TRACT;

3) NORTH 22 DEGREES 49 MINUTES 37 SECONDS WEST, A DISTANCE OF 483.35 FEET TO A 1/2-INCH IRON ROD WITH "WALLACE CAP" SET FOR CORNER OF THE HEREIN DESCRIBED TRACT;

4) NORTH 21 DEGREES 17 MINUTES 47 SECONDS WEST, A DISTANCE OF 366.39 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

5) NORTH 22 DEGREES 47 MINUTES 25 SECONDS WEST, A DISTANCE OF 643.57 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

6) NORTH 21 DEGREES 06 MINUTES 43 SECONDS WEST, A DISTANCE OF 320.51 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER OF THE HEREIN DESCRIBED TRACT;

7) NORTH 26 DEGREES 04 MINUTES 43 SECONDS WEST, A DISTANCE OF 77.16 FEET TO A 1/2-INCH IRON ROD WITH "WALLACE CAP" SET FOR CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT MARKING THE COMMON EASTERNMOST CORNER OF SAID 161.526 ACRE REMAINDER TRACT AND THE NORTHERNMOST CORNER OF SAID 92.83 ACRE TRACT, SAID POINT ALSO BEING ON THE SOUTHWESTERLY R.O.W. LINE OF SAID F.M. HIGHWAY 487, AND FROM WHICH A TXDOT TYPE I RIGHT-OF-WAY MONUMENT FOUND MARKING AN ANGLE POINT ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE BEARS SOUTH 69 DEGREES 51 MINUTES 26 SECONDS EAST, AT 10.26 FEET;

THENCE, NORTH 68 DEGREES 52 MINUTES 31 SECONDS WEST, WITH THE COMMON SOUTHWESTERLY R.O.W. LINE OF SAID F.M. HIGHWAY 487 AND MOST NORTHERLY NORTHEAST LINE OF SAID 161.526 ACRE REMAINDER TRACT, A DISTANCE OF 1,026.51 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT, DELINEATING AND ENCOMPASSING WITHIN THE METES RECITED 165.300 ACRES (7,200,477 SQUARE FEET) OF LAND, MORE OR LESS, BASED ON A FIELD SURVEY PERFORMED BY THE WALLACE GROUP, INC., ROUND ROCK, TEXAS IN MAY OF 2007.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

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

HB 1621 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1621, A bill to be entitled An Act relating to utilization review and notice and appeal of certain adverse determinations by utilization review agents.

Representative G. Bonnen moved to concur in the senate amendments to **HB 1621**.

The motion to concur in the senate amendments to **HB 1621** prevailed by (Record 1677): 142 Yeas, 3 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; 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; 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; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Simpson; Stickland; Tinderholt.

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

Absent, Excused — Dukes; McClendon.

Absent — Vo.

Senate Committee Substitute

CSHB 1621, A bill to be entitled An Act relating to utilization review and notice and appeal of certain adverse determinations by utilization review agents.

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

SECTION 1. Section 4201.053, Insurance Code, is amended to read as follows:

Sec. 4201.053. MEDICAID AND ~~[CERTAIN]~~ OTHER STATE HEALTH OR MENTAL HEALTH PROGRAMS. (a) Except as provided by Section 4201.057, this chapter does not apply to:

- (1) the state Medicaid program;
- (2) the services program for children with special health care needs under Chapter 35, Health and Safety Code;
- (3) a program administered under Title 2, Human Resources Code;
- (4) a program of the Department of State Health Services relating to mental health services;
- (5) a program of the Department of Aging and Disability Services relating to intellectual disability ~~[mental retardation]~~ services; or
- (6) a program of the Texas Department of Criminal Justice.

(b) Sections 4201.303(c), 4201.304(b), 4201.357(a-1), and 4201.3601 do not apply to:

- (1) the child health program under Chapter 62, Health and Safety Code, or the health benefits plan for children under Chapter 63, Health and Safety Code;
- (2) the Employees Retirement System of Texas or another entity issuing or administering a coverage plan under Chapter 1551;
- (3) the Teacher Retirement System of Texas or another entity issuing or administering a plan under Chapter 1575 or 1579;
- (4) The Texas A&M University System or The University of Texas System or another entity issuing or administering coverage under Chapter 1601; and
- (5) a managed care organization providing a Medicaid managed care plan under Chapter 533, Government Code.

SECTION 2. Section 4201.054, Insurance Code, is amended by adding Subsection (b) to read as follows:

(b) Sections 4201.303(c), 4201.304(b), 4201.357(a-1), and 4201.3601 do not apply to utilization review of a health care service provided to a person eligible for workers' compensation benefits under Title 5, Labor Code.

SECTION 3. Section 4201.303, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) For an enrollee who is denied the provision of prescription drugs or intravenous infusions for which the patient is receiving benefits under the health insurance policy, the notice required by Subsection (a)(4) must include a description of the enrollee's right to an immediate review by an independent review organization and of the procedures to obtain that review.

SECTION 4. Section 4201.304, Insurance Code, is amended to read as follows:

Sec. 4201.304. TIME FOR NOTICE OF ADVERSE DETERMINATION.

(a) Subject to Subsection (b), a [A] utilization review agent shall provide notice of an adverse determination required by this subchapter as follows:

(1) with respect to a patient who is hospitalized at the time of the adverse determination, within one working day by either telephone or electronic transmission to the provider of record, followed by a letter within three working days notifying the patient and the provider of record of the adverse determination;

(2) with respect to a patient who is not hospitalized at the time of the adverse determination, within three working days in writing to the provider of record and the patient; or

(3) within the time appropriate to the circumstances relating to the delivery of the services to the patient and to the patient's condition, provided that when denying poststabilization care subsequent to emergency treatment as requested by a treating physician or other health care provider, the agent shall provide the notice to the treating physician or other health care provider not later than one hour after the time of the request.

(b) A utilization review agent shall provide notice of an adverse determination for a concurrent review of the provision of prescription drugs or intravenous infusions for which the patient is receiving health benefits under the health insurance policy not later than the 30th day before the date on which the provision of prescription drugs or intravenous infusions will be discontinued.

SECTION 5. The heading to Section 4201.357, Insurance Code, is amended to read as follows:

Sec. 4201.357. EXPEDITED APPEAL FOR DENIAL OF EMERGENCY CARE, [OR] CONTINUED HOSPITALIZATION, PRESCRIPTION DRUGS OR INTRAVENOUS INFUSIONS.

SECTION 6. Section 4201.357, Insurance Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The procedures for appealing an adverse determination must include, in addition to the written appeal and the appeal described by Subsection (a), a procedure for an expedited appeal of a denial of prescription drugs or intravenous infusions for which the patient is receiving benefits under the health insurance policy. That procedure must include a review by a health care provider who:

- (1) has not previously reviewed the case; and
- (2) is of the same or a similar specialty as the health care provider who would typically manage the medical or dental condition, procedure, or treatment under review in the appeal.

SECTION 7. Subchapter H, Chapter 4201, Insurance Code, is amended by adding Section 4201.3601 to read as follows:

Sec. 4201.3601. IMMEDIATE APPEAL TO INDEPENDENT REVIEW ORGANIZATION FOR DENIAL OF PRESCRIPTION DRUGS OR INTRAVENOUS INFUSIONS. Notwithstanding any other law, in a circumstance involving the provision of prescription drugs or intravenous infusions for which the patient is receiving benefits under the health insurance policy, the enrollee is:

- (1) entitled to an immediate appeal to an independent review organization as provided by Subchapter I; and
- (2) not required to comply with procedures for an internal review of the utilization review agent's adverse determination.

SECTION 8. Section 4202.003, Insurance Code, is amended to read as follows:

Sec. 4202.003. REQUIREMENTS REGARDING TIMELINESS OF DETERMINATION. The standards adopted under Section 4202.002 must require each independent review organization to make the organization's determination:

(1) for a life-threatening condition as defined by Section 4201.002 or the provision of prescription drugs or intravenous infusions for which the patient is receiving benefits under the health insurance policy, not later than the earlier of the third day after the date the organization receives the information necessary to make the determination or, with respect to:

(A) a review of a health care service provided to a person with a life-threatening condition eligible for workers' compensation medical benefits, the eighth day after the date the organization receives the request that the determination be made; or

(B) a review of a health care service other than a service described by Paragraph (A), the third day after the date the organization receives the request that the determination be made; or

(2) for a situation ~~[condition]~~ other than a situation described by Subdivision (1) ~~[life-threatening condition]~~, not later than the earlier of:

(A) the 15th day after the date the organization receives the information necessary to make the determination; or

(B) the 20th day after the date the organization receives the request that the determination be made.

SECTION 9. This Act applies only to an adverse determination made in relation to coverage or benefits under a health insurance policy or health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2016. An adverse determination made in relation to coverage or benefits under a policy or plan delivered, issued for delivery, or renewed before January 1, 2016, 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 10. This Act takes effect September 1, 2015.

HB 1969 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1969, A bill to be entitled An Act relating to the issuance of certain permits for the movement of oversize or overweight vehicles on certain highways.

Representative Martinez moved to concur in the senate amendments to **HB 1969**.

The motion to concur in the senate amendments to **HB 1969** prevailed by (Record 1678): 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; 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; 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; 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.

Nays — Rinaldi.

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

Absent, Excused — Dukes; McClendon.

Senate Committee Substitute

CSHB 1969, A bill to be entitled An Act relating to the issuance of certain permits for the movement of oversize or overweight vehicles on certain highways.

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

SECTION 1. Section 623.322(a), Transportation Code, as added by Chapter 635 (**HB 474**), Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

(a) The commission may authorize a regional mobility authority to issue permits for the movement of oversize or overweight vehicles carrying cargo in Hidalgo County on:

(1) the following roads:

(A) U.S. Highway 281 between its intersection with the Pharr-Reynosa International Bridge and its intersection with State Highway 336;

(B) State Highway 336 between its intersection with U.S. Highway 281 and its intersection with Farm-to-Market Road 1016;

(C) Farm-to-Market Road 1016 between its intersection with State Highway 336 and its intersection with Trinity Road;

(D) Trinity Road between its intersection with Farm-to-Market Road 1016 and its intersection with Farm-to-Market Road 396;

(E) Farm-to-Market Road 396 between its intersection with Trinity Road and its intersection with the Anzalduas International Bridge;

(F) Farm-to-Market Road 2061 between its intersection with Farm-to-Market Road 3072 and its intersection with U.S. Highway 281;

(G) U.S. Highway 281 between its intersection with the Pharr-Reynosa International Bridge and its intersection with Spur 29;

(H) Spur 29 between its intersection with U.S. Highway 281 and its intersection with Doffin Canal Road; ~~and~~

(I) Doffin Canal Road between its intersection with the Pharr-Reynosa International Bridge and its intersection with Spur 29; ~~or~~

(J) Farm-to-Market Road 1015 between its intersection with U.S. Highway 281 and its intersection with U.S. Highway 83 Business;

(K) U.S. Highway 83 Business between its intersection with Farm-to-Market Road 1015 and its intersection with South Pleasantview Drive;

(L) Farm-to-Market Road 1015 between its intersection with U.S. Highway 83 Business and its intersection with Mile 9 Road North; and

(M) Mile 9 Road North between its intersection with Farm-to-Market Road 1015 and its intersection with Joe Stephens Avenue; or

(2) another route designated by the commission in consultation with the authority.

SECTION 2. (a) This section takes effect only if the Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes becomes law.

(b) Subchapter S, Chapter 623, Transportation Code, is amended by adding Section 623.370 to read as follows:

Sec. 623.370. BOND. (a) The authority shall file with the Texas Department of Transportation a bond in an amount set by the Texas Department of Transportation under Subsection (b), payable to the Texas Department of Transportation, and conditioned that the authority will pay to the Texas Department of Transportation the amount by which the annual cost to repair any damage to roads and highways subject to this subchapter from the movement of oversize and overweight vehicles for which permits are issued under this subchapter exceeds the annual amount paid to the Texas Department of Transportation under Section 623.364(b).

(b) The Texas Department of Transportation shall set the amount of the bond required under Subsection (a) in an amount equal to the estimated annual cost to repair any damage to roads and highways subject to this subchapter from the movement of oversize and overweight vehicles for which permits are issued under this subchapter.

SECTION 3. (a) This section takes effect only if the Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes does not become law.

(b) Subchapter Q, Chapter 623, Transportation Code, as added by Chapter 635 (**HB 474**), Acts of the 83rd Legislature, Regular Session, 2013, is amended by adding Section 623.329 to read as follows:

Sec. 623.329. BOND. (a) The authority shall file with the Texas Department of Transportation a bond in an amount set by the Texas Department of Transportation under Subsection (b), payable to the Texas Department of Transportation, and conditioned that the authority will pay to the Texas Department of Transportation the amount by which the annual cost to repair any damage to roads and highways subject to this subchapter from the movement of oversize and overweight vehicles for which permits are issued under this subchapter exceeds the annual amount paid to the Texas Department of Transportation under Section 623.323(b).

(b) The Texas Department of Transportation shall set the amount of the bond required under Subsection (a) in an amount equal to the estimated annual cost to repair any damage to roads and highways subject to this subchapter from the movement of oversize and overweight vehicles for which permits are issued under this subchapter.

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

**HB 1723 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 1723, A bill to be entitled An Act relating to the territory included in, the composition of the board of directors of, and the method of assessment of the Harris County Improvement District No. 10 and to clarifying the law to reflect the prior division of the district.

Representative Miles 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 1723**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1723**: Miles, chair; Dutton, Coleman, Stickland, and Burrows.

**HB 2381 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2381, A bill to be entitled An Act relating to the appointment and duties of election officers.

Representative Reynolds moved to concur in the senate amendments to **HB 2381**.

The motion to concur in the senate amendments to **HB 2381** prevailed by (Record 1679): 122 Yeas, 21 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Crownover; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Frank; Frullo; Galindo; 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; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; 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; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; Wray; Wu; Zerwas.

Nays — Ashby; Bell; Cook; Craddick; Cyrier; Fallon; Geren; Harless; Hughes; Krause; Metcalf; Phillips; Rinaldi; Schaefer; Stickland; Tinderholt; Turner, E.S.; White, J.; White, M.; Workman; Zedler.

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

Absent, Excused — Dukes; McClendon.

Absent — Burrows; Flynn; Morrison.

STATEMENTS OF VOTE

When Record No. 1679 was taken, I was in the house but away from my desk. I would have voted no.

Burrows

When Record No. 1679 was taken, my vote failed to register. I would have voted no.

Flynn

When Record No. 1679 was taken, I was shown voting yes. I intended to vote no.

Hunter

Senate Committee Substitute

CSHB 2381, A bill to be entitled An Act relating to the appointment and duties of election officers.

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

SECTION 1. Section 32.002, Election Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) The presiding judge and alternate presiding judge must be affiliated or aligned with different political parties, subject to this subsection. Before July of each year in a county to which Subsection (a)(1) applies or before August of each year in a county to which Subsection (a)(2) applies, the county chair of a political party whose candidate for governor received the highest or second highest number of votes in the county in the most recent gubernatorial general election shall submit in writing to the county clerk ~~[commissioners court]~~ a list of names of persons in order of preference for each precinct who are eligible for appointment as an election judge. The county chair may supplement the list of names of persons until the 20th day before a general election or the 15th day before a special election in case an appointed election judge becomes unable to serve. The county clerk shall prepare for the commissioners court a list of persons whose names were submitted by the county chairs and who are eligible to serve as election judges. The commissioners court shall appoint the first person who meets ~~[meeting]~~ the applicable eligibility requirements from the list prepared by the county clerk and whose name was submitted in compliance with this subsection by the party with the highest number of votes in the precinct as the presiding judge and the first person who meets ~~[meeting]~~ the applicable eligibility requirements from the list prepared by the county clerk and whose name was submitted in compliance with this subsection by the party with the second highest number of votes in the precinct as the alternate presiding judge. If the candidates for governor of two political parties received the same number of votes in the precinct, the first person who meets ~~[meeting]~~ the applicable eligibility requirements from the list prepared by the county clerk and whose name was submitted by the party whose candidate for governor received the highest number of votes in the county shall be appointed as the presiding judge and the first person who meets ~~[meeting]~~ the applicable eligibility requirements from the list

prepared by the county clerk and whose name was submitted by the party whose candidate for governor received the second highest number of votes in the county shall be appointed as the alternate presiding judge. The county clerk [~~commissioners court~~] may reject any person from the list if the person is [~~persons whose names are submitted on the list are~~] determined not to meet the applicable eligibility requirements.

(c-1) Judges of countywide polling places established under Section 43.007 must be appointed in compliance with Subsection (c) from the persons whose names were submitted for appointment by the county chairs in a manner that provides equitable representation, except that the commissioners court and county clerk are not required to make the appointments based on specific polling locations, a judge is not required to serve in a polling place located in the precinct in which the judge resides, and more than one presiding judge or alternate presiding judge may be selected from the same precinct to serve in polling places not located in the precinct in which the judges reside. The county clerk may submit, and the commissioners court may preapprove, the appointment of more presiding judges or alternate presiding judges than necessary to fill available positions. The county clerk may select an individual whose appointment was preapproved to fill a vacancy in a position that was held by an individual from the same political party. Nothing in this subsection precludes a county clerk from placing an election officer at a countywide polling place based on the need for services at that location.

SECTION 2. Section 32.006(a), Election Code, is amended to read as follows:

(a) The county chair of a political party holding a primary election shall appoint for each primary ~~[, with the approval of the county executive committee,]~~ the judges for each precinct in which the election will be held in the county and fill any vacancy that occurs in the position of presiding judge or alternate presiding judge.

SECTION 3. Section 32.009(d), Election Code, is amended to read as follows:

(d) A notice to a presiding judge must state the name, ~~[and]~~ address, and any available telephone number and e-mail address of the alternate, and a notice to an alternate must state the name, ~~[and]~~ address, and any available telephone number and e-mail address of the presiding judge.

SECTION 4. Subchapter A, Chapter 32, Election Code, is amended by adding Section 32.012 to read as follows:

Sec. 32.012. PROVISION OF INFORMATION RELATING TO ELECTION JUDGES APPOINTED BY COMMISSIONERS COURT. (a) After the commissioners court appoints a presiding election judge and an alternate presiding judge, the county clerk shall provide to the county chair of each political party that submitted names for appointment the appointment list that includes each appointed judge's name, residence precinct, appointment location, address, and any available telephone number and e-mail address.

(b) The appointment list must be provided in writing.

SECTION 5. Section 32.114(e), Election Code, is amended to read as follows:

(e) An election judge, early voting clerk, or deputy early voting clerk in charge of an early voting polling place is entitled to compensation for attending the training program at an hourly rate fixed by the appropriate authority ~~[not to exceed \$7]~~.

SECTION 6. Section 85.009(b), Election Code, is amended to read as follows:

(b) Before July of each year, the county chair of each political party holding a primary election in the county shall submit in writing to the county clerk a list of names of persons in order of preference for each early voting polling place who are eligible for selection as an election officer. The county chair may supplement the list of names of persons until the 30th day before early voting begins in case an appointed election officer becomes unable to serve. The county clerk shall appoint the first person meeting the applicable eligibility requirements from the list submitted in compliance with this subsection by the party with the highest number of votes in the county as the presiding judge ~~[election officer]~~ of that polling place and the first person meeting the applicable eligibility requirements from the list submitted in compliance with this subsection by the party with the second highest number of votes in the county as the alternate presiding judge ~~[election officer]~~ of that polling place. The county clerk shall appoint additional election officers for each polling place in the manner described by Subsection (a). The county clerk may reject the list if the persons whose names are submitted on the list are determined not to meet the applicable eligibility requirements.

SECTION 7. Subchapter A, Chapter 85, Election Code, is amended by adding Section 85.0091 to read as follows:

Sec. 85.0091. EARLY VOTING ELECTION OFFICERS FOR PRIMARY ELECTIONS. (a) The early voting clerk shall select election officers for a primary election for the main early voting polling place and any branch polling place in the manner that Section 85.009 provides for the county clerk to select officers from the appropriate political party, except that the early voting clerk shall prescribe the deadline by which county chairs must submit names of persons eligible to serve as election officers.

(b) This section does not apply to a joint primary governed by Section 172.126.

SECTION 8. Sections 32.006(b), 32.010, and 32.0511(d), Election Code, are repealed.

SECTION 9. This Act takes effect September 1, 2015.

HB 3212 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative P. King called up with senate amendments for consideration at this time,

HB 3212, A bill to be entitled An Act relating to peace officer identification cards.

Representative P. King moved to concur in the senate amendments to **HB 3212**.

The motion to concur in the senate amendments to **HB 3212** prevailed by (Record 1680): 143 Yeas, 0 Nays, 3 Present, not voting.

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; 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; 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; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; 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; Keffer(C); Phelan.

Absent, Excused — Dukes; McClendon.

Absent — Burrows; Morrison.

Senate Committee Substitute

CSHB 3212, A bill to be entitled An Act relating to peace officer identification cards.

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

SECTION 1. Section 614.121, Government Code, as added by Chapter 938 (**HB 3613**), Acts of the 80th Legislature, Regular Session, 2007, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Qualified retired law enforcement officer" has the meaning assigned by 18 U.S.C. Section 926C.

SECTION 2. Subchapter H, Chapter 614, Government Code, as added by Chapter 938 (**HB 3613**), Acts of the 80th Legislature, Regular Session, 2007, is amended by adding Section 614.1241 to read as follows:

Sec. 614.1241. QUALIFIED RETIRED LAW ENFORCEMENT OFFICER. (a) On request of a qualified retired law enforcement officer who holds a certificate of proficiency under Section 1701.357, Occupations Code, a law enforcement agency or other governmental entity in this state shall issue an identification card to the qualified retired law enforcement officer if the law enforcement agency or other governmental entity:

(1) was the last entity to appoint or employ the qualified retired law enforcement officer as a peace officer; or

(2) appointed or employed the qualified retired law enforcement officer for 20 years or more and the officer is receiving retirement or pension benefits as a result of that service.

(b) The identification card must include:

(1) the full name of the qualified retired law enforcement officer;

(2) a photograph of the qualified retired law enforcement officer consistent with the qualified retired law enforcement officer's appearance;

(3) the name of the law enforcement agency or other governmental entity that issued the card to the qualified retired law enforcement officer;

(4) if applicable, the signature of the person authorizing the issuance of the card on behalf of the law enforcement agency or other governmental entity to the qualified retired law enforcement officer;

(5) a brief description of the qualified retired law enforcement officer, including the qualified retired law enforcement officer's height, weight, and eye color;

(6) the thumbprint of the qualified retired law enforcement officer or a bar code with a unique identification label for the qualified retired law enforcement officer;

(7) the date the qualified retired law enforcement officer last served as a peace officer for the law enforcement agency or other governmental entity;

(8) the date the law enforcement agency or other governmental entity issued the card to the qualified retired law enforcement officer; and

(9) a phone number operational 24 hours a day, seven days a week, that a person may call to verify the validity of the identification card.

(c) On the identification card, the law enforcement agency or other governmental entity that issues the card shall print:

(1) "State of Texas" and the state seal; and

(2) "This identification card certifies that (insert name of qualified retired law enforcement officer) is a qualified retired law enforcement officer of (insert name of law enforcement agency or other governmental entity that last appointed or employed the qualified retired law enforcement officer)."

(d) The head of a law enforcement agency or other governmental entity that issued the identification card shall recover the identification card on the date the identification card expires.

SECTION 3. Section 614.127, Government Code, is amended to read as follows:

Sec. 614.127. LOST OR STOLEN CARDS. If an identification card issued under this subchapter is lost or stolen, the law enforcement agency or other governmental entity that issued ~~issuing~~ the card to the peace officer, reserve law enforcement officer, honorably retired peace officer, or qualified retired law enforcement officer shall issue a duplicate identification card to the officer if the ~~may~~:

~~[(1) require a peace officer, reserve law enforcement officer, or honorably retired peace] officer submits [to submit] an affidavit executed by the [peace officer, reserve law enforcement officer, or honorably retired peace] officer to the law enforcement agency or other governmental entity [issuing the card] stating that the identification card was lost or stolen[; and~~

~~[(2) issue a duplicate identification card to the peace officer, reserve law enforcement officer, or honorably retired peace officer].~~

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

HB 839 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 839, A bill to be entitled An Act relating to eligibility for Medicaid and the child health plan program for certain children.

Representative Naishtat moved to concur in the senate amendments to **HB 839**.

The motion to concur in the senate amendments to **HB 839** prevailed by (Record 1681): 141 Yeas, 4 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; 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; 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; Pickett; 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.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Phillips; Rinaldi; Stickland; Tinderholt.

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

Absent, Excused — Dukes; McClendon.

Absent — Price.

Senate Committee Substitute

CSHB 839, A bill to be entitled An Act relating to the reinstatement of eligibility of certain children released from a juvenile facility for benefits under the medical assistance and child health plan programs.

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

SECTION 1. Subchapter C, Chapter 62, Health and Safety Code, is amended by adding Sections 62.106 and 62.107 to read as follows:

Sec. 62.106. SUSPENSION AND AUTOMATIC REINSTATEMENT OF ELIGIBILITY FOR CHILDREN IN JUVENILE FACILITIES. (a) In this section, "juvenile facility" means a facility for the placement, detention, or commitment of a child under Title 3, Family Code.

(b) To the extent allowed under federal law, if a child is placed in a juvenile facility, the commission shall suspend the child's eligibility for health benefits coverage under the child health plan during the period the child is placed in the facility.

(c) Not later than 48 hours after the commission is notified of the release from a juvenile facility of a child whose eligibility for health benefits coverage under the child health plan has been suspended under this section, the commission shall reinstate the child's eligibility. Following the reinstatement, the child remains eligible until the expiration of the period for which the child was certified as eligible, excluding the period during which the child's eligibility was suspended.

Sec. 62.107. NOTICE OF CERTAIN PLACEMENTS IN JUVENILE FACILITIES. (a) In this section:

(1) "Custodian" and "guardian" have the meanings assigned by Section 51.02, Family Code.

(2) "Juvenile facility" has the meaning assigned by Section 62.106.

(b) A juvenile facility may notify the commission on the placement in the facility of a child who is enrolled in the child health plan.

(c) If a juvenile facility chooses to provide the notice described by Subsection (b), the facility shall provide the notice electronically or by other appropriate means as soon as possible, but not later than the 30th day, after the date of the child's placement.

(d) A juvenile facility may notify the commission of the release of a child who, immediately before the child's placement in the facility, was enrolled in the child health plan.

(e) If a juvenile facility chooses to provide the notice described by Subsection (d), the facility shall provide the notice electronically or by other appropriate means not later than 48 hours after the child's release from the facility.

(f) If a juvenile facility chooses to provide the notice described by Subsection (d), at the time of the child's release, the facility shall provide the child's guardian or custodian, as appropriate, with a written copy of the notice and a telephone number at which the commission may be contacted regarding confirmation of or assistance relating to reinstatement of the child's eligibility for health benefits coverage under the child health plan.

(g) The commission shall establish a means by which a juvenile facility, or an employee of the facility, may determine whether a child placed in the facility is or was, as appropriate, enrolled in the child health plan for purposes of this section.

(h) A juvenile facility, or an employee of the facility, is not liable in a civil action for damages resulting from a failure to comply with this section.

SECTION 2. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Sections 32.0264 and 32.0265 to read as follows:

Sec. 32.0264. SUSPENSION AND AUTOMATIC REINSTATEMENT OF ELIGIBILITY FOR CHILDREN IN JUVENILE FACILITIES. (a) In this section, "juvenile facility" means a facility for the placement, detention, or commitment of a child under Title 3, Family Code.

(b) To the extent allowed under federal law, if a child is placed in a juvenile facility, the commission shall suspend the child's eligibility for medical assistance during the period the child is placed in the facility.

(c) Not later than 48 hours after the commission is notified of the release from a juvenile facility of a child whose eligibility for medical assistance has been suspended under this section, the commission shall reinstate the child's eligibility. Following the reinstatement, the child remains eligible until the expiration of the period for which the child was certified as eligible, excluding the period during which the child's eligibility was suspended.

Sec. 32.0265. NOTICE OF CERTAIN PLACEMENTS IN JUVENILE FACILITIES. (a) In this section:

(1) "Custodian" and "guardian" have the meanings assigned by Section 51.02, Family Code.

(2) "Juvenile facility" has the meaning assigned by Section 32.0264.

(b) A juvenile facility may notify the commission on the placement in the facility of a child who is receiving medical assistance benefits.

(c) If a juvenile facility chooses to provide the notice described by Subsection (b), the facility shall provide the notice electronically or by other appropriate means as soon as possible, but not later than the 30th day, after the date of the child's placement.

(d) A juvenile facility may notify the commission of the release of a child who, immediately before the child's placement in the facility, was receiving medical assistance benefits.

(e) If a juvenile facility chooses to provide the notice described by Subsection (d), the facility shall provide the notice electronically or by other appropriate means not later than 48 hours after the child's release from the facility.

(f) If a juvenile facility chooses to provide the notice described by Subsection (d), at the time of the child's release, the facility shall provide the child's guardian or custodian, as appropriate, with a written copy of the notice and a telephone number at which the commission may be contacted regarding confirmation of or assistance relating to reinstatement of the child's eligibility for medical assistance benefits.

(g) The commission shall establish a means by which a juvenile facility, or an employee of the facility, may determine whether a child placed in the facility is or was, as appropriate, receiving medical assistance benefits for purposes of this section.

(h) A juvenile facility, or an employee of the facility, is not liable in a civil action for damages resulting from a failure to comply with this section.

SECTION 3. Sections 62.106(b) and 62.107(b), Health and Safety Code, as added by this Act, and Sections 32.0264(b) and 32.0265(b), Human Resources Code, as added by this Act, apply to a child whose period of placement in a juvenile facility begins on or after the effective date of this Act, regardless of the date the child was determined eligible for child health plan coverage under Chapter 62, Health and Safety Code, or medical assistance under Chapter 32, Human Resources Code.

SECTION 4. Sections 62.106(c) and 62.107(d), Health and Safety Code, as added by this Act, and Sections 32.0264(c) and 32.0265(d), Human Resources Code, as added by this Act, apply to the release of a child from a juvenile facility that occurs on or after the effective date of this Act, regardless of the date the child was initially placed in the facility.

SECTION 5. 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 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 928 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 928, A bill to be entitled An Act relating to state and local planning for and responses to drought.

Representative Raymond 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 928**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 928**: Guillen, chair; Ashby, Kacal, Lucio, and Nevárez.

**HB 3603 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3603, A bill to be entitled An Act relating to the creation of the Joshua Farms Municipal Management District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments or fees.

Representative Burns moved to concur in the senate amendments to **HB 3603**.

The motion to concur in the senate amendments to **HB 3603** prevailed by (Record 1682): 143 Yeas, 0 Nays, 3 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; Craddock; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; 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.; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Keffer(C); Turner, E.S.

Absent, Excused — Dukes; McClendon.

Absent — González; Romero.

STATEMENT OF VOTE

When Record No. 1682 was taken, I was shown voting present, not voting. I intended to vote yes.

E. S. Turner

Senate Committee Substitute

CSHB 3603, A bill to be entitled An Act relating to the creation of the Joshua Farms Municipal Management District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments or fees.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3926 to read as follows:

CHAPTER 3926. JOSHUA FARMS MUNICIPAL MANAGEMENT DISTRICT

NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3926.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the City of Burleson, Texas.

(3) "Commission" means the Texas Commission on Environmental

Quality.

(4) "County" means Johnson County, Texas.

(5) "Director" means a board member.

(6) "District" means the Joshua Farms Municipal Management District

No. 1.

Sec. 3926.002. CREATION AND NATURE OF DISTRICT. The Joshua Farms Municipal Management District No. 1 is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3926.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

Sec. 3926.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(c) The district is created to accomplish the purposes of a municipal management district as provided by general law and Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

(d) The creation of the district is in the public interest and is essential to:

(1) further the public purposes of developing and diversifying the economy of the state;

(2) eliminate unemployment and underemployment; and

(3) develop or expand transportation and commerce.

(e) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center; and

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty.

(f) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

Sec. 3926.005. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to contract;

(3) authority to borrow money or issue bonds or other obligations described by Section 3926.253 or to pay the principal and interest of the bonds or other obligations;

(4) right to impose or collect an assessment or collect other revenue; or

(5) legality or operation.

Sec. 3926.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

(a) All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code; or

(3) an enterprise zone created under Chapter 2303, Government Code.

(b) If the city creates a tax increment reinvestment zone described by Subsection (a), the city and the board of directors of the zone, by contract with the district, may grant money deposited in the tax increment fund to the district to be used by the district for:

(1) the purposes permitted for money granted to a corporation under Section 380.002(b), Local Government Code; and

(2) any other district purpose, including the right to pledge the money as security for any bonds or other obligations issued by the district under Section 3926.253.

(c) If the city creates a tax increment reinvestment zone described by Subsection (a), the city may determine the percentage of the property in the zone that may be used for residential purposes and is not subject to the limitations provided by Section 311.006, Tax Code.

Sec. 3926.007. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. On receipt of a petition signed by the owners of a majority of the acreage and the assessed value of real property in the district according to the most recent certified tax appraisal roll for the county, the initial directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 3926.008. DEVELOPMENT AND OPERATING AGREEMENT EXECUTION REQUIRED. (a) The initial directors may not hold an election under Section 3926.007 until the city has entered into a development and operating agreement under Section 3926.156.

(b) The district is dissolved and this chapter expires March 1, 2018, if the development and operating agreement is not entered into before that date.

Sec. 3926.009. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICT LAW. (a) Except as provided by this chapter, Chapter 375, Local Government Code, including Subchapters E and F, applies to the district.

(b) The following provisions of Chapter 375, Local Government Code, do not apply to the district:

(1) Sections 375.164 and 375.262; and

(2) Subchapters B and O.

Sec. 3926.010. CONSTRUCTION OF CHAPTER. This chapter shall be construed in conformity with the findings and purposes stated in this chapter.

Sec. 3926.011. CONCURRENCE ON ADDITIONAL POWERS. If the legislature grants the district a power that is in addition to the powers approved by the initial resolution of the governing body of the city consenting to the creation of the district, the district may not exercise that power unless the governing body of the city consents to that change by ordinance or resolution.

Sec. 3926.012. CITY CONSENT TO CREATION OF DISTRICT. The city's consent to the creation of the district is not subject to the limitations on the conditions or other restrictions the city may place on its consent under Section 42.042, Local Government Code.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3926.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 3926.054, directors serve staggered four-year terms, with two or three directors' terms expiring June 1 of each odd-numbered year.

Sec. 3926.052. BOARD MEETINGS. The board shall hold meetings at a place accessible to the public.

Sec. 3926.053. REMOVAL OF DIRECTORS. (a) The board may remove a director by unanimous vote of the other directors if the director has missed at least half of the meetings scheduled during the preceding 12 months.

(b) A director removed under this section may file a written appeal with the commission not later than the 30th day after the date the director receives written notice of the board action. The commission may reinstate the director if the commission finds that the removal was unwarranted under the circumstances after considering the reasons for the absences, the time and place of the meetings, the business conducted at the meetings missed, and any other relevant circumstances.

Sec. 3926.054. INITIAL DIRECTORS. (a) The initial board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Ross Gatlin</u>
<u>2</u>	<u>Trent Horton</u>
<u>3</u>	<u>Pelham Smith</u>
<u>4</u>	<u>Brian Hegi</u>
<u>5</u>	<u>Nat Parker</u>

(b) Initial directors serve until the earlier of:

- (1) the date permanent directors are elected under Section 3926.007; or
- (2) the fourth anniversary of the effective date of the Act enacting this

chapter.

(c) If permanent directors have not been elected under Section 3926.007 and the terms of the initial directors have expired, successor initial directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

- (1) the date permanent directors are elected under Section 3926.007; or
- (2) the fourth anniversary of the date of the appointment or

reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal rolls for the county may submit a petition to the commission requesting that the commission appoint as successor initial directors the five persons named in the petition. The commission shall appoint as successor initial directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3926.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3926.102. IMPROVEMENT PROJECTS. The district may provide, or it may enter into contracts with a governmental or private entity to provide, the improvement projects described by Subchapter C-1 or activities in support of or incidental to those projects.

Sec. 3926.103. WATER DISTRICT POWERS. The district has the powers provided by the general laws relating to conservation and reclamation districts created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 54, Water Code.

Sec. 3926.104. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads or improvements, including storm drainage, in aid of those roads.

Sec. 3926.105. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 3926.106. PUBLIC IMPROVEMENT DISTRICT POWERS. The district has the powers provided by Chapter 372, Local Government Code, to a municipality or county.

Sec. 3926.107. CONTRACT POWERS. The district may contract with a governmental or private entity, on terms determined by the board, to carry out a power or duty authorized by this chapter or to accomplish a purpose for which the district is created.

Sec. 3926.108. AD VALOREM TAXATION. The district may not impose an ad valorem tax.

Sec. 3926.109. LIMITATIONS ON EMERGENCY SERVICES POWERS. The district may not establish, operate, maintain, or finance a police or fire department without the consent of the city by ordinance or resolution.

Sec. 3926.110. ADDING OR REMOVING TERRITORY. As provided by Subchapter J, Chapter 49, Water Code, the board may add territory inside the extraterritorial jurisdiction of the city to the district or remove territory inside the extraterritorial jurisdiction of the city from the district, except that:

(1) the addition or removal of the territory must be approved by the city;

(2) the addition or removal may not occur without petition by the owners of the territory being added or removed; and

(3) territory may not be removed from the district if bonds or other obligations of the district payable wholly or partly from assessments assessed on the territory are outstanding.

Sec. 3926.111. NO TOLL ROADS. The district may not construct, acquire, maintain, or operate a toll road.

Sec. 3926.112. EMINENT DOMAIN. (a) Section 375.094, Local Government Code, does not apply to the district.

(b) Except as provided by Subsection (c), and subject to the consent of the city by ordinance or resolution, the district may exercise the right of eminent domain in the manner provided by Section 49.222, Water Code. The city may not unreasonably withhold consent under this section.

(c) The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section 3926.104; or

(2) a recreational facility as defined by Section 49.462, Water Code.

Sec. 3926.113. ENFORCEMENT OF REAL PROPERTY RESTRICTIONS. The district may enforce a real property restriction in the manner provided by Section 54.237, Water Code, if, in the reasonable judgment of the board, the enforcement of the restriction is necessary.

Sec. 3926.114. POWERS SUBJECT TO DEVELOPMENT AND OPERATING AGREEMENT. In addition to the other limitations provided by this chapter, the district's authority to exercise its powers is subject to the terms of the development and operating agreement required under Section 3926.156.

SUBCHAPTER C-1. IMPROVEMENT PROJECTS AND SERVICES

Sec. 3926.151. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service, including water, wastewater, drainage, and roadway projects or services, using any money available to the district, or contract with a governmental or private entity and reimburse that entity for the provision, design, construction, acquisition, improvement, relocation, operation, maintenance, or financing of an improvement project, service, or cost, for the provision of credit enhancement, or for any cost of operating or maintaining the district or the issuance of district obligations authorized under this chapter, Chapter 372 or 375, Local Government Code, or Chapter 49 or 54, Water Code.

Sec. 3926.152. BOARD DETERMINATION REQUIRED. The district may not undertake an improvement project unless the board determines the project is necessary to accomplish a public purpose of the district.

Sec. 3926.153. LOCATION OF IMPROVEMENT PROJECT. An improvement project may be located or provide service inside or outside the district.

Sec. 3926.154. CITY REQUIREMENTS. An improvement project in the district must comply with any applicable requirements of the city, including codes and ordinances, unless specifically waived or superseded by the development and operating agreement entered into under Section 3926.156 or another agreement with the city.

Sec. 3926.155. IMPROVEMENT PROJECT AND SERVICE IN DEFINABLE AREA; BENEFIT BASIS. The district may undertake an improvement project or service that confers a special benefit on a definable area in the district and levy and collect a special assessment on benefited property in the district in accordance with:

(1) Chapter 372, Local Government Code; or

(2) Chapter 375, Local Government Code.

Sec. 3926.156. DEVELOPMENT AND OPERATING AGREEMENT REQUIRED. (a) After the district's board is organized, but before the district may undertake any improvement project, issue bonds, levy assessments or fees, or borrow money, the district, the city, and the owner of a majority of the assessed

value of real property in the district according to the most recent certified tax rolls of the central appraisal district of the county must negotiate and execute a mutually approved and accepted development and operating agreement, including any limitations imposed by the city.

(b) An agreement authorized by this section is not effective until its terms and execution are approved by the board, the governing body of the city by ordinance or resolution, and the owner described by Subsection (a).

SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

Sec. 3926.201. DIVISION OF DISTRICT; PREREQUISITES. (a) Subject to Subsection (b), the district, including territory added to the district under Section 3926.110, may be divided into two or more new districts only if the district has no outstanding bonded debt. Territory previously added to the district under Section 3926.110 may be included in a new district.

(b) If the board adds territory inside the extraterritorial jurisdiction of the city or any other municipality to the district under Section 3926.110, the district may be divided under Subsection (a) only with the consent by ordinance or resolution of the city and any other municipality whose extraterritorial jurisdiction is included in the district.

Sec. 3926.202. LAW APPLICABLE TO NEW DISTRICT. This chapter applies to any new district created by division of the district, and a new district has all the powers and duties of the district.

Sec. 3926.203. DIVISION PROCEDURES. (a) The board, on its own motion or on receipt of a petition signed by an owner of real property in the district, may adopt an order proposing to divide the district.

(b) If the board decides to divide the district, the board shall:

(1) set the terms of the division, including names for the new districts and a plan for the payment or performance of any outstanding district obligations;

(2) prepare a metes and bounds description for each proposed district;
and

(3) appoint initial directors for each new district.

Sec. 3926.204. NOTICE AND RECORDING OF ORDER. Not later than the 30th day after the date of an order dividing the district, the district shall:

(1) file the order with the commission; and

(2) record the order in the real property records of the county.

Sec. 3926.205. CONTRACT AUTHORITY OF NEW DISTRICTS. (a) Except as provided by Subsection (b), the new districts may contract with each other for any matter the boards of the new districts consider appropriate, including the joint construction or financing of a utility or roadway improvement and the joint financing of a maintenance obligation.

(b) The new districts may not contract with each other for water and wastewater services. This subsection does not affect the right to contract described by Subsection (a).

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3926.251. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3926.252. MONEY USED FOR IMPROVEMENTS OR SERVICES.

The district may undertake and provide an improvement project or service authorized by this chapter using any money available to the district.

Sec. 3926.253. BORROWING MONEY; OBLIGATIONS. (a) Subject to the terms of the development and operating agreement required under Section 3926.156, the district may borrow money for a district purpose, including the acquisition or construction of improvement projects authorized by this chapter and the reimbursement of a person who develops or owns an improvement project authorized by this chapter, by issuing bonds, notes, time warrants, or other obligations, or by entering into a contract or other agreement payable wholly or partly from an assessment, a contract payment, a grant, revenue from a zone created under Chapter 311 or 312, Tax Code, other district revenue, or a combination of these sources.

(b) An obligation described by Subsection (a):

(1) may bear interest at a rate determined by the board; and

(2) may include a term or condition as determined by the board.

(c) The board may issue an obligation under this section without an election.

Sec. 3926.254. ASSESSMENTS. (a) Except as provided by Subsection (b), the district may impose an assessment on property in the district to pay for an obligation described by Section 3926.253 or an improvement project authorized by Section 3926.151 in the manner provided for:

(1) a district under Subchapters A, E, and F, Chapter 375, Local Government Code; or

(2) a municipality or county under Subchapter A, Chapter 372, Local Government Code.

(b) The district may not impose an assessment on a municipality, county, or other political subdivision.

Sec. 3926.255. RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161, Local Government Code, does not apply to the district.

Sec. 3926.256. NO IMPACT FEES. The district may not impose an impact fee.

Sec. 3926.257. COLLECTION OF ASSESSMENTS. The district may contract as provided by Chapter 791, Government Code, with the commissioners court of the county for the assessment and collection of assessments imposed under this subchapter.

SUBCHAPTER F. DISSOLUTION

Sec. 3926.301. DISSOLUTION BY BOARD. The board may dissolve the district in the manner provided by Section 375.261, Local Government Code, subject to Section 375.264, Local Government Code.

Sec. 3926.302. DISSOLUTION BY CITY. (a) The city may dissolve the district by ordinance.

(b) The city may not dissolve the district until:

(1) the district's outstanding debt or contractual obligations have been repaid or discharged; or

(2) the city agrees to succeed to the rights and obligations of the district, including an obligation described by Section 3926.304.

Sec. 3926.303. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has bonds or other obligations outstanding secured by and payable from assessments or other revenue, the city succeeds to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

(b) The city shall have and exercise all district powers to enforce and collect the assessments or other revenue to pay:

(1) the bonds or other obligations when due and payable according to their terms; or

(2) revenue or assessment bonds or other obligations issued by the city to refund the outstanding bonds or obligations of the district.

Sec. 3926.304. ASSUMPTION OF ASSETS AND LIABILITIES. (a) After the city dissolves the district, the city assumes the obligations of the district, including any contractual obligations or bonds or other debt payable from assessments or other district revenue.

(b) If the city dissolves the district, the board shall transfer ownership of all district property to the city.

SECTION 2. The Joshua Farms Municipal Management District No. 1 initially includes all the territory contained in the following area:

BEING a tract of land situated in the B.B.B. & C.R.R. Co. Survey, Abstract Number 103, the A.J. Tucker Survey, Abstract Number 833, the R.H. Barrow Survey, Abstract Number 1149 and the McKinney & Williams Survey, Abstract Number 631, Johnson County, Texas and being a portion of that tract of land described by deed Joshua Land Farm LLC., recorded in Instrument Number 22522, County Records, Johnson County, Texas:

BEGINNING at the most southerly southeast corner of said Joshua Land Farm LLC. tract;

THENCE S 87°43'23"W, 1610.10 feet with said south line;

THENCE N 89°16'22"W, 1067.28 feet with said south line;

THENCE N 00°16'47"E, 3316.57 feet departing said south line, with the west line of said Joshua Land Farm tract to the south line of Cherry Ridge Phase One, an addition to Johnson County, as recorded in Cabinet C, Volume 8, said County Records;

THENCE N 87°25'01"E, 1757.56 feet with said south line;

THENCE N 01°24'23"W, 1023.82 feet with the east line of said Cherry Ridge Phase One;

THENCE S 33°45'00"E, 3383.50 feet departing said east line;

THENCE S 56°14'59"E, 442.41 feet;

THENCE N 68°17'01"E, 1321.19 feet to the east line of said Joshua Land Farm tract;

THENCE S 00°03'03"W, 669.58 feet with the east line of said Joshua Land Farm tract;

THENCE N 89°55'29"W, 2552.86 feet continuing with said east line;

THENCE S 00°23'03"E, 1132.41 feet to the Point of Beginning and containing 10,965,460 square feet or 252 acres of land more or less.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 4. (a) Section 3926.112, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 3926, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 3926.112 to read as follows:

Sec. 3926.112. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

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

HB 4099 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 4099, A bill to be entitled An Act relating to the issuance of K9s4COPs specialty license plates.

Representative Fletcher moved to concur in the senate amendments to **HB 4099**.

The motion to concur in the senate amendments to **HB 4099** prevailed by (Record 1683): 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; Fallon; 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; 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; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Flynn.

Senate Committee Substitute

CSHB 4099, A bill to be entitled An Act relating to the issuance of K9s4COPs specialty license plates.

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

SECTION 1. Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.649 to read as follows:

Sec. 504.649. K9S4COPS LICENSE PLATES. (a) The department shall issue K9s4COPs specialty license plates. The department shall design the license plates in consultation with K9s4COPs.

(b) After deduction of the department's administrative costs, the remainder of the fee for issuance of the license plates shall be deposited to the credit of the general revenue fund to be used only by the office of the governor in making grants to nonprofit organizations for the purpose of funding the purchase of police dogs by law enforcement agencies.

SECTION 2. This Act takes effect January 1, 2016.

HB 2076 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2076, A bill to be entitled An Act relating to notice requirements and other procedures relating to the possession or sale of a motor vehicle, motorboat, vessel, or outboard motor by a possessory lienholder.

Representative Rinaldi moved to concur in the senate amendments to **HB 2076**.

The motion to concur in the senate amendments to **HB 2076** prevailed by (Record 1684): 141 Yeas, 1 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; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; 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; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; 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, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Martinez.

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

Absent, Excused — Dukes; McClendon.

Absent — Aycock; Rodriguez, E.; Thompson, S.; VanDeaver.

Senate Committee Substitute

CSHB 2076, A bill to be entitled An Act relating to notice requirements and other procedures relating to the possession or sale of a motor vehicle, motorboat, vessel, or outboard motor by a possessory lienholder.

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

SECTION 1. Section 70.001, Property Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) Except as provided by Subsection (b), a lien provided by this section on a motor vehicle, motorboat, vessel, or outboard motor is released when a worker:

(1) receives good and sufficient payment of the amounts due under Subsection (a) and, if applicable, Subsection (d); or

(2) relinquishes possession of the motor vehicle, motorboat, vessel, or outboard motor.

(b-2) A worker's right to possession under this section may not be assigned to a third party in return for payment of any amount due under Subsection (a) or (d).

SECTION 2. Effective September 1, 2015, Sections 70.006(e), (f), (g), and (h), Property Code, are amended to read as follows:

(e) After notice is given under this section to the owner of or the holder of a lien on the motor vehicle, motorboat, vessel, or outboard motor, the owner or holder of the lien may obtain possession of the motor vehicle, motorboat, vessel, or outboard motor by paying all charges due to the holder of a lien under this

subchapter before the 31st day after the date a copy of the notice is filed with the county tax assessor-collector's office [~~the notice is mailed or published as provided by this section~~].

(f) If the charges are not paid before the 31st day after the date that a copy of the notice required by Subsection (a) is filed with the county tax assessor-collector's office [~~day that the notice is mailed or published, as applicable~~], the lienholder may sell the motor vehicle, motorboat, vessel, or outboard motor at a public sale and apply the proceeds to the charges. The lienholder shall pay excess proceeds to the person entitled to them. The public sale may not take place before the 31st day after the date a copy of the notice is filed with the county tax assessor-collector's office.

(g) After providing notice in accordance with this section, a holder of a possessory lien on a motor vehicle under Section 70.001, other than a person licensed as a franchised dealer under Chapter 2301, Occupations Code, shall, on request, [~~not later than the 30th day after the date on which the charges accrue, make commercially reasonable efforts to~~] allow an owner and each lienholder of record to inspect or arrange an inspection of the motor vehicle by a qualified professional to verify that the repairs were made. The inspection must be completed before the date of the public sale authorized by Subsection (f).

(h) Not later than the 15th business day after the date the county tax assessor-collector receives notice under this section, the county tax assessor-collector shall provide a copy of the notice that indicates the date the notice was filed with the county tax assessor-collector to the owner of the motor vehicle and each holder of a lien recorded on the certificate of title of the motor vehicle. Except as provided by this subsection, the county tax assessor-collector shall provide the notice required by this section in the same manner as a holder of a lien is required to provide a notice under this section, except that the county tax assessor-collector is not required to use certified mail. Notice under this section is required regardless of the date on which the charges on which the possessory lien is based accrued.

SECTION 3. (a) Sections 70.006(e), (f), and (h), Property Code, as amended by this Act, apply only to a notice required under Section 70.006(a), Property Code, provided on or after September 1, 2015. A notice provided before September 1, 2015, is governed by the law as it existed immediately before September 1, 2015, and that law is continued in effect for that purpose.

(b) Section 70.006(g), Property Code, as amended by this Act, applies only to a sale of a motor vehicle, motorboat, vessel, or outboard motor for which the notice required under Section 70.006(a), Property Code, is provided on or after September 1, 2015. A sale for which the notice required under Section 70.006(a), Property Code, is provided before September 1, 2015, is governed by the law as it existed immediately before September 1, 2015, and that law is continued in effect for that purpose.

SECTION 4. Except as otherwise provided by this Act, 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 2186 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2186, A bill to be entitled An Act relating to suicide prevention training for certain educators and other employees of a school district.

Representative Cook moved to concur in the senate amendments to **HB 2186**.

The motion to concur in the senate amendments to **HB 2186** prevailed by (Record 1685): 141 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; 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; 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; 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; 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 — Phillips; Rinaldi; Schaefer; Stickland; Tinderholt.

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

Absent, Excused — Dukes; McClendon.

Senate Committee Substitute

CSHB 2186, A bill to be entitled An Act relating to suicide prevention training for educators in public schools.

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

SECTION 1. This Act may be cited as the Jason Flatt Act in memory of Jonathan Childers.

SECTION 2. Section 21.451, Education Code, is amended by amending Subsection (d) and adding Subsections (d-1) and (d-2) to read as follows:

(d) The staff development:

(1) may include training in:

(A) technology;

(B) conflict resolution;

(C) discipline strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Section 37.001 and Chapter 37; and

(D) preventing, identifying, responding to, and reporting incidents of bullying; ~~and~~

(2) subject to Subsection (e) and to Section 21.3541 and rules adopted under that section, must include training based on scientifically based research, as defined by Section 9101, No Child Left Behind Act of 2001 (20 U.S.C. Section 7801), that:

(A) related to instruction of students with disabilities; and

(B) is designed for educators who work primarily outside the area of special education; and

(3) must include suicide prevention training that must be provided:

(A) on an annual basis, as part of a new employee orientation, to all new school district and open-enrollment charter school educators; and

(B) to existing school district and open-enrollment charter school educators on a schedule adopted by the agency by rule.

(d-1) The suicide prevention training required by Subsection (d)(3) must use a best practice-based program recommended by the Department of State Health Services in coordination with the agency under Section 161.325, Health and Safety Code.

(d-2) The suicide prevention training required by Subsection (d)(3) may be satisfied through independent review of suicide prevention training material that:

(1) complies with the guidelines developed by the agency; and

(2) is offered online.

SECTION 3. This Act applies beginning with the 2015-2016 school year.

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 2349 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2349, A bill to be entitled An Act relating to public school assessment, performance standards, and course requirements.

Representative Aycock moved to concur in the senate amendments to **HB 2349**.

The motion to concur in the senate amendments to **HB 2349** prevailed by (Record 1686): 144 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; 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; 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; 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 — Schaefer; Simpson.

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

Absent, Excused — Dukes; McClendon.

Senate Committee Substitute

CSHB 2349, A bill to be entitled An Act relating to public school assessment, performance standards, and course requirements.

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

SECTION 1. Section 28.025(c-5), Education Code, is amended to read as follows:

(c-5) A student may earn a performance acknowledgment on the student's diploma and transcript by satisfying the requirements for that acknowledgment adopted by the State Board of Education by rule. An acknowledgment under this subsection may be earned:

(1) for outstanding performance:

(A) in a dual credit course;

(B) in bilingualism and biliteracy;

(C) on a college advanced placement test or international baccalaureate examination; [✕]

(D) on an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or

(E) on an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process [the PSAT, the ACT Plan, the SAT, or the ACT]; or

(2) for earning a state recognized or nationally or internationally recognized business or industry certification or license.

SECTION 2. Section 39.023, Education Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) The agency may defer releasing assessment instrument questions and answer keys as required by Subsection (e) to the extent necessary to develop additional assessment instruments.

SECTION 3. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.02315 to read as follows:

Sec. 39.02315. REPORTING RESULTS OF ASSESSMENT INSTRUMENTS FOR OUT-OF-STATE TRANSFER STUDENTS. (a) For assessment instruments required to be administered under Section 39.023, the agency shall adopt procedures to ensure that the results of the assessment instruments administered to students who transfer from a school district in another state to a school district in this state are reported to each school district separately from the results of assessment instruments administered to other students.

(b) The commissioner by rule shall:

(1) ensure that the results of assessment instruments administered to students who transfer from a school district in another state to a school district in this state reported under Subsection (a) are properly identified in agency systems that report and track academic performance of students; and

(2) adopt procedures for reporting and tracking data relating to students who transfer from a school district in another state to a school district in this state.

SECTION 4. Sections 39.025(a), (f), and (g), Education Code, are amended to read as follows:

(a) The commissioner shall adopt rules requiring a student in the foundation high school program under Section 28.025 to be administered an [each] end-of-course assessment instrument listed in Section 39.023(c) only for a course in which the student is enrolled and for which an end-of-course assessment instrument is administered. A student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner under Section 39.0241(a), on each end-of-course assessment instrument administered to the student [listed under Section 39.023(c)]. For each scale score required under this subsection that is not based on a 100-point scale scoring system, the commissioner shall provide for conversion, in accordance with commissioner rule, of the scale score to an equivalent score based on a 100-point scale scoring system. A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course assessment instruments in the manner provided under this subsection. This subsection does not require a student to demonstrate readiness to enroll in an institution of higher education.

(f) The commissioner shall by rule adopt a transition plan to implement the amendments made by Chapter 1312 (**SB 1031**), Acts of the 80th Legislature, Regular Session, 2007, replacing general subject assessment instruments administered at the high school level with end-of-course assessment instruments. The rules must provide for the end-of-course assessment instruments adopted under Section 39.023(c) to be administered beginning with students entering the ninth grade during the 2011-2012 school year. During the period under which the transition to end-of-course assessment instruments is made:

(1) for students entering a grade above the ninth grade during the 2011-2012 school year, the commissioner shall retain, administer, and use for purposes of accreditation and other campus and district accountability measures under this chapter the assessment instruments required by Section 39.023(a) or (c), as that section existed before amendment by Chapter 1312 (**SB 1031**), Acts of the 80th Legislature, Regular Session, 2007; and

(2) a student subject to Subdivision (1) may not receive a high school diploma unless the student has performed satisfactorily on each required assessment instrument administered under Section 39.023(c) as that section existed before amendment by Chapter 1312 (**SB 1031**), Acts of the 80th Legislature, Regular Session, 2007[~~;~~ and

~~(3) the agency may defer releasing assessment instrument questions and answer keys as required by Section 39.023(c) to the extent necessary to develop additional assessment instruments].~~

(g) Rules adopted under Subsection (f) must require that each student who will be subject to the requirements of Subsection (a) is entitled to notice of the specific requirements applicable to the student. Notice under this subsection must be provided not later than the date the student enters the eighth grade. [~~Subsection (f) and this subsection expire September 1, 2015.~~]

SECTION 5. The following provisions of the Education Code are repealed:

- (1) Section 39.023(o);
- (2) Section 39.0233(c); and
- (3) Section 39.025(b-2).

SECTION 6. This Act applies beginning with the 2015-2016 school year.

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 on the 91st day after the last day of the legislative session.

HB 3163 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3163, A bill to be entitled An Act relating to civil suits filed against board members of a groundwater conservation district and the liability of a member for certain actions taken by the board.

Representative Cyrier moved to concur in the senate amendments to **HB 3163**.

The motion to concur in the senate amendments to **HB 3163** prevailed by (Record 1687): 141 Yeas, 4 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; Fallon; Farias; 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; 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; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; 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 — Schaefer; Stephenson; Stickland; Tinderholt.

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

Absent, Excused — Dukes; McClendon.

Absent — Farney.

STATEMENT OF VOTE

When Record No. 1687 was taken, I was shown voting yes. I intended to vote no.

Rinaldi

Senate Committee Substitute

CSHB 3163, A bill to be entitled An Act relating to civil suits filed against board members of a groundwater conservation district and the liability of a member for certain actions taken by the board.

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

SECTION 1. Section 36.060, Water Code, is amended by adding Subsection (e) to read as follows:

(e) For liability purposes only, a director is considered a district employee under Chapter 101, Civil Practice and Remedies Code, even if the director does not receive fees of office voluntarily, by district policy, or through a statutory exception to this section.

SECTION 2. Section 36.066(a), Water Code, is amended to read as follows:

(a) A district may sue and be sued in the courts of this state in the name of the district by and through its board. A district board member is immune from suit and immune from liability for official votes and official actions. To the extent an official vote or official action conforms to laws relating to conflicts of interest, abuse of office, or constitutional obligations, this subsection provides immunity for those actions. All courts shall take judicial notice of the creation of the district and of its boundaries.

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 3193 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3193, A bill to be entitled An Act relating to consideration of location of a bidder's or offeror's principal place of business in awarding certain municipal contracts.

Representative Bernal moved to concur in the senate amendments to **HB 3193**.

The motion to concur in the senate amendments to **HB 3193** prevailed by (Record 1688): 96 Yeas, 45 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Bernal; Blanco; Bohac; Burkett; Burns; Burrows; Canales; Clardy; Coleman; Collier; Cook; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Giddings; Gonzales; González; Guerra; Guillen; Hernandez; Herrero; Howard; Israel; Johnson; Kacal; King, K.; King, P.; King, S.; King, T.; Koop; Kuempel; Landgraf; Larson; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Miles; Miller, D.; Minjarez; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Peña; Pickett; Price; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schaefer; Schubert; Sheffield; Simpson; Smith; Smithee; Spitzer; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; Wu; Zerwas.

Nays — Anderson, R.; Ashby; Bell; Bonnen, D.; Bonnen, G.; Button; Capriglione; Craddick; Elkins; Faircloth; Fallon; Frank; Goldman; Harless; Hughes; Isaac; Keough; Klick; Krause; Laubenberg; Leach; Metcalf; Meyer; Miller, R.; Murr; Parker; Paul; Phelan; Phillips; Riddle; Rinaldi; Sanford; Schofield; Shaheen; Simmons; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; White, J.; White, M.; Workman; Wray; Zedler.

Present, not voting — Mr. Speaker; Keffer(C); Thompson, S.

Absent, Excused — Dukes; McClendon.

Absent — Gutierrez; Huberty; Hunter; Sheets.

STATEMENTS OF VOTE

When Record No. 1688 was taken, I was shown voting yes. I intended to vote no.

C. Anderson

When Record No. 1688 was taken, I was shown voting yes. I intended to vote no.

Aycock

When Record No. 1688 was taken, I was shown voting yes. I intended to vote no.

Bohac

When Record No. 1688 was taken, I was shown voting yes. I intended to vote no.

Darby

When Record No. 1688 was taken, I was shown voting yes. I intended to vote no.

Flynn

When Record No. 1688 was taken, I was shown voting yes. I intended to vote no.

Geren

When Record No. 1688 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

Senate Committee Substitute

CSHB 3193, A bill to be entitled An Act relating to consideration of location of an offeror's principal place of business in awarding certain municipal contracts.

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

SECTION 1. Subchapter Z, Chapter 271, Local Government Code, is amended by adding Section 271.9052 to read as follows:

Sec. 271.9052. CONSIDERATION OF LOCATION OF OFFEROR'S PRINCIPAL PLACE OF BUSINESS IN AWARDING CERTAIN MUNICIPAL CONTRACTS. (a) This section applies only to a municipality that contains more than 75 percent of the population of a county with a population of 1.5 million or more.

(b) In purchasing as authorized under this title any personal property that is not affixed to real property or services other than professional services, if a municipality that solicits requests for proposals receives one or more proposals from an offeror whose principal place of business is in the municipality, the

municipality may consider, as a percentage of the evaluation factors in accordance with Subsection (c), an offeror's principal place of business unless the contract is for construction services in an amount of \$100,000 or more.

(c) If a municipality elects to consider an offeror's principal place of business under Subsection (b) and scores an offeror's proposal on a 100-point scale, the municipality shall assign:

(1) 10 points to an offeror with a principal place of business in the municipality; or

(2) five points to an offeror who employs:

(A) at least 20 percent of the offeror's employees in the municipality; or

(B) at least 100 employees in the municipality.

(d) This section does not prohibit a municipality from rejecting any proposal.

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 4156 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 4156, A bill to be entitled An Act relating to the creation of Missouri City Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

Representative Reynolds moved to concur in the senate amendments to **HB 4156**.

The motion to concur in the senate amendments to **HB 4156** prevailed by (Record 1689): 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; 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; 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; 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; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

Absent, Excused — Dukes; McClendon.

Absent — Walle.

Senate Committee Substitute

CSHB 4156, A bill to be entitled An Act relating to the creation of Missouri City Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3932 to read as follows:

CHAPTER 3932. MISSOURI CITY MANAGEMENT DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3932.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the City of Missouri City.

(3) "County" means Fort Bend County.

(4) "Director" means a board member.

(5) "District" means the Missouri City Management District No. 2.

Sec. 3932.002. NATURE OF DISTRICT. The Missouri City Management District No. 2 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3932.003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city, the county, and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(c) This chapter and the creation of the district may not be interpreted to relieve the city or the county from providing the level of services provided as of the effective date of the Act enacting this chapter to the area in the district. The district is created to supplement and not to supplant city or county services provided in the district.

Sec. 3932.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

(a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(c) The creation of the district is in the public interest and is essential to further the public purposes of:

- (1) developing and diversifying the economy of the state;
- (2) eliminating unemployment and underemployment; and
- (3) developing or expanding transportation and commerce.

(d) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center;

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty; and

(4) provide for water, wastewater, drainage, road, and recreational facilities for the district.

(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(f) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3932.005. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;
- (2) right to issue any type of bonds for the purposes for which the district is created or to pay the principal of and interest on the bonds;
- (3) right to impose or collect an assessment or tax; or
- (4) legality or operation.

Sec. 3932.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code;

- (3) an enterprise zone created under Chapter 2303, Government Code;
- or
- (4) an industrial district created under Chapter 42, Local Government Code.

Sec. 3932.007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3932.008. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3932.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of seven voting directors who serve staggered terms of four years, with three or four directors' terms expiring June 1 of each odd-numbered year.

(b) The board by resolution may change the number of voting directors on the board if the board determines that the change is in the best interest of the district. The board may not consist of fewer than 5 or more than 11 voting directors.

Sec. 3932.052. APPOINTMENT OF VOTING DIRECTORS. The mayor and members of the governing body of the city shall appoint voting directors from persons recommended by the board. A person is appointed if a majority of the members of the governing body, including the mayor, vote to appoint that person.

Sec. 3932.053. NONVOTING DIRECTORS. The board may appoint nonvoting directors to serve at the pleasure of the voting directors.

Sec. 3932.054. QUORUM. For purposes of determining the requirements for a quorum of the board, the following are not counted:

- (1) a board position vacant for any reason, including death, resignation, or disqualification;
- (2) a director who is abstaining from participation in a vote because of a conflict of interest; or
- (3) a nonvoting director.

Sec. 3932.055. COMPENSATION. A director is entitled to receive fees of office and reimbursement for actual expenses as provided by Section 49.060, Water Code. Sections 375.069 and 375.070, Local Government Code, do not apply to the board.

Sec. 3932.056. INITIAL VOTING DIRECTORS. (a) The initial board consists of the following voting directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>John A. Van De Wiele</u>
<u>2</u>	<u>Jim Brown</u>
<u>3</u>	<u>Jack McDonald</u>
<u>4</u>	<u>Charles L. Howell, Jr.</u>
<u>5</u>	<u>Dawn Hurd</u>
<u>6</u>	<u>Ivy Levingston</u>

7Bobby Merchant

(b) Of the initial directors, the terms of directors appointed for positions one through four expire June 1, 2019, and the terms of directors appointed for positions five through seven expire June 1, 2017.

(c) Section 3932.052 does not apply to this section.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3932.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3932.102. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using any money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

Sec. 3932.103. DEVELOPMENT CORPORATION POWERS. The district, using money available to the district, may exercise the powers given to a development corporation under Chapter 505, Local Government Code, including the power to own, operate, acquire, construct, lease, improve, or maintain a project under that chapter.

Sec. 3932.104. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and

(2) may implement any project and provide any service authorized by this chapter.

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit corporation shall serve in the same manner as the board of directors of a local government corporation created under Subchapter D, Chapter 431, Transportation Code, except that a board member is not required to reside in the district.

Sec. 3932.105. AGREEMENTS; GRANTS. (a) As provided by Chapter 375, Local Government Code, the district may make an agreement with or accept a gift or grant from any person. The district shall promptly notify the city of any gift or grant accepted by the district.

(b) The implementation of a project is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 3932.106. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified party, including the county or the city, to provide law enforcement services in the district for a fee.

Sec. 3932.107. MEMBERSHIP IN CHARITABLE ORGANIZATIONS.

The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3932.108. PARKING FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off the streets and related appurtenances.

(b) The district's parking facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(c) The district's parking facilities are parts of and necessary components of a street and are considered to be a street or road improvement.

(d) The development and operation of the district's parking facilities may be considered an economic development program.

Sec. 3932.109. ANNEXATION OF LAND. The district may annex land as provided by Subchapter J, Chapter 49, Water Code.

Sec. 3932.110. APPROVAL BY CITY. (a) Except as provided by Subsection (c), the district must obtain the approval of the city for:

(1) the issuance of bonds;

(2) the plans and specifications of an improvement project financed by bonds; and

(3) the plans and specifications of an improvement project related to the use of land owned by the city, an easement granted to or by the city, or a right-of-way of a street, road, or highway.

(b) The district may not issue bonds until the governing body of the city adopts a resolution or ordinance authorizing the issuance of the bonds.

(c) If the district obtains the approval of the city's governing body of a capital improvements budget for a period not to exceed five years, the district may finance the capital improvements and issue bonds specified in the budget without further approval from the city.

(d) The governing body of the city:

(1) is not required to adopt a resolution or ordinance to approve plans and specifications described by Subsection (a); and

(2) may establish an administrative process to approve plans and specifications described by Subsection (a) without the involvement of the governing body.

Sec. 3932.111. CONSENT OF CITY REQUIRED. The district may not take any of the following actions until the city has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district:

(1) hold an election under Subchapter L, Chapter 375, Local Government Code;

(2) impose an ad valorem tax;

(3) impose an assessment;

(4) issue bonds; or

(5) enter into an agreement to reimburse the costs of facilities.

Sec. 3932.112. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3932.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of district money.

Sec. 3932.152. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, finance, operate, or maintain any improvement or service authorized under this chapter or Chapter 375, Local Government Code, using any money available to the district.

Sec. 3932.153. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

(b) A petition filed under Subsection (a) must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 3932.154. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

SUBCHAPTER E. TAXES AND BONDS

Sec. 3932.201. ELECTIONS REGARDING TAXES AND BONDS. (a) The district may issue, without an election, bonds, notes, and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 3932.203.

(b) The district must hold an election in the manner provided by Subchapter L, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) Section 375.243, Local Government Code, does not apply to the district.

(d) All or any part of any facilities or improvements that may be acquired by a district by the issuance of its bonds may be submitted as a single proposition or as several propositions to be voted on at the election.

Sec. 3932.202. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election held in accordance with Section 3932.201, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code, for any district purpose, including to:

(1) maintain and operate the district;

(2) construct or acquire improvements; or

(3) provide a service.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

(c) Section 49.107(h), Water Code, does not apply to the district.

Sec. 3932.203. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

Sec. 3932.204. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on terms determined by the board. Section 375.205, Local Government Code, does not apply to a loan, line of credit, or other borrowing from a bank or financial institution secured by revenue other than ad valorem taxes.

(b) The district may issue bonds, notes, or other obligations payable wholly or partly from ad valorem taxes, assessments, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources of money, to pay for any authorized district purpose.

(c) The limitation on the outstanding principal amount of bonds, notes, and other obligations provided by Section 49.4645, Water Code, does not apply to the district.

Sec. 3932.205. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 3932.206. CITY NOT REQUIRED TO PAY DISTRICT OBLIGATIONS. Except as provided by Section 375.263, Local Government Code, the city is not required to pay a bond, note, or other obligation of the district.

SECTION 2. The Missouri City Management District No. 2 initially includes all territory contained in the following area:

TRACT 1

BEING a 152.586 acre tract situated in the Elijah Roark League Survey, Abstract 77, Fort Bend County, Texas same being Tract 11A of Olympia Estates. Said 152.586 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone (nad83):

BEGINNING at a 5/8-inch iron rod with cap stamped "COTTON" found for the intersection of the northwest line of a 80-foot wide H L & P Fee Strip recorded in Volume 495, Page 659, Fort Bend County Deed Records (FBCDR) and the east boundary line of Olympia Estates;

THENCE, South 19°38'12", West, 2339.12 feet along said northwest line of the 80-foot wide H L & P Fee Strip to the centerline of a Proposed 80-foot wide Collector Road;

THENCE, along the centerline of said Collector Road, THE FOLLOWING:

273.94 feet along the arc of the curve to the left having a radius of 800.00 feet, a central angle of 19°37'11" and chord which bears North 23°17'47" West, 272.61 feet to a point of tangency,

North 33°06'22" West, 519.69 feet to a point of curvature;

1008.22 feet along the arc of a curve to the right having a radius of 2010.00 feet, a central angle of 28°44'23" and a chord which bears North 18°44'11" West, 997.68 feet to a point of tangency;

North 04°21'59" West, 330.66 feet to a point of curvature;

708.67 feet along the arc of a curve to the right, having a radius of 2010.00 feet a central angle of 20°12'03" and a chord which bears North 05°44'02" East, 705.00 feet to a point of tangency;

North 15°50'03" East, 178.96 feet to a point of curvature;

687.32 feet along the arc of a curve to left, having a radius of 1190.00 feet, a central angle of 33°05'34", and a chord which bears North 00°42'43" West, 677.80 feet to a point of tangency;

North 17°15'30" West, 130.28 feet to a point of curvature;

890.16 feet along the arc of a curve to the right having a radius of 3010.00 feet a central angle of 16°56'39" and a chord which bears North 08°47'10" West, 886.92 feet to a point of tangency;

North 00°18'51" West, 793.93 feet to a point for corner in the north line of Senior Road (variable width Roadway Easement) as recorded in Volume 446, page 42 and Volume 446, page 49 FBCDR;

THENCE, South 89°54'41" East, 1606.62 feet to the east boundary line of Olympia Estates;

THENCE, South 00°17'18" West, 3100.93 feet to the POINT OF BEGINNING and containing a computed area of 152.586 acres (6,646,629 square feet) of land.

TRACT 2

BEING a 116.302 acre tract situated in the Cochran and McCluer Survey, Abstract 191, Fort Bend County, Texas. Said 116.302 acre tract being more particularly described by metes and bounds as follows, (all bearings are referenced to the Texas Coordinate System, South Central Zone (NAD83):

BEGINNING at a 1/2-inch iron rod set for the southwest corner of said 116.302 acre tract, same also being east R.O.W. corner of a Proposed Fort Bend County Toll Road with a variable R. O. W. width;

THENCE, Northwesterly along west property line, same also being the east R.O.W. line of said Proposed Fort Bend County Toll Road, with a curve to the left, having a radius of 5,879.60 feet on arc length of 4,992.03' a chord bearing of N00°20'03"W, and a chord length of 4752.91' to a point of tangency;

THENCE, N 24°10'28" W, continuing along west property line, a distance of 807.08 feet to an angle point;

THENCE, N 11°34'52" W, continuing along west property line, a distance of 68°96 feet to a point of curvature;

THENCE Northwesterly, continuing along west property line, with a curve to the left, having a radius of 1,453.39 feet, an arc length of 319.45', a chord bearing of N 17°52'40"W, a chord length of 318.81 feet to a point of tangency;

THENCE, N 24°10'28" W, continuing along west property line, a distance of 289.05 feet to an angle point;

THENCE, N 23°37'13" W, continuing along west property line, a distance of 106.91 feet to an angle point;

THENCE, N 38°55'39" E, continuing along west property line, a distance of 61.27 feet to an angle point;

THENCE, N 00°04'56" E, continuing along west property line, a distance of 98.12 feet to an angle point;

THENCE, N 89°55'04" W, continuing along west property line, a distance of 15.22 feet to an angle point;

THENCE, N 53°23'49" W, continuing along west property line, a distance of 9°98 feet to a point marking the northwest corner and the north property line of said 116.302 acre tract;

THENCE, S, 89°54'41" E, along north property line, a distance of 1,300.91 feet to an angle point marking the northeast corner of said 116.302 acre tract;

THENCE, S, 00°18'51" E, along east property line, a distance of 793.93 feet to a point of curvature;

THENCE, Southeasterly, continuing along east property line, with a curve to the left, having a radius of 3,010.00 feet an arc length of 890.16', a chord bearing of S 08°47'10" E and a chord length of 886.92 feet to a point of tangency;

THENCE, S 17°15'30" E, continuing along east property line, a distance of 130.28 feet to a point of curvature;

THENCE, Southeasterly, continuing along east property line, with a curve to the right, having a radius of 1,190.00 feet, an arch length of 687.32, a chord bearing of S 00'42'43" E, and a chord length of 677.80 feet to a point of tangency;

THENCE, S 15'50'03" W, continuing along east property line, a distance of 178.96 feet to a point of curvature;

THENCE, Southwesterly, continuing along east property line, with a curve to the right, having a radius of 2010.00 feet, and an arc length of 708.66 feet, a chord bearing of S 05'44'02" W, a chord length of 705.00 feet to a point of tangency;

THENCE, S 04'21'59" E, continuing along east property line, a distance of 330.66 feet to appoint of curvature;

THENCE, Southeasterly, continuing along the east property line, with a curve to the left, having a radius of 2010.00 feet and an arc length of 1008.22 feet a chord bearing of S 18'44'11" E, a chord length of 997.68 feet to a point of tangency;

THENCE, S 33'06'22" E, continuing along east property line, a distance of 519.69 feet to a point of curvature;

THENCE, Southeasterly, continuing along the east property line, with a curve to the right, having a radius of 800.00 feet, and an arc length of 273.94 feet, a chord bearing of S 23'17'47" E, a chord length of 272.71 feet to an angle point;

THENCE, S 19'38'12" W, along the east property line, a distance of 1188.58 feet to an angle point marking the southeast corner of said 116.302 acre tract;

THENCE, S 89'06'43" W, along the south property line, a distance of 257.43 feet to a point of curvature;

THENCE, Westerly, continuing along the south property line, with a curve to the left, having a radius of 117130.73 feet, and an arc length of 118.10 feet, a chord bearing of S 89'18'33" W, a chord length of 118.10 feet to a point of tangency;

THENCE, S 89'30'22" W, continuing along south property line, a distance of 40.75 feet to an angle point;

THENCE, N 86'20'48" W, continuing along south property line, a distance of 401.05 feet to an angle point;

THENCE, N 82'48'17" W, continuing along south property line, a distance of 276.38 feet to the POINT OF BEGINNING and containing 116.302 acres and 5,066,122.07 square feet;

TRACT 3

OF 38.4163 acres or 1,678,415 Square Feet of land being part of the remainder of that certain 80 acres tract of land, conveyed to HERMANN HEALTH CARE SYSTEM, Inc. by a deed recorded under Clerk's File No. 9774265, of the Fort Bend County Deed Records (F.B.C.D.R.) lying in the ELIJAH ROARK LEAGUE Survey, Abstract No. 77, in Fort Bend County, Texas, said 38.4163 Acre tract is more particularly described by metes and bounds as follows:

BEGINNING at the North Right-of-Way of Trammel-Fresno Road, (A variable Width Right-of Way as monument and occupied), at the Southwest corner of that certain 961.03 acre tract of land conveyed to TEAL RUN, LTD & TEAL RUN No. 2, LTD BY A DEED RECORDED UNDER Volume 1923, Page 968, F.B.C.D.R., from which a 5/8 inch iron rod with a Cotton Cap found North, 1.98 feet and west, 0.39 feet;

THENCE South 84 deg. 17 min. 58 sec. West , along the North Right-of-Way of said Trammel-Fresno Road, a distance of 380.11 feet to a point for corner, from which a 5/8 inch iron rod was found North 0.15 feet and East 0.14 feet;

THENCE South 89 deg. 08 min. 32 sec. West along the North Right-of-Way of said Trammel- Fresno Road, a distance of 711.97 feet to a 5/8 inch iron rod found at a point for corner at the Southeast corner of that certain 6.269 acre tract of land conveyed to HOUSTON LIGHTING AND POWER Co. by a deed reordered under Volume 495, Page 659, F.B.C.D.R.;

THENCE North 19 deg. 38 min. 12 sec. East along the Southeast line of said 6.269 acre tract of land, a distance of 3289.59 feet to a point for corner, from which a 5/8 inch iron rod with a Cotton Cap was found North, 0.08 feet;

THENCE South 00 deg. 17 min. 18 sec. West along the West line of said 961.03 acre tract of land a distance of 3049.90 feet to the POINT OF BEGINNING, containing within these calls 38.4163 acres or 1,673,415 Square Feet of land as depicted on sheet 4 of 4 of a plat prepared by Donald K. Hall, R.P.L.S. No. 4070, dated November 20, 2000, revised February 13, 2001, and June 28, 2001.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

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 463 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 463, A bill to be entitled An Act relating to the ability to mow, bale, shred, or hoe material on a state highway right-of-way.

Representative Springer moved to concur in the senate amendments to **HB 463**.

The motion to concur in the senate amendments to **HB 463** prevailed by (Record 1690): 139 Yeas, 0 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; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Isaac; Israel; Johnson; Kacal; Keough; King, K.; King, P.; King, S.; King, T.; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; 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.; 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; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zerwas.

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

Absent, Excused — Dukes; McClendon.

Absent — Guerra; Hunter; Klick; Martinez Fischer; Romero; Villalba; Zedler.

STATEMENTS OF VOTE

When Record No. 1690 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 1690 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1690 was taken, my vote failed to register. I would have voted yes.

Zedler

Senate Committee Substitute

CSHB 463, A bill to be entitled An Act relating to the ability to mow, bale, shred, or hoe material on a state highway right-of-way.

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

SECTION 1. Section 202.059(b), Transportation Code, is amended to read as follows:

(b) In a county with a population of more than 10,000, if [H] the person requesting permission under Subsection (a) is not the owner of the real property adjacent to the right-of-way that is the subject of the request, the district engineer must first provide the owner of the property the option of mowing, baling, shredding, or hoeing material on the right-of-way before granting permission to another person.

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 1491 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1491, A bill to be entitled An Act relating to the publication of confidential criminal and juvenile justice records of certain juveniles; providing civil penalties.

Representative Rose moved to concur in the senate amendments to **HB 1491**.

The motion to concur in the senate amendments to **HB 1491** prevailed by (Record 1691): 135 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Button; Canales; Capriglione; Coleman; Collier; Cook; Crownover; Cyrier; Dale; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; 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; Pickett; Price; 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.

Nays — Ashby; Clardy; Craddick; Darby; Fallon; Phillips.

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

Absent, Excused — Dukes; McClendon.

Absent — Burkett; Farrar; Guillen; Raney; Raymond.

STATEMENTS OF VOTE

When Record No. 1691 was taken, I was in the house but away from my desk. I would have voted yes.

Burkett

When Record No. 1691 was taken, I was shown voting yes. I intended to vote no.

Cyrier

When Record No. 1691 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 1691 was taken, I was shown voting yes. I intended to vote no.

Hunter

When Record No. 1691 was taken, I was shown voting yes. I intended to vote no.

Metcalf

When Record No. 1691 was taken, I was in the house but away from my desk. I would have voted yes.

Raymond

When Record No. 1691 was taken, I was shown voting yes. I intended to vote no.

Wray

Senate Committee Substitute

CSHB 1491, A bill to be entitled An Act relating to the publication of confidential criminal and juvenile justice records of certain juveniles; providing civil penalties.

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

SECTION 1. The heading to Chapter 109, Business & Commerce Code, as added by Chapter 1200 (**SB 1289**), Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

CHAPTER 109. BUSINESS ENTITIES ENGAGED IN PUBLICATION OF CERTAIN CRIMINAL RECORD OR JUVENILE RECORD INFORMATION

SECTION 2. Section 109.001, Business & Commerce Code, as added by Chapter 1200 (**SB 1289**), Acts of the 83rd Legislature, Regular Session, 2013, is amended by adding Subdivisions (5), (6), (7), (8), and (9) to read as follows:

(5) "Confidential criminal record information of a child" means information about a person's involvement in the criminal justice system resulting from conduct that occurred or was alleged to occur when the person was younger than 17 years of age that is confidential under Chapter 45, Code of Criminal Procedure, or other law. The term does not include:

(A) criminal record information of a person certified to stand trial as an adult for that conduct, as provided by Section 54.02, Family Code; or

(B) information relating to a traffic offense.

(6) "Confidential juvenile record information" means information about a person's involvement in the juvenile justice system that is confidential, sealed, under restricted access, or required to be destroyed under Chapter 58, Family Code, or other law, including:

(A) a description or notation of any referral to a juvenile probation department or court with jurisdiction under Title 3, Family Code, including any instances of being taken into custody, any informal disposition of a custodial or referral event, or any formal charges and the disposition of those charges;

(B) a photograph of the person taken pursuant to a custodial event or other involvement in the juvenile justice system under Title 3, Family Code; and

(C) personal identifying information of the person contained in any other records of the person's involvement in the juvenile justice system.

(7) "Information service" has the meaning assigned by 47 U.S.C. Section 153.

(8) "Interactive computer service" has the meaning assigned by 47 U.S.C. Section 230(f).

(9) "Telecommunications provider" has the meaning assigned by Section 51.002, Utilities Code.

SECTION 3. Section 109.002, Business & Commerce Code, as added by Chapter 1200 (**SB 1289**), Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

Sec. 109.002. **APPLICABILITY OF CHAPTER.** (a) Except as provided by Subsection (b), this ~~This~~ chapter applies to:

(1) a business entity that:

(A) ~~(A)~~ publishes criminal record information, including information:

(i) ~~(A)~~ originally obtained pursuant to a request for public information under Chapter 552, Government Code; or

(ii) ~~(B)~~ purchased or otherwise obtained by the entity or an affiliated business entity from the Department of Public Safety under Subchapter F, Chapter 411, Government Code; and

(B) ~~(A)~~ requires the payment:

(i) ~~(A)~~ of a fee in an amount of \$150 or more or other consideration of comparable value to remove criminal record information; or

(ii) ~~(B)~~ of a fee or other consideration to correct or modify criminal record information; or

(2) a business entity that publishes confidential juvenile record information or confidential criminal record information of a child in a manner not permitted by Chapter 58, Family Code, Chapter 45, Code of Criminal Procedure, or other law, regardless of:

(A) the source of the information; or

(B) whether the business entity charges a fee for access to or removal or correction of the information.

(b) This chapter does not apply to:

(1) a statewide juvenile information and case management system authorized by Subchapter E, Chapter 58, Family Code;

(2) a publication of general circulation or an Internet website related to such a publication that contains news or other information, including a magazine, periodical newsletter, newspaper, pamphlet, or report;

(3) a radio or television station that holds a license issued by the Federal Communications Commission;

(4) an entity that provides an information service or that is an interactive computer service; or

(5) a telecommunications provider.

SECTION 4. Chapter 109, Business & Commerce Code, as added by Chapter 1200 (**SB 1289**), Acts of the 83rd Legislature, Regular Session, 2013, is amended by adding Section 109.0045 to read as follows:

Sec. 109.0045. PUBLICATION OF CONFIDENTIAL JUVENILE RECORD INFORMATION OR CONFIDENTIAL CRIMINAL RECORD INFORMATION OF A CHILD PROHIBITED. (a) A business entity may not publish confidential juvenile record information or confidential criminal record information of a child.

(b) If a business entity receives a written notice by any person that the business entity is publishing information in violation of this section, the business entity must immediately remove the information from the website or publication.

(c) If the business entity confirms that the information is not confidential juvenile record information or confidential criminal record information of a child and is not otherwise prohibited from publication, the business entity may republish the information.

(d) This section does not entitle a business entity to access confidential juvenile record information or confidential criminal record information of a child.

(e) A business entity does not violate this chapter if the business entity published confidential juvenile record information or confidential criminal record information of a child and:

(1) the child who is the subject of the records gives written consent to the publication on or after the 18th birthday of the child;

(2) the publication of the information is authorized or required by other law; or

(3) the business entity is an interactive computer service, as defined by 47 U.S.C. Section 230, and published material provided by another person.

SECTION 5. Section 109.005, Business & Commerce Code, as added by Chapter 1200 (**SB 1289**), Acts of the 83rd Legislature, Regular Session, 2013, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) Except as provided by Section 109.0045(e), a business entity may not publish any information with respect to which the business entity has knowledge or has received notice that the information is confidential juvenile record information or confidential criminal record information of a child.

(b) A business entity that publishes information in violation of this section [Subsection (a)] is liable to the individual who is the subject of the information in an amount not to exceed \$500 for each separate violation and, in the case of a continuing violation, an amount not to exceed \$500 for each subsequent day on which the violation occurs.

SECTION 6. Section 109.006(a), Business & Commerce Code, as added by Chapter 1200 (**SB 1289**), Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

(a) A business entity that publishes criminal record information, confidential juvenile record information, or confidential criminal record information of a child in violation of this chapter is liable to the state for a civil penalty in an amount not to exceed \$500 for each separate violation and, in the case of a continuing violation, an amount not to exceed \$500 for each subsequent day on which the violation occurs. For purposes of this subsection, each ~~criminal~~ record published in violation of this chapter constitutes a separate violation.

SECTION 7. Section 109.007, Business & Commerce Code, as added by Chapter 1200 (**SB 1289**), Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

Sec. 109.007. VENUE. An action under this chapter must be brought in a district court:

- (1) in Travis County if the action is brought by the attorney general;
- (2) in the county in which the person who is the subject of the criminal record information, confidential juvenile record information, or confidential criminal record information of a child resides; or
- (3) in the county in which the business entity is located.

SECTION 8. Chapter 109, Business & Commerce Code, as added by Chapter 1200 (**SB 1289**), Acts of the 83rd Legislature, Regular Session, 2013, as amended by this Act, applies to any publication of criminal record information, confidential juvenile record information, or confidential criminal record information of a child that occurs on or after the effective date of this Act, regardless of whether:

- (1) the information relates to events or activities that occurred before, on, or after that date; or
- (2) the information was initially published before that date.

SECTION 9. This Act takes effect September 1, 2015.

**HB 2205 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 2205, A bill to be entitled An Act relating to educator preparation programs and appointment to the State Board for Educator Certification, including the appointment of a nonvoting member with experience and knowledge of alternative educator preparation programs.

Representative Crownover 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 2205**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2205**: Crownover, chair; Aycock, VanDeaver, Huberty, and Galindo.

**HB 2974 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2974, A bill to be entitled An Act relating to the creation of a joint interim committee to undertake a study of health benefit plans administered by the Teacher Retirement System of Texas.

Representative Flynn moved to concur in the senate amendments to **HB 2974**.

The motion to concur in the senate amendments to **HB 2974** prevailed by (Record 1692): 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; Fallon; Farias; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; 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; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Farrar.

Senate Committee Substitute

CSHB 2974, A bill to be entitled An Act relating to the systems and programs administered by the Teacher Retirement System of Texas.

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

SECTION 1. Sections 821.001(4) and (6), Government Code, are amended to read as follows:

(4) "Annual compensation" means the compensation to a member of the retirement system for service during a 12-month period determined by the retirement system [~~school year~~] that is reportable and subject to contributions as provided by Section 822.201.

(6) "Employee" means a person who is employed, as determined by the retirement system, on other than a temporary basis by a single [~~an~~] employer for at least one-half time at a regular rate of pay comparable to that of other persons employed in similar positions.

SECTION 2. Section 822.001, Government Code, is amended by adding Subsection (c) to read as follows:

(c) Membership in the retirement system may only be established through employment with a single employer on at least a half-time basis.

SECTION 3. Section 822.003(c), Government Code, is amended to read as follows:

(c) A person does not terminate membership under Subsection (a)(4) if the person:

(1) is performing military service creditable in the retirement system;

(2) is on leave of absence from employment in a public school; [~~or~~]

(3) is earning service credit in another retirement system covered by Chapter 803 or 805; or

(4) is employed by an employer covered by the retirement system and is not eligible for membership in the retirement system because the person is employed on less than a half-time basis.

SECTION 4. Section 822.005(c), Government Code, is amended to read as follows:

(c) A person is not entitled to withdraw contributions if the person [~~who~~] is employed, has applied for employment, or has received a promise of employment with an employer [~~in a position~~] covered by the retirement system.

SECTION 5. Section 823.401, Government Code, is amended by amending Subsection (f) and adding Subsection (f-1) to read as follows:

(f) Except as provided by Subsection (f-1), the ~~The~~ amount of service credit a member may establish under this section may not exceed the lesser of the number of years of membership service credit the member has in the retirement system for actual service in public schools or 15 years.

(f-1) A member may not purchase more than five years of service credit under this section for service credit considered nonqualified service credit under Section 415(n)(3), Internal Revenue Code of 1986.

SECTION 6. Section 825.115, Government Code, is amended by adding Subsection (f) to read as follows:

(f) Notwithstanding any other law, Chapter 551 does not apply to an assembly of the board of trustees or one of the board's committees while attending a summit, conference, convention, workshop, or other event held for educational purposes if the assembly or committee does not deliberate, vote, or take action on a specific matter of public business or public policy over which the board of trustees or a committee of the board has supervision or control. This subsection does not apply to a regular, special, or emergency meeting of the board of trustees scheduled or called under the board's bylaws.

SECTION 7. Section 825.4092(c), Government Code, is amended to read as follows:

(c) Except as provided by Subsection (e), each payroll period, for each retiree who is enrolled in the Texas Public School Employees Group Insurance Program under Chapter 1575, Insurance Code, the employer who reports the employment of a retiree shall contribute to the trust fund established under that chapter an amount established by the retirement system. In determining the amount to be contributed by the employer under this subsection, the retirement system shall consider ~~[any difference between]~~ the amount a ~~[the]~~ retiree is required to pay for the retiree and any enrolled dependents to participate in the group program and the ~~[full]~~ cost of the retiree's and enrolled dependents' participation in the group program~~[, as determined by the retirement system]~~. If more than one employer reports the retiree to the retirement system during a month, the amount of the required payment shall be prorated among the employers.

SECTION 8. Section 1575.204(b), Insurance Code, is amended to read as follows:

(b) Each state fiscal year, each employer who reports to the retirement system under Section 824.6022, Government Code, the employment of a retiree who is enrolled in and receiving coverage under the group program shall contribute to the fund an amount established by the trustee. In determining the amount to be contributed by the employer under this subsection, the trustee shall consider the ~~[difference, if any, between the contribution]~~ amount a ~~[that the reported]~~ retiree is required to pay for the retiree and any enrolled dependents to participate in the group program and the ~~[full]~~ cost of all retirees' ~~[the retiree's]~~ and enrolled dependents' participation in the group program ~~[, as determined by the trustee]~~. If more than one employer reports the retiree to the retirement system during a month, the amount of the contribution required by this subsection shall

be prorated among the employers. The amounts required to be paid under this subsection are not required to be paid by a reporting employer for a retiree who retired from the retirement system before September 1, 2005.

SECTION 9. (a) A joint interim committee is created to study and review the health benefit plans, including TRS-Care and TRS-ActiveCare, operated under Chapters 1575 and 1579, Insurance Code, and propose reforms to address issues described by Subsection (f) of this section.

(b) The joint interim committee shall be composed of three senators appointed by the lieutenant governor and three 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 joint interim committee members.

(d) The joint interim committee shall convene at the joint call of the co-chairs.

(e) The joint interim committee has all other powers and duties provided to a special or select committee by the rules of the senate and house of representatives, by Subchapter B, Chapter 301, Government Code, and by policies of the senate and house committees on administration.

(f) The joint interim committee created by this section shall study the health benefit plans, including TRS-Care and TRS-ActiveCare, operated under Chapters 1575 and 1579, Insurance Code, to examine and assess the following issues:

(1) the financial soundness of the plans;

(2) the cost and affordability of plan coverage to persons eligible for coverage under the plans; and

(3) the sufficiency of access to physicians and health care providers under the plans.

(g) Not later than January 15, 2017, the joint interim committee created by this section shall report the committee's findings and recommendations to the lieutenant governor, the speaker of the house of representatives, and the governor. The joint interim committee shall include in its recommendations specific statutory and regulatory changes that appear necessary from the results of the committee's study under Subsection (f) of this section.

(h) Not later than the 60th day after the effective date of this Act, the lieutenant governor and speaker of the house of representatives shall appoint the members of the joint interim committee created under this section.

(i) The joint interim committee created by this section is abolished and this section expires January 20, 2017.

SECTION 10. Section 821.001(4), Government Code, as amended by this Act, applies only to a member of the Teacher Retirement System of Texas who retires or dies on or after the effective date of this Act.

SECTION 11. Section 825.4092(c), Government Code, as amended by this Act, applies to a retiree of the Teacher Retirement System of Texas regardless of whether the person retired from employment before, on, or after the effective date of this Act.

SECTION 12. This Act takes effect September 1, 2015.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

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

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

HB 3121 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3121, A bill to be entitled An Act relating to the enforcement of orders in a suit affecting the parent-child relationship.

Representative Lozano moved to concur in the senate amendments to **HB 3121**.

The motion to concur in the senate amendments to **HB 3121** prevailed by (Record 1693): 146 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; 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; 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; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Senate Committee Substitute

CSHB 3121, A bill to be entitled An Act relating to the enforcement of orders in a suit affecting the parent-child relationship.

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

SECTION 1. Section 157.001, Family Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (e) to read as follows:

(a) A motion for enforcement as provided in this chapter may be filed to enforce any provision of a temporary or [a] final order rendered in a suit [for conservatorship, child support, possession of or access to a child, or other provisions of a final order].

(b) The court may enforce by contempt any provision of a temporary or final order [for possession of and access to a child as provided in this chapter].

(c) The court may enforce a temporary or final order for child support as provided in this chapter or Chapter 158.

(e) For purposes of this section, "temporary order" includes a temporary restraining order, standing order, injunction, and any other temporary order rendered by a court.

SECTION 2. Sections 157.062(c) and (d), Family Code, are amended to read as follows:

(c) Notice of hearing on a motion for enforcement of a final [an existing] order providing for child support or possession of or access to a child, any provision of a final order rendered against a party who has already appeared in a suit under this title, or any provision of a temporary order shall be given to the respondent by personal service of a copy of the motion and notice not later than the 10th day before the date of the hearing. For purposes of this subsection, "temporary order" includes a temporary restraining order, standing order, injunction, and any other temporary order rendered by a court.

(d) If a motion for enforcement of a final order, other than a final order rendered against a party who has already appeared in a suit under this title, is joined with another claim:

(1) the hearing may not be held before 10 a.m. on the first Monday after the 20th day after the date of service; and

(2) the provisions of the Texas Rules of Civil Procedure applicable to the filing of an original lawsuit apply.

SECTION 3. Section 157.065(a), Family Code, is amended to read as follows:

(a) If a party has been ordered under Chapter 105 to provide the court and the state case registry with the party's current mailing address, notice of a hearing on a motion for enforcement of a final order may be served by mailing a copy of the notice to the respondent, together with a copy of the motion, by first class mail to the last mailing address of the respondent on file with the court and the registry.

SECTION 4. The changes in law made by this Act apply to a motion for enforcement that is filed on or after the effective date of this Act. A motion for enforcement filed before the effective date of this Act is governed by the law in effect on the date the motion is filed, and the former law is continued in effect for that purpose.

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

**HB 1184 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1184, A bill to be entitled An Act relating to authorizing certain utility cost savings and alternative fuel programs as eligible for local government energy savings performance contracts.

Representative Raney moved to concur in the senate amendments to **HB 1184**.

The motion to concur in the senate amendments to **HB 1184** prevailed by (Record 1694): 133 Yeas, 12 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; 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; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Kuempel; Landgraf; Laubenberg; 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; 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.; White, M.; Workman; Wray; Wu; Zerwas.

Nays — Bell; Krause; Leach; Phillips; Rinaldi; Sanford; Schaefer; Schofield; Stickland; Tinderholt; Turner, E.S.; Zedler.

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

Absent, Excused — Dukes; McClendon.

Absent — Larson.

STATEMENT OF VOTE

When Record No. 1694 was taken, I was shown voting no. I intended to vote yes.

Bell

Senate Committee Substitute

CSHB 1184, A bill to be entitled An Act relating to authorizing certain utility cost savings and alternative fuel programs as eligible for local government energy savings performance contracts.

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

SECTION 1. Section 302.001, Local Government Code, is amended by amending Subdivision (4) and adding Subdivision (9-a) to read as follows:

(4) "Energy savings performance contract" means a contract between a local government and a provider for energy or water conservation or usage measures in which the estimated energy savings, utility cost savings, increase in billable revenues, or increase in meter accuracy resulting from the measures is subject to guarantee to offset the cost of the energy or water conservation or usage measures over a specified period. The term includes a contract related to the pilot program described by Subdivision (9-a) and a contract for the installation or implementation of the following in new or existing facilities, including all causally connected work:

(A) insulation of a building structure and systems within the building;

(B) storm windows or doors, caulking or weather stripping, multiglazed windows or doors, heat-absorbing or heat-reflective glazed and coated window or door systems, or other window or door system modifications that reduce energy consumption;

(C) automatic energy control systems, including computer software and technical data licenses;

(D) heating, ventilating, or air-conditioning system modifications or replacements that reduce energy or water consumption;

(E) lighting fixtures that increase energy efficiency;

(F) energy recovery systems;

(G) electric systems improvements;

(H) water-conserving fixtures, appliances, and equipment or the substitution of non-water-using fixtures, appliances, and equipment;

(I) water-conserving landscape irrigation equipment;

(J) landscaping measures that reduce watering demands and capture and hold applied water and rainfall, including:

(i) landscape contouring, including the use of berms, swales, and terraces; and

(ii) the use of soil amendments that increase the water-holding capacity of the soil, including compost;

(K) rainwater harvesting equipment and equipment to make use of water collected as part of a storm-water system installed for water quality control;

(L) equipment for recycling or reuse of water originating on the premises or from other sources, including treated municipal effluent;

(M) equipment needed to capture water from nonconventional, alternate sources, including air-conditioning condensate or graywater, for nonpotable uses;

(N) metering or related equipment or systems that improve the accuracy of billable-revenue-generation systems; ~~[or]~~

(O) alternative fuel programs resulting in energy cost savings and reduced emissions for local government vehicles, including fleet vehicles;

(P) programs resulting in utility cost savings; or

(Q) other energy or water conservation-related improvements or equipment, including improvements or equipment relating to renewable energy or nonconventional water sources or water reuse.

(9-a) "Pilot program" means a pilot program operated by the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station, in consultation with the Texas Facilities Commission and the State Energy Conservation Office, that:

(A) establishes and implements energy efficiency improvements to state-owned buildings maintained by the commission;

(B) generates savings in utility costs resulting from the improvements resulting in at least a 30 percent annual return on the costs of the improvements;

(C) provides for the participation of not fewer than two companies selected by the commission; and

(D) provides for any money attributable to utility cost savings resulting from the pilot program to be appropriated only to the commission.

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 1681 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1681, A bill to be entitled An Act relating to the authority of certain county clerks to require an individual to present photo identification to file certain documents.

Representative Bohac moved to concur in the senate amendments to **HB 1681**.

The motion to concur in the senate amendments to **HB 1681** prevailed by (Record 1695): 143 Yeas, 3 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; 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; 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; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; 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 — Murr; Phillips; Schubert.

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

Absent, Excused — Dukes; McClendon.

STATEMENT OF VOTE

When Record No. 1695 was taken, I was shown voting yes. I intended to vote no.

Springer

Senate Committee Substitute

CSHB 1681, A bill to be entitled An Act relating to the authority of a county clerk to require an individual to present photo identification to file certain documents.

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

SECTION 1. Chapter 191, Local Government Code, is amended by adding Section 191.010 to read as follows:

Sec. 191.010. AUTHORITY TO REQUIRE PHOTO IDENTIFICATION TO FILE CERTAIN DOCUMENTS. (a) In this section, "photo identification" means one of the following forms of photo identification:

(1) a driver's license, election identification certificate, or personal identification card issued to the person by any state or territory of the United States that has not expired or that expired no earlier than 60 days before the date of presentation;

(2) a United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of presentation;

(3) a United States citizenship certificate issued to the person that contains the person's photograph;

(4) a United States passport or a passport issued by a foreign government recognized by the United States issued to the person that has not expired or that expired no earlier than 60 days before the date of presentation; or

(5) a license to carry a concealed handgun issued to the person by the Department of Public Safety that has not expired or that expired no earlier than 60 days before the date of presentation.

(b) A county clerk may require a person presenting a document in person for filing in the real property records of the county to present a photo identification to the clerk. The clerk may copy the photo identification or record information from the photo identification. The clerk may not charge a person a fee to copy or record the information from a photo identification.

(c) Information copied or recorded from the photo identification is confidential.

(d) A document filed with a county clerk is not invalid solely because the county clerk did not copy a photo identification or record the information from the photo identification.

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.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 1681** (senate committee report) in SECTION 1 of the bill as follows:

(1) In the heading to added Section 191.010, Local Government Code (page 1, line 25), between "DOCUMENTS" and the underlined period, insert "IN CERTAIN COUNTIES".

(2) In added Section 191.010(a), Local Government Code, between Subdivisions (3) and (4) (page 1, between lines 37 and 38), insert the following appropriately numbered subdivisions and renumber subsequent subdivisions of Subsection (a) accordingly:

() a United States Permanent Resident Card that has not expired or that expired no earlier than 60 days before the date of presentation;

() an identification card issued by a municipality intended to serve as a general identification card for the holder that has not expired or that expired no earlier than 60 days before the date of presentation;

() a federally recognized tribal enrollment card or other form of tribal identification that has not expired or that expired no earlier than 60 days before the date of presentation;

(3) In added Section 191.010(b), Local Government Code (page 1, line 46), between "clerk" and "may", insert "in a county with a population of 3.3 million or more".

HB 1265 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1265, A bill to be entitled An Act relating to a deceptive act or practice involving a solicitation in connection with a good or service.

Representative Wu moved to concur in the senate amendments to **HB 1265**.

The motion to concur in the senate amendments to **HB 1265** prevailed by (Record 1696): 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; 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; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; 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; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Leach; Pickett.

Senate Committee Substitute

CSHB 1265, A bill to be entitled An Act relating to a deceptive act or practice involving a solicitation in connection with a good or service or involving the production, sale, distribution, or promotion of certain synthetic substances.

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 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 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; [~~or~~]

(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;

(28) delivering or distributing a solicitation in connection with a good or service that:

(A) represents that the solicitation is sent on behalf of a governmental entity when it is not; or

(B) resembles a governmental notice or form that represents or implies that a criminal penalty may be imposed if the recipient does not remit payment for the good or service;

(29) delivering or distributing a solicitation in connection with a good or service that resembles a check or other negotiable instrument or invoice, unless the portion of the solicitation that resembles a check or other negotiable instrument or invoice includes the following notice, clearly and conspicuously printed in at least 18-point type:

"SPECIMEN-NON-NEGOTIABLE";

(30) in the production, sale, distribution, or promotion of a synthetic substance that produces and is intended to produce an effect when consumed or ingested similar to, or in excess of, the effect of a controlled substance or controlled substance analogue, as those terms are defined by Section 481.002, Health and Safety Code:

(A) making a deceptive representation or designation about the synthetic substance; or

(B) causing confusion or misunderstanding as to the effects the synthetic substance causes when consumed or ingested; or

(31) a licensed public insurance adjuster directly or indirectly soliciting employment, as defined by Section 38.01, Penal Code, for an attorney, or a licensed public insurance adjuster entering into a contract with an insured for the primary purpose of referring the insured to an attorney without the intent to actually perform the services customarily provided by a licensed public insurance adjuster, provided that this subdivision may not be construed to prohibit a licensed public insurance adjuster from recommending a particular attorney to an insured.

SECTION 2. 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 3. This Act takes effect September 1, 2015.

HB 2255 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2255, A bill to be entitled An Act relating to the regulation of plumbing.

Representative Larson moved to concur in the senate amendments to **HB 2255**.

The motion to concur in the senate amendments to **HB 2255** prevailed by (Record 1697): 141 Yeas, 4 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; Capriiglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; 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; 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; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Smith; Smithee; Spitzer; 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 — Murr; Phillips; Simpson; Springer.

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

Absent, Excused — Dukes; McClendon.

Absent — Canales.

Senate Committee Substitute

CSHB 2255, A bill to be entitled An Act relating to the regulation of plumbing.

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

SECTION 1. Section 1301.002, Occupations Code, is amended by amending Subdivisions (1-a), (2), (3), and (4) and adding Subdivision (1-b) to read as follows:

(1-a) "Control valve" means a valve that operates each time water is supplied to, or shut off from, a receptacle or plumbing fixture. The term does not include a stop valve that may be installed in the water supply branch to the control valve.

(1-b) "Executive director" means the executive director of the Texas State Board of Plumbing Examiners.

(2) "Drain cleaner" means a person who:

(A) has completed at least 4,000 hours working under the supervision of a responsible master plumber as a drain cleaner-restricted registrant;

(B) has fulfilled the requirements of and is registered with the board; and

(C) installs cleanouts and removes and resets p-traps to eliminate obstructions in building drains and sewers under the supervision of a responsible master plumber.

(3) "Drain cleaner-restricted registrant" means a person who:

(A) has worked as a plumber's apprentice under the supervision of a responsible master plumber;

(B) has fulfilled the requirements of and is registered with the board; and

(C) clears obstructions in sewer and drain lines through any code-approved existing opening under the supervision of a responsible master plumber.

(4) "Journeyman plumber" means a person licensed under this chapter who:

(A) has met the qualifications for registration as a plumber's apprentice or for licensing as a tradesman plumber-limited license holder;

(B) has completed at least 8,000 hours working under the supervision of a responsible master plumber;

(C) installs, changes, repairs, services, or renovates plumbing or supervises any of those activities under the supervision of a responsible master plumber;

(D) has passed the required examination; and

(E) has fulfilled the other requirements of the board.

SECTION 2. Section 1301.151(a), Occupations Code, is amended to read as follows:

(a) The Texas State Board of Plumbing Examiners consists of nine members appointed by the governor with the advice and consent of the senate as follows:

(1) one member who has at least 10 years' practical experience and is licensed as a master plumber;

(2) one member who has at least five years' practical experience and is licensed as a journeyman plumber;

(3) one member who has at least five years' practical experience and is licensed as a plumbing inspector;

(4) one member who has been a responsible master plumber for at least five years ~~is a plumbing contractor~~ with at least 10 ~~five~~ years' experience as a licensed journeyman plumber or master plumber;

(5) one member who is a licensed engineer practicing in the field of plumbing engineering;

(6) two members who are building contractors with at least five years' contracting experience, one of whom is principally engaged in home building and one of whom is principally engaged in commercial building; and

(7) two members who represent the public.

SECTION 3. Section 1301.202(a), Occupations Code, is amended to read as follows:

(a) The board shall employ one or more plumbing examiners. A plumbing examiner serves at the will of the board. A plumbing examiner must:

- (1) hold a license as a plumber issued under this chapter;
- (2) be knowledgeable of this chapter and municipal ordinances relating to plumbing; and
- (3) be qualified by experience and training in plumbing practice.

SECTION 4. Section 1301.354(c), Occupations Code, is amended to read as follows:

(c) At the applicant's request, the board may credit an applicant under Subsection (b) with up to 1,000 [~~500~~] hours of the work experience required before taking an examination if the applicant has completed the classroom portion of a training program:

(1) approved by the United States Department of Labor, Office of Apprenticeship; or

(2) provided by a person approved by the board and based on course materials approved by the board.

SECTION 5. (a) The changes in law made by this Act apply only to an application for a certificate of registration as a drain cleaner or drain cleaner-restricted registrant submitted on or after the effective date of this Act. An application for a certificate of registration submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

(b) A person who holds a certificate of registration as a drain cleaner or drain cleaner-restricted registrant issued before the effective date of this Act may continue to renew that certificate of registration without complying with the changes in law made by this Act relating to the work requirement under the supervision of a responsible master plumber.

(c) The change in law made by this Act applies only to an application for a license as a journeyman plumber submitted on or after the effective date of this Act. An application for a license submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

(d) A person who holds a license as a journeyman plumber issued before the effective date of this Act may continue to renew that license without complying with the changes in law made by this Act relating to the work requirement under the supervision of a responsible master plumber.

SECTION 6. The change in law made by this Act to Section 1301.151(a), Occupations Code, does not affect the entitlement of a member serving on the Texas State Board of Plumbing Examiners immediately before the effective date of this Act to continue to serve as a member of the board for the remainder of the member's term. The change in law applies only to a member appointed on or after the effective date of this Act.

SECTION 7. This Act takes effect September 1, 2015.

**HB 1583 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1583, A bill to be entitled An Act relating to block scheduling for certain associate degree and certificate programs at public junior colleges.

Representative Clardy moved to concur in the senate amendments to **HB 1583**.

The motion to concur in the senate amendments to **HB 1583** prevailed by (Record 1698): 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; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Israel; Johnson; Kacal; 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; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Isaac; Pickett.

Senate Committee Substitute

CSHB 1583, A bill to be entitled An Act relating to block scheduling for certain associate degree and certificate programs at public junior colleges.

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

SECTION 1. Subchapter A, Chapter 130, Education Code, is amended by adding Section 130.0095 to read as follows:

Sec. 130.0095. BLOCK SCHEDULING FOR CERTAIN ASSOCIATE DEGREE OR CERTIFICATE PROGRAM. (a) To facilitate timely degree completion by students at public junior colleges, from among the allied health, nursing, and career and technology associate degree or certificate programs

offered by a public junior college, the college shall establish, for at least five of those programs not previously offered as a block schedule curriculum, a block schedule curriculum under which:

(1) courses required for a student's enrollment in the program as a full-time student are offered each semester in scheduled blocks, such as a morning, full-day, afternoon, evening, or weekend block schedule, designed to provide scheduling predictability from semester to semester to students enrolled in the program; and

(2) students may enroll in an entire block schedule curriculum offered under the program in a semester, rather than enrolling in individual courses leading toward the degree or certificate.

(b) Each public junior college shall publish in advance of each semester the available block schedule curricula for each associate degree or certificate program described by Subsection (a) offered by the college for that semester.

(c) The Texas Higher Education Coordinating Board, in consultation with public junior colleges, shall adopt rules as necessary for the administration of this section, including rules prescribing a process by which a public junior college may petition the coordinating board for an exception to the number of programs for which a block schedule curriculum is required by Subsection (a) on demonstration of hardship.

(d) Not later than November 1, 2018, the Texas Higher Education Coordinating Board shall submit to the governor and legislature a detailed report on the effectiveness of block scheduling under this section and any related recommendations for legislative or other action.

(e) This section expires August 1, 2019.

SECTION 2. Section 130.0095, Education Code, as added by this Act, applies beginning with the 2016 fall semester.

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 3310 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3310, A bill to be entitled An Act relating to the funding policies, actuarial valuations, and reporting requirements of certain public retirement systems.

Representative Paul moved to concur in the senate amendments to **HB 3310**.

The motion to concur in the senate amendments to **HB 3310** prevailed by (Record 1699): 143 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; 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; 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; 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 — Rinaldi; Simpson.

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

Absent, Excused — Dukes; McClendon.

Absent — Sheets.

STATEMENT OF VOTE

When Record No. 1699 was taken, I was shown voting yes. I intended to vote no.

Schaefer

Senate Committee Substitute

CSHB 3310, A bill to be entitled An Act relating to the funding policies, actuarial valuations, and reporting requirements of certain public retirement systems.

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

SECTION 1. Section 801.209(a), Government Code, is amended to read as follows:

(a) For each public retirement system, the board shall post on the board's Internet website, or on a publicly available website that is linked to the board's website, the most recent data from reports received under Sections 802.101, 802.103, 802.104, 802.105, ~~and~~ 802.108, 802.2015, and 802.2016.

SECTION 2. Section 802.002(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsection (b), the Employees Retirement System of Texas, the Teacher Retirement System of Texas, the Texas County and District Retirement System, the Texas Municipal Retirement System, and the Judicial Retirement System of Texas Plan Two are exempt from Sections 802.101(a), 802.101(b), 802.101(d), 802.102, 802.103(a), 802.103(b), 802.2015, 802.2016, 802.202, 802.203, 802.204, 802.205, 802.206, and 802.207. The Judicial Retirement System of Texas Plan One is exempt from all of Subchapters

B and C except Sections 802.104 and 802.105. The optional retirement program governed by Chapter 830 is exempt from all of Subchapters B and C except Section 802.106.

SECTION 3. Section 802.101(a), Government Code, is amended to read as follows:

(a) The governing body of a public retirement system shall employ an actuary, as a full-time or part-time employee or as a consultant, to make a valuation at least once every three years of the assets and liabilities of the system on the basis of assumptions and methods that are reasonable in the aggregate, considering the experience of the program and reasonable expectations, and that, in combination, offer the actuary's best estimate of anticipated experience under the program. The valuation must include a recommended contribution rate needed for the system to achieve and maintain an amortization period that does not exceed 30 years.

SECTION 4. Section 802.1014, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Except as provided by Subsection (c), a public retirement system that has assets of at least \$100 million shall conduct once every five years an actuarial experience study and shall submit to the board a copy of the actuarial experience study before the 31st day after the date of the study's adoption.

SECTION 5. Subchapter C, Chapter 802, Government Code, is amended by adding Sections 802.2015 and 802.2016 to read as follows:

Sec. 802.2015. FUNDING SOUNDNESS RESTORATION PLAN. (a) In this section, "governmental entity" has the meaning assigned by Section 802.1012.

(b) This section applies to a public retirement system and its associated governmental entity other than a public retirement system and its associated governmental entity subject to Section 802.2016.

(c) A public retirement system shall notify the associated governmental entity in writing if the retirement system receives an actuarial valuation indicating that the system's actual contributions are not sufficient to amortize the unfunded actuarial accrued liability within 40 years. If a public retirement system's actuarial valuation shows that the system's amortization period has exceeded 40 years for three consecutive annual actuarial valuations, or two consecutive actuarial valuations in the case of a system that conducts the valuations every two or three years, the governing body of the public retirement system and the associated governmental entity shall formulate a funding soundness restoration plan under Subsection (e) in accordance with the system's governing statute.

(d) The governing body of a public retirement system and the associated governmental entity that have formulated a funding soundness restoration plan under Subsection (e) shall formulate a revised funding soundness restoration plan under that subsection, in accordance with the system's governing statute, if the system conducts an actuarial valuation showing that:

(1) the system's amortization period exceeds 40 years; and

(2) the previously formulated funding soundness restoration plan has not been adhered to.

(e) A funding soundness restoration plan formulated under this section must:

(1) be developed by the public retirement system and the associated governmental entity in accordance with the system's governing statute; and

(2) be designed to achieve a contribution rate that will be sufficient to amortize the unfunded actuarial accrued liability within 40 years not later than the 10th anniversary of the date on which the final version of a funding soundness restoration plan is agreed to.

(f) A public retirement system and the associated governmental entity that formulate a funding soundness restoration plan shall report any updates of progress made by the entities toward improved actuarial soundness to the board every two years.

(g) Each public retirement system that formulates a funding soundness restoration plan as provided by this section shall submit a copy of that plan to the board and any change to the plan not later than the 31st day after the date on which the plan or the change is agreed to.

Sec. 802.2016. FUNDING SOUNDNESS RESTORATION PLAN FOR CERTAIN PUBLIC RETIREMENT SYSTEMS. (a) In this section, "governmental entity" has the meaning assigned by Section 802.1012.

(b) This section applies only to a public retirement system that is governed by Article 6243i, Revised Statutes.

(c) A public retirement system shall notify the associated governmental entity in writing if the retirement system receives an actuarial valuation indicating that the system's actual contributions are not sufficient to amortize the unfunded actuarial accrued liability within 40 years. If a public retirement system's actuarial valuation shows that the system's amortization period has exceeded 40 years for three consecutive annual actuarial valuations, or two consecutive actuarial valuations in the case of a system that conducts the valuations every two or three years, the associated governmental entity shall formulate a funding soundness restoration plan under Subsection (e) in accordance with the public retirement system's governing statute.

(d) An associated governmental entity that has formulated a funding soundness restoration plan under Subsection (e) shall formulate a revised funding soundness restoration plan under that subsection, in accordance with the public retirement system's governing statute, if the system conducts an actuarial valuation showing that:

(1) the system's amortization period exceeds 40 years; and

(2) the previously formulated funding soundness restoration plan has not been adhered to.

(e) A funding soundness restoration plan formulated under this section must:

(1) be developed in accordance with the public retirement system's governing statute by the associated governmental entity; and

(2) be designed to achieve a contribution rate that will be sufficient to amortize the unfunded actuarial accrued liability within 40 years not later than the 10th anniversary of the date on which the final version of a funding soundness restoration plan is formulated.

(f) An associated governmental entity that formulates a funding soundness restoration plan shall report any updates of progress made by the public retirement system and associated governmental entity toward improved actuarial soundness to the board every two years.

(g) An associated governmental entity that formulates a funding soundness restoration plan as provided by this section shall submit a copy of that plan to the board and any change to the plan not later than the 31st day after the date on which the plan or the change is formulated.

SECTION 6. A public retirement system subject to Section 802.2015, Government Code, as added by this Act, or a governmental entity subject to Section 802.2016, Government Code, as added by this Act, shall formulate a funding soundness restoration plan, if required to do so under the applicable section, based on the most recent actuarial valuation study conducted under Section 802.101, Government Code, as amended by this Act, not later than November 1, 2016. The first actuarial valuation study that is conducted for or by a public retirement system on or after the effective date of this Act must include a recommended contribution rate.

SECTION 7. (a) Except as provided by Subsection (b) of this section, a public retirement system subject to Section 802.1014(b-1), Government Code, as added by this Act, shall conduct the first actuarial experience study required by Section 802.1014(b-1), Government Code, as added by this Act, not later than September 1, 2016.

(b) A public retirement system subject to Section 802.1014(b-1), Government Code, as added by this Act, that conducted an actuarial experience study after August 31, 2011, and on or before the effective date of this Act, shall conduct the first actuarial experience study required by Section 802.1014(b-1), Government Code, as added by this Act, not later than the fifth anniversary of the date of that preceding study.

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

HB 2950 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2950, A bill to be entitled An Act relating to the Task Force on Infectious Disease Preparedness and Response.

Representative Klick moved to concur in the senate amendments to **HB 2950**.

The motion to concur in the senate amendments to **HB 2950** prevailed by (Record 1700): 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; 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; 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; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Kuempel.

Senate Committee Substitute

CSHB 2950, A bill to be entitled An Act relating to the Task Force on Infectious Disease Preparedness and Response.

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

SECTION 1. Chapter 81, Health and Safety Code, as amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. TASK FORCE ON INFECTIOUS DISEASE
PREPAREDNESS AND RESPONSE

Sec. 81.401. DEFINITION. In this subchapter, "task force" means the Task Force on Infectious Disease Preparedness and Response.

Sec. 81.402. PURPOSE AND FINDINGS. The legislature finds that:

(1) infectious diseases are responsible for more deaths worldwide than any other single cause;

(2) the State of Texas has a responsibility to safeguard and protect the health and well-being of its citizens from the spread of infectious diseases;

(3) on September 30, 2014, the first case of Ebola diagnosed in the United States occurred in Dallas, Texas;

(4) addressing infectious diseases requires the coordination and cooperation of multiple governmental entities at the local, state, and federal levels;

(5) public health and medical preparedness and response guidelines are crucial to protect the safety and welfare of our citizens; and

(6) Texas has nationally recognized infectious disease experts and other highly trained professionals across the state with the experience needed to minimize any potential risk to the people of Texas.

Sec. 81.403. TASK FORCE; DUTIES. (a) The Task Force on Infectious Disease Preparedness and Response is created as an advisory panel to the governor.

(b) The task force shall:

(1) provide expert, evidence-based assessments, protocols, and recommendations related to state responses to infectious diseases, including Ebola; and

(2) serve as a reliable and transparent source of information and education for Texas leadership and citizens.

Sec. 81.404. APPOINTMENT OF MEMBERS; TERMS. (a) The governor may appoint members of the task force as necessary, including members from relevant state agencies, members with expertise in infectious diseases and other issues involved in the prevention of the spread of infectious diseases, and members from institutions of higher education in this state. The governor shall appoint to the task force:

(1) at least one member who is a representative of a local health authority serving a rural area;

(2) at least one member who is a representative of a local health authority serving an urban area;

(3) at least one member who is a licensed nurse; and

(4) at least one member who is emergency medical services personnel, as defined by Section 773.003.

(b) The governor shall appoint a director of the task force from among the members of the task force.

(c) The governor may fill any vacancy that occurs on the task force and may appoint additional members as needed.

(d) Members of the task force serve at the pleasure of the governor.

(e) A state or local employee appointed to the task force shall perform any duties required by the task force in addition to the regular duties of the employee.

Sec. 81.405. REPORTS. The task force may make written reports on its findings and recommendations, including legislative recommendations, to the governor and legislature.

Sec. 81.406. MEETINGS. (a) The task force shall meet at times and locations as determined by the director of the task force.

(b) The task force may meet telephonically in accordance with Section 551.125(b)(3), Government Code.

(c) The task force may hold public hearings to gather information. The task force shall endeavor to meet in various parts of the state to encourage local input.

(d) Notwithstanding Section 551.144, Government Code, or any other law, the task force may hold a closed meeting to discuss matters that are confidential by state or federal law or to ensure public security or law enforcement needs. A closed meeting held as provided by this subsection must be held as otherwise provided by Chapter 551, Government Code.

Sec. 81.407. ADMINISTRATIVE SUPPORT. State agencies with members on the task force shall provide administrative support for the task force.

Sec. 81.408. REIMBURSEMENT. Task force members serve without compensation and are not entitled to reimbursement for travel expenses.

SECTION 2. (a) On the effective date of this Act, a member serving on the Task Force on Infectious Disease Preparedness and Response created by executive order of the governor continues to serve on the Task Force on Infectious Disease Preparedness and Response under Subchapter J, Chapter 81, Health and Safety Code, as added by this Act.

(b) As soon as practicable after the effective date of this Act, the governor shall make any appointments to the Task Force on Infectious Disease Preparedness and Response required under Subchapter J, Chapter 81, Health and Safety Code, as added by this Act.

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

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

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

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

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

(b) This section expires September 1, 2017.

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

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

**HB 2259 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2259, A bill to be entitled An Act relating to the Driftwood Economic Development Municipal Management District; removing conditions to imposing a tax on residential property; providing authority to issue bonds.

Representative Isaac moved to concur in the senate amendments to **HB 2259**.

The motion to concur in the senate amendments to **HB 2259** prevailed by (Record 1701): 141 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; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; 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; 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; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; 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 — Cook; Rinaldi; Schaefer; Simpson; Stickland.

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

Absent, Excused — Dukes; McClendon.

STATEMENT OF VOTE

When Record No. 1701 was taken, I was shown voting yes. I intended to vote no.

M. White

Senate Committee Substitute

CSHB 2259, A bill to be entitled An Act relating to the Driftwood Economic Development Municipal Management District; removing conditions to imposing a tax on residential property; providing authority to issue bonds.

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

SECTION 1. Section 3858.052, Special District Local Laws Code, is amended to read as follows:

Sec. 3858.052. APPOINTMENT OF DIRECTORS. The board consists of the following directors:

- (1) Position 1: a person appointed by the commissioners court;
- (2) Position 2: a person appointed by the commissioners court;
- (3) Position 3: a person appointed by the city council;
- (4) Position 4: a person appointed by the city council; and
- (5) Position 5: a person appointed by the commissioners court, who

must be the individual, the designee of the individual, or the designee of the entity that [who] owns more property in the district than any other individual or entity, except that if the commissioners court is unable to identify a qualified person [qualified for Position 5] who is willing and able to serve, the commissioners court shall appoint to the place a person who is:

- (A) at least 18 years old; and
- (B) a resident of this state.

SECTION 2. Subchapter B, Chapter 3858, Special District Local Laws Code, is amended by adding Section 3858.057 to read as follows:

Sec. 3858.057. QUALIFICATIONS OF DIRECTORS; PARTICIPATION IN VOTING. (a) Sections 375.063 and 375.072, Local Government Code, do not apply to a director.

(b) An official or employee of a public entity may serve on the board. The common law doctrine of incompatibility does not disqualify an official or employee of a public entity from serving as a director.

(c) A person appointed to serve on the board under this chapter is qualified to serve as a director and participate in all votes pertaining to the business of the district regardless of any other statutory provision to the contrary.

(d) A director may participate in discussion and vote on an action even if the director is an official or employee of a public entity and the action relates to assessments on or contracts with the public entity.

SECTION 3. Section 3858.102(a), Special District Local Laws Code, is amended to read as follows:

(a) The district may provide, or it may enter into contracts with a governmental or private entity to provide, the following types of improvement projects or services or activities in support of or incidental to those projects or services:

(1) the planning, design, construction, improvement, operation, and maintenance of:

- (A) irrigation facilities and landscaping;
- (B) highway right-of-way or transit corridor beautification and

improvement;

- (C) lighting, banners, and signs;
 - (D) a street or sidewalk;
 - (E) a hiking or cycling path or trail;
 - (F) a park, lake, garden, recreational facility, sports facility, open space, scenic area, animal habitat, or related exhibit or preserve;
 - (G) a fountain, plaza, or pedestrian mall;
 - (H) a drainage or storm-water detention improvement;
 - (I) a wastewater treatment and disposal facility;
 - (J) water, wastewater, or drainage facilities or services;
 - (K) a water quality protection facility;
 - (L) ~~(K)~~ a facility to enhance groundwater recharge, including a rainwater collection and harvesting system;
 - (M) ~~(L)~~ an alternative energy facility; or
 - (N) ~~(M)~~ solid waste management services, including garbage collection, recycling, and composting;
- (2) the planning, design, construction, acquisition, lease, rental, improvement, maintenance, installation, and management of and provision of furnishings for a facility for:
- (A) a conference, convention, or exhibition;
 - (B) a manufacturer, consumer, or trade show;
 - (C) a civic, community, or institutional event; or
 - (D) an exhibit, display, attraction, special event, or seasonal or cultural celebration or holiday; or
- (3) a special or supplemental service for the improvement and promotion of the district or for the protection of public health and safety in the district, including:
- (A) advertising;
 - (B) promotion;
 - (C) tourism;
 - (D) health and sanitation;
 - (E) public safety;
 - (F) security;
 - (G) fire protection or emergency medical services;
 - (H) business recruitment;
 - (I) development;
 - (J) elimination of traffic congestion;
 - (K) recreational, educational, or cultural improvements, enhancements, and services; ~~or~~
 - (L) water, wastewater, or drainage facilities or services; or
 - (M) any similar public improvement, facility, or service.

SECTION 4. Subchapter C, Chapter 3858, Special District Local Laws Code, is amended by adding Section 3858.1025 to read as follows:

Sec. 3858.1025. ECONOMIC DEVELOPMENT. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers that Chapter 380, Local Government Code, provides to a municipality.

SECTION 5. Section 3858.104(a), Special District Local Laws Code, is amended to read as follows:

(a) The district may adopt and enforce rules:

(1) to administer or operate the district or any service provided by the district;

(2) for the use, enjoyment, availability, protection, security, and maintenance of the district's property and facilities; or

(3) to provide for public safety and security in the district.

SECTION 6. Subchapter D, Chapter 3858, Special District Local Laws Code, is amended by adding Section 3858.1521 to read as follows:

Sec. 3858.1521. BONDS AND OTHER OBLIGATIONS. (a) The district may issue bonds, notes, or other obligations payable wholly or partly from ad valorem taxes, assessments, impact fees, revenue, contract payments, grants, or other district money for any purpose authorized by this chapter.

(b) Notwithstanding Subsection (a), ad valorem taxes may be pledged only to pay bonds, notes, or other obligations that are issued by the district for purposes authorized under Sections 52 and 52-a, Article III, or Section 59, Article XVI, Texas Constitution.

SECTION 7. Section 3858.152, Special District Local Laws Code, is repealed.

SECTION 8. (a) Section 3858.153(c), Special District Local Laws Code, is repealed.

(b) This section takes effect January 1, 2016.

SECTION 9. The repeal by this Act of Section 3858.153(c), Special District Local Laws Code, applies only to ad valorem taxes that are imposed for an ad valorem tax year that begins on or after January 1, 2016.

SECTION 10. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 11. Except as otherwise provided by this Act, this Act takes effect September 1, 2015.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

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

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

HB 2286 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2286, A bill to be entitled An Act relating to the eligibility of certain victims of trafficking of persons for an order of nondisclosure; authorizing a fee.

Representative Parker moved to concur in the senate amendments to **HB 2286**.

The motion to concur in the senate amendments to **HB 2286** prevailed by (Record 1702): 145 Yeas, 0 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; Fallon; 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; 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; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Harless.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2286** (senate committee printing) as follows:

(1) Designate SECTIONS 1 through 7 of the bill (page 1, line 20, through page 4, line 47) as ARTICLE 1 of the bill and renumber those SECTIONS appropriately.

(2) After original SECTION 7 of the bill (page 4, between lines 47 and 48), add the following appropriately numbered SECTION to ARTICLE 1 of the bill:

SECTION 1. _____. This article takes effect only if **SB 1902**, Acts of the 84th Legislature, Regular Session, 2015, does not become law. If that bill becomes law, this article has no effect.

(3) After added ARTICLE 1 of the bill and before original SECTION 8 of the bill, add a new ARTICLE 2 of the bill to read as follows:

ARTICLE 2

SECTION 2.01. Subchapter E-1, Chapter 411, Government Code, is amended by adding Section 411.0728 to read as follows:

Sec. 411.0728. PROCEDURE FOR CERTAIN VICTIMS OF TRAFFICKING OF PERSONS. (a) This section applies only to a person who on conviction for an offense under Section 43.02, Penal Code, is placed on community supervision under Article 42.12, Code of Criminal Procedure, and with respect to whom the conviction is subsequently set aside by the court under Section 20(a) of that article.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) who satisfies the requirements of Section 411.074 may petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information under this section on the grounds that the person committed the offense solely as a victim of trafficking of persons.

(c) After notice to the state, an opportunity for a hearing, and a determination by the court that the person committed the offense solely as a victim of trafficking of persons and that issuance of the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense under Section 43.02, Penal Code, giving rise to the community supervision.

(d) A person may petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information under this section only after the person's conviction under Section 43.02, Penal Code, is set aside.

SECTION 2.02. Section 552.142(b), Government Code, is amended to read as follows:

(b) A person who is the subject of information that is excepted from the requirements of Section 552.021 under this section may deny the occurrence of the criminal proceeding [~~arrest and prosecution~~] to which the information relates and the exception of the information under this section, unless the information is being used against the person in a subsequent criminal proceeding.

SECTION 2.03. This article takes effect only if **SB 1902**, Acts of the 84th Legislature, Regular Session, 2015, becomes law. If that bill does not become law, this article has no effect.

(4) Designate SECTIONS 8 and 9 of the bill (page 4, lines 48-55) as ARTICLE 3 of the bill and renumber those SECTIONS appropriately.

(5) In original SECTION 8 of the bill (page 4, lines 48-49), strike "Section 411.081(d-1), Government Code, as added by this Act," and substitute "this Act".

HB 824 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 824, A bill to be entitled An Act relating to the sale of alcoholic beverages to customers of a package store during certain hours.

Representative Kuempel 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 824**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 824**: Kuempel, chair; S. Thompson, Harless, Guillen, and Smith.

HB 3994 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3994, A bill to be entitled An Act relating to notice of and consent to an abortion for a minor and associated requirements; amending provisions subject to a criminal penalty.

HB 3994 - REMARKS

REPRESENTATIVE MORRISON: The senate made some good additions to **HB 3994** including several perfecting changes. First, the bill no longer requires a valid government ID. Instead, a physician must use due diligence to confirm a woman's age. If a patient can't provide proof of identity and age, which is already defined in Section 2.005 of the Family Code, then her physician will provide

information on how to obtain proof. If she is still unable to obtain proof of identity and age, the doctor can decide to perform the procedure anyway, as long as it's reported to the state that proof of identity and age was not obtained. Second, the senate amendments removed the automatic denial if a court has not ruled after five business days. Instead, the judge must rule within the five-day period, and the current statutory requirement that a judge give priority to these cases will not change. Third, as it relates to the reporting requirement, all court records will remain confidential and privileged and they are not subject to discovery, subpoena, or open records. Only non-identifiable aggregated data may be published by the Office of Court Administration. Fourth, if someone other than the judge or minor intentionally, knowingly, or with gross negligence violates Chapter 33 of the Family Code, then they are subject to a civil penalty of between \$2,500 and \$10,000. It is a prohibited practice for a physician or medical license applicant to violate the chapter. Fifth, a physician must notify the minor's guardian if an abortion is performed in the case of a medical emergency. Sixth, the senate amendments create a venue exception if the minor's parent or guardian is a presiding judge in the minor's home county. In that case, a minor may file her application in a contiguous county or in the county where she intends to have the abortion. With that, Mr. Speaker, I move to concur with senate amendments.

REPRESENTATIVE MINJAREZ: I just have a couple of questions for you, representative, regarding the senate amendments. Specifically, the senate amendments do not provide for any enforcement of the now extended to five business days deadline by which the judge must rule. What is a Jane Doe supposed to do if a judge doesn't rule by the deadline?

MORRISON: The judge must rule within five days. The current statutory requirement that the judge give priority to these cases means that they should give priority.

MINJAREZ: If the judge fails to rule, does that mean that it's deemed denied?

MORRISON: It is automatically denied, yes, if the court has not ruled after five business days.

MINJAREZ: If Jane Doe does not agree with the judge's ruling of a denial for the bypass, then what's her next step if she wants to do an appeal?

MORRISON: They can go to another judge then and look for a ruling or get a mandamus.

MINJAREZ: Now, I understand—do you know exactly what a petition of a writ of mandamus is? Is that the same as an appeal?

MORRISON: A lot of this is in current law. We're really not changing that. And I'm not an attorney, but I'll gladly have an attorney come and talk to you about that.

MINJAREZ: And what is it that Jane Doe can appeal when a trial court has not heard a hearing and has not issued any orders?

MORRISON: You mean if the court has not ruled in five days?

MINJAREZ: Correct.

MORRISON: Then the same as current law, she can go to another judge.

MINJAREZ: Is it fair to say that going to another judge—she may want to go to another judge, but it's not an automatic that she will be able to go to another judge.

MORRISON: If the judge does not rule in five days, then she can go to another judge.

MINJAREZ: Do you know how long the mandamus procedure could take?

MORRISON: I will let one of the attorneys arrange it. I don't know that there's any particular time.

MINJAREZ: Are you aware that a mandamus could take weeks or it could take months?

MORRISON: There's no change. It can take as long as current law.

MINJAREZ: Are you aware that an average civil appeal from the time of filing to disposition is 8.4 months?

MORRISON: Actually, what I'd really like to do is talk about the changes between the house and the senate bill. We discussed all of this during the debate on the original bill. We're just talking about the amendments that the senate added.

MINJAREZ: And are you aware that there is a Supreme Court case, *Bellotti v. Baird*, that has required a bypass procedure be an anonymous, expeditious, and effective opportunity for an abortion to be obtained?

MORRISON: What does this have to do with the senate amendments?

REPRESENTATIVE HOWARD: You mentioned that the senate rewrote the medical emergencies provisions in the bypass procedure. This bill apparently deletes the current definition for medical emergency and references the definition in Chapter 171 of the Health and Safety Code. Could you give us what that definition is please?

MORRISON: I'm sorry, I'm not following your question.

HOWARD: The current definition for medical emergency that you'd be referring to in this bill based on senate amendments.

MORRISON: Certainly. Medical emergency has the meaning assigned by the section of Health and Safety Code 171.002.

HOWARD: Right, and I'm asking what that is.

MORRISON: I don't have the statute with me. It has not changed; it just references that statute.

HOWARD: Well, that particular definition eliminates the prior language. Did you know that a doctor may use her good faith medical judgment? So do you really mean for this body to tell physicians that they may not rely on their good faith medical judgment? That's been eliminated.

MORRISON: I don't think that was the subject of the amendment.

HOWARD: The amendment changed the definition and in changing the definition eliminated good faith medical judgment. And I'm asking—is that what we really want to tell physicians? That they may not rely on their good faith medical judgment?

MORRISON: It was changed to the medical emergency—

HOWARD: Right and eliminated—

MORRISON: To the definition that's in code.

HOWARD: Right, and eliminated that language. It also refers to serious risk, and I'm wanting to ask—if there's a one percent chance of death, is that serious enough? Or does serious risk mean that there must be more than a 50 percent chance of something only mildly harmful?

MORRISON: I don't think that's in the amendments.

HOWARD: Actually, it's in the definition of medical emergency.

MORRISON: Right, and that is in the code, and that is what it was designed to—

HOWARD: I'm just asking about clarification about what that would mean in terms of serious risk, what that would entail.

MORRISON: I think that's what the statute says for the position and that's what's being used for the medical emergency in the statute.

HOWARD: So if a minor presents with an ectopic pregnancy, may a physician proceed with terminating that pregnancy?

MORRISON: I think this is up to the doctor to look at what that medical emergency is—and the judge.

HOWARD: Do you know what PPROM is? A preterm premature rupture of membranes—are you familiar with that?

MORRISON: I've heard the term, but I'm not familiar with it.

HOWARD: And that that can allow bacteria to enter the womb and lead to life threatening infections? So if a minor presents with PPROM and an infection has already developed—can a physician terminate the pregnancy without involving the parent if in the physician's good faith medical judgment the minor's reproductive health is at risk?

MORRISON: I think that's up to the physician under the medical emergency statute.

HOWARD: And if a minor is going septic and the physician knows this condition could kill her patient but doesn't know when exactly—can she perform an abortion to treat the sepsis?

MORRISON: It's all within that medical practice under the medical emergency.

HOWARD: Are you familiar with diabetic ketoacidosis? You've probably heard of that before.

MORRISON: I've heard of it, but I am not familiar with it.

HOWARD: And that that can be life threatening? Pregnancy can actually trigger ketoacidosis. Pregnancy can also trigger a complicated high blood pressure. You know that, too, I guess?

MORRISON: I think, Representative Howard, that has nothing to do with the amendments. We are all talking about the medical emergency, and that is up to the judge and the physician's decision.

HOWARD: Right, and what I'm asking you about are medical emergencies and how they would be classified.

Representative Morrison moved to concur in the senate amendments to **HB 3994**.

The motion to concur in the senate amendments to **HB 3994** prevailed by (Record 1703): 102 Yeas, 43 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Coleman; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Deshotel; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Guillen; Harless; Herrero; Huberty; Hughes; Hunter; Isaac; Kacal; Keough; King, K.; King, P.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Riddle; Rinaldi; Rodriguez, E.; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; Vo; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Collier; Davis, S.; Davis, Y.; Dutton; Farias; Farrar; Giddings; González; Guerra; Gutierrez; Hernandez; Howard; Israel; Johnson; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; Miles; Minjarez; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Raymond; Reynolds; Rodriguez, J.; Rose; Thompson, S.; Turner, C.; Turner, S.; Walle; Wu.

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

Absent, Excused — Dukes; McClendon.

Absent — Romero.

STATEMENTS OF VOTE

When Record No. 1703 was taken, I was shown voting yes. I intended to vote no.

Coleman

When Record No. 1703 was taken, I was shown voting yes. I intended to vote no.

Deshotel

When Record No. 1703 was taken, I was in the house but away from my desk and was shown voting yes. I would have respectfully voted no because I do not believe that this legislature should further limit access to safe and responsible abortion care, especially for our most vulnerable young women. It is poor public policy and, frankly, cold-hearted.

E. Rodriguez

When Record No. 1703 was taken, I was in the house but away from my desk. I would have voted no.

Romero

When Record No. 1703 was taken, I was shown voting yes. I intended to vote no.

Vo

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 3994** (senate committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. The heading to Chapter 33, Family Code, is amended to read as follows:

CHAPTER 33. NOTICE OF AND CONSENT TO ABORTION

SECTION 2. Section 33.001, Family Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Medical emergency" has the meaning assigned by Section 171.002, Health and Safety Code.

SECTION 3. Section 33.002, Family Code, is amended by amending Subsections (a), (e), (f), (h), and (i) and adding Subsections (j), (k), and (l) to read as follows:

(a) A physician may not perform an abortion on a pregnant unemancipated minor unless:

(1) the physician performing the abortion gives at least 48 hours actual notice, in person or by telephone, of the physician's intent to perform the abortion to:

(A) a parent of the minor, if the minor has no managing conservator or guardian; or

(B) a court-appointed managing conservator or guardian;

(2) the physician who is to perform the abortion receives an order issued by a court under Section 33.003 or 33.004 ~~judge of a court having probate jurisdiction, the judge of a county court at law, the judge of a district court, including a family district court, or a court of appellate jurisdiction issues an order~~ authorizing the minor to consent to the abortion as provided by Section 33.003 or 33.004; or

(3) ~~[a probate court, county court at law, district court, including a family district court, or court of appeals, by its inaction, constructively authorizes the minor to consent to the abortion as provided by Section 33.003 or 33.004; or~~
[(4)] the physician who is to perform ~~[performing]~~ the abortion:

(A) concludes that a medical emergency exists ~~[on the basis of the physician's good faith clinical judgment, a condition exists that complicates the medical condition of the pregnant minor and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial and irreversible impairment of a major bodily function];~~ ~~[and]~~

(B) certifies in writing to the ~~[Texas]~~ Department of State Health Services and in the patient's medical record the medical indications supporting the physician's judgment that a medical emergency exists; and

(C) provides the notice required by Section 33.0022 ~~[the circumstances described by Paragraph (A) exist].~~

(e) The ~~[Texas]~~ Department of State Health Services shall prepare a form to be used for making the certification required by Subsection (a)(3)(B) ~~[(a)(4)].~~

(f) A certification required by Subsection (a)(3)(B) ~~[(a)(4)]~~ is confidential and privileged and is not subject to disclosure under Chapter 552, Government Code, or to discovery, subpoena, or other legal process. Personal or identifying information about the minor, including her name, address, or social security number, may not be included in a certification under Subsection (a)(3)(B) ~~[(a)(4)]~~. The physician must keep the medical records on the minor in compliance with the rules adopted by the Texas ~~[State Board of]~~ Medical Board ~~[Examiners]~~ under Section 153.003, Occupations Code.

(h) A physician shall presume that a pregnant woman is a minor unless the woman presents proof of identity and age described by Subsection (k) showing that she has reached the age of majority. It is a defense to prosecution under this section that the minor falsely represented her age or identity to the physician to be at least 18 years of age by displaying an apparently valid proof of identity and age ~~[governmental record of identification]~~ such that a reasonable person under similar circumstances would have relied on the representation. The defense does not apply if the physician is shown to have had independent knowledge of the minor's actual age or identity or failed to use due diligence in determining the minor's age or identity. In this subsection, "defense" has the meaning and application assigned by Section 2.03, Penal Code.

(i) In relation to the trial of an offense under this section in which the conduct charged involves a conclusion made by the physician under Subsection (a)(3)(A) ~~[(a)(4)]~~, the defendant may seek a hearing before the Texas ~~[State Board of]~~ Medical Board ~~[Examiners]~~ on whether the physician's conduct was necessary because of a medical emergency ~~[to avert the death of the minor or to avoid a serious risk of substantial and irreversible impairment of a major bodily function]~~. The findings of the Texas ~~[State Board of]~~ Medical Board ~~[Examiners]~~ under this subsection are admissible on that issue in the trial of the defendant. Notwithstanding any other reason for a continuance provided under the Code of

Criminal Procedure or other law, on motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit a hearing under this subsection to take place.

(j) A physician shall use due diligence to determine that any woman on which the physician performs an abortion who claims to have reached the age of majority or to have had the disabilities of minority removed has, in fact, reached the age of majority or has had the disabilities of minority removed.

(k) For the purposes of this section, "due diligence" includes requesting proof of identity and age described by Section 2.005(b) or a copy of the court order removing disabilities of minority.

(l) If proof of identity and age cannot be provided, the physician shall provide information on how to obtain proof of identity and age. If the woman is subsequently unable to obtain proof of identity and age and the physician chooses to perform the abortion, the physician shall document that proof of identity and age was not obtained and report to the Department of State Health Services that proof of identity and age was not obtained for the woman on whom the abortion was performed. The department shall report annually to the legislature regarding the number of abortions performed without proof of identity and age.

SECTION 4. Chapter 33, Family Code, is amended by adding Sections 33.0021 and 33.0022 to read as follows:

Sec. 33.0021. CONSENT REQUIRED. A physician may not perform an abortion in violation of Section 164.052(a)(19), Occupations Code.

Sec. 33.0022. MEDICAL EMERGENCY NOTIFICATION; AFFIDAVIT FOR MEDICAL RECORD. (a) If the physician who is to perform the abortion concludes under Section 33.002(a)(3)(A) that a medical emergency exists and that there is insufficient time to provide the notice required by Section 33.002 or obtain the consent required by Section 33.0021, the physician shall inform, in person or by telephone, the parent, managing conservator, or guardian of the unemancipated minor within 24 hours after the time a medical emergency abortion is performed on the minor of:

(1) the performance of the abortion; and

(2) the basis for the physician's determination that a medical emergency existed that required the performance of a medical emergency abortion without fulfilling the requirements of Section 33.002 or 33.0021.

(b) A physician who performs an abortion as described by Subsection (a) shall send a written notice of the medical emergency and the ability of the parent, managing conservator, or guardian to contact the physician for more information and medical records, to the last known address of the parent, managing conservator, or guardian by certified mail, restricted delivery, return receipt requested. The physician may rely on last known address information if a reasonable and prudent person, under similar circumstances, would rely on the information as sufficient evidence that the parent, managing conservator, or guardian resides at that address. The physician shall keep in the minor's medical record:

(1) the return receipt from the written notice; or

(2) if the notice was returned as undeliverable, the notice.

(c) A physician who performs an abortion on an unemancipated minor during a medical emergency as described by Subsection (a) shall execute for inclusion in the medical record of the minor an affidavit that explains the specific medical emergency that necessitated the immediate abortion.

SECTION 5. Section 33.003, Family Code, is amended by amending Subsections (a), (b), (c), (e), (g), (h), (i), (j), (k), and (l) and adding Subsections (g-1), (i-1), (i-2), (i-3), (l-1), (l-2), (o), (p), (q), and (r) to read as follows:

(a) A pregnant minor [~~who wishes to have an abortion without notification to one of her parents, her managing conservator, or her guardian~~] may file an application for a court order authorizing the minor to consent to the performance of an abortion without notification to and consent [~~either~~] of [~~her parents or~~] a parent, managing conservator, or guardian.

(b) The application must [~~may~~] be filed in:

(1) a [any] county court at law, court having probate jurisdiction, or district court, including a family district court, in the minor's county of residence;

(2) if the minor's county of residence has a population of less than 10,000:

(A) a court described by Subdivision (1);

(B) a county court at law, court having probate jurisdiction, or district court, including a family district court, in a contiguous county; or

(C) a county court at law, court having probate jurisdiction, or district court, including a family district court, in the county in which the facility at which the minor intends to obtain the abortion is located; or

(3) a county court at law, court having probate jurisdiction, or district court, including a family district court, in the county in which the facility at which the minor intends to obtain the abortion is located, if the minor is not a resident of this state.

(c) The application must be made under oath and include:

(1) a statement that the minor is pregnant;

(2) a statement that the minor is unmarried, is under 18 years of age, and has not had her disabilities removed under Chapter 31;

(3) a statement that the minor wishes to have an abortion without the notification to and consent of [~~either of her parents or~~] a parent, managing conservator, or guardian; and

(4) a statement as to whether the minor has retained an attorney and, if she has retained an attorney, the name, address, and telephone number of her attorney; and

(5) a statement about the minor's current residence, including the minor's physical address, mailing address, and telephone number.

(e) The court shall appoint a guardian ad litem for the minor who shall represent the best interest of the minor. If the minor has not retained an attorney, the court shall appoint an attorney to represent the minor. The [If the] guardian ad litem may not also [is an attorney admitted to the practice of law in this state, the court may appoint the guardian ad litem to] serve as the minor's attorney ad litem.

(g) The court shall fix a time for a hearing on an application filed under Subsection (a) and shall keep a record of all testimony and other oral proceedings in the action[~~-. The court shall enter judgment on the application immediately after the hearing is concluded.~~].

(g-1) The pregnant minor must appear before the court in person and may not appear using videoconferencing, telephone conferencing, or other remote electronic means.

(h) The court shall rule on an application submitted under this section and shall issue written findings of fact and conclusions of law not later than 5 p.m. on the fifth [~~second~~] business day after the date the application is filed with the court. On request by the minor, the court shall grant an extension of the period specified by this subsection. If a request for an extension is made, the court shall rule on an application and shall issue written findings of fact and conclusions of law not later than 5 p.m. on the fifth [~~second~~] business day after the date the minor states she is ready to proceed to hearing. [~~If the court fails to rule on the application and issue written findings of fact and conclusions of law within the period specified by this subsection, the application is deemed to be granted and the physician may perform the abortion as if the court had issued an order authorizing the minor to consent to the performance of the abortion without notification under Section 33.002.~~] Proceedings under this section shall be given precedence over other pending matters to the extent necessary to assure that the court reaches a decision promptly, regardless of whether the minor is granted an extension under this subsection.

(i) The court shall determine by clear and convincing [~~a preponderance of the~~] evidence, as described by Section 101.007, whether:

(1) the minor is mature and sufficiently well informed to make the decision to have an abortion performed without notification to or consent of a parent, [either of her parents or a] managing conservator, or guardian; or

(2) the [,- whether] notification and attempt to obtain consent would not be in the best interest of the minor[,- or whether notification may lead to physical, sexual, or emotional abuse of the minor].

(i-1) In determining whether the minor meets the requirements of Subsection (i)(1), the court shall consider the experience, perspective, and judgment of the minor. The court may:

(1) consider all relevant factors, including:

(A) the minor's age;

(B) the minor's life experiences, such as working, traveling independently, or managing her own financial affairs; and

(C) steps taken by the minor to explore her options and the consequences of those options;

(2) inquire as to the minor's reasons for seeking an abortion;

(3) consider the degree to which the minor is informed about the state-published informational materials described by Chapter 171, Health and Safety Code; and

(4) require the minor to be evaluated by a licensed mental health counselor, who shall return the evaluation to the court for review within three business days.

(i-2) In determining whether the notification and the attempt to obtain consent would not be in the best interest of the minor, the court may inquire as to:

(1) the minor's reasons for not wanting to notify and obtain consent from a parent, managing conservator, or guardian;

(2) whether notification or the attempt to obtain consent may lead to physical or sexual abuse;

(3) whether the pregnancy was the result of sexual abuse by a parent, managing conservator, or guardian; and

(4) any history of physical or sexual abuse from a parent, managing conservator, or guardian.

(i-3) The ~~[If the court finds that the minor is mature and sufficiently well informed, that notification would not be in the minor's best interest, or that notification may lead to physical, sexual, or emotional abuse of the minor, the]~~ court shall enter an order authorizing the minor to consent to the performance of the abortion without notification to and consent [either] of [her parents or] a parent, managing conservator, or guardian and shall execute the required forms if the court finds by clear and convincing evidence, as defined by Section 101.007, that:

(1) the minor is mature and sufficiently well informed; or

(2) notification or attempt to obtain consent is not in the minor's best interest.

(j) If the court finds that the minor does not meet the requirements of Subsection (i-3) ~~[(+)]~~, the court may not authorize the minor to consent to an abortion without the notification authorized under Section 33.002(a)(1) and consent under Section 33.0021.

(k) The court may not notify a parent, managing conservator, or guardian that the minor is pregnant or that the minor wants to have an abortion. The court proceedings shall be conducted in a manner that protects the confidentiality of the identity [anonymity] of the minor. The application and all other court documents pertaining to the proceedings are confidential and privileged and are not subject to disclosure under Chapter 552, Government Code, or to discovery, subpoena, or other legal process. Confidential records pertaining to a minor under this subsection may be disclosed to the minor ~~[The minor may file the application using a pseudonym or using only her initials].~~

(l) An order of the court issued under this section is confidential and privileged and is not subject to disclosure under Chapter 552, Government Code, or discovery, subpoena, or other legal process. The order may not be released to any person but the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's attorney, the physician who is to perform the abortion, another person designated to receive the order by the minor, or a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor. The supreme court may adopt rules to permit confidential docketing of an application under this section.

(1-1) The clerk of the court, at intervals prescribed by the Office of Court Administration of the Texas Judicial System, shall submit a report to the office that includes, for each case filed under this section:

- (1) the case number and style;
- (2) the applicant's county of residence;
- (3) the court of appeals district in which the proceeding occurred;
- (4) the date of filing;
- (5) the date of disposition; and
- (6) the disposition of the case.

(1-2) The Office of Court Administration of the Texas Judicial System shall annually compile and publish a report aggregating the data received under Subsections (1-1)(2), (3), and (6). A report compiled under this subsection is confidential and privileged and is not subject to disclosure under Chapter 552, Government Code, or to discovery, subpoena, or other legal process. A report under this subsection must protect the confidentiality of:

- (1) the identity of all minors and judges who are the subject of the report; and
- (2) the information described by Subsection (1-1)(1).

(o) A minor who has filed an application under this section may not withdraw or otherwise non-suit her application without the permission of the court.

(p) Except as otherwise provided by Subsection (q), a minor who has filed an application and has obtained a determination by the court as described by Subsection (i) may not initiate a new application proceeding and the prior proceeding is res judicata of the issue relating to the determination of whether the minor may or may not be authorized to consent to the performance of an abortion without notification to and consent of a parent, managing conservator, or guardian.

(q) A minor whose application is denied may subsequently submit an application to the court that denied the application if the minor shows that there has been a material change in circumstances since the time the court denied the application.

(r) An attorney retained by the minor to assist her in filing an application under this section shall fully inform himself or herself of the minor's prior application history, including the representations made by the minor in the application regarding her address, proper venue in the county in which the application is filed, and whether a prior application has been filed and initiated. If an attorney assists the minor in the application process in any way, with or without payment, the attorney representing the minor must attest to the truth of the minor's claims regarding the venue and prior applications in a sworn statement.

SECTION 6. Section 33.004, Family Code, is amended by amending Subsections (b) and (f) and adding Subsection (c-1) to read as follows:

(b) The court of appeals shall rule on an appeal under this section not later than 5 p.m. on the fifth ~~second~~ business day after the date the notice of appeal is filed with the court that denied the application. On request by the minor, the court

shall grant an extension of the period specified by this subsection. If a request for an extension is made, the court shall rule on the appeal not later than 5 p.m. on the fifth ~~second~~ business day after the date the minor states she is ready to proceed. ~~[If the court of appeals fails to rule on the appeal within the period specified by this subsection, the appeal is deemed to be granted and the physician may perform the abortion as if the court had issued an order authorizing the minor to consent to the performance of the abortion without notification under Section 33.002.]~~ Proceedings under this section shall be given precedence over other pending matters to the extent necessary to assure that the court reaches a decision promptly, regardless of whether the minor is granted an extension under this subsection.

(c-1) Notwithstanding Subsection (c), the court of appeals may publish an opinion relating to a ruling under this section if the opinion is written in a way to preserve the confidentiality of the identity of the pregnant minor.

(f) An expedited confidential appeal shall be available to any pregnant minor to whom a court of appeals denies an application to authorize ~~order authorizing~~ the minor to consent to the performance of an abortion without notification to or consent of ~~[either of her parents or]~~ a parent, managing conservator, or guardian.

SECTION 7. Chapter 33, Family Code, is amended by adding Section 33.0065 to read as follows:

Sec. 33.0065. RECORDS. The clerk of the court shall retain the records for each case before the court under this chapter in accordance with rules for civil cases and grant access to the records to the minor who is the subject of the proceeding.

SECTION 8. Section 33.008, Family Code, is amended to read as follows:

Sec. 33.008. PHYSICIAN'S DUTY TO REPORT ABUSE OF A MINOR; INVESTIGATION AND ASSISTANCE. (a) If a minor claims to have been physically or sexually abused or a [A] physician or physician's agent [who] has reason to believe that a minor has been [or may be] physically or sexually abused [by a person responsible for the minor's care, custody, or welfare, as that term is defined by Section 261.001], the physician or physician's agent shall immediately report the suspected abuse and the name of the abuser to the Department of Family and Protective Services and to a local law enforcement agency and shall refer the minor to the department for services or intervention that may be in the best interest of the minor. The local law enforcement agency shall respond and shall write a report within 24 hours of being notified of the alleged abuse. A report shall be made regardless of whether the local law enforcement agency knows or suspects that a report about the abuse may have previously been made.

(b) The appropriate local law enforcement agency and the Department of Family and Protective Services shall investigate suspected abuse reported under this section and, if warranted [appropriate], shall refer the case to the appropriate prosecuting authority [assist the minor in making an application with a court under Section 33.003].

(c) When the local law enforcement agency responds to the report of physical or sexual abuse as required by Subsection (a), a law enforcement officer or appropriate agent from the Department of Family and Protective Services may take emergency possession of the minor without a court order to protect the health and safety of the minor as described by Chapter 262.

SECTION 9. Chapter 33, Family Code, is amended by adding Section 33.0085 to read as follows:

Sec. 33.0085. DUTY OF JUDGE OR JUSTICE TO REPORT ABUSE OF MINOR. (a) Notwithstanding any other law, a judge or justice who, as a result of court proceedings conducted under Section 33.003 or 33.004, has reason to believe that a minor has been or may be physically or sexually abused shall:

(1) immediately report the suspected abuse and the name of the abuser to the Department of Family and Protective Services and to a local law enforcement agency; and

(2) refer the minor to the department for services or intervention that may be in the best interest of the minor.

(b) The appropriate local law enforcement agency and the Department of Family and Protective Services shall investigate suspected abuse reported under this section and, if warranted, shall refer the case to the appropriate prosecuting authority.

SECTION 10. Section 33.010, Family Code, is amended to read as follows:

Sec. 33.010. CONFIDENTIALITY. Notwithstanding any other law, information obtained by the Department of Family and Protective Services or another entity under Section 33.008, 33.0085, or 33.009 is confidential except to the extent necessary to prove a violation of Section 21.02, 22.011, 22.021, or 25.02, Penal Code.

SECTION 11. Chapter 33, Family Code, is amended by adding Sections 33.012, 33.013, and 33.014 to read as follows:

Sec. 33.012. CIVIL PENALTY. (a) A person who is found to have intentionally, knowingly, recklessly, or with gross negligence violated this chapter is liable to this state for a civil penalty of not less than \$2,500 and not more than \$10,000.

(b) Each performance or attempted performance of an abortion in violation of this chapter is a separate violation.

(c) A civil penalty may not be assessed against:

(1) a minor on whom an abortion is performed or attempted; or

(2) a judge or justice hearing a court proceeding conducted under Section 33.003 or 33.004.

(d) It is not a defense to an action brought under this section that the minor gave informed and voluntary consent.

(e) The attorney general shall bring an action to collect a penalty under this section.

Sec. 33.013. CAPACITY TO CONSENT. An unemancipated minor does not have the capacity to consent to any action that violates this chapter.

Sec. 33.014. ATTORNEY GENERAL TO ENFORCE. The attorney general shall enforce this chapter.

SECTION 12. Section 164.052(a), Occupations Code, is amended to read as follows:

(a) A physician or an applicant for a license to practice medicine commits a prohibited practice if that person:

(1) submits to the board a false or misleading statement, document, or certificate in an application for a license;

(2) presents to the board a license, certificate, or diploma that was illegally or fraudulently obtained;

(3) commits fraud or deception in taking or passing an examination;

(4) uses alcohol or drugs in an intemperate manner that, in the board's opinion, could endanger a patient's life;

(5) commits unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided by Section 164.053, or injure the public;

(6) uses an advertising statement that is false, misleading, or deceptive;

(7) advertises professional superiority or the performance of professional service in a superior manner if that advertising is not readily subject to verification;

(8) purchases, sells, barter, or uses, or offers to purchase, sell, barter, or use, a medical degree, license, certificate, or diploma, or a transcript of a license, certificate, or diploma in or incident to an application to the board for a license to practice medicine;

(9) alters, with fraudulent intent, a medical license, certificate, or diploma, or a transcript of a medical license, certificate, or diploma;

(10) uses a medical license, certificate, or diploma, or a transcript of a medical license, certificate, or diploma that has been:

(A) fraudulently purchased or issued;

(B) counterfeited; or

(C) materially altered;

(11) impersonates or acts as proxy for another person in an examination required by this subtitle for a medical license;

(12) engages in conduct that subverts or attempts to subvert an examination process required by this subtitle for a medical license;

(13) impersonates a physician or permits another to use the person's license or certificate to practice medicine in this state;

(14) directly or indirectly employs a person whose license to practice medicine has been suspended, canceled, or revoked;

(15) associates in the practice of medicine with a person:

(A) whose license to practice medicine has been suspended, canceled, or revoked; or

(B) who has been convicted of the unlawful practice of medicine in this state or elsewhere;

(16) performs or procures a criminal abortion, aids or abets in the procuring of a criminal abortion, attempts to perform or procure a criminal abortion, or attempts to aid or abet the performance or procurement of a criminal abortion;

(17) directly or indirectly aids or abets the practice of medicine by a person, partnership, association, or corporation that is not licensed to practice medicine by the board;

(18) performs an abortion on a woman who is pregnant with a viable unborn child during the third trimester of the pregnancy unless:

(A) the abortion is necessary to prevent the death of the woman;

(B) the viable unborn child has a severe, irreversible brain impairment; or

(C) the woman is diagnosed with a significant likelihood of suffering imminent severe, irreversible brain damage or imminent severe, irreversible paralysis;

(19) performs an abortion on an unemancipated minor without the written consent of the child's parent, managing conservator, or legal guardian or without a court order, as provided by Section 33.003 or 33.004, Family Code,² unless the abortion is necessary due to a medical emergency, as defined by Section 171.002, Health and Safety Code;

(20) otherwise performs an abortion on an unemancipated minor in violation of Chapter 33, Family Code [~~authorizing the minor to consent to the abortion, unless the physician concludes that on the basis of the physician's good faith clinical judgment, a condition exists that complicates the medical condition of the pregnant minor and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial impairment of a major bodily function and that there is insufficient time to obtain the consent of the child's parent, managing conservator, or legal guardian~~]; or

(21) [(20)] performs or induces or attempts to perform or induce an abortion in violation of Subchapter C, Chapter 171, Health and Safety Code.

SECTION 13. (a) Section 33.002, Family Code, as amended 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.

(b) Sections 33.003 and 33.004, Family Code, as amended by this Act, apply only to an application filed on or after the effective date of this Act. An application 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 Office of Court Administration of the Texas Judicial System is not required to publish the initial report under Section 33.003(1-2), Family Code, as added by this Act, before January 1, 2017.

SECTION 14. Section 33.012, Family Code, as added 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 accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 15. Every provision in this Act and every application of the provisions in this Act are severable from each other. If any application of any provision in this Act to any person or group of persons or circumstances is found by a court to be invalid, the remainder of this Act and the application of the Act's provisions to all other persons and circumstances may not be affected. All constitutionally valid applications of this Act shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the legislature's intent and priority that the valid applications be allowed to stand alone. Even if a reviewing court finds a provision of this Act invalid in a large or substantial fraction of relevant cases, the remaining valid applications shall be severed and allowed to remain in force.

SECTION 16. This Act takes effect January 1, 2016.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend the proposed floor substitute floor Amendment No. 1 to **HB 3994** as follows:

(1) In SECTION 3 of the proposed floor substitute, strike the first sentence of amended Section 33.002(h), Family Code (page 3, lines 1-3).

(2) In SECTION 3 of the proposed floor substitute, in amended Section 33.002(h), Family Code (page 3, line 7) following "identity and age", insert "described by Subsection (k)".

(3) In SECTION 4 of the proposed floor substitute, in added Section 33.0022(a), Family Code (page 4, line 26), between "shall" and "inform", insert "make a reasonable effort to".

(4) In SECTION 4 of the proposed floor substitute, in added Section 33.0022(b), Family Code (page 5, line 5), strike "shall send a written notice of the medical emergency" and substitute ", not later than 48 hours after the abortion is performed, shall send a written notice that a medical emergency occurred".

(5) In SECTION 5 of the proposed floor substitute, in amended Section 33.003(b), Family Code (page 6, between lines 5 and 6), insert the following appropriately numbered subdivision and renumber subsequent subdivisions of that subsection and any cross-references to those subdivisions accordingly:

() if the minor's parent, managing conservator, or guardian is a presiding judge of a court described by Subdivision (1):

(A) a county court at law, court having probate jurisdiction, or district court, including a family district court, in a contiguous county; or

(B) a county court at law, court having probate jurisdiction, or district court, including a family district court, in the county where the minor intends to obtain the abortion;

(6) In SECTION 5 of the proposed floor substitute, strike amended Section 33.003(c), Family Code (page 6, line 21 through page 7, line 3), and substitute the following:

(c) The application must:

(1) be made under oath;

(2) [~~and~~] include:

(A) [(+)] a statement that the minor is pregnant;

(B) [(2)] a statement that the minor is unmarried, is under 18 years of age, and has not had her disabilities removed under Chapter 31;

(C) [(3)] a statement that the minor wishes to have an abortion without the notification to and consent of ~~[either of her parents or]~~ a parent, managing conservator, or guardian; ~~and]~~

(D) [(4)] a statement as to whether the minor has retained an attorney and, if she has retained an attorney, the name, address, and telephone number of her attorney; and

(E) a statement about the minor's current residence, including the minor's physical address, mailing address, and telephone number; and

(3) be accompanied by the sworn statement of the minor's attorney under Subsection (r), if the minor has retained an attorney to assist the minor with filing the application under this section.

(7) In SECTION 5 of the proposed floor substitute, strike added Sections 33.003(i-3)(1) and (2), Family Code (page 9, lines 26-29), and substitute the following:

(1) the minor is mature and sufficiently well informed to make the decision to have an abortion performed without notification to or consent of a parent, managing conservator, or guardian; or

(2) the notification and attempt to obtain consent would not be in the best interest of the minor.

(8) In SECTION 5 of the proposed floor substitute, in added Section 33.003(1-2), Family Code (page 11, line 8), strike "(1-1)(2), (3)," and substitute "(1-1)(3)".

(9) In SECTION 5 of the proposed floor substitute, in added Section 33.003(1-2), Family Code (page 11, line 9), strike "compiled under this subsection" and substitute "submitted under Subsection (1-1)".

(10) Add the following appropriately numbered SECTION to the proposed floor substitute and renumber subsequent SECTIONS of the proposed floor substitute accordingly:

SECTION _____. Section 245.006(a), Health and Safety Code, is amended to read as follows:

(a) The department shall inspect an abortion facility at random, unannounced, and reasonable times as necessary to ensure compliance with this chapter, ~~and]~~ Subchapter B, Chapter 171, and Chapter 33, Family Code.

HB 1446 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1446, A bill to be entitled An Act relating to reimbursement of certain medical costs for victims of certain sex offenses.

Representative Dale moved to concur in the senate amendments to **HB 1446**.

The motion to concur in the senate amendments to **HB 1446** prevailed by (Record 1704): 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; 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; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; 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.; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Martinez Fischer; Romero.

STATEMENT OF VOTE

When Record No. 1704 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

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

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

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

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

(i) a disability resulting from the personal injury;

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

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

(C) care of a child or dependent;

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

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

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

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

(H) reasonable and necessary costs for relocation and housing rental assistance payments [7] as provided by Article 56.42(d) [~~incurred by a victim of family violence or a victim of sexual assault who is assaulted in the victim's place of residence for relocation and housing rental assistance payments~~];

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

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

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

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

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

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

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

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend Amendment No. 1 by Rodriguez to **HB 1446** by adding the following appropriately numbered item to the amendment and renumbering subsequent items of the amendment accordingly:

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

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

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

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

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

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

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

REMARKS ORDERED PRINTED

Representative Wu moved to print all remarks on **HB 3994**.

The motion prevailed.

**HB 603 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 603, A bill to be entitled An Act relating to the creation of the offense of unlawful dissemination of certain visual material; providing penalties.

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 603**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 603**: S. Davis, chair; Springer, Minjarez, Hunter, and D. Miller.

**HB 3579 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3579, A bill to be entitled An Act relating to certain criminal record information; authorizing a fee.

Representative Alonzo moved to concur in the senate amendments to **HB 3579**.

The motion to concur in the senate amendments to **HB 3579** prevailed by (Record 1705): 142 Yeas, 3 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; 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; 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; 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 — Murr; Phillips; Rinaldi.

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

Absent, Excused — Dukes; McClendon.

Absent — Fallon.

Senate Committee Substitute

CSHB 3579, A bill to be entitled An Act relating to certain criminal history record information; authorizing a fee.

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

SECTION 1. Article 55.01, Code of Criminal Procedure, is amended to read as follows:

Art. 55.01. RIGHT TO EXPUNCTION. (a) A person who has been placed under a custodial or noncustodial arrest for commission of either a felony or misdemeanor is entitled to have all records and files relating to the offense for which the person was arrested ~~[the arrest]~~ expunged if:

(1) the person is tried for the offense for which the person was arrested and is:

(A) acquitted by the trial court, except as provided by Subsection (c); or

(B) convicted and subsequently:

(i) pardoned for a reason other than that described by Subparagraph (ii); or

(ii) pardoned or otherwise granted relief on the basis of actual innocence with respect to that offense, if the applicable pardon or court order clearly indicates on its face that the pardon or order was granted or rendered on the basis of the person's actual innocence; or

(2) the person has been released and the charge, if any, for the offense for which the expunction is sought has been dismissed or has not resulted in a final conviction for that offense, the charge ~~[and]~~ is no longer pending, and there was no court-ordered community supervision under Article 42.12 for that ~~[the]~~ offense~~;~~ unless the offense is a Class C misdemeanor, provided that:

(A) regardless of whether any statute of limitations exists for the offense and whether any limitations period for the offense has expired, an indictment or information charging the person with the commission of the ~~[a misdemeanor]~~ offense ~~[based on the person's arrest or charging the person with the commission of any felony offense arising out of the same transaction for which the person was arrested]~~:

(i) has not been presented against the person at any time following the person's arrest, and:

(a) at least 180 days have elapsed from the date of arrest if the offense ~~[arrest]~~ for which the expunction was sought was ~~[for an offense]~~ punishable as a Class C misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;

(b) at least one year has elapsed from the date of arrest if the offense ~~[arrest]~~ for which the expunction was sought was ~~[for an offense]~~ punishable as a Class B or A misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;

(c) at least three years have elapsed from the date of arrest if the offense ~~[arrest]~~ for which the expunction was sought was ~~[for an offense]~~ punishable as a felony or if there was a felony charge arising out of the same transaction for which the person was arrested; or

(d) the attorney representing the state certifies that the applicable ~~[arrest]~~ records and files are not needed for use in any criminal investigation or prosecution, including an investigation or prosecution of another person; or

(ii) if presented at any time following the person's arrest, was dismissed or quashed, and the court finds that the indictment or information was dismissed or quashed because the person completed a pretrial intervention program authorized under Section 76.011, Government Code, because the presentment had been made because of mistake, false information, or other similar reason indicating absence of probable cause at the time of the dismissal to believe the person committed the offense, or because the indictment or information was void; or

(B) prosecution of the person for the offense for which the person was arrested is no longer possible because the limitations period has expired.

(a-1) Notwithstanding any other provision of this article, a person may not expunge offense records and files if the applicable [relating to an] arrest occurred [that occurs] pursuant to a warrant issued under Section 21, Article 42.12.

(a-2) Notwithstanding any other provision of this article, a person who intentionally or knowingly absconds from the jurisdiction after being released under Chapter 17 following an arrest is not eligible under Subsection (a)(2)(A)(i)(a), (b), or (c) or Subsection (a)(2)(B) for an expunction of the records and files relating to that arrest and to the proceedings conducted under Chapter 17.

(b) Except as provided by Subsection (c), a district court may expunge all records and files relating to the offense with respect to [arrest of] a person who has been arrested for commission of a felony or misdemeanor under the procedure established under Article 55.02 if:

(1) the person is:

(A) tried for the offense [~~for which the person was arrested~~];

(B) convicted of the offense; and

(C) acquitted by the court of criminal appeals or, if the period for granting a petition for discretionary review has expired, by a court of appeals; or

(2) an office of the attorney representing the state authorized by law to prosecute the offense for which the person was arrested recommends the expunction to the appropriate district court before the person is tried for the offense, regardless of whether an indictment or information has been presented against the person in relation to the offense.

(c) A court may not order the expunction of records and files relating to ~~[an arrest for]~~ an offense for which a person is subsequently acquitted, whether by the trial court, a court of appeals, or the court of criminal appeals, if the offense for which the person was acquitted arose out of a criminal episode, as defined by Section 3.01, Penal Code, and the person was convicted of or remains subject to prosecution for at least one other offense occurring during the criminal episode.

(d) A person is entitled to have expunged any information that identifies the person, including the person's name, address, date of birth, driver's license number, and social security number, contained in records and files relating to another person's [the] arrest or to any ensuing criminal proceedings based on that arrest [of another person expunged] if:

(1) the information identifying the person asserting the entitlement to expunction was falsely given by the person arrested as the arrested person's identifying information without the consent of the person asserting the entitlement; and

(2) the only reason for the information identifying the person asserting the entitlement being contained in the [arrest] offense records and files of the person arrested is that the information was falsely given by the person arrested as the arrested person's identifying information.

SECTION 2. Section 2a(b), Article 55.02, Code of Criminal Procedure, is amended to read as follows:

(b) The application must be verified, include authenticated fingerprint records of the applicant, and include the following or an explanation for why one or more of the following is not included:

(1) the applicant's full name, sex, race, date of birth, driver's license number, social security number, and address at the time the person who falsely identified himself or herself as the applicant was arrested;

(2) the following information regarding the arrest:

(A) the date of arrest;

(B) the offense charged against the person arrested;

(C) the name of the county or municipality in which the arrest occurred; and

(D) the name of the arresting agency; and

(3) a statement that:

(A) the applicant is not the person arrested and for whom the applicable [arrest] records and files were created; and

(B) the applicant did not give the person arrested consent to falsely identify himself or herself as the applicant.

SECTION 3. Section 3(a), Article 55.02, Code of Criminal Procedure, is amended to read as follows:

(a) In an order of expunction issued under this article, the court shall require any state agency that sent information concerning the offense [arrest] to a central federal depository to request the depository to return all records and files subject to the order of expunction. The person who is the subject of the expunction order or an agency protesting the expunction may appeal the court's decision in the same manner as in other civil cases.

SECTION 4. Section 4(a-1), Article 55.02, Code of Criminal Procedure, is amended to read as follows:

(a-1) The court shall provide in its expunction order that the applicable law enforcement agency and prosecuting attorney may retain the offense [arrest] records and files of any person who becomes entitled to an expunction of those records and files based on the expiration of a period described by Article 55.01(a)(2)(A)(i)(a), (b), or (c), but without the certification of the prosecuting attorney as described by Article 55.01(a)(2)(A)(i)(d).

SECTION 5. Article 55.03, Code of Criminal Procedure, is amended to read as follows:

Art. 55.03. EFFECT OF EXPUNCTION. When the order of expunction is final:

(1) the release, maintenance, dissemination, or use of the expunged records and files for any purpose is prohibited;

(2) except as provided in Subdivision (3) [~~of this article~~], the person arrested may deny:

(A) the occurrence of the arrest and any ensuing criminal proceedings based on the arrest; and

(B) the existence of the expunction order; and

(3) the person arrested or any other person, when questioned under oath in a criminal proceeding about an offense [arrest] for which the records have been expunged, may state only that the matter in question has been expunged.

SECTION 6. Section 1, Article 55.04, Code of Criminal Procedure, is amended to read as follows:

Sec. 1. A person who, [~~acquires knowledge of an arrest~~] while an officer or employee of the state or of any agency or other entity of the state or any political subdivision of the state, acquires knowledge of an arrest or of criminal proceedings based on that arrest and who knows of an order expunging the records and files relating to the applicable offense [~~that arrest~~] commits an offense if he knowingly releases, disseminates, or otherwise uses the records or files.

SECTION 7. Section 109.005(a), Business & Commerce Code, as added by Chapter 1200 (SB 1289), Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

(a) A business entity may not publish any criminal record information in the business entity's possession with respect to which the business entity has knowledge or has received notice that:

(1) an order of expunction has been issued under Article 55.02, Code of Criminal Procedure; or

(2) an order of nondisclosure has been issued under Section 411.081 [~~411.081(d)~~], Government Code.

SECTION 8. Section 103.0211, Government Code, is amended to read as follows:

Sec. 103.0211. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: GOVERNMENT CODE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Government Code if ordered by the court or otherwise required:

(1) a court reporter fee when testimony is taken:

(A) in a criminal court in Dallas County (Sec. 25.0593, Government Code) . . . \$3;

(B) in a county criminal court of appeals in Dallas County (Sec. 25.0594, Government Code) . . . \$3;

(C) in a county court at law in McLennan County (Sec. 25.1572, Government Code) . . . \$3; and

(D) in a county criminal court in Tarrant County (Sec. 25.2223, Government Code) . . . \$3;

(2) a court reporter service fee if the courts have official court reporters (Sec. 51.601, Government Code) . . . \$15 or, in specified counties, \$30;

(3) a speedy trial rights waiver motion filing fee in El Paso County (Sec. 54.745, Government Code) . . . \$100;

(4) the costs of a criminal magistrate if the court determines that the nonprevailing party is able to defray the costs:

(A) in Bexar County (Sec. 54.913, Government Code) . . . magistrate's fees;

(B) in Dallas County (Sec. 54.313, Government Code) . . . magistrate's fees;

(C) in Lubbock County (Sec. 54.883, Government Code) . . . magistrate's fees;

(D) in Tarrant County (Sec. 54.663, Government Code) . . . magistrate's fees; and

(E) in Travis County (Sec. 54.983, Government Code) . . . magistrate's fees;

(5) an administrative fee for participation in certain community supervision programs (Sec. 76.015, Government Code) . . . not less than \$25 and not more than \$60 per month; ~~and~~

(6) fee paid on filing a petition for an order of nondisclosure of criminal history record information in certain cases (Sec. 411.081(f-1) [~~411.081~~], Government Code) . . . \$28.

SECTION 9. Section 411.081, Government Code, is amended by adding Subsections (d-1), (e-1), (h-1), and (h-2) and amending Subsections (f), (f-1), and (h) to read as follows:

(d-1) Notwithstanding any other provision of this chapter and subject to Subsection (e-1), a person who is convicted of and has satisfied the judgment for or who has received a dismissal after deferral of disposition for a fine-only misdemeanor, other than an offense under the Transportation Code or an offense under a municipal ordinance or county order, may petition the court that convicted or granted a dismissal to the person for an order of nondisclosure under this subsection. After notice to the state, the court shall hold a hearing on whether the person is entitled to file the petition and whether issuance of the order is in the best interest of justice. In determining whether granting the order is in the best interest of justice, the court may consider the person's criminal history record information among any other factors the court considers relevant. If the court determines that granting the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the fine-only misdemeanor offense that is the subject of the petition. As a condition of granting the petition under this subsection for a person convicted of the offense, a court may require the defendant to perform community service, pay a fee, or both perform the community service and pay the fee as if the defendant had been placed on probation pending deferred disposition under Article 45.051, Code of Criminal Procedure. A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under this subsection

only to other criminal justice agencies for criminal justice or regulatory licensing purposes, an agency or entity listed in Subsection (i), or the person who is the subject of the order. A person may petition the court for an order of nondisclosure under this subsection only on or after the first anniversary of the conviction or dismissal, as applicable.

(e-1) A person is not entitled to petition the court under Subsection (d-1) if the person has been previously convicted of or placed on deferred adjudication for any offense other than an offense under the Transportation Code punishable by fine only, regardless of whether that offense is subject to an order of nondisclosure of criminal history record information granted under this section or any other law.

(f) For purposes of Subsections [Subsection] (d), (e), and (e-1), a person is considered to have been placed on deferred adjudication community supervision if, regardless of the statutory authorization:

- (1) the person entered a plea of guilty or nolo contendere;
- (2) the judge deferred further proceedings without entering an adjudication of guilt and placed the person under the supervision of the court or an officer under the supervision of the court; and
- (3) at the end of the period of supervision, the judge dismissed the proceedings and discharged the person.

(f-1) A person who petitions the court for an order of nondisclosure under Subsection (d) or (d-1) may file the petition in person, electronically, or by mail. The petition must be accompanied by payment of a \$28 fee to the clerk of the court in addition to any other fee that generally applies to the filing of a civil petition. The Office of Court Administration of the Texas Judicial System shall prescribe a form for the filing of a petition electronically or by mail. The form must provide for the petition to be accompanied by the required fees and any other supporting material determined necessary by the office of court administration, including evidence that the person is entitled to file the petition. The office of court administration shall make available on its Internet website the electronic application and printable application form. Each county or district clerk's office that maintains an Internet website shall include on that website a link to the electronic application and printable application form available on the office of court administration's Internet website. On receipt of a petition under this subsection, the court shall provide notice to the state and an opportunity for a hearing on whether the person is entitled to file the petition and issuance of the order is in the best interest of justice. The court shall hold a hearing before determining whether to issue an order of nondisclosure, except that a hearing is not required if:

- (1) the state does not request a hearing on the issue before the 45th day after the date on which the state receives notice under this subsection; and
- (2) the court determines that:
 - (A) the defendant is entitled to file the petition; and
 - (B) the order is in the best interest of justice.

(h) The clerk of a court that collects a fee paid under Subsection (f-1) for a petition filed under Subsection (d) [~~(d)~~] shall remit the fee to the comptroller not later than the last day of the month following the end of the calendar quarter in which the fee is collected, and the comptroller shall deposit the fee in the general revenue fund.

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

(h-2) The Department of Public Safety shall submit a report to the legislature not later than December 1 of each even-numbered year that includes information on:

(1) the number of petitions for nondisclosure and orders of nondisclosure received by the department in each of the previous two years;

(2) the actions taken by the department with respect to the petitions and orders received;

(3) the costs incurred by the department in taking those actions; and

(4) the number of persons who are the subject of an order of nondisclosure and who became the subject of criminal charges for an offense committed after the order was issued.

SECTION 10. Section 411.081(i), Government Code, as amended by Chapters 42 (**SB 966**), 266 (**HB 729**), and 583 (**SB 869**), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(i) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under this section [~~Subsection (d)~~] to the following noncriminal justice agencies or entities only:

(1) the State Board for Educator Certification;

(2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared service arrangement;

(3) the Texas Medical Board;

(4) the Texas School for the Blind and Visually Impaired;

(5) the Board of Law Examiners;

(6) the State Bar of Texas;

(7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;

(8) the Texas School for the Deaf;

(9) the Department of Family and Protective Services;

(10) the Texas Juvenile Justice Department;

(11) the Department of Assistive and Rehabilitative Services;

(12) the Department of State Health Services, a local mental health service, a local intellectual and developmental disability [~~mental retardation~~] authority, or a community center providing services to persons with mental illness or intellectual or developmental disabilities [~~retardation~~];

(13) the Texas Private Security Board;

(14) a municipal or volunteer fire department;

(15) the Texas Board of Nursing;

- (16) a safe house providing shelter to children in harmful situations;
- (17) a public or nonprofit hospital or hospital district, or a facility as defined by Section 250.001, Health and Safety Code;
- (18) the securities commissioner, the banking commissioner, the savings and mortgage lending commissioner, the consumer credit commissioner, or the credit union commissioner;
- (19) the Texas State Board of Public Accountancy;
- (20) the Texas Department of Licensing and Regulation;
- (21) the Health and Human Services Commission;
- (22) the Department of Aging and Disability Services;
- (23) the Texas Education Agency;
- (24) the Judicial Branch Certification Commission;
- (25) a county clerk's office in relation to a proceeding for the appointment of a guardian under Title 3, Estates Code [~~Chapter XIII, Texas Probate Code~~];
- (26) the Department of Information Resources but only regarding an employee, applicant for employment, contractor, subcontractor, intern, or volunteer who provides network security services under Chapter 2059 to:
 - (A) the Department of Information Resources; or
 - (B) a contractor or subcontractor of the Department of Information Resources;
- (27) the Texas Department of Insurance;
- (28) the Teacher Retirement System of Texas; and
- (29) [~~30~~] the Texas State Board of Pharmacy.

SECTION 11. Section 411.0851(a), Government Code, is amended to read as follows:

(a) A private entity that compiles and disseminates for compensation criminal history record information shall destroy and may not disseminate any information in the possession of the entity with respect to which the entity has received notice that:

- (1) an order of expunction has been issued under Article 55.02, Code of Criminal Procedure; or
- (2) an order of nondisclosure has been issued under Section 411.081 [~~411.081(d)~~].

SECTION 12. The heading to Section 552.142, Government Code, is amended to read as follows:

Sec. 552.142. EXCEPTION: CONFIDENTIALITY OF RECORDS OF CERTAIN CRIMINAL HISTORY INFORMATION [~~DEFERRED ADJUDICATIONS~~].

SECTION 13. Section 552.142(a), Government Code, is amended to read as follows:

(a) Information is excepted from the requirements of Section 552.021 if an order of nondisclosure with respect to the information has been issued under Section 411.081 [~~411.081(d)~~].

SECTION 14. Section 552.1425(a), Government Code, is amended to read as follows:

(a) A private entity that compiles and disseminates for compensation criminal history record information may not compile or disseminate information with respect to which the entity has received notice that:

(1) an order of expunction has been issued under Article 55.02, Code of Criminal Procedure; or

(2) an order of nondisclosure has been issued under Section 411.081 [~~411.081(d)~~].

SECTION 15. Section 53.021(e), Occupations Code, is amended to read as follows:

(e) Subsection (c) does not apply if the person is an applicant for or the holder of a license that authorizes the person to provide:

(1) law enforcement or public health, education, or safety services; or

(2) financial services in an industry regulated by a person listed in Section 411.081(i)(18) [~~411.081(i)(19)~~], Government Code.

SECTION 16. Section 15, Article 42.12, Code of Criminal Procedure, is amended by adding Subsections (l), (m), and (n) to read as follows:

(l) On written motion of a defendant after completion of two-thirds of the original community supervision period for a state jail felony with respect to which written consent was obtained under Section 12.44(c), Penal Code, the judge may review the defendant's record and consider whether to amend the record of conviction to reflect a conviction for a Class A misdemeanor in lieu of a state jail felony. On disposition of the community supervision in a manner provided by Section 20, the judge, on discharge of the defendant, may amend the record of conviction to reflect a conviction for a Class A misdemeanor in lieu of a state jail felony, subject to Subsection (m), if:

(1) the offense for which the defendant was placed on community supervision was not an offense:

(A) under Section 30.02, Section 30.04, Section 39.04(a)(2), Section 49.045, or Title 5, Penal Code;

(B) under Article 62.102; or

(C) involving family violence, as defined by Section 71.004, Family Code;

(2) the defendant has fulfilled to the judge's satisfaction all the conditions of community supervision, including the payment of all required restitution, and is not delinquent on the payment of any fines, costs, and fees that the defendant has the ability to pay;

(3) the defendant files with the written motion a statement that:

(A) contains a summary of the defendant's performance during community supervision, including compliance with the conditions of community supervision; and

(B) asserts that the defendant meets the conditions for an amendment of the record of conviction under this subsection;

(4) the defendant provides a copy of the motion and statement to the attorney representing the state; and

(5) at the hearing held on the motion, the judge finds that an amendment of the record of conviction is in the best interest of justice.

(m) A judge who amends a record of conviction under Subsection (l) may not modify the name of the state jail felony offense for which the judge placed the defendant on community supervision. A defendant whose record of conviction is amended under Subsection (l) is not considered to have been convicted of a felony with respect to the modified offense.

(n) A record of conviction that is amended under Subsection (l) supersedes and takes the place of the record of conviction as it existed on the original date of conviction. A judge retains jurisdiction for the purposes of Subsection (l) only until the expiration of the term of community supervision.

SECTION 17. Section 12.44, Penal Code, is amended by adding Subsection (c) to read as follows:

(c) With the written consent of the prosecuting attorney prior to sentencing, the court may amend the record of conviction to reflect a conviction for a Class A misdemeanor in lieu of a state jail felony as provided by Section 15(l), Article 42.12, Code of Criminal Procedure.

SECTION 18. This Act applies to an expunction of records and files relating to any criminal offense that occurred before, on, or after the effective date of this Act.

SECTION 19. This Act applies to a petition for an order of nondisclosure that is filed on or after the effective date of this Act, regardless of whether the misdemeanor that is the subject of the petition occurred before, on, or after the effective date of this Act.

SECTION 20. The changes in law made by this Act in amending Section 15, Article 42.12, Code of Criminal Procedure, and adding Section 12.44(c), Penal Code, apply only to a defendant who is placed on community supervision for an offense committed on or after the effective date of this Act. A defendant who is placed on community supervision for 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 21. This Act takes effect September 1, 2015.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

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

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

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

ARTICLE 3

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

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

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

(1) satisfies the requirements of Section 411.074; and

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

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

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

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

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

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

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

**HB 3302 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3302, A bill to be entitled An Act relating to highway landscaping projects.

Representative Darby moved to concur in the senate amendments to **HB 3302**.

The motion to concur in the senate amendments to **HB 3302** prevailed by (Record 1706): 145 Yeas, 0 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; 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; 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; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Allen.

Senate Committee Substitute

CSHB 3302, A bill to be entitled An Act relating to highway landscaping projects.

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

SECTION 1. Subchapter A, Chapter 392, Transportation Code, is amended by adding Section 392.004 to read as follows:

Sec. 392.004. REGIONALLY APPROPRIATE LANDSCAPING. The department shall establish guidelines for a beautification project on a state highway right-of-way that require the use of only regionally appropriate plants.

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

**HB 1783 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1783, A bill to be entitled An Act relating to the right of a school employee to report a crime and persons subject to the prohibition on coercing another into suppressing or failing to report information to a law enforcement agency; creating a criminal offense.

HB 1783 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE MARTINEZ: Representative Moody, I'd like to ask you a few questions about the senate amendments to your **HB 1783**. This is just to establish legislative intent. Are you okay with that?

REPRESENTATIVE MOODY: Yes, that's fine.

MARTINEZ: Is it the case that Senate Floor Amendment No. 1 by Senator Hinojosa is essentially the same language as the senator's **SB 1058** relating to the educator misconduct?

MOODY: Yes. That's correct.

MARTINEZ: Did Senator Hinojosa state, during the senate Education Committee hearing on **SB 1058**, that his language sets a more rigorous standard for evidence of misconduct warranting a report for the State Board for Educator Certification than that of the current law?

MOODY: That is my understanding, in his layout in senate committee, that he provided that information.

MARTINEZ: And in accepting the amendment, is it your understanding and intent that the changes made by **HB 1783** to Section 21.006 of the Education Code provide a more rigorous standard than that in current law?

MOODY: Yes. My understanding is that the intent was to provide a more rigorous standard than what exists in current law.

REMARKS ORDERED PRINTED

Representative Martinez moved to print remarks between Representative Moody and Representative Martinez.

The motion prevailed.

Representative Moody moved to concur in the senate amendments to **HB 1783**.

The motion to concur in the senate amendments to **HB 1783** prevailed by (Record 1707): 141 Yeas, 4 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; 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; 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; Sanford; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; 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 — Schaefer; Stickland; Tinderholt; White, M.

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

Absent, Excused — Dukes; McClendon.

Absent — Rose.

STATEMENT OF VOTE

When Record No. 1707 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) in writing; and

(2) in a form prescribed by the board.

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

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

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

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

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

HB 3184 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3184, A bill to be entitled An Act relating to the establishment, operation, and funding of victim-offender mediation programs; authorizing fees.

Representative Keough moved to concur in the senate amendments to **HB 3184**.

The motion to concur in the senate amendments to **HB 3184** prevailed by (Record 1708): 99 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Ashby; Bernal; Blanco; Bohac; Burkett; Burns; Canales; Clardy; Coleman; Collier; Dale; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frullo; Galindo; Geren; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Israel; Johnson; Kacal; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Kuempel; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Meyer; Miles; Miller, D.; Minjarez; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Otto; Paddie; Peña; Pickett; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Sheets; Sheffield; Simpson; Smith; Stephenson; Turner, C.; Turner, S.; VanDeaver; Vo; Walle; White, J.; Wray; Wu; Zedler; Zerwas.

Nays — Aycock; Bell; Bonnen, D.; Bonnen, G.; Burrows; Button; Capriglione; Cook; Craddick; Crownover; Cyrier; Darby; Elkins; Fallon; Frank; Goldman; Isaac; Krause; Landgraf; Metcalf; Miller, R.; Murphy; Murr; Parker; Paul; Phelan; Phillips; Price; Riddle; Rinaldi; Sanford; Schaefer; Schubert; Shaheen; Simmons; Smithee; Spitzer; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; Villalba; White, M.

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

Absent, Excused — Dukes; McClendon.

Absent — Anderson, C.; Thompson, S.; Workman.

STATEMENTS OF VOTE

When Record No. 1708 was taken, I was in the house but away from my desk. I would have voted no.

C. Anderson

When Record No. 1708 was taken, I was shown voting yes. I intended to vote no.

Ashby

When Record No. 1708 was taken, I was shown voting yes. I intended to vote no.

Larson

When Record No. 1708 was taken, I was shown voting yes. I intended to vote no.

VanDeaver

When Record No. 1708 was taken, I was in the house but away from my desk. I would have voted no.

Workman

When Record No. 1708 was taken, I was shown voting yes. I intended to vote no.

Wray

When Record No. 1708 was taken, I was shown voting yes. I intended to vote no.

Zedler

Senate Committee Substitute

CSHB 3184, A bill to be entitled An Act relating to the establishment, operation, and funding of victim-offender mediation programs; authorizing fees.

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

SECTION 1. Section 1, Article 28.01, Code of Criminal Procedure, is amended to read as follows:

Sec. 1. The court may set any criminal case for a pre-trial hearing before it is set for trial upon its merits, and direct the defendant and the defendant's [his] attorney, if any of record, and the State's attorney, to appear before the court at the time and place stated in the court's order for a conference and hearing regardless of whether the defendant has been formally charged. The defendant must be present at the arraignment, and the defendant's [his] presence is required during any pre-trial proceeding. The pre-trial hearing shall be to determine any of the following matters:

- (1) Arraignment of the defendant, if such be necessary; and appointment of counsel to represent the defendant, if such be necessary;
- (2) Pleadings of the defendant;
- (3) Special pleas, if any;

(4) Exceptions to the form or substance of the indictment or information;

(5) Motions for continuance either by the State or defendant; provided that grounds for continuance not existing or not known at the time may be presented and considered at any time before the defendant announces ready for trial;

(6) Motions to suppress evidence—When a hearing on the motion to suppress evidence is granted, the court may determine the merits of said motion on the motions themselves, or upon opposing affidavits, or upon oral testimony, subject to the discretion of the court;

(7) Motions for change of venue by the State or the defendant; provided, however, that such motions for change of venue, if overruled at the pre-trial hearing, may be renewed by the State or the defendant during the voir dire examination of the jury;

(8) Discovery;

(9) Entrapment; ~~and~~

(10) Motion for appointment of interpreter; and

(11) Motion to allow the defendant to enter a pretrial victim-offender mediation program established under Subchapter A-1, Chapter 56.

SECTION 2. Chapter 56, Code of Criminal Procedure, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. PRETRIAL VICTIM-OFFENDER MEDIATION PROGRAM

Art. 56.21. AUTHORITY TO ESTABLISH PROGRAM. (a) The commissioners court of a county or governing body of a municipality may, in coordination with the office of the attorney representing the state in the county or municipality, establish a pretrial victim-offender mediation program for persons who:

(1) have been arrested for or charged with a misdemeanor or state jail felony under Title 7, Penal Code; and

(2) have not previously been convicted of a felony or a misdemeanor, other than a misdemeanor regulating traffic and punishable by fine only.

(b) A court that implements a program under this subchapter may adopt administrative rules and local rules of procedure as necessary or appropriate to implement or operate the program.

(c) The commissioners court of a county or governing body of a municipality that establishes a program under this subchapter may:

(1) allow for referral to the program of arrested persons described by Subsection (a) who have not yet been formally charged with an offense;

(2) adopt administrative rules and local rules of procedure as necessary or appropriate to implement or operate the program; and

(3) approve additional program requirements as recommended by the attorney representing the state.

Art. 56.22. PROGRAM. (a) A pretrial victim-offender mediation program established under Article 56.21 on or after September 1, 2015, must require:

(1) the designation of individual defendants who are eligible to participate in the program, based on standards established by Article 56.21 and any local standards approved by the commissioners court of the county or the governing body of the municipality, as applicable;

(2) the attorney representing the state to consent to the referral of a defendant's matter to mediation under the program;

(3) the consent of the victim to be obtained and documented in the record of the court by the attorney representing the state before the case may proceed to pretrial victim-offender mediation; and

(4) the defendant to enter into a binding mediation agreement in accordance with Article 56.23 that requires the defendant to take responsibility for the defendant's actions and addresses the specific circumstances of the defendant's actions, which may:

(A) include an apology by the defendant; or

(B) require the defendant to:

(i) pay restitution to the victim;

(ii) perform community service; or

(iii) both pay restitution and perform community service.

(b) A court that establishes a pretrial victim-offender mediation program before September 1, 2015, may elect to apply the provisions under Subsection (a) in implementing the program.

(c) All communications made in a pretrial victim-offender mediation program are confidential and may not be introduced into evidence except in an open court proceeding instituted to determine the meaning of a mediation agreement.

(d) A pretrial victim-offender mediation program may require the staff and other resources of pretrial services departments and community supervision and corrections departments to assist the court or the attorney representing the state in monitoring the defendant's compliance with a mediation agreement reached through the program.

(e) A pretrial victim-offender mediation may be conducted by a court-appointed mediator who meets the training requirements provided by Sections 154.052(a) and (b), Civil Practice and Remedies Code, and has completed training in criminal justice mediation, or by any other appropriate person designated by the court. Neither the attorney representing the state nor the attorney representing the defendant in the criminal action may serve as a mediator in the defendant's pretrial victim-offender mediation program.

(f) If a defendant enters a pretrial victim-offender mediation program, the court may defer the proceedings without accepting a plea of guilty or nolo contendere or entering an adjudication of guilt. The court may not require the defendant to admit guilt or enter a plea of guilty or nolo contendere to enter the program.

(g) The case must be returned to the docket and proceed through the regular criminal justice system if:

(1) a pretrial victim-offender mediation does not result in a mediation agreement;

(2) the defendant fails to fulfill the terms of the mediation agreement successfully by the date specified in the mediation agreement; or

(3) the mediator determines, based on the mediator's training and experience, that:

(A) the victim or defendant no longer wants to participate or cooperate; or

(B) the mediation will be ineffective.

(h) If a case is returned to the docket under Subsection (g), the defendant retains all of the rights that the defendant possessed before entering the pretrial victim-offender mediation program under this subchapter. Notwithstanding any other law, for purposes of determining the duration and expiration of an applicable statute of limitation under Chapter 12, the running of the period of limitation is tolled while the defendant is enrolled in a program under this subchapter.

(i) If the defendant successfully completes the mediation agreement as represented to the court by the attorney representing the state, after notice to the attorney representing the state and a hearing at which the court determines that a dismissal of any indictment or information charging the defendant with the commission of the offense is in the best interest of justice, the court shall dismiss the criminal action against the defendant.

(j) The court or the attorney representing the state may extend the initial compliance period granted to the defendant.

(k) A determination by the court regarding whether the mediation agreement has been successfully completed is final and may not be appealed.

(l) If the defendant is not arrested or convicted of a subsequent felony or misdemeanor other than a misdemeanor regulating traffic and punishable by fine only on or before the first anniversary of the date the defendant successfully completed a mediation agreement under this subchapter, on the motion of the defendant, the court shall enter an order of nondisclosure under Section 411.081, Government Code, as if the defendant had received a discharge and dismissal under Section 5(c), Article 42.12, with respect to all records and files related to the defendant's arrest for the offense for which the defendant entered the pretrial victim-offender mediation program.

Art. 56.23. MEDIATION AGREEMENT. (a) A mediation agreement under this subchapter must be in writing and:

(1) signed by the defendant and the victim; and

(2) ratified by the attorney representing the state in the attorney's request for a court order to document and approve the mediation agreement for the record.

(b) A mediation agreement may require testing, counseling, and treatment of the defendant to address alcohol abuse, abuse of controlled substances, mental health, or anger management or any other service that is reasonably related to the offense for which the defendant was arrested or charged.

(c) A mediation agreement is not valid for more than one year after the date on which the mediation agreement is ratified unless the court and the attorney representing the state approve the extension of the agreement.

(d) A mediation agreement under this subchapter does not constitute a plea or legal admission of responsibility.

Art. 56.24. LEGISLATIVE REVIEW. The lieutenant governor and the speaker of the house of representatives may assign to appropriate legislative committees interim duties relating to the study, review, and evaluation of pretrial victim-offender mediation programs established under this subchapter, and those committees may make recommendations to the legislature for appropriate policies to monitor, improve, or provide state resources for those programs.

Art. 56.25. LOCAL REVIEW. The commissioners court of a county or governing body of a municipality may request a management, operations, or financial or accounting audit of a pretrial victim-offender mediation program established under this subchapter.

Art. 56.26. FEES. (a) A pretrial victim-offender mediation program established under this subchapter shall collect from a defendant in the program a reasonable program participation fee not to exceed \$500 and may collect from the defendant an alcohol or controlled substance testing, counseling, and treatment fee in an amount necessary to cover the costs of the testing, counseling, or treatment, if such testing, counseling, or treatment is required by the mediation agreement.

(b) Fees collected under this article may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or program director administering the pretrial victim-offender mediation program. The fees must be:

- (1) based on the defendant's ability to pay; and
- (2) used only for purposes specific to the program.

Art. 56.27. NOTICE. The office of an attorney representing the state that participates in a pretrial victim-offender mediation program established under this subchapter shall notify the public by posting information about the program on the office's website.

SECTION 3. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0179 to read as follows:

Art. 102.0179. COSTS ATTENDANT TO PRETRIAL VICTIM-OFFENDER MEDIATION. (a) A defendant who participates in a pretrial victim-offender mediation program established under Subchapter A-1, Chapter 56, on successful completion of the terms of the defendant's mediation agreement or on conviction, shall pay as court costs \$15 plus an additional program participation fee as described by Article 56.26 in the amount prescribed by that article.

(b) The court clerk shall collect the costs imposed under this article. The clerk shall keep a separate record of any money collected under this article and shall pay any money collected to the county or municipal treasurer, as appropriate, or to any other official who discharges the duties commonly delegated to a treasurer, for deposit in a fund to be known as the county pretrial victim-offender mediation program fund or in a fund to be known as the municipal pretrial victim-offender mediation program fund, as appropriate.

(c) A county or municipality that collects court costs under this article shall use the money in a fund described by Subsection (b) exclusively for the maintenance of the pretrial victim-offender mediation program operated in the county or municipality.

SECTION 4. Chapter 54, Family Code, is amended by adding Section 54.035 to read as follows:

Sec. 54.035. VICTIM-OFFENDER MEDIATION. (a) The Texas Juvenile Justice Board by rule shall establish guidelines permitting victim-offender mediation programs to be implemented and administered by juvenile boards.

(b) In a mediation program authorized under this section, each victim to whom this section applies must be informed of the victim's right to request victim-offender mediation.

(c) Participation in a victim-offender mediation program under this section by a child and by a victim must be voluntary. If a child's case is forwarded to the office of the prosecuting attorney under Section 53.01, the prosecuting attorney must consent to the mediation in which the child may participate under the program.

(d) If an agreement is not reached between the victim and the child or if the child does not successfully complete the terms of the agreement, as determined by the juvenile court, the child's case shall proceed in accordance with the applicable provisions of this title.

SECTION 5. Section 57.002(a), Family Code, is amended to read as follows:

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the juvenile justice system:

(1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;

(2) the right to have the court or person appointed by the court take the safety of the victim or the victim's family into consideration as an element in determining whether the child should be detained before the child's conduct is adjudicated;

(3) the right, if requested, to be informed of relevant court proceedings, including appellate proceedings, and to be informed in a timely manner if those court proceedings have been canceled or rescheduled;

(4) the right to be informed, when requested, by the court or a person appointed by the court concerning the procedures in the juvenile justice system, including general procedures relating to:

(A) the preliminary investigation and deferred prosecution of a case; and

(B) the appeal of the case;

(5) the right to provide pertinent information to a juvenile court conducting a disposition hearing concerning the impact of the offense on the victim and the victim's family by testimony, written statement, or any other manner before the court renders its disposition;

(6) the right to receive information regarding compensation to victims as provided by Subchapter B, Chapter 56, Code of Criminal Procedure, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter, the payment of medical expenses under Article [Section] 56.06, Code of Criminal Procedure, for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;

(7) the right to be informed, upon request, of procedures for release under supervision or transfer of the person to the custody of the Texas Department of Criminal Justice for parole, to participate in the release or transfer for parole process, to be notified, if requested, of the person's release, escape, or transfer for parole proceedings concerning the person, to provide to the Texas Juvenile Justice Department for inclusion in the person's file information to be considered by the commission before the release under supervision or transfer for parole of the person, and to be notified, if requested, of the person's release or transfer for parole;

(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the child alleged to have committed the conduct and relatives of the child, before testifying in any proceeding concerning the child, or, if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the child and the child's relatives and witnesses, before and during court proceedings;

(9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;

(10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;

(11) the right to be present at all public court proceedings related to the conduct of the child as provided by Section 54.08, subject to that section; ~~and~~

(12) for a victim to whom Section 54.035 applies, the right to request victim-offender mediation under that section; and

(13) any other right appropriate to the victim that a victim of criminal conduct has under Article 56.02 or 56.021, Code of Criminal Procedure.

SECTION 6. Section 58.003, Family Code, is amended by adding Subsections (c-9) and (c-10) to read as follows:

(c-9) Notwithstanding Subsections (a) and (c) and subject to Subsection (b), a juvenile court may order the sealing of records concerning a child alleged to have engaged in delinquent conduct or conduct indicating a need for supervision if the child successfully completed a victim-offender mediation program under Section 54.035. The court may:

- (1) immediately order the sealing of the records without a hearing; or
- (2) hold a hearing to determine whether to seal the records.

(c-10) If the court orders the sealing of a child's records under Subsection (c-9), a prosecuting attorney or juvenile probation department may maintain until the child's 17th birthday a separate record of the child's name and date of birth, the allegation against the child, and the date the child successfully completed the victim-offender mediation program. The prosecuting attorney or juvenile probation department, as applicable, shall send the record to the court as soon as practicable after the child's 17th birthday to be added to the child's other sealed records.

SECTION 7. Subchapter B, Chapter 102, Government Code, is amended by adding Section 102.0215 to read as follows:

Sec. 102.0215. ADDITIONAL COURT COSTS: CODE OF CRIMINAL PROCEDURE. A defendant who participates in a pretrial victim-offender mediation program established under Subchapter A-1, Chapter 56, Code of Criminal Procedure, shall pay on successful completion of the terms of the defendant's mediation agreement or on conviction, in addition to all other costs, to help fund pretrial victim-offender mediation programs established under that subchapter (Art. 102.0179, Code of Criminal Procedure) . . . \$15 plus an additional program participation fee in an amount not to exceed \$500.

SECTION 8. Subchapter A, Chapter 221, Human Resources Code, is amended by adding Section 221.013 to read as follows:

Sec. 221.013. MEDIATION MONITORING. The department shall monitor the success of victim-offender mediation programs established under Section 54.035, Family Code.

SECTION 9. (a) Subchapter A-1, Chapter 56, Code of Criminal Procedure, as added by this Act, applies to a defendant who enters a pretrial victim-offender mediation program under that subchapter regardless of whether the defendant committed the offense for which the defendant enters the program before, on, or after the effective date of this Act.

(b) Article 102.0179, Code of Criminal Procedure, and Section 102.0215, Government Code, as added by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when 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 was committed before that date.

SECTION 10. (a) Not later than December 1, 2015, the Texas Juvenile Justice Board shall establish guidelines for victim-offender mediation programs as required by Section 54.035, Family Code, as added by this Act.

(b) Section 54.035, Family Code, as added by this Act, applies only to a victim-offender mediation under that section that occurs on or after January 1, 2016, regardless of whether the conduct that is the basis of the mediation occurs before, on, or after that date.

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

**HB 2486 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2486, A bill to be entitled An Act relating to the right of a person to enter the person's residence or former residence accompanied by a peace officer to recover certain personal property; creating an offense.

Representative Lucio moved to concur in the senate amendments to **HB 2486**.

The motion to concur in the senate amendments to **HB 2486** prevailed by (Record 1709): 139 Yeas, 3 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; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; 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; 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; 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, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Wray; Wu; Zedler; Zerwas.

Nays — Phillips; Simpson; Stickland.

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

Absent, Excused — Dukes; McClendon.

Absent — Capriglione; Giddings; Turner, S.; Workman.

STATEMENTS OF VOTE

When Record No. 1709 was taken, I was in the house but away from my desk. I would have voted yes.

Capriglione

When Record No. 1709 was taken, I was in the house but away from my desk. I would have voted yes.

Workman

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

(A) medical records;

(B) medicine and medical supplies;

(C) clothing;

(D) child-care items;

(E) legal or financial documents;

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

(G) employment records; or

(H) personal identification documents;

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

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

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

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

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

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

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

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

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

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

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

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

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

; and

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

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

**HB 991 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 991, A bill to be entitled An Act relating to the display of notice of federal and state tax rates for motor fuel sold at retail.

Representative Fletcher 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 991**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 991**: Bohac, chair; Ashby, Springer, Martinez, and Guillen.

**HB 4154 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 4154, A bill to be entitled An Act relating to the creation of the Grand Lake Estates 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 4154**.

The motion to concur in the senate amendments to **HB 4154** prevailed by (Record 1710): 143 Yeas, 1 Nays, 2 Present, not voting.

Yeas — 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; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; 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; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kumpel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; Metcalf; Meyer; 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.

Nays — Cook.

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

Absent, Excused — Dukes; McClendon.

Absent — Allen; Bohac.

Senate Committee Substitute

CSHB 4154, A bill to be entitled An Act relating to the creation of the Grand Lake Estates Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3938 to read as follows:

CHAPTER 3938. GRAND LAKE ESTATES MANAGEMENT DISTRICT SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3938.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "County" means Montgomery County.
- (3) "Director" means a board member.
- (4) "District" means the Grand Lake Estates Management District.

Sec. 3938.002. CREATION AND NATURE OF DISTRICT. The district is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3938.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(c) The district is created to supplement and not to supplant county services provided in the district.

Sec. 3938.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(c) The creation of the district is in the public interest and is essential to further the public purposes of:

- (1) developing and diversifying the economy of the state;
- (2) eliminating unemployment and underemployment;
- (3) developing or expanding transportation and commerce; and

(4) providing quality residential housing.

(d) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a residential community and business center; and

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping, removing graffiti from, and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty.

(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, vehicle parking, and street art objects are parts of and necessary components of a street and are considered to be an improvement project that includes a street or road improvement.

(f) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3938.005. DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose or collect an assessment or tax; or

(4) legality or operation.

Sec. 3938.006. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3938.007. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3938.051. GOVERNING BODY; TERMS. The district is governed by a board of five voting directors who serve staggered terms of four years with two or three directors' terms expiring June 1 of each odd-numbered year.

Sec. 3938.052. QUALIFICATIONS OF DIRECTORS APPOINTED BY COUNTY. To be qualified to serve as a director appointed by the governing body of the county, a person must be:

(1) a resident of the district who is also a registered voter of the district;

(2) an owner of property in the district;

(3) an owner of stock or a partnership or membership interest, whether beneficial or otherwise, of a corporate partnership, limited liability company, or other entity owner of a direct or indirect interest in property in the district;

(4) an owner of a beneficial interest in a trust, or a trustee in a trust, that directly or indirectly owns property in the district;

(5) an agent, employee, or tenant of a person described by Subdivision (2), (3), or (4); or

(6) an initial director.

Sec. 3938.053. APPOINTMENT OF DIRECTORS. The governing body of the county shall appoint directors from persons recommended by the board.

Sec. 3938.054. VACANCY. If a vacancy occurs on the board, the remaining directors shall appoint a director for the remainder of the unexpired term.

Sec. 3938.055. DIRECTOR'S OATH OR AFFIRMATION. (a) A director shall file the director's oath or affirmation of office with the district, and the district shall retain the oath or affirmation in the district records.

(b) A director shall file a copy of the director's oath or affirmation with the clerk of the county.

Sec. 3938.056. QUORUM. A vacant director position is not counted for purposes of establishing a quorum.

Sec. 3938.057. OFFICERS. The board shall elect from among the directors a chair, a vice chair, and a secretary. The offices of chair and secretary may not be held by the same person.

Sec. 3938.058. COMPENSATION; EXPENSES. (a) The district may compensate each director in an amount not to exceed \$50 for each board meeting. The total amount of compensation a director may receive each year may not exceed \$2,000.

(b) A director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board.

Sec. 3938.059. LIABILITY INSURANCE. The district may obtain and pay for comprehensive general liability insurance coverage from a commercial insurance company or other source that protects and insures a director against personal liability and from all claims relating to:

(1) actions taken by the director in the director's capacity as a member of the board;

(2) actions and activities taken by the district; or

(3) the actions of others acting on behalf of the district.

Sec. 3938.060. NO EXECUTIVE COMMITTEE. The board may not create an executive committee to exercise the powers of the board.

Sec. 3938.061. BOARD MEETINGS. The board shall hold meetings at a place accessible to the public.

Sec. 3938.062. INITIAL DIRECTORS. (a) The initial board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Collin Nguyen</u>
<u>2</u>	<u>Laura Dodson</u>
<u>3</u>	<u>Roger Stacey</u>
<u>4</u>	<u>Amanda James</u>

5Joe Teagarden

(b) The terms of the initial directors expire June 1, 2017.

(c) Of the directors who replace an initial director, the terms of directors serving in positions 1 through 3 expire June 1, 2019, and the terms of directors serving in positions 4 and 5 expire June 1, 2021.

(d) Section 3938.052 does not apply to initial directors under this section.

(e) This section expires September 1, 2021.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3938.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3938.102. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

Sec. 3938.103. LOCATION OF IMPROVEMENT PROJECT. An improvement project described by Section 3938.102 may be located:

(1) in the district; or

(2) in an area outside but adjacent to the district if the project is for the purpose of extending a public infrastructure improvement beyond the district's boundaries to a logical terminus.

Sec. 3938.104. DEVELOPMENT CORPORATION POWERS. The district, using money available to the district, may exercise the powers given to a development corporation under Chapter 505, Local Government Code, including the power to own, operate, acquire, construct, lease, improve, or maintain a project under that chapter.

Sec. 3938.105. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and

(2) may implement any project and provide any service authorized by this chapter.

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit corporation shall serve in the same manner as the board of directors of a local government corporation created under Subchapter D, Chapter 431, Transportation Code, except that a board member is not required to reside in the district.

Sec. 3938.106. AGREEMENTS; GRANTS. (a) As provided by Chapter 375, Local Government Code, the district may make an agreement with or accept a gift, grant, or loan from any person.

(b) The implementation of a project is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 3938.107. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified party, including the county, to provide law enforcement services in the district for a fee.

Sec. 3938.108. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3938.109. ECONOMIC DEVELOPMENT. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

- (1) make loans and grants of public money; and
- (2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers that:

- (1) Chapter 380, Local Government Code, provides to a municipality;
and
- (2) Subchapter A, Chapter 1509, Government Code, provides to a municipality.

Sec. 3938.110. REAL PROPERTY RESTRICTIONS. (a) The district may adopt restrictions on the use of real property in the district.

(b) The district may enforce restrictions on the use of real property in the district in the manner provided for a municipal utility district by Section 54.237, Water Code.

Sec. 3938.111. DESIGNATION OF SPECIAL ZONES. (a) The district may designate all or any part of the area of the district, as if the district were a municipality, as:

- (1) a tax increment reinvestment zone under Chapter 311, Tax Code;
- (2) a tax abatement reinvestment zone under Chapter 312, Tax Code; or
- (3) an industrial district under Chapter 42, Local Government Code.

(b) Section 311.006(b), Tax Code, does not apply to a tax increment reinvestment zone created by the district.

(c) The district may submit to the Texas Economic Development Bank a request for designation of a project or activity in the district as an enterprise project in the manner provided for a municipality to submit a request under Chapter 2303, Government Code.

(d) If the county creates a tax increment reinvestment zone under Chapter 311, Tax Code, the county, by contract with the district, may grant money deposited in the tax increment fund to the district to be used by the district for the purposes permitted for money granted to a corporation under Section 380.002(b), Local Government Code, including the right to pledge the money as security for any bonds issued by the district for an improvement project.

Sec. 3938.112. CONCURRENCE ON ADDITIONAL POWERS. If the territory of the district is located in the corporate boundaries or the extraterritorial jurisdiction of a municipality, the district may not exercise a power granted to the district after the date the district was created unless the governing body of the municipality by resolution consents to the district's exercise of the power.

Sec. 3938.113. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3938.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3938.152. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, finance, operate, or maintain an improvement project or service authorized under this chapter or Chapter 375, Local Government Code, using any money available to the district.

Sec. 3938.153. GENERAL POWERS REGARDING PAYMENT OF DISTRICT BONDS, OBLIGATIONS, OR OTHER COSTS. The district may provide or secure the payment or repayment of any bond, note, or other temporary or permanent obligation or reimbursement or other contract with any person and the costs and expenses of the establishment, administration, and operation of the district and the district's costs or share of the costs or revenue of an improvement project or district contractual obligation or indebtedness by:

(1) the imposition of an ad valorem tax or sales and use tax or an assessment, user fee, concession fee, or rental charge; or

(2) any other revenue or resources of the district, including revenues from a tax increment reinvestment zone.

Sec. 3938.154. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

(b) The petition must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 3938.155. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Sec. 3938.156. STORM WATER USER CHARGES. The district may establish user charges related to the operation of storm water facilities, including the regulation of storm water for the protection of water quality in the district.

Sec. 3938.157. NONPOTABLE WATER USER CHARGES. The district may establish user charges for the use of nonpotable water for irrigation purposes, subject to approval of the governing body of the county.

Sec. 3938.158. COSTS FOR IMPROVEMENT PROJECTS. The district may undertake separately or jointly with other persons, including the county, all or part of the cost of an improvement project, including an improvement project:

(1) for improving, enhancing, and supporting public safety and security, fire protection and emergency medical services, and law enforcement in or adjacent to the district; or

(2) that confers a general benefit on the entire district or a special benefit on a definable part of the district.

Sec. 3938.159. TAX AND ASSESSMENT ABATEMENTS. The district may designate reinvestment zones and may grant abatements of a tax or assessment on property in the zones.

SUBCHAPTER E. TAXES AND BONDS

Sec. 3938.201. TAX ABATEMENT. The district may enter into a tax abatement agreement in accordance with the general laws of this state authorizing and applicable to a tax abatement agreement by a municipality.

Sec. 3938.202. PROPERTY TAX AUTHORIZED. (a) The district may impose an ad valorem tax on all taxable property in the district to:

(1) pay for an improvement project of the types authorized by Section 52(b), Article III, and Section 59, Article XVI, Texas Constitution; or

(2) secure the payment of bonds issued for a purpose described by Subdivision (1).

(b) The district may not impose an ad valorem tax to pay for an improvement project under this chapter unless the imposition is approved by the voters of the district voting at an election held for that purpose. The board may call an election to approve the imposition of an ad valorem tax to pay for an improvement project under this chapter only if the board receives a petition requesting the election signed by:

(1) more than 51 percent of the record owners of real property in the district subject to taxation; or

(2) owners representing more than 51 percent of the appraised value of real property in the district subject to taxation, as determined by the tax rolls of the appraisal district.

Sec. 3938.203. SALES AND USE TAX. (a) The district may impose a sales and use tax if authorized by a majority of the voters of the district voting at an election called for that purpose. Revenue from the tax may be used for any purpose for which ad valorem tax revenue of the district may be used.

(b) The district may not adopt a sales and use tax if as a result of the adoption of the tax the combined rate of all sales and use taxes imposed by the district and other political subdivisions of this state having territory in the district would exceed two percent at any location in the district.

(c) If the voters of the district approve the adoption of the tax at an election held on the same election date on which another political subdivision adopts a sales and use tax or approves an increase in the rate of its sales and use tax and as a result the combined rate of all sales and use taxes imposed by the district and other political subdivisions of this state having territory in the district would exceed two percent at any location in the district, the election to adopt a sales and use tax under this chapter has no effect.

Sec. 3938.204. BONDS AND OTHER OBLIGATIONS. (a) The district may issue, by public or private sale, bonds, notes, or other obligations payable wholly or partly from ad valorem taxes, sales and use taxes, or assessments in the manner provided by Subchapter J, Chapter 375, Local Government Code.

(b) If the territory of the district is not located in the corporate boundaries or extraterritorial jurisdiction of a municipality, the district is not required to comply with Section 375.207, Local Government Code, and may issue a bond or other obligation under Subchapter J, Chapter 375, Local Government Code, with the written consent of directors, as provided by Section 375.071, Local Government Code.

(c) In exercising the district's borrowing power, the district may issue a bond or other obligation in the form of a bond, note, certificate of participation or other instrument evidencing a proportionate interest in payments to be made by the district, or other type of obligation.

(d) In addition to the sources of money described by Subchapter J, Chapter 375, Local Government Code, district bonds may be secured and made payable wholly or partly by a pledge of any part of the money the district receives from improvement revenue or from any other source.

Sec. 3938.205. BOND MATURITY. Bonds may mature not more than 40 years from their date of issue.

Sec. 3938.206. TAXES FOR BONDS AND OTHER OBLIGATIONS. At the time bonds or other obligations payable wholly or partly from ad valorem taxes are issued:

(1) the board shall impose a continuing direct annual ad valorem tax for each year that all or part of the bonds are outstanding; and

(2) the district annually shall impose an ad valorem tax on all taxable property in the district in an amount sufficient to:

(A) pay the interest on the bonds or other obligations as the interest becomes due; and

(B) create a sinking fund for the payment of the principal of the bonds or other obligations when due or the redemption price at any earlier required redemption date.

SUBCHAPTER F. DISSOLUTION

Sec. 3938.251. DISSOLUTION BY ORDINANCE. (a) A municipality that includes territory of the district, in the corporate boundaries or extraterritorial jurisdiction of the municipality, by ordinance may dissolve the district.

(b) The municipality may not dissolve the district until the district's outstanding debt or contractual obligations that are payable from ad valorem taxes have been repaid or discharged, or the municipality has affirmatively assumed the obligation to pay the outstanding debt from municipal revenue.

Sec. 3938.252. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has bonds or other obligations outstanding secured by and payable from assessments or other revenue, other than ad valorem taxes, the municipality that dissolves the district shall succeed to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

(b) The municipality shall have and exercise all district powers to enforce and collect the assessments or other revenue to pay:

(1) the bonds or other obligations when due and payable according to their terms; or

(2) special revenue or assessment bonds or other obligations issued by the municipality to refund the outstanding bonds or obligations.

Sec. 3938.253. ASSUMPTION OF ASSETS AND LIABILITIES. (a) If a municipality dissolves the district, the municipality assumes, subject to the appropriation and availability of funds, the obligations of the district, including any bonds or other debt payable from assessments or other district revenue.

(b) If a municipality dissolves the district, the board shall transfer ownership of all district property to the municipality.

SECTION 2. The Grand Lake Estates Management District initially includes all the territory contained in the following area: Tract 1 is +/- 200.33 acres within the J. Sealy Survey Abstract (No. 758) and A. Hodge Survey Abstract (No. 18), and situated west of the Grand Lake Estates Subdivision Section 11 (west of intersection of Guinevere Ln and Kirsten's Ct) and south of the Grand Lake Estates Subdivision Sections 6 and 8, in southwest Montgomery County with point of beginning being south Right-Of-Way (ROW) of Guinevere Ln and east boundary of 200.33 acre tract (A0758 - Sealy John, TRACT 1-A (191.211 AC), A0018 HODGE ARCHIBALD, TRACT 3A-1 (9.119 AC), ACRES 200.33);

Then south along east boundary of said 200.33 acre tract to southeast corner of said tract;

Then west along south boundary of said 200.33 acre tract to southwest corner of said tract;

Then north along west boundary of said 200.33 acre tract to northwest corner of said tract;

Then east along north boundary of said 200.33 acre tract to northeast corner of said tract;

Then south along east boundary of said 200.33 acre tract to south ROW of Guinevere Ln and point of beginning of +/-200.33 acre tract;

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) The general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with.

(e) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

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.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 4154** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 2, Chapter 465, Acts of the 79th Legislature, Regular Session, 2005, is amended to read as follows:

Sec. 2. The Harris County Municipal Utility District No. 465 [~~initially~~] includes all the territory contained in the following area:

Being 320.794 acres of land located in the A. E. Spencer Survey, Abstract 1365, and the W. B. Macomer Survey, Abstract 1528, the L. Breeding Survey, Abstract 1468, and the C. Breeding Survey, Abstract 1467, Harris County, Texas, being a portion of that certain called 315.38 acre tract (Tract I) and the residue of that certain called 19.768 acre tract (Tract III) by an instrument of record in File Number D990282, Official Public Records of Real Property, Harris County, Texas, (H.C.O.P.R.R.P.), said 320.794 acres being more particularly described by metes and bounds as follows, all bearings based upon the west line of said 315.38 acre tract, and being north (called north);

BEGINNING on the common line of said W. B. Macomer Survey, Abstract 1528, and the H. & T.C. Railroad Company Survey Section 87, Abstract 455 of said Harris County, Texas, at its intersection with the north right-of-way line of F. M. Highway 529, said point being the southwest corner of said 315.38 acre tract;

Thence, North (called North) along the common line of said W. B. Macomer Survey and said H. & T.C. Railroad Company Survey, 5,204.14 feet to the northwest corner of the herein described tract, the northwest corner of said 315.38 acre tract, same being the northeast corner of a called 21.157 acre tract by an instrument of record in File Number P040350, H.C.O.P.R.R.P., on the south right-of-way line of Longenbaugh Road;

Thence, North 89° 59' 17" East, along the north line of the herein described tract and the north line of said 315.38 acre tract, and the south right-of-way line of said Longenbaugh Road, 2,640.00 feet to the northeast corner of the herein described tract and the northeast corner of said 315.38 acre tract, same being the northwest corner of the residue of a called 510.63 acre tract by an instrument of record in Volume 1270, Page 473, and Volume 1267, Page 163, Deed Records of said Harris County, Texas (H.C.D.R.);

Thence, South (called South) along the east line of the herein described tract and the east line of said called 315.38 acre tract, same being the west line of said adjoining residue of a called 510.63 acre tract, at 2,613.77 feet pass a point on said line at its intersection with the south line of the A. E. Spencer Survey, Abstract 1365, said point being the southwest corner of said adjoining residue of a called 510.63 acre tract, same being the northwest corner of an adjoining called 73.718 acre tract described in deed recorded under County Clerk's File Numbers L9788401, N447931, N447932, and W740505, Official Public Records of Real Property, Harris County, Texas, said point also being the northwest corner of the L. Breeding Survey, Abstract 1468, same being the northeast corner of the W. B. Macomer Survey, Abstract 1528, and continuing for a total distance of 3,844.35 feet to a reentry corner to the herein described tract, same being the southwest corner of said adjoining called 73.718 acre tract;

Thence, North 89 degrees 57 minutes 16 seconds East (adjoiner called East) along the lower north line of the herein described tract, same being the south line of said adjoining called 73.718 acre tract, 2,609.39 feet (adjoiner called 2,609.44 feet) to a northeast corner of the herein described tract, same being the southeast corner of said adjoining called 73.718 acre tract, and being in the west right-of-way line of Katy Hockley Road;

Thence, South 00 degrees 01 minute 11 seconds East (called South) along the middle east line the herein described tract and the east line of said residue of a called 19.768 acre tract, same being the west right-of-way line of Katy Hockley Road, 90.00 feet to a southeast corner of the herein described tract and the southeast corner of said called 19.768 acre tract, same being the northeast corner of an adjoining called 1.00 acre tract described in deed recorded under County Clerk's File Number T395128, Official Public Records of Real Property, Harris County, Texas, said point also being the southeast corner of the C. Breeding Survey, Abstract 1467, same being the lower northeast corner of the L. Breeding Survey, Abstract 1468;

Thence, South 89 degrees 57 minutes 16 seconds West along the south line of the C. Breeding Survey, Abstract 1467, same being the lower north line of the L. Breeding Survey, Abstract 1468, being the upper south line of the herein described tract and the south line of said called 19.768 acre tract, same being the

north line of said adjoining called 1.00 acre tract, and along the north line of an adjoining called 1.9578 acre tract described in deed recorded under County Clerk's File Number T233387, Official Public Records of Real Property, Harris County, Texas, the north line of an adjoining called 13.9559 acre tract described in deed recorded under County Clerk's File Number G594514, Official Public Records of Real Property, Harris County, Texas, the north line of an adjoining called 13.955 acre tract described in deed recorded under County Clerk's File Number H415235, Official Public Records of Real Property, Harris County, Texas, the north line of an adjoining called 3.955 acre tract described in deed recorded under County Clerk's File Number G067328, Official Public Records of Real Property, Harris County, Texas, and the north line of an adjoining called 10 acre tract described in deed recorded under County Clerk's File Number D745445, Official Public Records of Real Property, Harris County, Texas, the north line of an adjoining called 10 acre tract described in deed recorded under County Clerk's File Number H755391, Official Public Records of Real Property, Harris County, Texas, the north line of an adjoining called 10 acre tract described in deed recorded under County Clerk's File Number H956910, Official Public Records of Real Property, Harris County, Texas, for a total distance of 2,610.82 feet (called 2,609.44 feet) to a reentry corner to the herein described tract, same being the occupied northwest corner of said adjoining called 10 acre tract (County Clerk's File Number H956910), said point also being in the occupied common line of the L. Breeding Survey, Abstract 1468, and the W. B. Macomer Survey, Abstract 1528;

Thence, South 00 degrees 03 minutes 48 seconds East (called South) along the occupied common line of the herein described tract and said adjoining called 10 acre tract, 1,269.78 feet to a southeast corner of said called 315.38 acre tract, same being the southwest corner of said adjoining called 10 acre tract, and being in the north right-of-way line of F. M. Highway 529;

Thence, North 89 degrees 59 minutes 17 seconds West (called West) along the lower south line of the herein described tract and the south line of said called 315.38 acre tract, same being the north right-of-way line of F. M. Highway 529, 2,640.00 feet (called 2,640 feet) to the Place of Beginning and containing 320.794 acres of land, more or less.

[TRACT I:

FIELD NOTES FOR A 315.38 ACRE TRACT OF LAND, 156.84 ACRES OUT OF THE W.B. MACOMER SURVEY, ABSTRACT 1528, BEING THE SOUTHWEST $\frac{7}{4}$ OF SECTION 76, BLOCK 2 OF THE H. & T. C. R.R. COMPANY SURVEY AND 158.54 ACRES OUT OF THE A. E. SPENCER SURVEY, ABSTRACT 1365, BEING THE NORTHWEST $\frac{7}{4}$ OF SECTION 76, BLOCK 2 OF THE H. & T. C. R.R. COMPANY SURVEY, HARRIS COUNTY, TEXAS.

[BEGINNING at 1 1/4 inch Iron Pipe found on the North line of F. M. Highway 529, said point being the Southeast corner and Place described 315.38 Acre Tract, said point being located West 2639.44 feet and North 52 feet from the Southeast corner of the H. & T. C. R.R. Company Survey, Section 76;

~~[THENCE North along the East line of the W. B. Macomer Survey being a part of the aforementioned H. & T. C. R.R. Company Survey Section 76, at 2588 feet pass a 5/8 inch Iron Rod set on said line at the Northeast corner of the aforementioned W. B. Macomer Survey, same being in the South line of the A. E. Spencer Survey, and continuing for a total distance of 5204 feet set on the South line of Longenbaugh Road for the Northeast corner of the herein described 315.58 Acre Tract;~~

~~[THENCE West along the South line of Longenbaugh Road, 2640 feet to a 1 1/4 inch Iron Pipe set in the West line of the H. & T. C. R.R. Company Survey Section 76 for the Northwest corner of the herein described 315.38 Acre Tract;~~

~~[THENCE South along the West line of said Section 76, at 2616 feet pass the Southwest corner of the A.E. Spencer Survey, being a part of the aforementioned Section 76, same being the Northwest corner of the W. B. Macomer Survey, being a part of the aforementioned Section 76, and continuing for a total distance of 3204 feet to a 1 1/4 inch Iron Pipe set in the South line of F.M. Highway 529 for the Southwest corner of the herein described 315.38 Acre Tract;~~

~~[THENCE East along the South line of said F.M. Highway 529, 2640 feet to the Place of BEGINNING and containing 315.38 acres of land.~~

~~[TRACT H:~~

~~[FIELD NOTES FOR A 19.768 ACRE TRACT OF LAND, BEING 9.77 ACRES OUT OF THE C. BREEDING SURVEY, ABSTRACT 1467, AND 9.998 ACRES OUT OF THE L. BREEDING SURVEY ABSTRACT 1468, AND BEING IN THE SOUTHEAST 1/4 OF SECTION 76, BLOCK 2 OF THE H. & T. C. R.R. COMPANY SURVEY, HARRIS COUNTY, TEXAS.~~

~~[BEGINNING at a 3/4 inch Iron Pipe found on the West line of Katy Hockley Road at the Southeast corner and Place of Beginning of the herein described 19.768 Acre Tract said point being located North 1319.4 feet and West 30 feet from a Railroad Spike found at the Southeast corner of Section 76 as located in the intersection of F.M. Highway 529 and Katy Hockley Road;~~

~~[THENCE West along the common line of the L. Breeding Survey, Abstract 1468, and the C. Breeding Survey, Abstract 1467, at 1289.44 feet pass the Southwest corner of the C. Breeding Survey, same being a reentry corner to the L. Breeding Survey, and continuing for a total distance of 2609.44 feet to a 1 1/4 inch Iron Pipe found in the East line of the W. B. Macomer Survey for the Southwest corner of the herein described 19.768 Acre Tract;~~

~~[THENCE North along the East line of said W. B. Macomer Survey, same being a West line of the L. Breeding Survey, 330 feet to a 5/8 inch Iron Rod set on said line for the Northwest corner of the herein described 19.768 Acre Tract;~~

~~[THENCE East along a line establishing the North line of the herein described by 19.768 Acre Tract; 2609.44 feet to a 5/8 inch Iron Rod set in the West line of Katy Hockley Road for the Northeast corner of the herein described 19.768 Acre Tract of land;~~

~~[THENCE south along the West line of said Katy Hockley Road, 330 feet to the Place of BEGINNING and containing 19.768 acres of land.]~~

SECTION _____. (a) The Harris County Municipal Utility District No. 465 retains all rights, powers, privileges, authority, duties, and functions that it had before the effective date of this Act.

(b) Notwithstanding any other law, the Harris County Municipal Utility District No. 465 may continue to rely on any bond election held before the effective date of this Act.

SECTION _____. (a) Any act or proceeding of the district, including an election, not excepted by this section and taken before the effective date of this Act, is validated and confirmed in all respects.

(b) This section does not apply to:

(1) an act, proceeding, director, other official, bond, or other obligation the validity of which or of whom is the subject of litigation that is pending on the effective date of this Act; or

(2) an act or proceeding that, under a statute of this state or the United States, was a misdemeanor or felony at the time the act or proceeding occurred.

SECTION _____. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 4154** (senate committee report) as follows:

(1) In the caption of the bill (page 1, line 20), between "District" and ";" insert the following:

"and the Montgomery County Municipal Utility District No. 152."

(2) After SECTION 2 of the bill (page 8, line 27), insert the following new SECTIONS 3 and 4 and renumber the subsequent sections accordingly:

"SECTION 3. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7932 to read as follows:

CHAPTER 7932. MONTGOMERY COUNTY MUNICIPAL UTILITY

DISTRICT NO. 152

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7932.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Montgomery County Municipal Utility District No. 152.

Sec. 7932.002. NATURE OF DISTRICT.The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7932.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7932.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7932.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7932.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7932.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7932.051. GOVERNING BODY; TERMS.(a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7932.052, directors serve staggered four-year terms.

Sec. 7932.052. TEMPORARY DIRECTORS.(a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7932.003; or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(c) If permanent directors have not been elected under Section 7932.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7932.003; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7932.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7932.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7932.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7932.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7932.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7932.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7932.153.

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

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7932.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7932.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7932.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7932.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7932.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7932.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 4. The Montgomery County Municipal Utility District No. 152 initially includes all the territory contained in the following area:

A METES & BOUNDS description of a certain 695.3 acre tract of land situated in the Montgomery County School Land Survey, Abstract No. 351, the T. F. Johnson Survey, Abstract No. 299 and the Timothy O'Neil Survey, Abstract No. 406 in Montgomery County, Texas, being comprised of a called 364.7 acre tract of land (First Tract) and a called 330.6 acre tract of land (Second Tract) conveyed to Bell Endeavors, Ltd. From Helen Hilliard Brame by Special Warranty Deed recorded in Clerk's File No. 2004-021196 of the Montgomery

County Official Public Records of Real Property; said 695.3 acre tract being more particularly described in Two (2) Tracts as follows with all bearings being based on a call of South $51^{\circ}30'$ West, along the common lines of the First and Second Tracts;

TRACT 1: 364.7 acres, more or less, of land, of which 286.5 acres, more or less, lies in the Montgomery County School Land Survey, Abstract No. 350, 69.2 acres, more or less, lies in the Montgomery County School Land Survey, Abstract No. 351, 6.5 acres, more or less, lies in the T. F. Johnson Survey, Abstract No. 299, and 2.5 acres, more or less, lies in the Timothy O'Neil Survey, Abstract No. 406, and being the same land as conveyed to Winnie Helen Hilliard by partition deed dated July 20, 1957, recorded in Volume 434, Page 441 of the Deed Records of Montgomery County, Texas; said 364.7 acres, more or less, of land being more particularly described as follows:

BEGINNING at the Southwest corner of the S. Richardson Survey, Abstract No. 460 and the Northwest corner of the T. F. Johnson Survey, the Eastern Southeast corner of the Montgomery County School Land Survey, Abstract No. 350, a Northeast intra corner of the Montgomery County School Land Survey, Abstract No. 351, and being Corner No. 1 hereof;

THENCE, S $00^{\circ}30'$ W, 199.3 feet to Corner No. 2 hereof at the Southwest corner of the Blanche Bender tract of land;

THENCE, East, 746.4 feet to Corner No. 3 hereof and the Second Corner of Tract 2 hereof;

THENCE, S $51^{\circ}30'$ W, 2738 feet to Corner No. 4 hereof and Corner No. 1 of said Tract Two hereof, also being in the Northern boundary line of a 660 acre tract as conveyed to Winnifred Bender Beaman by said partition deed recorded in Volume 434, Page 441 of said Deed Records, and also being the Southeast corner of the Doris Eugenia Vaughan tract as described in said partition deed;

THENCE, N $38^{\circ}35'$ W, 6268.4 feet to Corner No. 5 hereof and the Northeast corner of said Doris Eugenia Vaughan tract in the center of the Scott-Herrin Road;

THENCE, N $47^{\circ}30'$ E, 800.4 feet with said Road [Deed (Volume 434, Page 441) call of N $46^{\circ}40'$ E, 759.2 feet] to Corner No. 6 hereof;

THENCE, N $70^{\circ}06'$ E, 1110.0 feet continuing with said road [the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition] to its intersection with the old Bender Tram Line for Corner No. 7 hereof;

THENCE, S $57^{\circ}27'$ E, with said old Tram, 4397 feet [Deed (Volume 434, Page 441) call of S $57^{\circ}12'$ E, 4397 feet] to Corner No. 8 hereof in the West boundary line of the S. Richardson Survey;

THENCE, S $01^{\circ}12'39''$ W, 1549.45 feet [Deed (Clerk's File No. 2004-021196) call South $01^{\circ}13'$ W, 1549.6 feet] along the West line of the S. Richardson Survey to the PLACE OF BEGINNING AND CONTAINING within these bounds 364.7 acres, more or less, of land.

TRACT 2: 330.6 acres, more or less, of land, of which 110.5 acres, more or less, lies in the Montgomery County School Land Survey, Abstract No. 351, and 220.1 acres, more or less, lies in the T. F. Johnson Survey, Abstract No. 299, and

being the same land as conveyed to Winnie Helen Hilliard by deed dated August 3, 1967, recorded in Volume 646, Page 935 of the Montgomery County Deed Records; said 330.6 acres, more or less, of land being more particularly described as follows:

BEGINNING at Corner No. 4 of the Tract 1 herein, and Corner No. 1 hereof;

THENCE, N 51°30' E, 2738.0 feet to a point for corner in the Southern boundary line of said Blanche Bender tract for Corner No. 2;

THENCE, East, 1009.6 feet with the Southern boundary line of said Blanche Bender tract to Corner No. 3 hereof on the Western edge of the Old Bender Tram Line;

THENCE, S 28°02' E, with said old Tram and/or road, 4024 feet [Deed (Volume 434, Page 441) call of S 28°50' E, 3966.4 feet] to Corner No. 4 hereof, on the Western side of said road, and being a most Eastern corner of the Doris E. Vaughan 330 acres as described in a deed recorded in Volume 646, Page 933 of said Deed Records;

THENCE, S 52°43' W, 2797.2 feet, [Deed (Volume 434, Page 441) call of S 53° W, 2797.2 feet] to Corner No. 5 hereof and being a re-entrant corner of the Doris E. Vaughan 330 acre tract;

THENCE, S 38°30'25" W, 4526.14 feet [Deed (Clerk's File No. 2004-021196) call N 38°30' W, 4525.7 feet] to the PLACE OF BEGINNING AND CONTAINING within these bounds 330.6 acres, more or less, of land for a total of 695.3 acres in Montgomery County, Texas."

(3) After renumbered SECTION 5 of the bill, insert the following new SECTION 6 and renumber the subsequent section accordingly:

"SECTION 6. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7932, Special District Local Laws Code, as added by Section 3 of this Act, is amended by adding Section 7932.106 to read as follows:

Sec. 7932.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution."

HB 1949 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1949, A bill to be entitled An Act relating to the annexation of county roads.

Representative Springer moved to concur in the senate amendments to **HB 1949**.

The motion to concur in the senate amendments to **HB 1949** prevailed by (Record 1711): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; 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; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hunter; Isaac; Israel; Johnson; Kacal; 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; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Alvarado; Anderson, C.; Guillen; Hughes; Rinaldi.

STATEMENTS OF VOTE

When Record No. 1711 was taken, I was in the house but away from my desk. I would have voted yes.

Alvarado

When Record No. 1711 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 1711 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1949** (senate committee printing) on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 43.028, Local Government Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) An area of land that would be eligible for annexation under this section except that the area does not meet the contiguity requirement of Subsection (a)(2) may be annexed under this section if a public right-of-way of a road or highway designated by the municipality exists that:

(1) is located entirely in the extraterritorial jurisdiction of the municipality; and

(2) when added to the area would cause the area to be contiguous to the municipality.

(h) Notwithstanding Section 43.054, on annexation of an area described by Subsection (g), the public right-of-way that makes the area eligible for annexation under Subsection (g) is included in the annexation to the municipality without regard to whether the owners of the public right-of-way sought annexation under this section. The ordinance providing for annexation must provide a metes and bounds description of the public right-of-way annexed under this subsection.

HB 2826 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2826, A bill to be entitled An Act relating to the eligibility of certain property located in multiple school districts for a limitation on appraised value for school district maintenance and operations ad valorem tax purposes under the Texas Economic Development Act.

Representative Murphy moved to concur in the senate amendments to **HB 2826**.

The motion to concur in the senate amendments to **HB 2826** prevailed by (Record 1712): 139 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; 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; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hunter; Isaac; Israel; Johnson; Kacal; 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; 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.; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Phillips; Rinaldi; Stickland; Tinderholt.

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

Absent, Excused — Dukes; McClendon.

Absent — Alvarado; Farney; Hughes.

STATEMENTS OF VOTE

When Record No. 1712 was taken, I was in the house but away from my desk. I would have voted yes.

Alvarado

When Record No. 1712 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2826** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 313.032(c), Tax Code, is amended to read as follows:

(c) The portion of the report described by Subsection (a)(2) must be based on data certified to the comptroller by each recipient or former recipient of a limitation on appraised value under this chapter. The comptroller shall verify a random sample of the data submitted under this section using information from the Texas Workforce Commission, the chief appraiser of the applicable appraisal district, or other sources the comptroller considers reliable. The random sample used to verify data under this section must constitute not less than 33 percent of the data used by the comptroller to prepare the report. Information provided under this section that contains personal identifying information of an individual is confidential and not subject to disclosure under Chapter 552, Government Code, or Chapter 111, Tax Code.

**HB 1624 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1624, A bill to be entitled An Act relating to transparency of certain information related to certain health benefit plan coverage.

Representative Smithee moved to concur in the senate amendments to **HB 1624**.

The motion to concur in the senate amendments to **HB 1624** prevailed by (Record 1713): 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; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; 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; 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; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Frullo.

STATEMENT OF VOTE

When Record No. 1713 was taken, I was in the house but away from my desk. I would have voted yes.

Frullo

Senate Committee Substitute

CSHB 1624, A bill to be entitled An Act relating to transparency of certain information related to certain health benefit plan coverage.

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

SECTION 1. Subchapter B, Chapter 1369, Insurance Code, is amended by adding Sections 1369.0542, 1369.0543, and 1369.0544 to read as follows:

Sec. 1369.0542. FORMULARY INFORMATION ON INTERNET WEBSITE. (a) A health benefit plan issuer shall display on a public Internet website maintained by the issuer formulary information as required by the commissioner by rule.

(b) A direct electronic link to the formulary information must be displayed in a conspicuous manner in the electronic summary of benefits and coverage of each health benefit plan issued by the health benefit plan issuer on the health benefit plan issuer's Internet website. The information must be publicly accessible to enrollees, prospective enrollees, and others without necessity of providing a password, a user name, or personally identifiable information.

Sec. 1369.0543. FORMULARY DISCLOSURE REQUIREMENTS. (a) The commissioner shall develop and adopt by rule requirements to promote consistency and clarity in the disclosure of formularies to facilitate comparison shopping among health benefit plans.

(b) The requirements adopted under Subsection (a) must apply to each prescription drug:

(1) included in a formulary and dispensed in a network pharmacy; or
(2) covered under a health benefit plan and typically administered by a physician or health care provider.

(c) The formulary disclosures must:

(1) be electronically searchable by drug name;
(2) include for each drug the information required by Subsection (d) in the order listed in that subsection; and

(3) indicate each formulary that applies to each health benefit plan issued by the issuer.

(d) The formulary disclosures must include for each drug:

(1) the cost-sharing amount for each drug, including as applicable:

(A) the dollar amount of a copayment; or

(B) for a drug subject to coinsurance:

(i) an enrollee's cost-sharing amount stated in dollars; or

(ii) a cost-sharing range, denoted as follows:

(a) under \$100 - \$;

(b) \$100-\$250 - \$\$;

(c) \$251-\$500 - \$\$\$;

(d) \$501-\$1,000 - \$\$\$\$; or

(e) over \$1,000 - \$\$\$\$\$;

(2) a disclosure of prior authorization, step therapy, or other protocol requirements for each drug;

(3) if the health benefit plan uses a tier-based formulary, the specific tier for each drug listed in the formulary;

(4) a description of how prescription drugs will specifically be included in or excluded from the deductible, including a description of out-of-pocket costs for a prescription drug that may not apply to the deductible;

(5) identification of preferred formulary drugs; and

(6) an explanation of coverage of each formulary drug.

(e) The commissioner by rule may allow an alternative method of making disclosures required under Subsection (d)(1) relating to cost-sharing through a web-based tool that must:

(1) be publicly accessible to enrollees, prospective enrollees, and others without necessity of providing a password, a user name, or personally identifiable information;

(2) allow consumers to electronically search formulary information by the name under which the health benefit plan is marketed; and

(3) be accessible through a direct link that is displayed on each page of the formulary disclosure that lists each drug as required under Subsection (c).

Sec. 1369.0544. FORMULARY INFORMATION PROVIDED BY TOLL-FREE TELEPHONE NUMBER. In addition to providing the information described by Section 1369.0543(d)(1), a health benefit plan issuer may make the information available to enrollees, prospective enrollees, and others through a toll-free telephone number that operates at least during normal business hours.

SECTION 2. Chapter 1451, Insurance Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. HEALTH CARE PROVIDER DIRECTORIES

Sec. 1451.501. DEFINITIONS. In this subchapter:

(1) "Health care provider" means a practitioner, institutional provider, or other person or organization that furnishes health care services and that is licensed or otherwise authorized to practice in this state. The term includes a pharmacist, pharmacy, hospital, nursing home, or other medical or health-related service facility that provides care for the sick or injured or other care. The term does not include a physician.

(2) "Physician" means an individual licensed to practice medicine in this state.

Sec. 1451.502. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or a small or large employer group contract or similar coverage document that is offered by:

- (1) an insurance company;
- (2) a group hospital service corporation operating under Chapter 842;
- (3) a fraternal benefit society operating under Chapter 885;
- (4) a stipulated premium company operating under Chapter 884;
- (5) a reciprocal exchange operating under Chapter 942;
- (6) a health maintenance organization operating under Chapter 843;
- (7) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846; or
- (8) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844.

Sec. 1451.503. EXCEPTION. This subchapter does not apply to:

- (1) a health benefit plan that provides coverage:
 - (A) only for a specified disease or for another single benefit;
 - (B) only for accidental death or dismemberment;
 - (C) for wages or payments in lieu of wages for a period during which an employee is absent from work because of sickness or injury;
 - (D) as a supplement to a liability insurance policy;
 - (E) for credit insurance;
 - (F) only for dental or vision care;
 - (G) only for hospital expenses; or
 - (H) only for indemnity for hospital confinement;
- (2) a Medicare supplemental policy as defined by Section 1882(g)(1), Social Security Act (42 U.S.C. Section 1395ss), as amended;
- (3) a workers' compensation insurance policy;
- (4) medical payment insurance coverage provided under a motor vehicle insurance policy;
- (5) a long-term care insurance policy, including a nursing home fixed indemnity policy, unless the commissioner determines that the policy provides benefit coverage so comprehensive that the policy is a health benefit plan as described by Section 1451.502;

(6) the child health plan program under Chapter 62, Health and Safety Code, or the health benefits plan for children under Chapter 63, Health and Safety Code; or

(7) a Medicaid managed care program operated under Chapter 533, Government Code, or a Medicaid program operated under Chapter 32, Human Resources Code.

Sec. 1451.504. PHYSICIAN AND HEALTH CARE PROVIDER DIRECTORIES. (a) A health benefit plan issuer that offers coverage for health care services through preferred providers, exclusive providers, or a network of physicians or health care providers shall develop and maintain a physician and health care provider directory in accordance with this subchapter.

(b) The directory must include the name, street address, and telephone number of each physician and health care provider described by Subsection (a) and indicate whether the physician or provider is accepting new patients.

Sec. 1451.505. PHYSICIAN AND HEALTH CARE PROVIDER DIRECTORY ON INTERNET WEBSITE. (a) A health benefit plan issuer shall display on a public Internet website maintained by the issuer the directory required by Section 1451.504. A direct electronic link to the directory must be displayed in a conspicuous manner in the electronic summary of benefits and coverage of each health benefit plan issued by the health benefit plan issuer on the Internet website.

(b) The health benefit plan issuer shall clearly indicate in the directory each health benefit plan issued by the issuer that may provide coverage for services provided by each physician or health care provider included in the directory.

(c) The directory must be:

(1) electronically searchable by physician or health care provider name and location; and

(2) publicly accessible without necessity of providing a password, a user name, or personally identifiable information.

(d) The health benefit plan issuer shall conduct an ongoing review of the directory and correct or update the information as necessary. Except as provided by Subsection (e), corrections and updates, if any, must be made not less than once each month.

(e) The health benefit plan issuer shall conspicuously display in the directory required by Section 1451.504 an e-mail address and a toll-free telephone number to which any individual may report any inaccuracy in the directory. If the issuer receives a report from any person that specifically identified directory information may be inaccurate, the issuer shall investigate the report and correct the information, as necessary, not later than the seventh day after the date the report is received.

SECTION 3. The commissioner of insurance shall adopt rules as required by Section 1369.0543, Insurance Code, as added by this Act, not later than January 1, 2016.

SECTION 4. This Act applies only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2016. A plan delivered, issued for delivery, or renewed before January 1, 2016, 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.

HCR 137 - ADOPTED

(by Hughes, Flynn, Schaefer, S. Thompson, and Craddick)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HCR 137**.

The motion prevailed.

The following resolution was laid before the house:

HCR 137, In memory of the Honorable Leo Berman of Tyler.

HCR 137 - REMARKS

REPRESENTATIVE HUGHES: I'm sure each of us has thoughts to share, and I hope—I'm sure many of us will. The resolution said it well—the son of immigrants, war hero, entrepreneur, public servant, father, grandfather. I can't help but smile when we think about Leo. His funeral service is this afternoon in Tyler, so while his life is being remembered there, we have the honor of doing it here. And I'll just say briefly—as you know, Leo loved to share his faith, to share his strongly held views. And I was at a meeting in Longview one time, and Leo had been asked to give his Christian testimony, how he came to be a Christian. He asked three or four of us to read certain verses, so he gave us a note with the verses he wanted us to read. This sort of set up his personal story he was going to tell. And the verses he wrote down for me—I still have the note—I saw this the other day, when we found out that Leo had gone to be with the Lord. The verses he wrote down for me to read were from the book of Isaiah, chapter 53, verses 5-15. Those verses talk about how the Lord Jesus came to earth and gave his life for us and paid the penalty for our sins. It really spoke to Leo, as used in his life, and I'll never forget that about him. We have a lot of good memories, and as he's being honored in Tyler today, I'm glad we can do this now.

REPRESENTATIVE RIDDLE: All of us here are like family, and I think not everybody really understands what that means. When I was a freshman, my daddy, a 78-year-old robust Marine, got acute myeloid leukemia. He was Leo's constituent. He loved and admired Leo. Leo really didn't know my dad, but my dad knew him. Dad lived less than 30 days after the diagnosis—it went fast. So I called Leo and said it would mean so much to my dad if he'd go see him, and he did. There weren't any cameras. There wasn't any press. It wasn't anything that would help him in a campaign. Nobody really knew except for Leo, my dad, and me. That's what our family here is about. He served two tours of duty, I believe, in Vietnam, and nobody loved his country more than Leo. And I just wanted to publicly say thank you, Leo, for what you did.

REPRESENTATIVE FLYNN: Leo Berman was a close, dear friend of mine well before we ever joined this body. He was a man of personal integrity and honor like none other I've ever known. I remember one of the things when he first got elected to the house; you all that have been here a while will remember. His first wife, Sue, died just as he was elected. She had a period of illness that he took care of her, right here on a regular basis, and he still served. She passed away right after he was elected. He was my deskmate for a number of terms here. I never heard a man that was more dedicated to his faith, his family, and to the great State of Texas. We served in the guard together. One thing that kind of sticks out in my mind was when he met Lou Ann, his beautiful wife—and it was a great courtship—and he came to me and he said, do you think people will think bad of me if I remarry? Of course, I told him I think that you've honored your wife and your family greatly, and people would love for you to have the joy that you will have. And I greatly recall telling him, I hope and pray that my wife, Susan, will understand and appreciate how he honored his wife, and I want to be sure that she knows that I honor her greatly as much as he honored her. A great man, a great Texan, and someone we can all be proud that we had the privilege of knowing and serving with. God bless him.

REPRESENTATIVE ZEDLER: Leo—you could see it in his face, you could see it in his persona—this man was a leader. He carried his strong principles, and you could see it in the very man that he was. He was one of the few people that I've ever seen that, at 70 years old, could still get into the uniform that he wore when he was in the military. And I can still remember Dan and I, when we were down here in Austin with Leo, and we would be going someplace. Leo was walking, and Dan and I were running to keep up with him. Numerous times I would call him and say—Leo, my hero. And he was. We will miss him.

HCR 137 was unanimously adopted by a rising vote.

On motion of Representative Craddick, the names of all the members of the house were added to **HCR 137** as signers thereof.

REMARKS ORDERED PRINTED

Representative Bell moved to print all remarks on **HCR 137**.

The motion prevailed.

ADDRESS BY REPRESENTATIVE REYNOLDS ON A MATTER OF PERSONAL PRIVILEGE

The chair recognized Representative Reynolds who addressed the house on a matter of personal privilege, speaking as follows:

It wasn't my intention to make this personal privilege speech, but my faith tells me that when God places something on your heart, you have to be obedient and do what the Lord leads you to do. And so today, I give this personal privilege speech to talk about prioritizing your health. About two weeks ago, as many of you know, I had to have emergency surgery. But I want to talk a little bit about what led up to that. The day before, I was having some serious pains in my stomach, and I really just ruled it off as maybe an ulcer or something I ate—just

something that was moderate in nature. I asked my deskmate to give me something for my stomach or for pain, and I think she gave me some pain pills. My chief of staff gave me some TUMS.

The next day was the critical deadline—the midnight deadline for passing house bills—and I definitely wanted to make sure that I was here on the house floor to represent my constituents as well as my duties as house democratic whip. So that next morning I was in immense pain. I asked my chief of staff if she had something stronger for pain. And I ended up going to the house nurse, Tim Flynn, and the doctor of the day was there. And the doctor of the day examined me and said, you know, Representative Reynolds, I think it may be something more than just an ulcer or just a stomach pain. I think it could be your appendix. I said no, doc, just give me some pain pills. I have work to do. Please just give me something so I can get back on the floor. And so he said, Representative Reynolds, with all due respect, I think you need to get an MRI or CAT scan. So I said okay, doc, let me do it quickly so I can get back to work. And sure enough when I got that CAT scan, the results showed that I had a ruptured appendix, and that was the reason I was in so much pain. They had to get me in for emergency surgery. And to God be the glory—that if I didn't have that emergency surgery, within 24 hours you guys would have been doing a memorial resolution for me.

So my message is simple—is that especially to all of the members, particularly men, a lot of times we mask our pain with machoism and just trying to be a soldier and do what we can—but I really want to encourage you that any time you have some serious medical concerns, that you seek immediate medical attention. I know we have some great physicians on this floor, and I'm very happy and grateful that we have them. And I'm also very grateful that we have the doctor of the day because truly if we didn't have a doctor of the day that didn't strongly—almost demand—that I immediately get that CAT scan, I would have put it off. And it's possible that I could have passed away in my sleep or on the house floor. Who knows? But thank God that he had another vision for me. So I really want to encourage you to make sure that your priorities are straight. I mean—I thought I was focused, I was disciplined, I was doing what I needed to do. But I was really being selfish because I'm a husband and a father of three, and it really would have been unfair for me to leave my family because I didn't attend to my health needs. I want to encourage and challenge each and every one of you to make sure that you are attentive to your health and your physical well-being. The session is very stressful, it's very rigorous, and a lot of times we try to put things off. But make sure you prioritize your health, because if you don't, you may not get a second chance. You might not be as fortunate to have a house doctor that says no you need to do it right away. Finally, I want to thank all of the people that prayed for me, that were concerned for me and my well-being. I want to thank the house chaplain for coming to visit me in the hospital. I want to thank all the members for your cards and your letters of support. That really is very encouraging. And it really tells me that this Texas House of Representatives—we may have some philosophical differences when it comes to public policy. We

may vigorously debate issues, and we should. Everyone is here to zealously represent their districts. Some of us come from conservative districts, liberal districts, some moderate, but we all are here to represent our constituents.

I just want everybody that's listening to know that this house of representatives is really a special place. That was demonstrated by the adoration we gave to Ruth yesterday. That exemplifies the brotherhood and the camaraderie as legislators—as democrats and republicans. There weren't too many dry eyes in this room, and so many people were touched and moved. And that's the kind of house of representatives I think that this body needs to continue to demonstrate. And then there's certainly room for improvement. One of the things that we're all blessed with is to have health insurance so that we can get those checkups. We don't have to wait to go to the emergency room to get preventative health care. We're all very blessed to have health insurance—some of the greatest health insurance that money can buy. But Texas continues to lead the nation in the number of uninsured. That's unfortunate. That is very, very unfortunate—because many of those people don't get preventative care. Many of those people don't get checkups to keep them from being sick or keep them from being at the hospital emergency room where we all pay for it in the long run. So I know that the Affordable Care Act, or Obamacare, is a very political hot button. It's a very controversial issue, but I hope that this body can put politics aside and do what's in the best interest of all Texans. To make sure that we look out for the vulnerable. To look out for the least, the last, and the lost. To exemplify the scripture in Proverbs 31:8-9 that says: "Speak out for the one who cannot speak, for the rights of those who are doomed. Speak out, judge fairly, and defend the rights of oppressed and needy people."

Ladies and gentlemen, I'll submit to you that this body is full of statesmen—people that can put politics aside or partisanship aside and do what's in the best interest of our state. This is a great state. We all hold Texas very dear and near to us. But let's make sure that we don't continue to lead the nation in the number of uninsured, so that people can have access to quality health care and that they can continue to make sure that they live healthy lives. I want to thank you again for allowing me to make this personal privilege speech. I want to thank you again for your prayers, for your support, and for the genuine love that this body has shown to me. Thank you and God bless you. And God bless the great State of Texas.

REMARKS ORDERED PRINTED

Representative Rose moved to print remarks by Representative Reynolds.

The motion prevailed.

HB 2123 - HOUSE DISCHARGES CONFEREES

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 to discharge the conferees to **HB 2123**.

The motion to discharge the conferees to **HB 2123** prevailed by (Record 1714): 138 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; 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; 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; 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 — Phillips; Rinaldi; Schaefer; Simpson; Stickland; Tinderholt.

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

Absent, Excused — Dukes; McClendon.

Absent — Faircloth; Keough.

HB 2123 - CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative P. King moved to concur in the senate amendments to **HB 2123**.

The motion to concur in the senate amendments to **HB 2123** prevailed by (Record 1715): 137 Yeas, 6 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; 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; 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; Kacal; 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; Pickett; Price; 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, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

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

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

Absent, Excused — Dukes; McClendon.

Absent — Alvarado; Johnson.

STATEMENT OF VOTE

When Record No. 1715 was taken, I was in the house but away from my desk. I would have voted yes.

Alvarado

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2123** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, lines 24 and 25), strike "Subsections (g-1), (g-2), and (g-3)" and substitute "Subsection (f-1)".

(2) In SECTION 1 of the bill, strike amended Section 437.212(f), Government Code (page 1, lines 26-43), and substitute the following:

(f) A member of the state military forces [~~volunteer in the Texas State Guard~~] who is not a full-time or part-time state employee and who has been on state active duty or on state training or other duty for more than 60 [~~90~~] days is, notwithstanding Section 1551.1055, Insurance Code, eligible to participate in the state group benefits program under Chapter 1551, Insurance Code, and is considered to be a full-time state employee for the purposes of that chapter, including the receipt of a full state contribution for [~~to purchase health or dental~~] insurance coverage, subject to Subsection (f-1) and the following requirements:

(1) the participant must be a member of the state military forces [~~Texas State Guard~~] at the time of enrollment in the group benefits program; and

(2) [~~the participant must pay the full cost of health or dental insurance coverage under the group benefits program and may not receive a state contribution for premiums; and~~

[~~(3)~~] an application under this subsection for [~~group benefit health or dental~~] insurance coverage must be submitted in accordance with procedures established by the Employees Retirement System of Texas.

(3) In SECTION 1 of the bill, immediately following amended Section 437.212(f), Government Code (page 1, between lines 43 and 44), insert the following:

(f-1) The department shall require payment of the cost associated with paying the state contribution of a member of the state military forces who elects to participate in the state group benefits program under Subsection (f) by the person responsible for paying for the mission for which the member is on state active duty or state training and other duty. On receipt of payment, the department shall reimburse the board of trustees of the Employees Retirement System of Texas for that cost.

(4) In SECTION 1 of the bill, in amended Section 437.212, Government Code, strike page 1, line 50, through page 2, line 28, and substitute the following: state group benefits program; ~~and~~

(2) an appropriate method to annually confirm continuing eligibility to participate in the group benefits program; and

(3) an appropriate method of administering the reimbursement of the state contribution as required by Subsection (f-1).

(5) Strike SECTION 2 of the bill, adding proposed Section 437.2121, Government Code (page 2, line 29, through page 3, line 32).

(6) Renumber the SECTIONS of the bill accordingly.

HR 3372 - ADOPTED
(by Capriglione)

The following privileged resolution was laid before the house:

HR 3372

BE IT RESOLVED by the House of Representatives of the State of Texas, 84th Legislature, 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 483** (the establishment and administration of a state bullion depository; authorizing fees) to consider and take action on the following matters:

(1) House Rule 13, Sections 9(a)(1) and (3), are suspended to permit the committee to add and amend text which is not in disagreement in proposed SECTION 1 of the bill, in added Section 2116.015(a)(1), Government Code, to read as follows:

(1) an individual or fiduciary, including an administrator, executor, custodian, guardian, or trustee;

Explanation: This change is necessary to ensure that an individual may use a depository account in the state bullion depository as an investment.

(2) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text not in disagreement in proposed SECTION 1 of the bill, in added Section 2116.015, Government Code, by omitting proposed Subsection (b), which reads as follows:

(b) An investment by an insurance company in a depository account is eligible to be applied as a credit against taxes payable under Chapters 221 and 222, Insurance Code, in accordance with rules adopted by the comptroller after consultation with the commissioner of insurance.

Explanation: The omission is necessary to eliminate the implication that certain investments may be applied as tax credits.

HR 3372 was adopted by (Record 1716): 143 Yeas, 0 Nays, 3 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; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel;

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; Johnson; Kacal; 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; 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; Israel; Keffer(C).

Absent, Excused — Dukes; McClendon.

Absent — Button; Raney.

HR 3316 - ADOPTED
(by Martinez Fischer)

Representative Martinez Fischer moved to suspend all necessary rules to take up and consider at this time **HR 3316**.

The motion prevailed.

The following resolution was laid before the house:

HR 3316, Celebrating the expansion of the digital component of the State Capitol Medal of Honor exhibit to include recognition of recipients of the Texas Legislative Medal of Honor.

(Márquez in the chair)

HR 3316 was adopted.

On motion of Representatives K. King and Fallon, the names of all the members of the house were added to **HR 3316** as signers thereof.

HB 1170 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1170, A bill to be entitled An Act relating to the applicability to open-enrollment charter schools of certain laws regarding local governments and political subdivisions.

Representative Farney moved to concur in the senate amendments to **HB 1170**.

The motion to concur in the senate amendments to **HB 1170** prevailed by (Record 1717): 140 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; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hunter; Isaac; Israel; Johnson; Kacal; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; 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; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Canales; Sheffield.

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

Absent, Excused — Dukes; McClendon.

Absent — Giddings; Hughes; Keffer; Turner, S.

STATEMENTS OF VOTE

When Record No. 1717 was taken, I was shown voting yes. I intended to vote no.

Bernal

When Record No. 1717 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

When Record No. 1717 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

Senate Committee Substitute

CSHB 1170, A bill to be entitled An Act relating to the applicability to open-enrollment charter schools of certain laws regarding local governments and political subdivisions.

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

SECTION 1. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1058 to read as follows:

Sec. 12.1058. APPLICABILITY OF OTHER LAWS. (a) An open-enrollment charter school is considered to be:

(1) a local government for purposes of Chapter 791, Government Code;
(2) a local government for purposes of Chapter 2259, Government Code, except that an open-enrollment charter school may not issue public securities as provided by Section 2259.031(b), Government Code;

(3) a political subdivision for purposes of Chapter 172, Local Government Code; and

(4) a local governmental entity for purposes of Subchapter I, Chapter 271, Local Government Code.

(b) An open-enrollment charter school may elect to extend workers' compensation benefits to employees of the school through any method available to a political subdivision under Chapter 504, Labor Code. An open-enrollment charter school that elects to extend workers' compensation benefits as permitted under this subsection is considered to be a political subdivision for all purposes under Chapter 504, Labor Code. An open-enrollment charter school that self-insures either individually or collectively under Chapter 504, Labor Code, is considered to be an insurance carrier for purposes of Subtitle A, Title 5, Labor Code.

(c) Notwithstanding Subsection (a) or (b), an open-enrollment charter school operated by a tax exempt entity as described by Section 12.101(a)(3) is not considered to be a political subdivision, local government, or local governmental entity unless the applicable statute specifically states that the statute applies to an open-enrollment charter school.

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 2162 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 2162, A bill to be entitled An Act relating to municipal regulation of the use of alarm systems; authorizing a municipal fee.

Representative Simmons 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 2162**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2162**: Simmons, chair; Springer, R. Anderson, Nevárez, and Alvarado.

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. 5).

HB 1633 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1633, A bill to be entitled An Act relating to application and notification requirements for a permit to drill an oil or gas well in or near an easement held by the Texas Department of Transportation.

Representative Romero moved to concur in the senate amendments to **HB 1633**.

The motion to concur in the senate amendments to **HB 1633** prevailed by (Record 1718): 138 Yeas, 4 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; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; 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; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Pickett; Price; Raymond; Reynolds; Riddle; 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.

Nays — Craddick; Metcalf; Phillips; Rinaldi.

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

Absent, Excused — Dukes; McClendon.

Absent — Keffer; King, S.; Naishtat; Raney.

STATEMENT OF VOTE

When Record No. 1718 was taken, I was shown voting yes. I intended to vote no.

Cyrier

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

**HB 1171 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1171, A bill to be entitled An Act relating to the applicability of certain immunity and liability laws to open-enrollment charter schools.

Representative Farney moved to concur in the senate amendments to **HB 1171**.

The motion to concur in the senate amendments to **HB 1171** prevailed by (Record 1719): 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; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; 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; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; 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; 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.

Nays — Phillips.

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

Absent, Excused — Dukes; McClendon.

Absent — Keffer; King, S.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1171** (senate committee report) as follows:

(1) In SECTION 1 of the bill, amending the heading for Section 12.1056, Education Code (page 1, line 27), strike "~~FROM LIABILITY~~" and substitute "FROM LIABILITY AND SUIT".

(2) In SECTION 1 of the bill, amending Section 12.1056(a), Education Code (page 1, lines 29 and 30), strike "~~from liability~~" and substitute "from liability and suit".

(3) In SECTION 1 of the bill, amending Section 12.1056(a), Education Code (page 1, line 32), strike "~~from liability~~" and substitute "from liability and suit".

(4) In SECTION 1 of the bill, amending Section 12.1056(a), Education Code (page 1, line 35), strike "~~from liability~~" and substitute "from liability and suit".

HB 4168 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 4168, A bill to be entitled An Act relating to the composition of the board of directors and the powers of the Gulf Coast Water Authority.

Representative D. Bonnen moved to concur in the senate amendments to **HB 4168**.

The motion to concur in the senate amendments to **HB 4168** prevailed by (Record 1720): 112 Yeas, 30 Nays, 4 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Burkett; Canales; Clardy; Coleman; Collier; Craddick; Crownover; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Israel; Johnson; Kacal; King, K.; King, T.; Klick; Kuempel; Landgraf; Larson; Longoria; Lozano; Lucio; 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; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Simpson; Smith; Smithee; Spitzer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Bell; Bonnen, G.; Burns; Burrows; Button; Capriglione; Cook; Cyrier; Faircloth; Goldman; Isaac; Keough; King, P.; Koop; Krause; Laubenberg; Leach; Murr; Phillips; Rinaldi; Sanford; Schaefer; Schubert; Sheets; Simmons; Springer; Turner, E.S.; White, M.; Zedler.

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

Absent, Excused — Dukes; McClendon.

Absent — Keffer; King, S.

STATEMENTS OF VOTE

When Record No. 1720 was taken, I was shown voting no. I intended to vote yes.

Cyrier

When Record No. 1720 was taken, I was shown voting no. I intended to vote yes.

P. King

When Record No. 1720 was taken, I was shown voting no. I intended to vote yes.

Koop

When Record No. 1720 was taken, I was shown voting no. I intended to vote yes.

Schubert

When Record No. 1720 was taken, I was shown voting no. I intended to vote yes.

Sheets

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

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

**HB 3424 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3424, A bill to be entitled An Act relating to a central database containing information about certain individuals under guardianship.

Representative Smithee moved to concur in the senate amendments to **HB 3424**.

The motion to concur in the senate amendments to **HB 3424** prevailed by (Record 1721): 142 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; 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; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; 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; 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 — Stickland; Tinderholt.

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

Absent, Excused — Dukes; McClendon.

Absent — Keffer; King, S.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

- (1) because of a physical or mental condition, is substantially unable to:
 - (A) provide food, clothing, or shelter for himself or herself;
 - (B) care for the person's own physical health; or
 - (C) manage the person's own financial affairs; and
- (2) has a guardian appointed under Title 3, Estates Code.

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

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

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

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

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

(d) This section expires September 1, 2017.

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

**HB 7 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 7, A bill to be entitled An Act relating to the amounts, availability, and use of certain statutorily dedicated revenue and accounts; providing for the dedication and use of certain state revenue; reducing or affecting the amounts or rates of certain statutorily dedicated fees and assessments; redesignating the bingo prize fee as a prize tax and providing for the collection and use of the tax.

Representative Darby moved to concur in the senate amendments to **HB 7**.

The motion to concur in the senate amendments to **HB 7** prevailed by (Record 1722): 144 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; 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; 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, 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; Stickland.

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

Absent, Excused — Dukes; McClendon.

Senate Committee Substitute

CSHB 7, A bill to be entitled An Act relating to the amounts, availability, and use of certain statutorily dedicated revenue and accounts; providing for the dedication and use of certain state revenue; reducing or affecting the amounts or rates of certain statutorily dedicated fees and assessments.

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

SECTION 1. Section 102.054, Business & Commerce Code, is amended to read as follows:

Sec. 102.054. ALLOCATION OF CERTAIN REVENUE FOR SEXUAL ASSAULT PROGRAMS. The comptroller shall deposit the amounts [~~first \$25 million~~] received from the fee imposed under this subchapter [~~in a state fiscal biennium~~] to the credit of the sexual assault program fund.

SECTION 2. Section 21.703, Education Code, is amended to read as follows:

Sec. 21.703. [~~EDUCATOR EXCELLENCE INNOVATION FUND;~~] AMOUNT OF GRANT AWARD. (a) [~~Each state fiscal year, the commissioner shall deposit an amount determined by the General Appropriations Act to the credit of the educator excellence innovation fund in the general revenue fund.~~] Each state fiscal year, the agency shall [~~use money in the educator excellence innovation fund to~~] provide each school district approved on a competitive basis under this subchapter with a grant in an amount determined by the agency in accordance with commissioner rule.

(b) Not later than April 1 of each state fiscal year, the agency shall provide written notice to each school district that will be provided a grant under this section that the district will be provided the grant and the amount of that grant.

SECTION 3. Section 61.5391(a), Education Code, is amended to read as follows:

(a) The physician education loan repayment program account is an account in the general revenue fund. The account is composed of:

- (1) gifts and grants contributed to the account;
- (2) earnings on the principal of the account; and
- (3) other amounts deposited to the credit of the account, including:
 - (A) money deposited under Section [~~61.539(b) or~~] 61.5392;
 - (B) legislative appropriations; and
 - (C) money deposited under Section 155.2415, Tax Code.

SECTION 4. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.0143 to read as follows:

Sec. 403.0143. REPORT ON USE OF GENERAL REVENUE-DEDICATED ACCOUNTS. After each regular session of the legislature, the comptroller shall issue a report that itemizes each general revenue-dedicated account and the estimated balance and revenue in each account that is considered available for the purposes of certification of appropriations as provided by Section 403.095. The comptroller shall publish the report on the comptroller's Internet website.

SECTION 5. Section 403.0956, Government Code, is amended to read as follows:

Sec. 403.0956. REALLOCATION OF INTEREST ACCRUED ON CERTAIN DEDICATED REVENUE. Notwithstanding any other law, all interest or other earnings that accrue on all revenue held in an account in the general revenue fund any part of which Section 403.095 makes available for certification under Section 403.121 are available for any general governmental purpose, and the comptroller shall deposit the interest and earnings to the credit of the general revenue fund. This section does not apply to:

- (1) interest or earnings on revenue deposited in accordance with Section 51.008, Education Code;
- (2) an account that accrues interest or other earnings on deposits of state or federal money the diversion of which is specifically excluded by federal law;
- (3) the lifetime license endowment account; ~~[or]~~
- (4) the game, fish, and water safety account;
- (5) the coastal protection account;
- (6) the Alamo complex account; or
- (7) the artificial reef account.

SECTION 6. Section 420.008(c), Government Code, is amended to read as follows:

(c) The legislature may appropriate money deposited to the credit of the fund only to:

- (1) the attorney general, for:
 - (A) sexual violence awareness and prevention campaigns;
 - (B) grants to faith-based groups, independent school districts, and community action organizations for programs for the prevention of sexual assault and programs for victims of human trafficking;
 - (C) grants for equipment for sexual assault nurse examiner programs, to support the preceptorship of future sexual assault nurse examiners, and for the continuing education of sexual assault nurse examiners;
 - (D) grants to increase the level of sexual assault services in this state;
 - (E) grants to support victim assistance coordinators;
 - (F) grants to support technology in rape crisis centers;
 - (G) grants to and contracts with a statewide nonprofit organization exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code of 1986, having as a primary purpose ending sexual violence in this state, for programs for the prevention of sexual violence, outreach programs, and technical assistance to and support of youth and rape crisis centers working to prevent sexual violence; ~~and~~
 - (H) grants to regional nonprofit providers of civil legal services to provide legal assistance for sexual assault victims;
 - (I) grants to prevent sex trafficking and to provide services for victims of sex trafficking; and
 - (J) grants to carry out the purpose of this chapter, including standardizing the quality of services provided, preventing sexual assault, and improving services to survivors of sexual assault;
- (2) the Department of State Health Services, to measure the prevalence of sexual assault in this state and for grants to support programs assisting victims of human trafficking;
- (3) the Institute on Domestic Violence and Sexual Assault or the Bureau of Business Research at The University of Texas at Austin, to conduct research on all aspects of sexual assault and domestic violence;

- (4) Texas State University, for training and technical assistance to independent school districts for campus safety;
- (5) the office of the governor, for grants to support sexual assault and human trafficking prosecution projects;
- (6) the department [~~Department of Public Safety~~], to support sexual assault training for commissioned officers;
- (7) the comptroller's judiciary section, for increasing the capacity of the sex offender civil commitment program;
- (8) the Texas Department of Criminal Justice:
- (A) for pilot projects for monitoring sex offenders on parole; and
- (B) for increasing the number of adult incarcerated sex offenders receiving treatment;
- (9) the Texas Juvenile Justice Department [~~Youth Commission~~], for increasing the number of incarcerated juvenile sex offenders receiving treatment;
- (10) the comptroller, for the administration of the fee imposed on sexually oriented businesses under Section 102.052, Business & Commerce Code; [~~and~~]
- (11) the supreme court, to be transferred to the Texas [~~Equal~~] Access to Justice Foundation, or a similar entity, to provide victim-related legal services to sexual assault victims, including legal assistance with protective orders, relocation-related matters, victim compensation, and actions to secure privacy protections available to victims under law;
- (12) any state agency or organization for the purpose of conducting human trafficking enforcement programs; and
- (13) any other designated state agency for the purpose of preventing sexual assault or improving services for victims of sexual assault.

SECTION 7. Section 614.104, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) The volunteer fire department assistance fund is an account in the general revenue fund and is composed of money collected under Chapter 2007 [~~Article 5.102~~], Insurance Code, and contributions to the fund from any other source.

(b) Except as provided by Subsections [~~Subsection~~] (c) and (d), money in the fund may be used only for a purpose under this subchapter.

(d) Money in the fund may be appropriated for a contribution to the Texas Emergency Services Retirement System subject to Section 865.015.

SECTION 8. Section 361.014(a), Health and Safety Code, is amended to read as follows:

(a) Revenue received by the commission under Section 361.013 shall be deposited in the state treasury to the credit of the commission. Of that revenue, 66.7 percent is dedicated to the commission's municipal solid waste permitting programs, enforcement programs, and site remediation programs, and to pay for activities that will enhance the state's solid waste management program. The commission shall issue a biennial report to the legislature describing in detail how the money was spent. The activities to enhance the state's solid waste management program may include:

(1) provision of funds for the municipal solid waste management planning fund and the municipal solid waste resource recovery applied research and technical assistance fund established by the Comprehensive Municipal Solid Waste Management, Resource Recovery, and Conservation Act (Chapter 363);

(2) conduct of demonstration projects and studies to help local governments of various populations and the private sector to convert to accounting systems and set rates that reflect the full costs of providing waste management services and are proportionate to the amount of waste generated;

(3) provision of technical assistance to local governments concerning solid waste management;

(4) establishment of a solid waste resource center in the commission and an office of waste minimization and recycling;

(5) provision of supplemental funding to local governments for the enforcement of this chapter, the Texas Litter Abatement Act (Chapter 365), and Chapters 391 and 683, Transportation Code;

(6) conduct of a statewide public awareness program concerning solid waste management;

(7) provision of supplemental funds for other state agencies with responsibilities concerning solid waste management, recycling, and other initiatives with the purpose of diverting recyclable waste from landfills;

(8) conduct of research to promote the development and stimulation of markets for recycled waste products;

(9) creation of a state municipal solid waste superfund, from funds appropriated, for:

(A) the cleanup of unauthorized tire dumps and solid waste dumps for which a responsible party cannot be located or is not immediately financially able to provide the cleanup;

(B) the cleanup or proper closure of abandoned or contaminated municipal solid waste sites for which a responsible party is not immediately financially able to provide the cleanup; and

(C) remediation, cleanup, and proper closure of unauthorized recycling sites for which a responsible party is not immediately financially able to perform the remediation, cleanup, and closure;

(10) provision of funds to mitigate the economic and environmental impacts of lead-acid battery recycling activities on local governments; ~~and~~

(11) provision of funds for the conduct of research by a public or private entity to assist the state in developing new technologies and methods to reduce the amount of municipal waste disposed of in landfills; and

(12) provision of funds for grants to encourage entities located in an affected county or a nonattainment area, as defined by Section 386.001, to convert heavy-duty vehicles used for municipal solid waste collection into vehicles powered by natural gas engines.

SECTION 9. Section 361.133, Health and Safety Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Notwithstanding Subsection (c), money in the account attributable to fees imposed under Section 361.138 may be used for environmental remediation at the site of a closed battery recycling facility located in the municipal boundaries of a municipality with a population of greater than 120,000. This subsection expires September 30, 2016.

SECTION 10. Section 382.0622(a), Health and Safety Code, is amended to read as follows:

(a) Clean Air Act fees consist of:

(1) fees collected by the commission under Sections 382.062, 382.0621, 382.202, and 382.302 and as otherwise provided by law;

(2) \$2 from the portion of each fee collected for inspections of vehicles other than mopeds and remitted to the state under Sections ~~[Section]~~ 548.501 and 548.503, Transportation Code; and

(3) fees collected that are required under Section 185 of the federal Clean Air Act (42 U.S.C. Section 7511d).

SECTION 11. The heading to Section 780.002, Health and Safety Code, is amended to read as follows:

Sec. 780.002. CERTAIN DEPOSITS TO ACCOUNT.

SECTION 12. Section 780.003(b), Health and Safety Code, is amended to read as follows:

(b) The account is composed of money deposited to the credit of the account under Sections 542.406 and 707.008, Transportation Code, and under Section 780.002 of this code ~~[, and the earnings of the account]~~.

SECTION 13. Section 2007.002, Insurance Code, is amended to read as follows:

Sec. 2007.002. ASSESSMENT. The comptroller shall assess against all insurers to which this chapter applies amounts for each state fiscal year necessary, as determined by the commissioner, to collect a combined total equal to the lesser of:

(1) the total amount that the General Appropriations Act appropriates from the volunteer fire department assistance fund account in the general revenue fund for that state fiscal year other than appropriations for contributions to the Texas Emergency Services Retirement System made under Section 614.104(d), Government Code; or ~~[and]~~

(2) \$30 million.

SECTION 14. Section 81.0521(c), Natural Resources Code, is amended to read as follows:

(c) The ~~[Two thirds of the]~~ proceeds from this fee, excluding any penalties collected in connection with the fee, shall be deposited to the oil and gas regulation and cleanup fund as provided by Section 81.067.

SECTION 15. Section 81.067(c), Natural Resources Code, is amended to read as follows:

(c) The fund consists of:

(1) proceeds from bonds and other financial security required by this chapter and benefits under well-specific plugging insurance policies described by Section 91.104(c) that are paid to the state as contingent beneficiary of the policies, subject to the refund provisions of Section 91.1091, if applicable;

(2) private contributions, including contributions made under Section 89.084;

(3) expenses collected under Section 89.083;

(4) fees imposed under Section 85.2021;

(5) costs recovered under Section 91.457 or 91.459;

(6) proceeds collected under Sections 89.085 and 91.115;

(7) interest earned on the funds deposited in the fund;

(8) oil and gas waste hauler permit application fees collected under Section 29.015, Water Code;

(9) costs recovered under Section 91.113(f);

(10) hazardous oil and gas waste generation fees collected under Section 91.605;

(11) oil-field cleanup regulatory fees on oil collected under Section 81.116;

(12) oil-field cleanup regulatory fees on gas collected under Section 81.117;

(13) fees for a reissued certificate collected under Section 91.707;

(14) fees collected under Section 91.1013;

(15) fees collected under Section 89.088;

(16) fees collected under Section 91.142;

(17) fees collected under Section 91.654;

(18) costs recovered under Sections 91.656 and 91.657;

(19) ~~two thirds of the~~ fees collected under Section 81.0521;

(20) fees collected under Sections 89.024 and 89.026;

(21) legislative appropriations;

(22) any surcharges collected under Section 81.070; ~~and~~

(23) fees collected under Section 91.0115;

(24) money deposited to the credit of the fund under Section 81.112;

(25) fees collected under Subchapter E, Chapter 121, Utilities Code;

and

(26) fees collected under Section 27.0321, Water Code.

SECTION 16. Section 81.068, Natural Resources Code, as amended by Chapters 835 (**HB 7**) and 1075 (**HB 3309**), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

Sec. 81.068. PURPOSES OF OIL AND GAS REGULATION AND CLEANUP FUND. Money in the oil and gas regulation and cleanup fund may be used by the commission or its employees or agents for any purpose related to the regulation of oil and gas development, including oil and gas monitoring and inspections, oil and gas remediation, and oil and gas well plugging, the study and evaluation of electronic access to geologic data and surface casing depths necessary to protect usable groundwater in this state, alternative fuels programs

under Section 81.0681, the administration of pipeline safety and regulatory programs, public information and services related to those activities, and administrative costs and state benefits for personnel involved in those activities.

SECTION 17. Section 81.112, Natural Resources Code, is amended to read as follows:

Sec. 81.112. DISPOSITION OF TAX PROCEEDS. The tax shall be deposited in the oil and gas regulation and cleanup fund as provided by Section 81.067 [General Revenue Fund].

SECTION 18. Section 153.0535(b), Occupations Code, is amended to read as follows:

(b) The board shall deposit each surcharge collected to the credit of the public assurance account. The public assurance account is an account in the general revenue fund that shall be appropriated only to the board to pay for the board's licensure and enforcement programs ~~[program]~~, including the expert physician panel.

SECTION 19. Section 1105.003(d), Occupations Code, is amended to read as follows:

(d) All ~~[Except as provided by Subsection (c), all]~~ fees and funds collected by the commission or the board and any funds appropriated to the commission or the board shall be deposited in interest-bearing deposit accounts in the Texas Treasury Safekeeping Trust Company. The comptroller shall contract with the commission and the board for the maintenance of the deposit accounts under terms comparable to a contract between a commercial banking institution and the institution's customers.

SECTION 20. Section 1701.156, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) The Department of Public Safety may use money appropriated to the department from the account to award grants to local law enforcement agencies for training on incident-based reporting systems to be used for reporting information and statistics concerning criminal offenses committed in this state. The department shall adopt rules governing the award of grants by the department under this subsection.

SECTION 21. Section 1701.157, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Subsection (a) does not apply to money appropriated to the Department of Public Safety from the account for the purpose of awarding grants to local law enforcement agencies for training on incident-based reporting systems under Section 1701.156(c).

SECTION 22. Section 155.2415, Tax Code, is amended to read as follows:

Sec. 155.2415. ALLOCATION OF CERTAIN REVENUE TO PROPERTY TAX RELIEF FUND AND CERTAIN OTHER FUNDS. (a) Notwithstanding Section 155.241, the proceeds from the collection of taxes imposed by Section 155.0211 shall be allocated as follows:

(1) the amount of the proceeds that is equal to the amount that, if the taxes imposed by Section 155.0211 were imposed at a rate of 40 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or

deal, would be attributable to the portion of that tax rate in excess of 35.213 percent, shall be deposited to the credit of the property tax relief fund under Section 403.109, Government Code;

(2) the amount of the proceeds that is equal to the amount that would be attributable to a tax rate of 35.213 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal, if the taxes were imposed by Section 155.0211 at that rate, shall be deposited to the credit of the general revenue fund; and

(3) 100 percent of the remaining proceeds shall be deposited to the credit of:

(A) the physician education loan repayment program account established under Subchapter J, Chapter 61, Education Code; or

(B) the general revenue fund, if the comptroller determines that the unencumbered beginning balance of the physician education loan repayment account established under Subchapter J, Chapter 61, Education Code, is sufficient to fund appropriations and other direct and indirect costs from that account for the fulfillment of existing and expected physician loan repayment commitments during the current state fiscal biennium.

(b) Proceeds deposited in accordance with Subsection (a)(3)(B) may be appropriated only for health care purposes.

SECTION 23. Section 504.6012, Transportation Code, is amended to read as follows:

Sec. 504.6012. ELIMINATION OF DEDICATED REVENUE ACCOUNTS; REVENUES IN TRUST. (a) Notwithstanding any other law ~~[provision of this subchapter]~~, not later than September 30, 2015 ~~[2013]~~, the comptroller shall eliminate all dedicated accounts established for specialty license plates ~~[under this subchapter]~~ and shall set aside the balances of those dedicated accounts so that the balances may be appropriated only for the purposes intended as provided by the dedications.

(b) On and after September 1, 2015 ~~[2013]~~, the portion of a fee payable ~~[under this subchapter]~~ that is designated for deposit to a dedicated account shall be paid instead to the credit of an account in a trust fund created by the comptroller outside the general revenue fund. The comptroller shall administer the trust fund and accounts and may allocate the corpus and earnings on each account only in accordance with the dedications of the revenue deposited to the trust fund accounts.

SECTION 24. Section 542.406(c), Transportation Code, is amended to read as follows:

(c) Not later than the 60th day after the end of a local authority's fiscal year, after deducting amounts the local authority is authorized by Subsection (d) to retain, the local authority shall:

(1) send 50 percent of the revenue derived from civil or administrative penalties collected by the local authority under this section to the comptroller for deposit to the credit of the designated [regional] trauma facility and emergency medical services account established under Section 780.003 ~~[782.002]~~, Health and Safety Code; and

(2) deposit the remainder of the revenue in a special account in the local authority's treasury that may be used only to fund traffic safety programs, including pedestrian safety programs, public safety programs, intersection improvements, and traffic enforcement.

SECTION 25. Section 707.008(a), Transportation Code, is amended to read as follows:

(a) Not later than the 60th day after the end of a local authority's fiscal year, after deducting amounts the local authority is authorized by Subsection (b) to retain, the local authority shall:

(1) send 50 percent of the revenue derived from civil or administrative penalties collected by the local authority under this section to the comptroller for deposit to the credit of the designated [regional] trauma facility and emergency medical services account established under Section 780.003 [~~782.002~~], Health and Safety Code; and

(2) deposit the remainder of the revenue in a special account in the local authority's treasury that may be used only to fund traffic safety programs, including pedestrian safety programs, public safety programs, intersection improvements, and traffic enforcement.

SECTION 26. Section 708.103, Transportation Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Except as provided by Subsection (c), the [The] amount of a surcharge under this section is \$250 per year.

(c) The amount of a surcharge under this section is \$125 per year if the person:

(1) has been convicted of an offense under Section 601.191, and no other offense described by Subsection (a); and

(2) establishes financial responsibility under Section 601.051 not later than the 60th day after the date of the offense through a motor vehicle liability insurance policy that:

(A) complies with Subchapter D, Chapter 601; and

(B) is prepaid and valid for at least a six-month period.

SECTION 27. Section 708.104, Transportation Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1), the [The] amount of a surcharge under this section is \$100 per year.

(b-1) The amount of a surcharge under this section is \$50 per year if the person obtains a driver's license not later than the 60th day after the date of the offense.

SECTION 28. Section 39.9039(b), Utilities Code, is amended to read as follows:

(b) Notwithstanding Section 39.903(e), money in the system benefit fund may be appropriated:

(1) for the state fiscal year beginning September 1, 2013, a program established by the commission to assist low-income electric customers by providing a reduced rate for the months of September, 2013, and May through August, 2014, in the manner prescribed by Section 39.903(h) at a rate of up to 82 percent;

(2) for the state fiscal year beginning September 1, 2014, a program established by the commission to assist low-income electric customers by providing a reduced rate for the months of September, 2014, and May through August, 2015, in the manner prescribed by Section 39.903(h) at a rate of up to 15 percent;

(3) for the state fiscal year beginning September 1, 2015, a program established by the commission to assist low-income electric customers by providing a reduced rate ~~[for the months of September, 2015, and May through August, 2016,]~~ in the manner prescribed by Section 39.903(h) at a rate the commission determines is necessary to exhaust the system benefit fund ~~[of up to 15 percent];~~ and

(4) for customer education programs and administrative expenses incurred by the commission in implementing and administering this chapter.

SECTION 29. Section 121.211(h), Utilities Code, is amended to read as follows:

(h) A fee collected under this section shall be deposited to the credit of the oil and gas regulation and cleanup ~~[general revenue]~~ fund as provided by Section 81.067, Natural Resources Code ~~[to be used for the pipeline safety and regulatory program].~~

SECTION 30. Section 27.0321, Water Code, is amended to read as follows:

Sec. 27.0321. APPLICATION FEE. (a) With each application for an oil and gas waste disposal well permit, the applicant shall submit to the railroad commission a nonrefundable fee of \$100.

(b) The fee collected under this section shall be deposited to the credit of the oil and gas regulation and cleanup fund as provided by Section 81.067, Natural Resources Code.

SECTION 31. The following provisions of law, including provisions amended by **SB 219**, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

- (1) Section 102.055, Business & Commerce Code;
- (2) Section 61.539, Education Code;
- (3) Section 780.003(c), Health and Safety Code;
- (4) Chapter 782, Health and Safety Code; and
- (5) Section 81.113, Natural Resources Code.

SECTION 32. Not later than January 1, 2016, the Department of Public Safety shall adopt rules as required by Section 1701.156(c), Occupations Code, as added by this Act.

SECTION 33. The changes in law made by this Act to Sections 708.103 and 708.104, Transportation Code, apply to a surcharge pending on the effective date of this Act, regardless of when the surcharge was assessed.

SECTION 34. Not later than the 90th day of the state fiscal year beginning September 1, 2015, the comptroller shall transfer any remaining balance in the educator excellence innovation fund account No. 5135 to the credit of the general revenue fund.

SECTION 35. Not later than the 90th day of the state fiscal year beginning September 1, 2015, the comptroller shall transfer any remaining balance in the regional trauma account No. 5137 to the credit of the designated trauma facility and EMS account No. 5111 in the general revenue fund.

SECTION 36. (a) Notwithstanding Section 2007.002, Insurance Code, as amended by this Act, for the state fiscal years beginning September 1, 2015, and beginning September 1, 2016, the comptroller shall assess against all insurers to which Chapter 2007, Insurance Code, applies amounts for that state fiscal year necessary, as determined by the commissioner of insurance, to collect a combined total equal to the lesser of:

(1) the total amount that the General Appropriations Act appropriates from the volunteer fire department assistance fund account in the general revenue fund for that state fiscal year other than:

(A) appropriations for contributions to the Texas Emergency Services Retirement System made under Section 614.104(d), Government Code, as added by this Act; and

(B) appropriations to the Texas A&M Forest Service for grants to volunteer fire departments in a total amount not to exceed \$11,500,000; or

(2) \$30 million.

(b) This section expires September 1, 2017.

SECTION 37. The changes in law made by this Act do not affect a surcharge, additional fee, additional charge, fee increase, tax, or late fee imposed before the effective date of this Act, and the law in effect before the effective date of this Act is continued in effect for purposes of the liability for and collection of those surcharges, additional fees, additional charges, fee increases, taxes, and late fees.

SECTION 38. This Act takes effect September 1, 2015.

Senate Amendment No. 1 (Senate Floor Amendment No. 2)

Amend **CSHB 7** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Chapter 490, Government Code, is amended to read as follows:

CHAPTER 490. WINDING UP CONTRACTS AND STATE'S INVESTMENT PORTFOLIO IN CONNECTION WITH AWARDS FROM TEXAS [FUNDING FOR] EMERGING TECHNOLOGY FUND

SECTION _____. Subchapter C, Chapter 490, Government Code, is amended by adding Sections 490.104 and 490.105 to read as follows:

Sec. 490.104. MANAGEMENT OF INVESTMENT PORTFOLIO; WINDING UP AND FINAL LIQUIDATION. (a) In this section, "state's emerging technology investment portfolio" means:

(1) the equity positions in the form of stock or other security the governor took, on behalf of the state, in companies that received awards under the Texas emerging technology fund; and

(2) any other investments made by the governor, on behalf of the state, in connection with an award made under the Texas emerging technology fund.

(b) The Texas Treasury Safekeeping Trust Company shall manage and wind up the state's emerging technology investment portfolio. The trust company shall wind up the portfolio in a manner that, to the extent feasible, provides for the maximum return on the state's investment while also ensuring the return of the state's investment. In managing those investments through procedures and subject to restrictions that the trust company considers appropriate, the trust company may acquire, exchange, sell, supervise, manage, or retain any kind of investment that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances then prevailing pertinent to each investment. The trust company may recover its reasonable and necessary costs incurred in the management of the portfolio, including costs incurred in the retaining of professional or technical advisors, from the earnings on the investments in the portfolio.

(c) Any realized proceeds or other earnings from the sale of stock or other investments in the state's emerging technology investment portfolio, less the amount permitted to be retained for payment of its costs for managing the portfolio as provided by Subsection (b), shall be remitted by the Texas Treasury Safekeeping Trust Company to the comptroller for deposit in the general revenue fund.

(d) The Texas Treasury Safekeeping Trust Company has any power necessary to accomplish the purposes of this section.

(e) On final liquidation of the state's emerging technology investment portfolio, the Texas Treasury Safekeeping Trust Company shall promptly notify the comptroller of that occurrence. As soon as practicable after receiving that notice, the comptroller shall verify that the final liquidation has been completed and, if the comptroller so verifies, shall certify to the governor that the final liquidation of the portfolio has been completed. The governor shall post notice of the certification on the office of the governor's Internet website.

Sec. 490.105. CONFIDENTIALITY OF CERTAIN INFORMATION.

(a) Except as provided by Subsection (b), information concerning the identity, background, finance, marketing plans, trade secrets, or other commercially or academically sensitive information of an individual or entity that was considered for or received an award from the Texas emerging technology fund is confidential unless the individual or entity consents to disclosure of the information.

(b) The following information collected in connection with the Texas emerging technology fund is public information and may be disclosed under Chapter 552, Government Code:

(1) the name and address of an individual or entity that received an award from the fund;

(2) the amount of funding received by an award recipient;

(3) a brief description of the project funded by the award;

(4) if applicable, a brief description of the equity position that the governor, on behalf of the state, has taken in an entity that received an award from the fund; and

(5) any other information with the consent of:

(A) the governor;

(B) the lieutenant governor;

(C) the speaker of the house of representatives; and

(D) the individual or entity that received an award from the fund, if the information relates to that individual or entity.

SECTION _____. Section 490.101, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The fund may be used only for the purposes described by Section 490.104.

SECTION _____. The following laws are repealed:

(1) Sections 490.101(c), (d), (e), (f), (f-1), (g), (h), and (i), Government Code;

(2) Section 490.102, Government Code; and

(3) Subchapters A, B, D, E, F, and G, Chapter 490, Government Code.

SECTION _____. (a) The Texas emerging technology fund is continued solely for the purposes of winding up the contracts governing awards from that fund and the state's portfolio of equity positions and other investments in connection with awards from that fund in accordance with Section 490.104, Government Code, as added by this Act. The Texas emerging technology fund is abolished and Sections 490.101(a), (b), and (b-1), Government Code, are repealed when the comptroller certifies to the governor as provided by Section 490.104, Government Code, as added by this Act, that the final liquidation of the state's portfolio of equity positions and other investments by the Texas Treasury Safekeeping Trust Company has been completed. Any unencumbered fund balance remaining when the Texas emerging technology fund is abolished may be appropriated in accordance with Subsection (a-1) of this section.

(a-1) Any unencumbered balance of the Texas emerging technology fund may be appropriated only to one or more of the following:

(1) the Texas Research Incentive Program (TRIP) under Subchapter F, Chapter 62, Education Code;

(2) the Texas research university fund, subject to Subsection (b) of this section;

(3) the governor's university research initiative fund established under Subchapter H, Chapter 62, Education Code, as added by this Act;

(4) the Texas Enterprise Fund established under Section 481.078, Government Code; and

(5) the comptroller for the purposes of expenses incurred in managing the state's portfolio of equity positions and other investments in connection with awards from the Texas emerging technology fund in accordance with Section 490.104, Government Code, as added by this Act.

(b) The authority of the Texas research university fund to receive the appropriation described by Subsection (a-1) of this section is contingent on passage and enactment of **HB 1000**, or similar legislation relating to state support for general academic teaching institutions in this state by the 84th Legislature, Regular Session, 2015, that renames the existing Texas competitive knowledge fund and changes the purposes for which the fund can be used.

(c) The abolishment by this Act of the Texas emerging technology fund and the repeal of provisions of Chapter 490, Government Code, relating to that fund do not affect the validity of an agreement between the governor and an award recipient or a person to be awarded money that is entered into under Chapter 490 before September 1, 2015.

(d) Money that was deposited in the Texas emerging technology fund as a gift, grant, or donation under Chapter 490, Government Code, and that is encumbered by the specific terms of the gift, grant, or donation may be spent only in accordance with the terms of the gift, grant, or donation.

(e) Money from the Texas emerging technology fund that is encumbered because the money is awarded or otherwise obligated by agreement before September 1, 2015, but under the terms of the award or agreement will not be distributed until a later date shall be distributed in accordance with the terms of the award or agreement. If the governor determines that the money will not be distributed in accordance with the terms of the award or agreement, the governor shall certify that fact to the comptroller. On that certification, the comptroller shall make that money available in the general revenue fund to be used in accordance with legislative appropriation.

(f) On or after the effective date of this Act, the following payments or other amounts shall be sent to the comptroller for deposit to the Texas emerging technology fund to be used solely for the purposes of winding up the state's portfolio of equity positions and other investments as provided by Sections 490.101(b-1) and 490.104, Government Code, as added by this Act:

(1) any royalties, revenues, and other financial benefits realized from a project undertaken with money from the Texas emerging technology fund, as provided by a contract described by Section 490.103, Government Code;

(2) any interest or proceeds received as a result of a transaction authorized by former Section 490.101(h), Government Code;

(3) any money returned or repaid to the state by an award recipient pursuant to an agreement entered into under former Section 490.101(g), Government Code;

(4) any money derived from an interest the state retained in a capital improvement pursuant to an agreement entered into under former Section 490.101(g), Government Code; and

(5) any fund money returned by an entity that fails to perform an action guaranteed by a contract entered into under former Section 490.154 or 490.203, Government Code.

SECTION _____. A regional center of innovation and commercialization established under Section 490.152, Government Code, is abolished on the effective date of this Act. Each center shall transfer to the office of the governor a

copy of any meeting minutes required to be retained under Section 490.1521, Government Code, as that section existed immediately before that section's repeal by this Act, and the office shall retain the minutes for the period prescribed by that section.

SECTION _____. Except as provided by this Act, on September 1, 2015, the following powers, duties, functions, and activities performed by the office of the governor immediately before that date are transferred to the Texas Treasury Safekeeping Trust Company:

(1) all powers, duties, functions, and activities related to equity positions in the form of stock or other security the governor has taken, on behalf of the state, in companies that received awards under the Texas emerging technology fund before September 1, 2015; and

(2) all powers, duties, functions, and activities related to other investments made by the governor, on behalf of the state, in connection with an award made under the Texas emerging technology fund before September 1, 2015.

SECTION _____. Chapter 62, Education Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. GOVERNOR'S UNIVERSITY RESEARCH INITIATIVE

Sec. 62.161. DEFINITIONS. In this subchapter:

(1) "Advisory board" means the governor's university research initiative advisory board.

(2) "Distinguished researcher" means a researcher who is:

(A) a Nobel laureate or the recipient of an equivalent honor; or

(B) a member of a national honorific society, such as the National Academy of Sciences, the National Academy of Engineering, or the Institute of Medicine, or an equivalent honorific organization.

(3) "Eligible institution" means a general academic teaching institution or health-related institution.

(4) "Fund" means the governor's university research initiative fund established under this subchapter.

(5) "General academic teaching institution" has the meaning assigned by Section 61.003.

(6) "Governing board" has the meaning assigned by Section 61.003.

(7) "Health-related institution" means a medical and dental unit as defined by Section 61.003 and any other public health science center, public medical school, or public dental school established by statute or in accordance with Chapter 61.

(8) "Office" means the Texas Economic Development and Tourism Office within the office of the governor.

(9) "Private or independent institution of higher education" has the meaning assigned by Section 61.003.

Sec. 62.162. ADMINISTRATION OF INITIATIVE. (a) The governor's university research initiative is administered by the Texas Economic Development and Tourism Office within the office of the governor.

(b) From the governor's university research initiative fund, the office shall award matching grants to assist eligible institutions in recruiting distinguished researchers.

(c) The office may adopt any rules the office considers necessary to administer this subchapter.

Sec. 62.163. MATCHING GRANTS. (a) An eligible institution may apply to the office for a matching grant from the fund. Before approval or disapproval of a grant application, the office shall consider the recommendation of the advisory board regarding the grant proposal. If the office approves a grant application, the office shall award to the applicant institution a grant amount equal to the amount committed by the institution for the recruitment of a distinguished researcher, except as provided by Subsection (c)(2).

(b) A grant application must identify the source and amount of the eligible institution's matching funds and must demonstrate that the proposed use of the grant has the support of the institution's president and of the institution's governing board, the chair of the institution's governing board, or the chancellor of the university system, if the institution is a component of a university system. An applicant eligible institution may commit for matching purposes any funds of the institution available for that purpose other than appropriated general revenue.

(c) The office may set a deadline for grant applications for each state fiscal year. After fully funding approved grant applications received during an application period for a state fiscal year, the office may reopen applications for that year and:

(1) award the full amount of matching funds from the fund for new applications; or

(2) approve previously disapproved applications submitted before the original application deadline for receipt of a reduced grant amount.

(d) A matching grant received by an eligible institution under this subchapter may not be considered as a basis to reduce, directly or indirectly, the amount of money otherwise appropriated to the institution.

(e) A matching grant may not be used by an eligible institution to recruit a distinguished researcher or other employee from:

(1) another eligible institution; or

(2) a private or independent institution of higher education.

(f) The office shall require an application and all supporting documentation to be submitted to the office electronically in the manner prescribed by the office.

Sec. 62.164. GRANT AWARD CRITERIA; PRIORITIES. (a) The office may award grants only to grant proposals that involve the recruitment of distinguished researchers in the fields of science, technology, engineering, mathematics, and medicine. The office shall give priority to proposals that:

(1) demonstrate a reasonable probability of enhancing Texas' national and global economic competitiveness;

(2) demonstrate a reasonable probability of creating a nationally or internationally recognized locus of research superiority or a unique locus of research;

(3) are matched with a significant amount of funding from a federal or private source that may be transferred to the eligible institution;

(4) are interdisciplinary and collaborative; or

(5) include a strategic plan for intellectual property development and commercialization of technology.

(b) The office may award a grant to a proposal that:

(1) supports the recruitment of a distinguished researcher distinguished in, or to be engaged in, basic, translational, or applied research; or

(2) proposes the recruitment of a distinguished researcher for new research capabilities of the eligible institution or to expand the institution's existing research capabilities.

(c) A grant proposal should identify a specific distinguished researcher being recruited. In addition to the factors considered in evaluating proposals considered a priority under Subsection (a), the office may consider:

(1) the likelihood that the researcher being recruited will not accept a research position with the applicant eligible institution without the institution's receipt of a matching grant under this subchapter;

(2) the extent to which the subject matter of the researcher's research offers the opportunity for interdisciplinary and collaborative research at the applicant eligible institution and with other eligible institutions; and

(3) any commercialization track record of the researcher being recruited.

Sec. 62.165. CONFIDENTIALITY. Information collected or obtained by the office or the advisory board concerning the identity of a particular distinguished researcher who is the subject of a grant proposal under this subchapter is confidential unless the researcher and the applicant eligible institution consent to disclosure of the information. The information remains confidential until the date, if any, on which the researcher enters into an employment relationship with the recruiting institution as contemplated in the grant proposal.

Sec. 62.166. ADVISORY BOARD. (a) The governor's university research initiative advisory board is established to assist the office with the review and evaluation of applications for funding of grant proposals under this subchapter. The advisory board shall make recommendations to the office for approval or disapproval of those applications.

(b) The advisory board must be composed of at least nine members appointed by the governor. Of the members of the board:

(1) one-third of the members, as nearly as possible, must have a background in finance;

(2) one-third of the members, as nearly as possible, must have an academic background in science, technology, engineering, or mathematics; and

(3) one-third of the members, as nearly as possible, must be public members.

(c) Chapter 2110, Government Code, does not apply to the size, composition, or duration of the advisory board.

(d) A member of the advisory board who is or has been employed by, is or has been a party to a contract for any purpose with, or is a student or former student of an applicant eligible institution may not be involved in the review, evaluation, or recommendation of a grant proposal made by that institution.

(e) An advisory board member is not required to be a resident of this state.

(f) Appointments to the advisory board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(g) Members of the advisory board serve without compensation but are entitled to reimbursement for actual and necessary expenses in attending meetings of the board or performing other official duties authorized by the office.

Sec. 62.167. TIMELY ACTION ON APPLICATIONS. (a) The advisory board shall meet in person or by teleconference to consider grant applications under this subchapter and shall strive to present to the office the board's recommendation for approval or disapproval of an application not later than the 14th day after the date the board receives the application.

(b) The office shall make a final decision regarding approval of a grant application not later than the 14th day after the date the office receives the advisory board's recommendation.

Sec. 62.168. GOVERNOR'S UNIVERSITY RESEARCH INITIATIVE FUND. (a) The governor's university research initiative fund is a dedicated account in the general revenue fund.

(b) The fund consists of:

(1) amounts appropriated or otherwise allocated or transferred by law to the fund; and

(2) gifts, grants, and other donations received for the fund.

(c) Sections 403.095 and 404.071, Government Code, do not apply to the fund.

(d) The fund may be used by the office only for the purposes of this subchapter, including for necessary expenses incurred in the administration of the fund and this subchapter.

Senate Amendment No. 2 (Senate Floor Amendment No. 4)

Amend **CSHB 7** by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. (a) Sections 201.354(d) and (g), Occupations Code, are amended to read as follows:

(d) A person whose license has been expired for 90 days or less may renew the license by paying to the board a renewal fee that is equal to ~~the sum of~~ 1-1/2 times the annual renewal fee set by the board under Section 201.153(a) ~~and the increase in that fee required by Section 201.153(b)~~. If a person's license has been expired for more than 90 days but less than one year, the person may renew the license by paying to the board a renewal fee that is equal to ~~the sum of~~ two times the annual renewal fee set by the board under Section 201.153(a) ~~and the increase in that fee required by Section 201.153(b)~~.

(g) A person may renew a license that has been expired for at least one year but not more than three years if:

(1) the board determines according to criteria adopted by board rule that the person has shown good cause for the failure to renew the license; and

(2) the person pays to the board:

(A) the annual renewal fee set by the board under Section 201.153(a) for each year in which the license was expired; and

(B) an additional fee in an amount equal to the sum of:

(i) the annual renewal fee set by the board under Section 201.153(a), multiplied by the number of years the license was expired, prorated for fractional years; and

(ii) two times the annual renewal fee set by the board under Section 201.153(a); ~~and~~

~~[(C) the increase in the annual renewal fee required by Section 201.153(b)].~~

(b) Section 351.304(b), Occupations Code, is amended to read as follows:

(b) A person whose license has been expired for 90 days or less may renew the license by paying to the board a renewal fee that is equal to ~~[the sum of]~~ one and one-half times the annual renewal fee set by the board under Section 351.152 ~~[and the additional fee required by Section 351.153]~~. If a person's license has been expired for more than 90 days but less than one year, the person may renew the license by paying to the board a renewal fee that is equal to ~~[the sum of]~~ two times the annual renewal fee set by the board under Section 351.152 ~~[and the additional fee required by Section 351.153]~~.

(c) Section 351.306(b), Occupations Code, is amended to read as follows:

(b) The person must pay to the board a fee that is equal to the amount of the renewal fee set by the board under Section 351.152 ~~[351.153(a)]~~.

(d) Sections 801.303(b) and (c), Occupations Code, are amended to read as follows:

(b) A person whose license has been expired for 90 days or less may renew the license by paying to the board a renewal fee that is equal to ~~[the sum of]~~ 1-1/2 times the renewal fee set by the board under Section 801.154(a) ~~[and the additional fee required by Section 801.154(b), if applicable]~~.

(c) A person whose license has been expired for more than 90 days but less than one year may renew the license by paying to the board a renewal fee that is equal to ~~[the sum of]~~ two times the renewal fee set by the board under Section 801.154(a) ~~[and the additional fee required by Section 801.154(b), if applicable]~~.

(e) Section 801.305(b), Occupations Code, is amended to read as follows:

(b) The person must pay to the board a fee that is equal to the amount of the renewal fee set by the board under Section 801.154(a) ~~[and the additional fee required by Section 801.154(b)]~~.

(f) Sections 901.155(a) and (c), Occupations Code, are amended to read as follows:

(a) The fee for the issuance or renewal of a license under this chapter consists of:

(1) the amount of the fee set by the board under Section 901.154; and

(2) ~~[the fee increase imposed under Section 901.406; and~~

~~[(3)]~~ an additional \$10 annual fee to be deposited to the credit of the scholarship trust fund for fifth-year accounting students.

(c) The administrative costs incurred to collect the fee imposed under Subsection (a)(2) ~~[(a)(3)]~~ and to disburse the money may not exceed 10 percent of the total money collected.

(g) Section 901.405(f), Occupations Code, is amended to read as follows:

(f) A person who was licensed in this state, moved to another state, and is currently licensed and has been in practice in the other state for the two years preceding the date of application may obtain a new license without reexamination. A person described by this subsection whose license has been revoked under Section 901.502(3) or (4) may obtain a new license under this subsection. A person described by this subsection must pay to the board a fee that is equal to two times the normally required renewal fee for the license ~~[and is not subject to additional fees under Section 901.408]~~.

(h) Section 901.408(a), Occupations Code, is amended to read as follows:

(a) A person, other than a person described by Section 901.405(f), who fails to pay the license renewal fee ~~[or the additional fee imposed under Section 901.407, as applicable,]~~ and any late fee before the first anniversary of the due date of the renewal fee ~~[or additional fee]~~ may renew the person's license only by submitting to the board an application for renewal accompanied by payment of:

(1) all accrued fees, including late fees; and

(2) the direct administrative costs incurred by the board in renewing the person's license.

(i) Sections 1001.353(b) and (c), Occupations Code, are amended to read as follows:

(b) A person whose license has been expired for 90 days or less may renew the license by paying to the board the required annual renewal fee and ~~[;]~~ a late renewal fee ~~[, and any applicable increase in fees as required by Section 1001.206]~~.

(c) A person whose license has been expired for more than 90 days but less than two years may renew the license by paying to the board the required annual renewal fee and ~~[;]~~ a late renewal fee ~~[, and any applicable increase in fees as required by Section 1001.206]~~ for each delinquent year or part of a year.

(j) Section 1001.355(d), Occupations Code, is amended to read as follows:

(d) To return to active status, a license holder on inactive status must:

(1) file with the board a written notice requesting reinstatement to active status;

(2) pay the fee for the annual renewal of the license ~~[and the fee increase required by Section 1001.206]~~; and

(3) provide evidence satisfactory to the board that the person has complied with the continuing education requirements adopted by the board.

(k) Section 1101.154(a), Occupations Code, is amended to read as follows:

(a) The fee for the issuance or renewal of a:

(1) broker license is the amount of the fee set under Section ~~[Sections]~~ 1101.152 ~~[and 1101.153]~~ and an additional \$70 ~~[\$20]~~ fee;

(2) salesperson license is the amount of the fee set under Section 1101.152 and an additional \$20 fee; and

(3) certificate of registration is the amount of the fee set under Section 1101.152 and an additional \$20 fee.

(l) The following provisions are repealed:

(1) Section 153.053, Occupations Code;

(2) Sections 201.153(b) and (c), Occupations Code;

(3) Section 254.004(b), Occupations Code;

(4) Section 351.153, Occupations Code;

(5) Section 501.153, Occupations Code;

(6) Sections 801.154(b), (c), and (d), Occupations Code;

(7) Section 901.406, Occupations Code;

(8) Section 901.407, Occupations Code;

(9) Section 901.410, Occupations Code;

(10) Section 1001.206, Occupations Code;

(11) Section 1051.652, Occupations Code;

(12) Section 1052.0541, Occupations Code;

(13) Section 1053.0521, Occupations Code;

(14) Section 1071.1521, Occupations Code;

(15) Section 1101.153, Occupations Code;

(16) Section 1105.003(e), Occupations Code;

(17) Section 1152.053, Occupations Code;

(18) Subchapter H, Chapter 191, Tax Code; and

(19) Section 41, The Securities Act (Article 581-41, Vernon's Texas Civil Statutes).

(m) The changes in law made by this section do not affect a surcharge, additional fee, additional charge, fee increase, tax, or late fee imposed before the effective date of this Act, and the law in effect before the effective date of this Act is continued in effect for purposes of the liability for and collection of those surcharges, additional fees, additional charges, fee increases, taxes, and late fees.

Senate Amendment No. 3 (Senate Floor Amendment No. 8)

Amend **HB 7** as adopted by the senate on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 151.0515(b), Tax Code, is amended to read as follows:

(b) In each county in this state, a surcharge is imposed on the retail sale, lease, or rental of new or used equipment in an amount equal to 1.5 [~~two~~] percent of the sale price or the lease or rental amount.

SECTION _____. Section 26.3574(b-1), Water Code, is amended to read as follows:

(b-1) The commission by rule shall set the amount of the fee in Subsection (b) in an amount not to exceed the amount necessary to cover the agency's costs of administering this subchapter, as indicated by the amount appropriated by the legislature from the petroleum storage tank remediation account for that purpose,

not including any amount appropriated by the legislature from the petroleum storage tank remediation account for the purpose of the monitoring or remediation of releases occurring on or before December 22, 1998.

Senate Amendment No. 4 (Senate Floor Amendment No. 9)

Amend **HB 7** as adopted by the senate on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 41.002(a), Education Code, is amended to read as follows:

(a) A school district may not have a wealth per student that exceeds:

(1) the wealth per student that generates the amount of maintenance and operations tax revenue per weighted student available to a district with maintenance and operations tax revenue per cent of tax effort equal to the maximum amount provided per cent under Section 42.101(a) or (b), for the district's maintenance and operations tax effort equal to or less than the rate equal to the sum of the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year and any additional tax effort included in calculating the district's compressed tax rate under Section 42.101(a-1);

(2) the wealth per student that generates the amount of maintenance and operations tax revenue per weighted student available to the Austin Independent School District, as determined by the commissioner in cooperation with the Legislative Budget Board, for the first six cents by which the district's maintenance and operations tax rate exceeds the rate equal to the sum of the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year and any additional tax effort included in calculating the district's compressed tax rate under Section 42.101(a-1), subject to Section 41.093(b-1); or

(3) \$319,500, for the district's maintenance and operations tax effort that exceeds the amount of tax effort described by Subdivision (2) [~~first six cents by which the district's maintenance and operations tax effort exceeds the rate equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year.~~].

SECTION _____. Section 41.093(b-1), Education Code, is amended to read as follows:

(b-1) If the guaranteed level of state and local funds per weighted student per cent of tax effort under Section 42.302(a-1)(1) for which state funds are appropriated for a school year is an amount at least equal to the amount of revenue per weighted student per cent of tax effort available to the Austin Independent School District, as determined by the commissioner in cooperation with the Legislative Budget Board, the commissioner, in computing the amounts described by Subsections (a)(1) and (2) and determining the cost of an attendance credit, shall exclude maintenance and operations tax revenue resulting from the tax rate described by Section 41.002(a)(2) [~~first six cents by which a district's~~

~~maintenance and operations tax rate exceeds the rate equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year].~~

SECTION _____. Section 42.101, Education Code, as effective September 1, 2015, is amended by adding Subsections (a-1), (a-2), and (c) to read as follows:

(a-1) Notwithstanding Subsection (a), for a school district that adopted a maintenance and operations tax rate for the 2005 tax year below the maximum rate permitted by law for that year, the district's compressed tax rate ("DCR") includes the portion of the district's current maintenance and operations tax rate in excess of the first six cents above the district's compressed tax rate, as defined by Subsection (a), until the district's compressed tax rate computed in accordance with this subsection is equal to the state maximum compressed tax rate ("MCR").

(a-2) Subsection (a-1) applies beginning with the 2017-2018 school year. For the 2015-2016 and 2016-2017 school years, the board of trustees of a school district that adopted a maintenance and operations tax rate for the 2005 tax year below the maximum rate permitted by law for that year may choose to apply Subsection (a-1) to the calculation of the district's compressed tax rate ("DCR"). A board of trustees that chooses to apply Subsection (a-1) must notify the commissioner of the decision in writing not later than September 1 of the affected school year. This subsection expires September 1, 2018.

(c) This subsection applies to a school district for which the compressed tax rate ("DCR") is determined in accordance with Subsection (a-1). Any reduction in the district's adopted maintenance and operations tax rate is applied to the following components of the district's tax rate in the order specified:

(1) tax effort described by Section 42.302(a-1)(2);

(2) tax effort described by Section 42.302(a-1)(1); and

(3) tax effort included in the determination of the district's compressed tax rate ("DCR") under Subsection (a-1).

SECTION _____. Section 42.2516, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Revenue generated by the portion of a district's maintenance and operations tax rate included in calculating the district's compressed tax rate under Section 42.101(a-1) and local share under Section 42.252(a-1) is included in determining the amount to which a district is entitled under this section, but may not increase the total amount of revenue per weighted student to which the district is entitled under this section. This subsection expires September 1, 2017.

SECTION _____. Section 42.252, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a), for a school district that adopted a maintenance and operations tax rate for the 2005 tax year below the maximum rate permitted by law for that year, the district's tax rate ("TR") includes the tax effort included in calculating the district's compressed tax rate under Section 42.101(a-1).

SECTION _____. Subchapter E, Chapter 42, Education Code, is amended by adding Section 42.262 to read as follows:

Section 42.262. TAX RATE CONVERSION FUND. (a) Each fiscal year, the commissioner shall identify amounts appropriated in the General Appropriations Act from the Foundation School Fund, to be deposited in the tax rate conversion fund in the general revenue fund. The amount identified by the commissioner shall be sufficient to provide additional state aid to school districts to which the compressed tax rate modified under Section 42.101(a-1) applies, in excess of the level of state aid to which the district would have been entitled to had Section 42.101(a-1) not taken effect.

(b) For the purposes of state aid payments to school districts under this chapter, the tax rate conversion fund shall be considered to be used in the same manner as the foundation school fund.

SECTION _____. Section 42.302(a-1), Education Code, is amended to read as follows:

(a-1) ~~[In this section, "wealth per student" has the meaning assigned by Section 41.001.]~~ For purposes of Subsection (a), the dollar amount guaranteed level of state and local funds per weighted student per cent of tax effort ("GL") for a school district is:

(1) the greater of the amount of district tax revenue per weighted student per cent of tax effort that would be available to the Austin Independent School District, as determined by the commissioner in cooperation with the Legislative Budget Board, if the reduction of the limitation on tax increases as provided by Section 11.26(a-1), (a-2), or (a-3), Tax Code, did not apply, or the amount of district tax revenue per weighted student per cent of tax effort used for purposes of this subdivision in the preceding school year, for the first six cents by which the district's maintenance and operations tax rate exceeds the rate equal to the sum of the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year and any additional tax effort included in calculating the district's compressed tax rate under Section 42.101(a-1); and

(2) \$31.95, for the district's maintenance and operations tax effort that exceeds the amount of tax effort described by Subdivision (1).

Senate Amendment No. 5 (Senate Floor Amendment No. 10)

Amend Amendment No. 2 by Fraser, as adopted on 2nd reading, to **CSHB 7** in Subsection (a) of the fifth SECTION added by the amendment, by striking the last sentence of Subsection (a) of that SECTION and substituting "On the effective date of this Act, any unencumbered fund balance in the Texas emerging technology fund may be appropriated in accordance with Subsection (a-1) of this section".

Senate Amendment No. 6 (Senate Floor Amendment No. 11)

Amend **CSHB 7** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 140, Local Government Code, is amended by adding Section 140.011 to read as follows:

Sec. 140.011. LOCAL GOVERNMENTS DISPROPORTIONATELY AFFECTED BY PROPERTY TAX RELIEF FOR DISABLED VETERANS.

(a) In this section:

(1) "General fund revenue" means revenue generated by a local government from the following sources during a fiscal year and deposited in the dedicated general operating fund of the local government during that fiscal year:

(A) ad valorem taxes;

(B) sales and use taxes;

(C) franchise taxes, fees, or assessments charged for use of the local government's right-of-way;

(D) building and development fees, including permit and inspection fees;

(E) court fines and fees;

(F) other fees, assessments, and charges; and

(G) interest earned by the local government.

(2) "Local government" means:

(A) a municipality adjacent to a United States military installation;
and

(B) a county in which a United States military installation is wholly or partly located.

(3) "Qualified local government" means a local government entitled to a disabled veteran assistance payment under this section.

(b) To serve the state purpose of ensuring that the cost of providing ad valorem tax relief to disabled veterans is shared equitably among the residents of this state, a local government is entitled to a disabled veteran assistance payment from the state for each fiscal year that the local government is a qualified local government. A local government is a qualified local government for a fiscal year if the amount of lost ad valorem tax revenue calculated under Subsection (c) for that fiscal year is equal to or greater than two percent of the local government's general fund revenue for that fiscal year.

(c) For the purposes of this section, the amount of a local government's lost ad valorem tax revenue for a fiscal year is calculated by multiplying the ad valorem tax rate adopted by the local government under Section 26.05, Tax Code, for the tax year in which the fiscal year begins by the total appraised value of all property located in the local government that is granted an exemption from taxation under Section 11.131, Tax Code, for that tax year.

(d) A disabled veteran assistance payment made to a qualified local government for a fiscal year is calculated by subtracting from the local government's lost ad valorem tax revenue calculated under Subsection (c) for that fiscal year an amount equal to one percent of the local government's general fund revenue for that fiscal year.

(e) Not later than April 1 of the first year following the end of a fiscal year for which a qualified local government is entitled to a disabled veteran assistance payment, a qualified local government may submit an application to the

comptroller to receive a disabled veteran assistance payment for that fiscal year. The application must be made on a form prescribed by the comptroller. The comptroller may require the qualified local government to submit an independent audit otherwise required by law to be prepared for the local government for the fiscal year for which a qualified local government is entitled to the payment.

(f) A qualified local government that does not submit an application to the comptroller by the date prescribed by Subsection (e) is not entitled to a disabled veteran assistance payment for the fiscal year for which that deadline applies.

(g) The comptroller shall review each application by a local government to determine whether the local government is entitled to a disabled veteran assistance payment. If the comptroller determines that the local government is entitled to the payment, the comptroller shall remit the payment from available funds to the qualified local government not later than the 30th day after the date the application for the payment is made.

(h) The comptroller shall transfer funds to a newly created account in the state treasury for the purpose of reimbursement of local governments under this section.

(i) The comptroller shall adopt rules necessary to implement this section.

SECTION _____. As soon as practicable, but not later than December 1, 2015, the comptroller of public accounts shall develop the disabled veteran assistance payment form required by Section 140.011(e), Local Government Code, as added by this Act.

SECTION _____. A local government that is a qualified local government, as that term is defined by Section 140.011(a), Local Government Code, as added by this Act, for a fiscal year that began in the 2014 tax year is eligible to apply for a disabled veteran assistance payment as prescribed by Section 140.011, Local Government Code, for that fiscal year.

**HB 1396 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 1396, A bill to be entitled An Act relating to the construction of certain statutes and rules that create or define criminal offenses and penalties and a review of certain penal laws of this state.

Representative Workman 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 1396**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1396**: Workman, chair; Herrero, Krause, Moody, and Larson.

**HB 18 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 18, A bill to be entitled An Act relating to college and career readiness training for certain public school counselors and postsecondary advisors.

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 18**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 18**: Aycock, chair; Huberty, Farney, Deshotel, and Workman.

**HB 74 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 74, A bill to be entitled An Act relating to financial assistance administered by the Texas Department of Housing and Community Affairs in certain rural areas.

Representative González moved to concur in the senate amendments to **HB 74**.

The motion to concur in the senate amendments to **HB 74** prevailed by (Record 1723): 90 Yeas, 46 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bernal; Blanco; Bohac; Burkett; Burns; Canales; Clardy; Coleman; Collier; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Faircloth; Farias; Farney; Farrar; Fletcher; Frullo; Galindo; Giddings; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Israel; Johnson; Kacal; Keffer; King, K.; King, T.; Koop; Landgraf; Larson; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Miles; Minjarez; Moody; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Paul; Phelan; Pickett; Price; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schaefer; Schubert; Sheets; Sheffield; Simpson; Smith; Smithee; Springer; Stephenson; Thompson, S.; Turner, C.; Turner, S.; Vo; Walle; Wray; Wu; Zerwas.

Nays — Anderson, C.; Anderson, R.; Bell; Bonnen, G.; Burrows; Button; Capriglione; Craddick; Cyrier; Dale; Elkins; Fallon; Flynn; Frank; Goldman; Gonzales; Huberty; Hughes; Keough; Klick; Krause; Kuempel; Laubenberg; Leach; Metcalf; Miller, D.; Miller, R.; Parker; Peña; Phillips; Riddle; Rinaldi; Sanford; Schofield; Shaheen; Simmons; Spitzer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Zedler.

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

Absent, Excused — Dukes; McClendon.

Absent — Bonnen, D.; Cook; Geren; Hunter; Isaac; King, P.; King, S.; Morrison; Raney.

STATEMENTS OF VOTE

When Record No. 1723 was taken, I was in the house but away from my desk. I would have voted no.

Cook

When Record No. 1723 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 1723 was taken, my vote failed to register. I would have voted no.

Isaac

When Record No. 1723 was taken, I was shown voting yes. I intended to vote no.

Larson

When Record No. 1723 was taken, I was shown voting yes. I intended to vote no.

Meyer

When Record No. 1723 was taken, I was shown voting yes. I intended to vote no.

Paul

When Record No. 1723 was taken, I was shown voting yes. I intended to vote no.

Springer

When Record No. 1723 was taken, I was shown voting yes. I intended to vote no.

Wray

Senate Committee Substitute

CSHB 74, A bill to be entitled An Act relating to certain financial assistance administered by the Texas Department of Housing and Community Affairs in certain rural areas.

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

SECTION 1. Sections 2306.6702(a), Government Code, is amended by adding Subdivisions (12) and (17) to read as follows:

(12) "Rural area" means an area that is:

(A) described by Section 2306.004(28-a); or

(B) designated by the department as a rural area under Section 2306.6740.

(17) "Urban area" means the area that is located within the boundaries of a primary metropolitan statistical area or a metropolitan statistical area other than an area:

(A) described by Section 2306.004 (28-a)(B); or

(B) designated by the department as a rural area under Section 2306.6740.

SECTION 2. Subchapter DD, Chapter 2306, Government Code, is amended by adding Section 2306.6740 to read as follows:

Sec. 2306.6740. DESIGNATION OF CERTAIN AREAS AS RURAL. (a) The department by rule shall provide for the designation by the department of an area located within the boundaries of a primary metropolitan statistical area or a metropolitan statistical area as a rural area under Section 2306.6702(a)(12)(B) for purposes of receiving housing tax credits administered by the department under this subchapter.

(b) Rules adopted under this section must ensure that any housing tax credits allocated to a designated rural area complies with any applicable federal requirements regarding that assistance.

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

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

(b) Rules adopted under this section must:

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

(2) provide guidelines for designating an area as rural, including specifying:

(A) conditions under which a rural designation is not appropriate, including the proximity of the area to or the presence of major amenities commonly associated with urban or suburban areas; and

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

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

HB 4175 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 4175, A bill to be entitled An Act relating to eminent domain powers of certain conservation and reclamation districts.

Representative S. Thompson 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 4175**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 4175**: S. Thompson, chair; Johnson, Keffer, Metcalf, and Walle.

HB 12 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 12, A bill to be entitled An Act relating to the border prosecution unit.

Representative Longoria moved to concur in the senate amendments to **HB 12**.

The motion to concur in the senate amendments to **HB 12** prevailed by (Record 1724): 141 Yeas, 3 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; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; 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; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; 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; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Collier; González; Walle.

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

Absent, Excused — Dukes; McClendon.

Absent — Anderson, C.; King, S.

STATEMENTS OF VOTE

When Record No. 1724 was taken, I was shown voting no. I intended to vote yes.

Collier

When Record No. 1724 was taken, I was shown voting no. I intended to vote yes.

González

When Record No. 1724 was taken, I was shown voting no. I intended to vote yes.

Walle

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 12** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 772, Government Code, is amended by designating Sections 772.001, 772.002, 772.003, 772.004, 772.005, 772.006, 772.0061, 772.007, 772.0071, 772.008, 772.009, 772.010 as reenacted and amended by Chapter 1215 (**HB 925**), Acts of the 79th Legislature, Regular Session, 2005, 772.010 as added by Chapter 429 (**SB 1136**), Acts of the 76th Legislature, Regular Session, 1999, 772.010 as added by Chapter 1339 (**HB 564**), Acts of the 76th Legislature, Regular Session, 1999, 772.0101, 772.0102, and 772.011 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. PLANNING ENTITIES

SECTION 2. Sections 772.0071(a)(1), (2), and (4), Government Code, are amended to read as follows:

(1) "Border crime" means any crime involving transnational criminal activity that ~~[occurs in the border region and that]~~ undermines public safety or security, including an offense:

(A) during the prosecution of which an affirmative finding may be requested under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure;

(B) under Chapter 19, 20, 20A, 21, 22, 46, 47, or 71, Penal Code;

(C) under Title 7 or 8, Penal Code;

(D) under Chapter 481, Health and Safety Code;

(E) committed by a person who is not a citizen or national of the United States and is not lawfully present in the United States; or

(F) that is coordinated with or related to activities or crimes that occur or are committed in the United Mexican States.

(2) "Border region" means the portion of this state that is located in a county that:

(A) is adjacent to[~~±~~

~~(A)] an international border; ~~[or~~~~

(B) is adjacent to a county described by Paragraph (A); or

(C) is served by a prosecuting attorney whose jurisdiction includes a county described by Paragraph (A) or (B).

(4) "Eligible prosecuting attorney" means an attorney ~~[in a border region]~~ who represents the state in the prosecution of felonies and who:

(A) serves a county located in the border region; or

(B) serves a county or counties that the criminal justice division determines to be significantly affected by border crime.

SECTION 3. Chapter 772, Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. BORDER PROSECUTION UNIT

Sec. 772.051. DEFINITIONS. In this subchapter:

(1) "Border crime" and "border region" have the meanings assigned by Section 772.0071.

(2) "Border prosecuting attorney" means a prosecuting attorney in a border region who represents the state in the prosecution of felony border crimes.

(3) "Criminal justice division" means the criminal justice division established under Section 772.006.

(4) "Prosecuting attorney" means a district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction.

(5) "Unit" means the border prosecution unit.

Sec. 772.052. GENERAL FUNCTION OF BORDER PROSECUTION UNIT. The governor shall establish the border prosecution unit within the criminal justice division to cooperate with and support members of the unit in prosecuting border crime.

Sec. 772.053. MEMBERSHIP. (a) The unit is composed of the following prosecuting attorneys:

(1) the district attorney for the 34th Judicial District;

(2) the district attorney for the 38th Judicial District;

(3) the district attorney for the 49th Judicial District;

(4) the district attorney for the 63rd Judicial District;

(5) the district attorney for the 79th Judicial District;

(6) the district attorney for the 81st Judicial District;

(7) the district attorney for the 83rd Judicial District;

(8) the district attorney for the 112th Judicial District;

(9) the district attorney for the 143rd Judicial District;

(10) the district attorney for the 156th Judicial District;

(11) the district attorney for the 229th Judicial District;

(12) the district attorney for the 293rd Judicial District;

(13) the district attorney for the 452nd Judicial District;

(14) the criminal district attorney for Hidalgo County;

(15) the county attorney with felony criminal jurisdiction for Cameron County;

(16) the district attorney for Kleberg and Kenedy Counties;

(17) the county attorney with felony criminal jurisdiction for Willacy County; and

(18) any other prosecuting attorney who represents the state in the prosecution of felonies for a judicial district that is created by the legislature in the border region or who receives a grant under the prosecution of border crime grant program established under Section 772.0071.

(b) A prosecuting attorney described by Subsection (a) shall serve on the unit in addition to the other duties of the prosecuting attorney assigned by law.

(c) Each member of the unit shall enter into a memorandum of understanding with the criminal justice division to collaborate and cooperate in the prosecution of border crime.

Sec. 772.054. OFFICERS. (a) The unit, on a majority vote, shall elect from among its membership a presiding officer and an assistant presiding officer.

(b) The presiding officer and the assistant presiding officer serve terms of one year.

(c) The assistant presiding officer serves as presiding officer in the presiding officer's absence or if a vacancy occurs in that office until a new presiding officer is elected as provided by Subsection (d).

(d) If a vacancy occurs in the office of presiding officer or assistant presiding officer before the end of the vacating officer's term, the unit shall elect a person to serve the remainder of the term.

Sec. 772.055. REIMBURSEMENT FOR EXPENSES. A member of the unit is not entitled to compensation for service on the unit but is entitled to be reimbursed for necessary expenses incurred in carrying out the duties and responsibilities of a member of the unit as provided by the General Appropriations Act.

Sec. 772.056. DUTIES OF UNIT. (a) The unit shall meet at least once annually to provide the governor, the lieutenant governor, the speaker of the house of representatives, and the members of the legislature with information regarding:

(1) the status of border crime and its effect on prosecutorial resources;

(2) the border crimes prosecuted by members of the unit; and

(3) the number of border crimes that are committed by a person who is not lawfully present in the United States.

(b) The unit shall advise the criminal justice division on:

(1) the allocation of grants under the prosecution of border crime grant program established under Section 772.0071;

(2) the division of the border region into two or more subregions for training purposes; and

(3) any additional prosecutorial needs of the border prosecuting attorneys, including a need for the employment of regional counsel described by Section 772.057 to assist with the prosecution of border crimes.

(c) The unit shall facilitate the coordination and collaboration of the border prosecuting attorneys with any regional counsel described by Section 772.057 and with other law enforcement agencies, including the Department of Public Safety, in the investigation and prosecution of border crime.

(d) The unit shall develop a nonexclusive list of offenses not otherwise described by Section 772.0071(a)(1) that constitute border crime to provide guidance and enhance uniformity in the investigation and prosecution of border crime.

(e) The unit shall serve as a clearinghouse for information related to the investigation and prosecution of border crime and shall develop best practices and guidelines, including best practices for the collection and protection of confidential law enforcement information.

(f) The unit shall assist in developing a training program and providing training to members of the unit and law enforcement agencies in the border region on specific issues and techniques relating to the investigation and prosecution of border crime.

(g) The unit shall develop accountability and performance measures for members of the unit who receive a grant under the prosecution of border crime grant program established under Section 772.0071.

Sec. 772.057. DUTIES OF REGIONAL COUNSEL. (a) An attorney employed by a border prosecuting attorney as regional counsel shall assist the border prosecuting attorneys and other regional counsel, as needed, in:

- (1) the prosecution of border crime;
- (2) the screening of cases involving border crime;
- (3) the presenting of cases involving border crime to a grand jury; and
- (4) the preparation and trial of cases involving border crime.

(b) The regional counsel shall serve as a liaison between the unit and other criminal justice entities, including the Department of Public Safety and federal, state, and local prosecutors and law enforcement agencies located in the border region, by:

- (1) working closely with those entities, as needed, to coordinate and assist in the investigation and prosecution of border crime; and
- (2) attending multiagency task force hearings and meetings held by federal, state, and local prosecutors and law enforcement agencies on the investigation and prosecution of border crime.

(c) The regional counsel shall provide legal and technical assistance to law enforcement agencies investigating border crime, including by:

- (1) providing legal advice and recommendations regarding Fourth Amendment search and seizure issues, relevant statutes, and case law;
- (2) drafting and reviewing affidavits requesting the issuance of search warrants, wiretap orders, pen register and trap and trace orders, mobile tracking device orders, and similar court orders; and

(3) drafting requests for court orders authorizing:

- (A) the interception of oral, wire, and electronic communications;
- (B) the installation and use of a pen register or trap and trace

device;

(C) the disclosure of subscriber or customer records and information; and

(D) other similar court orders that are required to be filed by a prosecutor.

(d) The regional counsel shall coordinate training with the unit for border prosecuting attorneys and law enforcement agencies, including by:

(1) assisting in identifying training needs in the county or subregion, if any is created, in which the border prosecuting attorney's office or the agency is located;

(2) assisting in the development of training curricula and guidelines for the investigation and prosecution of border crime; and

(3) participating in and hosting training presentations and sessions in each subregion, if any is created.

(e) The regional counsel shall provide legal and technical assistance to border prosecuting attorneys, including by:

(1) performing legal research relating to investigating and prosecuting border crime, if requested; and

(2) coordinating with border prosecuting attorneys and law enforcement agencies to identify experts in the investigation and prosecution of complex, long-term cases against organized criminal enterprises.

Sec. 772.058. GIFTS AND GRANTS. The criminal justice division may apply for and accept gifts, grants, and donations from any organization described in Section 501(c)(3) or (4) of the Internal Revenue Code of 1986 for the purposes of funding any activity of the unit under this subchapter. The criminal justice division may apply for and accept grants under federal and state programs.

Sec. 772.059. EXPIRATION DATE. The unit is abolished and this subchapter expires on August 31, 2019.

SECTION 4. Section 772.0071(d), Government Code, is repealed.

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

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend Floor Amendment No. 1 to **HB 12** by striking the following language on page 8, lines 26-27 of the amendment:

Sec. 772.059. EXPIRATION DATE. The unit is abolished and this subchapter expires on August 31, 2019.

HB 2291 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 2291, A bill to be entitled An Act relating to increasing the punishment for certain persons convicted of the offense of possession or promotion of child pornography.

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 2291**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2291**: Parker, chair; Meyer, Fallon, Hernandez, and Paddie.

HB 20 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 20, A bill to be entitled An Act relating to the operations of and transportation planning and expenditures by the Texas Department of Transportation and planning organizations.

HB 20 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE SPRINGER: What is the intent of the floor amendment to Section 6, Subsection (f) of **HB 20** as passed out of the Senate Transportation Committee?

REPRESENTATIVE SIMMONS: The intent of Senator Nichols' amendment to Section 6 of **CSHB 20**, pertaining to substantially designed design-build projects, merely seeks to clarify what substantially designed means in this section of the bill. The intent is to ensure TxDOT does use design-build for bundled projects for which more than 30 percent of the schematic design has been completed by any entity other than the design-build contractor.

SPRINGER: So this section does not create a statutory catch-22 situation that would prevent any contractor from bidding on a design-build contract unless they completed the preliminary 30 percent schematic design as required by law since 2011?

SIMMONS: Correct, this is not a catch-22. The intent is to ensure TxDOT does not go beyond the 30 percent requirement described by Section 223.246(a)(5), Transportation Code. The 30 percent requirement is not only specified in statute, it is also the industry standard for RPFs. TxDOT is aware of the intent of this amendment. Request for proposals for design-build projects issued by TxDOT will still have to include a schematic design approximately 30 percent complete as required by Sec. 223.245(a)(5) of the Transportation Code.

REMARKS ORDERED PRINTED

Representative Springer moved to print remarks between Representative Simmons and Representative Springer.

The motion prevailed.

Representative Simmons moved to concur in the senate amendments to **HB 20**.

The motion to concur in the senate amendments to **HB 20** prevailed by (Record 1725): 143 Yeas, 1 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; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Fallon; 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; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; 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; 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.

Nays — Rinaldi.

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

Absent, Excused — Dukes; McClendon.

Absent — Bonnen, D.; Geren.

Senate Committee Substitute

CSHB 20, A bill to be entitled An Act relating to the operations of and transportation planning and expenditures by the Texas Department of Transportation and planning organizations.

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

SECTION 1. Section 201.809, Transportation Code, is amended by adding Subsections (e) through (i) to read as follows:

(e) The commission by rule shall develop and implement a performance-based planning and programming process dedicated to providing the executive and legislative branches of government with indicators that quantify and qualify progress toward attaining all department goals and objectives established by the legislature and the commission.

(f) The commission by rule shall develop and implement performance metrics and performance measures as part of:

(1) the review of strategic planning in the statewide transportation plan, rural transportation plans, and unified transportation program;

(2) the evaluation of decision-making on projects selected for funding in the unified transportation program and statewide transportation improvement program; and

(3) the evaluation of project delivery for projects in the department's letting schedule.

(g) The commission by rule shall adopt and shall periodically review performance metrics and measures to:

(1) assess how well the transportation system is performing and operating;

(2) provide the department, legislature, stakeholders, and public with information to support decisions in a manner that is accessible and understandable to the public;

(3) assess the effectiveness and efficiency of transportation projects and service;

(4) demonstrate transparency and accountability; and

(5) address other issues the commission considers necessary.

(h) The requirement for the commission to develop and implement a performance-based planning and programming process does not replace or alter the requirement of the commission or department to comply with the budgetary performance measures for each biennium as established in the General Appropriations Act. The commission may not rely on the satisfaction of the requirement to report budgetary performance measures as satisfying the requirements imposed under this section.

(i) The commission shall develop and implement periodic reporting schedules for all performance metrics and measures required under this section.

SECTION 2. Subchapter P, Chapter 201, Transportation Code, is amended by adding Section 201.9901 to read as follows:

Sec. 201.9901. DEFINITIONS. In this subchapter:

(1) "Planning organization" means:

(A) a metropolitan planning organization; or

(B) for an area that is not within the boundaries of a metropolitan planning organization, the department district that serves the area.

(2) "Project" means a connectivity or new capacity roadway project in the region of a planning organization. The term does not include a safety project, bridge project, federal discretionary project, maintenance project, or preservation project.

(3) "Region" means the area for which a planning organization develops plans under this subchapter.

(4) "Transportation official" means an official in a political subdivision who has responsibility for planning and implementation of transportation projects.

SECTION 3. Subchapter P, Chapter 201, Transportation Code, is amended by adding Section 201.9911 to read as follows:

Sec. 201.9911. PLANNING ORGANIZATION 10-YEAR PLAN. (a) Each planning organization shall develop a 10-year transportation plan for the use of the funding allocated to the region. The department shall assist the planning organizations by providing in a timely manner such information as is reasonably requested by the planning organizations.

(b) The first four years of the plan shall be developed to meet the transportation improvement plan requirements of 23 U.S.C. Section 134 or 135, as applicable.

(c) For an area that is not within the boundaries of a metropolitan planning organization, the department district shall develop the 10-year transportation plan with input from municipal and county elected officials and transportation officials in the region.

SECTION 4. Subchapter P, Chapter 201, Transportation Code, is amended by adding Sections 201.9932 and 201.9991 to read as follows:

Sec. 201.9932. PROJECT RECOMMENDATION CRITERIA. Each planning organization shall develop its own project recommendation criteria, which must include consideration of:

- (1) projected improvements to congestion and safety;
- (2) projected effects on economic development opportunities for residents of the region;
- (3) available funding;
- (4) effects on the environment, including air quality;
- (5) socioeconomic effects, including disproportionately high and adverse health or environmental effects on minority or low-income neighborhoods; and
- (6) any other factors deemed appropriate by the planning organization.

Sec. 201.9991. PRIORITIZATION AND APPROVAL OF PROJECTS BY COMMISSION. (a) The commission by rule shall prioritize and approve projects included in the statewide transportation plan under Section 201.601 in order to provide financial assistance under this chapter.

(b) The commission by rule shall establish a performance-based process for setting funding levels for the categories of projects in the department's unified transportation program.

(c) The commission by rule shall establish a scoring system for prioritizing projects for which financial assistance is sought from the commission by planning organizations. The criteria used to score projects must take into consideration the department's strategic goals as approved by the commission. The system must account for the diverse needs of the state so as to fairly allocate funding to all regions of the state.

(d) The commission may make discretionary funding decisions for no more than 10 percent of the current biennial budget of the department.

SECTION 5. Section 223.241, Transportation Code, is amended by adding Subdivision (3) to read as follows:

- (3) "Highway project" means:
 - (A) a single highway facility between two defined points in a corridor; or
 - (B) two or more contiguous highway facilities.

SECTION 6. Section 223.242, Transportation Code, is amended by adding Subsections (b-1), (f), and (g) and amending Subsections (d) and (d-1) to read as follows:

(b-1) A design-build contract under this subchapter may include a maintenance agreement requiring a design-build contractor to maintain a project for an initial term of not longer than five years. The maintenance agreement may authorize the department, in its sole discretion, to exercise options extending the

term of the maintenance agreement for additional periods beyond the initial maintenance term with each additional period being not longer than five years. The department shall obtain pricing for the maintenance work for each maintenance term. The department may require separate pricing for the maintenance work to be performed for each year of a maintenance term.

(d) The department may enter into a design-build contract for a highway project with a construction cost estimate of \$250 [~~\$50~~] million or more to the department.

(d-1) The department may not enter into more than three contracts under this section in each fiscal year[~~— This subsection expires August 31, 2015~~].

(f) The department shall not use the design-build method for the construction, expansion, extension, rehabilitation, alteration, or repair of a highway project if the project is substantially designed by the department or another entity other than the design-build contractor.

(g) The department shall not include more than one highway project in a design-build contract.

SECTION 7. (a) In this section:

(1) "Commission" means the Texas Transportation Commission.

(2) "Department" means the Texas Department of Transportation.

(b) Not later than the earlier of 30 days after the effective date of this Act or September 1, 2015:

(1) the speaker of the house of representatives shall appoint nine members to a House Select Committee on Transportation Planning and designate one member as chair; and

(2) the lieutenant governor shall appoint five members to a Senate Select Committee on Transportation Planning and designate one member as chair.

(b-1) In making appointments under Subsection (b) of this section, the speaker and the lieutenant governor should consider members that reflect diverse constituencies with respect to:

(1) geographic areas in the state;

(2) urban and rural areas; and

(3) ethnicity.

(c) The committees established under this section may meet separately at the call of the chair of the committee or jointly at the call of both chairs. In joint meetings, the chairs shall act as joint chairs.

(d) The committees established under this section, meeting separately or jointly, shall review, study, and evaluate:

(1) department projections regarding the revenue needed by the department to maintain current maintenance, congestion, and connectivity conditions;

(2) the development of funding categories, the allocation of funding to such categories by formula, project selection authority for each funding category, and the development of project selection criteria for commission, department, and district-selected projects;

(3) department rules and policies regarding the development and implementation of performance-based scoring and decision making for project prioritization and selection of commission, department, and district-selected projects;

(4) the use and utilization of alternative methods of financing that have been authorized by the legislature for projects;

(5) performance metrics and measurement tools used by the department to evaluate the performance of a department project or program;

(6) the department's collaboration with state elected officials, local governments, government trade associations, metropolitan planning organizations, regional mobility authorities, and other entities when adopting rules or formulating policies;

(7) any proposed rule, policy, program, or plan of the commission or department of statewide significance;

(8) any possible benefits of utilizing zero-based budgeting principles;

and

(9) any other matter the committee considers appropriate.

(e) Following consideration of the factors described by Subsection (d) of this section, the committees shall prepare a written report on the reviewed subjects and shall, not later than November 1, 2016, provide to the legislature the report.

(f) The committees established under this section may exercise any power of a committee of their respective chambers and any powers of a joint committee. For the purposes of this section, the committees established under this section are considered a joint committee and the cost of operation of each committee may be borne in the same manner as the cost of a joint committee. The Texas Legislative Council shall provide funding for the operations of the committees. To the extent not inconsistent with this section, the joint rules adopted by the 84th Legislature for the administration of joint interim legislative study committees apply to the committees established under this section.

(g) Not later than December 1, 2015, the department shall submit an initial report to the select committees. The report shall provide information necessary for the select committees to review, study, and evaluate the factors described by Subsections (d)(1), (2), and (3) of this section. Not later than May 31, 2016, the department shall submit to the select committees a preliminary report on the remaining factors described by Subsection (d) of this section.

(h) This section expires January 9, 2017.

SECTION 8. (a) Section 223.242(b-1), Transportation Code, as added by this Act, applies only to a contract entered into on or after the effective date of this Act. A contract entered into before that date is governed by the law as it existed on the date the contract was entered into, and that law is continued in effect for that purpose.

(b) Sections 223.242(f) and (g), Transportation Code, as added by this Act, apply only to a highway project for which a request for qualifications is issued on or after the effective date of this Act. A highway project for which a request for

qualifications is issued before the effective date of this Act is governed by the law in effect on the date the request for qualifications was issued, and that law is continued in effect for that purpose.

SECTION 9. 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 August 31, 2015.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

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

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

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

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

Senate Amendment No. 2 (Senate Floor Amendment No. 3)

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

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

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

(1) to improve the state highway system; or

(2) to mitigate adverse environmental effects that result directly from construction or maintenance of a state highway by the department [~~;~~ ~~or~~

~~(3) by the Department of Public Safety to police the state highway system and to administer state laws relating to traffic and safety on public roads].~~

**HB 6 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 6, A bill to be entitled An Act relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

Representative Otto 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 6**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 6**: Otto, chair; Darby, Geren, S. Turner, and Simmons.

**HB 15 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 15, A bill to be entitled An Act relating to the management and oversight of state contracts, including contracts for information technology commodity items.

Representative Otto 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 15**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 15**: Otto, chair; Gonzales, Koop, Geren, and Walle.

**HB 2684 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2684, A bill to be entitled An Act relating to the creation of a model training curriculum and to the required training for certain school district peace officers and school resource officers.

Representative Giddings moved to concur in the senate amendments to **HB 2684**.

The motion to concur in the senate amendments to **HB 2684** prevailed by (Record 1726): 107 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Bernal; Blanco; Bohac; Burns; Burrows; Canales; Capriglione; Clardy; Coleman; Collier; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Faircloth; Farias; Farney; Farrar; Fletcher; Frullo; Galindo; Geren; Giddings; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Isaac; Israel; Johnson; Kacal; Keough; King, K.; King, S.; King, T.; Koop; Kuempel; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Miles; Miller, R.; Minjarez; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Peña; Pickett; Price; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Vo; Walle; White, J.; Wray; Wu; Zerwas.

Nays — Bonnen, G.; Button; Cook; Craddick; Fallon; Flynn; Frank; Goldman; Hunter; King, P.; Klick; Krause; Landgraf; Leach; Metcalf; Miller, D.; Morrison; Murr; Parker; Paul; Phelan; Phillips; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Spitzer; Stickland; Tinderholt; Villalba; White, M.; Workman; Zedler.

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

Absent, Excused — Dukes; McClendon.

Absent — Bonnen, D.; Burkett; Keffer; Raney; Turner, E.S.

STATEMENTS OF VOTE

When Record No. 1726 was taken, I was shown voting yes. I intended to vote no.

C. Anderson

When Record No. 1726 was taken, I was shown voting yes. I intended to vote no.

Bell

When Record No. 1726 was taken, I was in the house but away from my desk. I would have voted no.

D. Bonnen

When Record No. 1726 was taken, I was in the house but away from my desk. I would have voted no.

Burkett

When Record No. 1726 was taken, I was shown voting yes. I intended to vote no.

Geren

When Record No. 1726 was taken, I was shown voting yes. I intended to vote no.

Harless

When Record No. 1726 was taken, I was shown voting yes. I intended to vote no.

Keough

When Record No. 1726 was taken, I was shown voting yes. I intended to vote no.

E. Thompson

When Record No. 1726 was taken, my vote failed to register. I would have voted no.

E. S. Turner

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2684** as follows:

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

Senate Amendment No. 2 (Senate Floor Amendment No. 1 - Third Reading)

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

HB 1842 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 1842, A bill to be entitled An Act relating to public school accountability, including the intervention in and sanction of a public school that has received an academically unsuccessful performance rating for at least two consecutive school years.

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 1842**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1842**: Aycock, chair; K. King, Dutton, Darby, and Ashby.

**HB 211 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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 to discharge the conferees and concur in the senate amendments to **HB 211**.

The motion to discharge the conferees and concur in the senate amendments to **HB 211** prevailed by (Record 1727): 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; Fallon; 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; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; 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; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Simpson.

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

Absent, Excused — Dukes; McClendon.

Absent — Geren; Villalba.

Senate Committee Substitute

CSHB 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.

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

SECTION 1. Article 46B.079(c), Code of Criminal Procedure, is amended to read as follows:

(c) When the head of the facility or outpatient treatment program provider gives notice to the court under Subsection (a) or (b), the head of the facility or outpatient treatment program provider also shall file a final report with the court

stating the reason for the proposed discharge under this chapter and including a list of the types and dosages of medications prescribed for the defendant while the defendant was in the facility or participating in the outpatient treatment program. To enable any objection to the findings of the report to be made in a timely manner under Article 46B.084(a-1) [~~46B.084(a)~~], the court shall provide copies of the report to the attorney representing the defendant and the attorney representing the state.

SECTION 2. Article 46B.084, Code of Criminal Procedure, is amended by amending Subsections (a), (b), and (d) and adding Subsections (a-1) and (d-1) to read as follows:

(a)(1) Not later than the next business day following the return of a defendant to the court, the court shall notify the attorney representing the state and the attorney for the defendant regarding the return. Within three business days of the date that notice is received under this subsection or, on a showing of good cause, a later date specified by the court, the attorney for the defendant shall meet and confer with the defendant to evaluate whether there is any suggestion that the defendant has not yet regained competency.

(2) Notwithstanding Subdivision (1), in a county with a population of less than one million or in a county with a population of four million or more, as soon as practicable following the date of the defendant's return to the court, the court shall provide the notice required by that subdivision to the attorney representing the state and the attorney for the defendant, and the attorney for the defendant shall meet and confer with the defendant as soon as practicable after the date of receipt of that notice.

(a-1)(1) Following the defendant's [~~On the~~] return [~~of a defendant~~] to the court, the court shall make a determination with regard to the defendant's competency to stand trial. The court may make the determination based on the report filed under Article 46B.079(c) and on other medical information or personal history information relating to the defendant. A party may object in writing or in open court to the findings of the report not later than the 15th day after the date on which the court received notification under Article 46B.079. The court shall make the determination not later than the 20th day after the date on which the court received notification under Article 46B.079, or not later than the fifth day after the date of the defendant's return to court, whichever occurs first, regardless of whether a party objects to the report as described by this subsection and the issue is set for hearing under Subsection (b).

(2) Notwithstanding Subdivision (1), in a county with a population of less than one million or in a county with a population of four million or more, the court shall make the determination described by that subdivision not later than the 20th day after the date on which the court received notification under Article 46B.079, regardless of whether a party objects to the report as described by that subdivision and the issue is set for a hearing under Subsection (b).

(b) If a party objects under Subsection (a-1) [~~(a)~~], the issue shall be set for a hearing. The hearing is before the court, except that on motion by the defendant, the defense counsel, the prosecuting attorney, or the court, the hearing shall be held before a jury.

(d)(1) If the defendant is found competent to stand trial, on the court's own motion criminal proceedings in the case against the defendant shall ~~may~~ be resumed not later than the 14th day after the date of the court's determination under this article that the defendant's competency has been restored.

(2) Notwithstanding Subdivision (1), in a county with a population of less than one million or in a county with a population of four million or more, on the court's own motion criminal proceedings in the case against the defendant shall be resumed as soon as practicable after the date of the court's determination under this article that the defendant's competency has been restored.

(d-1) This article does not require the criminal case to be finally resolved within any specific period.

SECTION 3. The change in law made by this Act applies only to a proceeding under Chapter 46B, Code of Criminal Procedure, that commences on or after the effective date of this Act, regardless of when the defendant may have committed the underlying offense for which the defendant became subject to the proceeding.

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.

SB 9 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Otto, the house granted the request of the senate for the appointment of a Conference Committee on **SB 9**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 9**: Otto, chair; G. Bonnen, S. Turner, Gonzales, and S. Davis.

SB 19 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Cook, the house granted the request of the senate for the appointment of a Conference Committee on **SB 19**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 19**: Cook, chair; Harless, Oliveira, S. Davis, and Villalba.

SB 313 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Aycock, the house granted the request of the senate for the appointment of a Conference Committee on **SB 313**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 313**: Aycock, chair; Crownover, Allen, Simmons, and VanDeaver.

**SB 632 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Button, the house granted the request of the senate for the appointment of a Conference Committee on **SB 632**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 632**: Button, chair; Johnson, C. Anderson, Faircloth, and Ashby.

**SB 1071 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative S. Thompson, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1071**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1071**: S. Thompson, chair; Hunter, Villalba, Canales, and Wu.

**SB 1630 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative S. Turner, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1630**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1630**: S. Turner, chair; Wu, Phillips, Burkett, and Dutton.

**SB 507 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative S. Thompson, the house granted the request of the senate for the appointment of a Conference Committee on **SB 507**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 507**: S. Thompson, chair; Simmons, Rose, K. King, and Bernal.

**SB 654 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Workman, the house granted the request of the senate for the appointment of a Conference Committee on **SB 654**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 654**: Workman, chair; Cook, Hunter, Guerra, and Sheets.

**SB 1338 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Springer, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1338**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1338**: Springer, chair; González, Simmons, Schubert, and Cyrier.

**SB 1007 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Kuempel, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1007**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1007**: Kuempel, chair; Cook, Gutierrez, Goldman, and Aycock.

HB 100 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Zerwas submitted the following conference committee report on **HB 100**:

Austin, Texas, May 28, 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 100** 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.

Seliger	Zerwas
Eltife	Ashby
Kolkhorst	Clardy
Watson	Howard
West	Otto
On the part of the senate	On the part of the house

HB 100, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education.

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

SECTION 1. Subchapter B, Chapter 55, Education Code, is amended by adding Sections 55.1781, 55.1782, 55.1783, 55.1784, 55.1785, 55.1786, 55.1787, 55.1788, 55.1789, 55.17891, and 55.17892 to read as follows:

Sec. 55.1781. THE TEXAS A&M UNIVERSITY SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of The Texas A&M University System may acquire, purchase, construct, improve, renovate, enlarge, or equip property and facilities, including roads and related infrastructure, for projects to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board for the following institutions, not to exceed the following aggregate principal amounts for the projects specified, as follows:

(1) Texas A&M University–Commerce, \$48 million for construction of a nursing and health sciences building;

(2) Texas A&M University–Corpus Christi, \$60 million for construction of a life sciences research and engineering building;

(3) Texas A&M University–Kingsville, \$60 million for an educational complex;

(4) Texas A&M University–Texarkana, \$32 million for construction of an academic and student services building;

(5) West Texas A&M University:

(A) \$38,160,000 for construction of an agricultural sciences complex; and

(B) \$7,200,000 for renovation of the Amarillo Center;

(6) The Texas A&M University System Health Science Center:

(A) \$72 million for construction of a dental clinic facility at the Baylor College of Dentistry; and

(B) \$72 million for construction of a multidisciplinary research and education facility in Bryan, Texas;

(7) Texas A&M International University, \$55,200,000 for library renovation through the addition of instructional and support spaces;

(8) Prairie View A&M University, \$28,632,000 for construction of a fabrication center and capital improvements;

(9) Tarleton State University:

(A) \$54 million for construction of an applied sciences building;

and

(B) \$39,600,000 for construction of a southwest metroplex building in Tarrant County;

(10) Texas A&M University, \$75 million for construction of a biocontainment research facility;

(11) Texas A&M University at Galveston, \$60 million for construction of a classroom and laboratory facility and campus infrastructure;

(12) Texas A&M University–Central Texas, \$36 million for construction of a multipurpose building; and

(13) Texas A&M University–San Antonio, \$63 million for construction of a science and technology building and campus infrastructure.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of The Texas A&M University System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of The Texas A&M University System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

Sec. 55.1782. THE UNIVERSITY OF TEXAS SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of The University of Texas System may acquire, purchase, construct, improve, renovate, enlarge, or equip property and facilities, including roads and related infrastructure, for projects to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board for the following institutions, not to exceed the following aggregate principal amounts for the projects specified, as follows:

(1) The University of Texas at Austin, \$75 million for renovation of Robert A. Welch Hall;

(2) The University of Texas–Rio Grande Valley:

(A) \$36,432,000 for construction of a multipurpose academic building at the campus in Brownsville; and

(B) \$30,600,000 for construction of an interdisciplinary engineering academic studies building at the campus in Edinburg;

(3) The University of Texas Southwestern Medical Center at Dallas, \$80 million for the construction and renovation of a vivarium and academic and laboratory facilities;

(4) The University of Texas Health Science Center at San Antonio, \$80 million for facility renewal and renovation;

(5) The University of Texas M. D. Anderson Cancer Center, \$70 million for construction of the Sheikh Zayed Bin Sultan Al Nahyan building;

(6) The University of Texas Medical Branch at Galveston, \$67,800,000 for construction of a health education center;

(7) The University of Texas at Arlington, \$70 million for construction of a science and education innovation and research building;

(8) The University of Texas at Dallas, \$70 million for construction of an engineering building;

(9) The University of Texas at El Paso, \$70 million for construction of an interdisciplinary research facility;

(10) The University of Texas at San Antonio, \$70 million for construction of an instructional science and engineering building;

(11) The University of Texas at Tyler, \$60 million for construction of a STEM building;

(12) The University of Texas Health Science Center at Houston, \$80 million for the renovation and modernization of educational and research facilities;

(13) The University of Texas Health Science Center at Tyler, \$14,800,000 for the renovation and modernization of educational and research facilities; and

(14) The University of Texas of the Permian Basin, \$48 million for construction of engineering and kinesiology buildings.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of The University of Texas System, including student tuition charges. The

amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of The University of Texas System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

Sec. 55.1783. UNIVERSITY OF HOUSTON SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of the University of Houston System may acquire, purchase, construct, improve, renovate, enlarge, or equip property and facilities, including roads and related infrastructure, for projects to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board for the following institutions or entities, not to exceed the following aggregate principal amounts for the projects specified, as follows:

(1) the University of Houston:

(A) \$63 million for construction of a health and biomedical sciences center; and

(B) \$54 million for construction of a new academic building located in Sugar Land, Texas;

(2) the University of Houston–Clear Lake:

(A) \$24,624,000 for construction of a health sciences and classroom building located in Pearland, Texas; and

(B) \$54 million for construction of a STEM and classroom building;

(3) the University of Houston–Downtown, \$60 million for construction of a science and technology building;

(4) the University of Houston–Victoria, \$60 million for academic expansion and land acquisition; and

(5) the University of Houston System, \$46,832,000 for land acquisition for construction of a building in the area near Katy, Texas.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of the University of Houston System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the University of Houston System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

Sec. 55.1784. TEXAS STATE UNIVERSITY SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of the Texas State University System may acquire, purchase, construct, improve, renovate, enlarge, or equip property and facilities, including roads and related infrastructure, for projects to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board for the following institutions, not to exceed the following aggregate principal amounts for the projects specified, as follows:

(1) Lamar University, \$60 million for construction of a science building;

(2) Lamar State College–Orange, \$10 million for construction of a multipurpose education building;

(3) Lamar State College–Port Arthur, \$8,080,000 for expansion of technology program facilities;

(4) Lamar Institute of Technology, \$12,500,000 for construction and renovation of technical arts buildings;

(5) Texas State University:

(A) \$63 million for construction of an engineering and sciences building; and

(B) \$48,600,000 for construction of a health professions building in Round Rock, Texas;

(6) Sam Houston State University, \$48 million for construction of a biology laboratory building; and

(7) Sul Ross State University, \$6,240,000 for renovation and modernization of educational and related facilities and infrastructure.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of the Texas State University System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the Texas State University System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

Sec. 55.1785. UNIVERSITY OF NORTH TEXAS SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of the University of North Texas System may acquire, purchase, construct, improve, renovate, enlarge, or equip property and facilities, including roads and related infrastructure, for projects to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board for the following institutions or entities, not to exceed the following aggregate principal amounts for the projects specified, as follows:

(1) the University of North Texas System, \$56 million for renovation of college of law buildings;

(2) the University of North Texas, \$70 million for construction and renovation of college of visual arts and design facilities;

(3) the University of North Texas at Dallas, \$63 million for construction of a student learning and success center; and

(4) the University of North Texas Health Science Center at Fort Worth, \$80 million for construction of an interdisciplinary research building.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of the University of North Texas System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the University of North Texas System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

Sec. 55.1786. TEXAS WOMAN'S UNIVERSITY. (a) In addition to the other authority granted by this subchapter, the board of regents of Texas Woman's University may acquire, purchase, construct, improve, renovate, enlarge, or equip property and facilities, including roads and related infrastructure, for a laboratory building, to be financed through the issuance of bonds in accordance with this subchapter, not to exceed the aggregate principal amount of \$37,997,000.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of Texas Woman's University, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

Sec. 55.1787. MIDWESTERN STATE UNIVERSITY; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of Midwestern State University may acquire, purchase, construct, improve, renovate, enlarge, or equip property and facilities, including roads and related infrastructure, for an academic expansion and revitalization project, to be financed through the issuance of bonds in accordance with this subchapter, not to exceed the aggregate principal amount of \$58,400,000.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of Midwestern State University, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

Sec. 55.1788. STEPHEN F. AUSTIN STATE UNIVERSITY. (a) In addition to the other authority granted by this subchapter, the board of regents of Stephen F. Austin State University may acquire, purchase, construct, improve, renovate, enlarge, or equip property and facilities, including roads and related

infrastructure, for a science, technology, engineering, and mathematics research building at Stephen F. Austin State University, to be financed through the issuance of bonds in accordance with this subchapter, not to exceed the aggregate principal amount of \$46,400,000.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of Stephen F. Austin State University, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

Sec. 55.1789. TEXAS TECH UNIVERSITY SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of the Texas Tech University System may acquire, purchase, construct, improve, renovate, enlarge, or equip property and facilities, including roads and related infrastructure, for projects to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board for the following institutions, not to exceed the following aggregate principal amounts for the projects specified, as follows:

(1) Texas Tech University Health Sciences Center:

(A) \$60,264,000 for construction of Lubbock education, research, and technology facilities;

(B) \$14,256,000 for construction of the Permian Basin academic facility; and

(C) \$5,715,000 for construction of the Amarillo Panhandle Clinical/Hospital Simulation;

(2) Texas Tech University Health Sciences Center at El Paso, \$75,520,000 for construction of the El Paso Medical Science Building II;

(3) Texas Tech University, \$70 million for construction of an experimental sciences high tech interdisciplinary research building; and

(4) Angelo State University, \$21,360,000 for construction of a College of Health and Human Services building.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of the Texas Tech University System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the Texas Tech University System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

Sec. 55.17891. TEXAS SOUTHERN UNIVERSITY; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of Texas Southern University may acquire, purchase, construct, improve, renovate, enlarge, or equip property and facilities, including roads and

related infrastructure, for the Robert J. Terry Library at Texas Southern University, to be financed through the issuance of bonds in accordance with this subchapter, not to exceed the aggregate principal amount of \$60 million.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of Texas Southern University, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

Sec. 55.17892. TEXAS STATE TECHNICAL COLLEGE SYSTEM. (a) In addition to the other authority granted by this subchapter, the board of regents of the Texas State Technical College System may acquire, purchase, construct, improve, renovate, enlarge, or equip property and facilities, including roads and related infrastructure, for projects to be financed through the issuance of bonds in accordance with this subchapter for the following institutions, not to exceed the following aggregate principal amounts for the projects specified, as follows:

(1) Texas State Technical College–West Texas, \$12 million for construction of an industrial technology center;

(2) Texas State Technical College–Harlingen, \$3,750,000 for Phase II of the Engineering Technology Center renovation;

(3) Texas State Technical College–Waco, \$14,950,000 for construction of the Fort Bend Campus Building #2; and

(4) Texas State Technical College–Marshall, \$11,040,000 for purchase and renovation of the North Texas Technology Center.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of an institution, branch, or entity of the Texas State Technical College System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the Texas State Technical College System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

SECTION 2. Sections 55.17721(d) and (e), Education Code, are repealed.

SECTION 3. This Act does not affect any authority or restriction regarding the activities that a public institution of higher education may conduct in connection with a facility financed by bonds authorized by this Act.

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

Representative Zerwas moved to adopt the conference committee report on **HB 100**.

The motion to adopt the conference committee report on **HB 100** prevailed by (Record 1728): 137 Yeas, 8 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; 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; 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; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; 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.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Murr; Rinaldi; Schaefer; Simpson; Spitzer; Stickland; Tinderholt; Turner, E.S.

Present, not voting — Mr. Speaker; Bohac.

Absent, Excused — Dukes; McClendon.

Absent — Keffer.

SB 1574 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Martinez submitted the conference committee report on **SB 1574**.

Representative Martinez moved to adopt the conference committee report on **SB 1574**.

The motion to adopt the conference committee report on **SB 1574** prevailed by (Record 1729): 125 Yeas, 19 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Ashby; Aycock; Bernal; Blanco; Bohac; Bonnen, D.; Burkett; Burns; Burrows; Button; Canales; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; 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; Kuempel; Landgraf; Larson; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; 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; Shaheen; Sheffield; Simmons; Smith; Smithee; Spitzer; Stephenson; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bell; Bonnen, G.; Capriglione; Fallon; Hunter; Keough; Laubenberg; Metcalf; Murr; Phillips; Rinaldi; Schaefer; Sheets; Simpson; Springer; Stickland; Thompson, E.; Tinderholt; Turner, E.S.

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

Absent, Excused — Dukes; McClendon.

Absent — Anderson, C.

STATEMENTS OF VOTE

When Record No. 1729 was taken, I was shown voting yes. I intended to vote no.

Paul

When Record No. 1729 was taken, I was shown voting no. I intended to vote yes.

Springer

SB 1593 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Lucio submitted the conference committee report on **SB 1593**.

Representative Lucio moved to adopt the conference committee report on **SB 1593**.

The motion to adopt the conference committee report on **SB 1593** prevailed by (Record 1730): 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; Fallon; 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; Keffer; Keough; King, K.; King, P.; King, S.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Muñoz; Murphy; 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.

Nays — Murr.

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

Absent, Excused — Dukes; McClendon.

Absent — Herrero; Kacal; King, T.

STATEMENT OF VOTE

When Record No. 1730 was taken, I was shown voting yes. I intended to vote no.

Harless

HR 3384 - ADOPTED (by Phillips)

The following privileged resolution was laid before the house:

HR 3384

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 910** (the authority of a person who is licensed to carry a handgun to openly carry a holstered handgun; creating criminal offenses) to consider and take action on the following matter:

House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text not in disagreement by omitting proposed Section 411.2049, Government Code. The omitted text prohibits certain investigatory stops and inquiries by peace officers.

Explanation: The omission of the text is necessary to remove a prohibition on certain investigatory stops and inquiries by peace officers.

HR 3384 - REMARKS

REPRESENTATIVE DUTTON: I have been a little bit afraid about this because—not because of you, not because this bill, not because of the response of the people in here, but the response of law enforcement. And you and I talked about that a little bit.

REPRESENTATIVE PHILLIPS: I've been disappointed in some of the comments I felt like made me very wary that they aren't going to follow the constitution. Not all of the comments, but some of them.

DUTTON: But some of them have. Some of them are quite frightening because their objection to this amendment, which I think you agree is already the law, which they say they're afraid of—which doesn't make a lot of sense to me, if they intend to apply the law equally. That's what I'm disturbed about. But let me ask you a question. If a person is exercising their right to lawfully carry a weapon openly and the police walk up to them and say do you have a license? Does the person have to respond at all?

PHILLIPS: I don't believe so, under the constitution.

DUTTON: Right, so if the police officer asks to see your license, does a person have to respond?

PHILLIPS: Let me back up. If they have stopped them for a lawful reason—

DUTTON: Yes, I should have said that. I should have laid the predicate for it. My question has to do with—I'm just standing on the corner, and I'm wearing a weapon openly, and the police drive up. I'm not doing anything else. Does a person have to respond to an inquiry by the police as to whether or not they have a license?

PHILLIPS: I don't believe so, if they don't have a legitimate reason to stop them. What I would say is that most of us that would be carrying would gladly respond yes. But the question is, if the sole reason is just to come ask me that, no. If they've stopped me for a traffic offense, if they've stopped me, they certainly have a right to. The law is very clear. If you're lawfully stopped, you have to show it. Very clear.

DUTTON: And that's why that amendment was so important because the amendment only related to the word solely. They couldn't abridge a citizen's rights solely because they were engaging in carrying—because when this bill passes, it will be a lawful activity that they will be engaging in, correct?

PHILLIPS: That is correct. Mr. Dutton, all the scenarios we kept hearing about—well, what about this scenario, what about—as long as you realize that solely is in there, all of those, they had a legitimate reason, and you had to show it to them.

DUTTON: It had nothing to do with the amendment, then, did it?

PHILLIPS: No.

DUTTON: I just want citizens to be able to understand the point you just made, because that was my fear in offering the amendment—that somehow or another police officers may not apply this equally to everybody. And given the outcry from many of the police officers—not all of them—but some of the things I've read that they've said creates a grave concern in my mind as to whether or not some people, and particularly people of color, will be treated the same as others.

PHILLIPS: When you hear words like gangs, gang members—what does that connotation—you did that example the other day. When I ask think about a picture of a gang, who do you see in that gang in your mind? And that's the question I had because, quite frankly, you can't have a license if you're a gang member. So if they know they are a gang member—if you have a known gang member and a gun—you can ask them and legally detain them and say I need to see them.

DUTTON: Absolutely.

PHILLIPS: Or if they say long hair, piercings, and tattoos, then we're starting to say it depends on what you look like determines how this law is applied. That is the fear that you have and when we felt like that amendment clearly did it. Now, that being said, I am firmly supportive of this resolution because I think that we

know the law. We know what the constitution is. And I firmly believe that law enforcement as a whole will respect that, and we will be doing a diligent effort to make sure that law enforcement are educated about this very topic.

DUTTON: I thank you because I know that you were for the amendment as it went on, which indicated to me that all you wanted to do was have law enforcement follow the law themselves.

PHILLIPS: That's correct.

DUTTON: Again, my only concern, and the gravest fear I had, was when I started reading and hearing the responses of law enforcement to this amendment—that somehow or other they felt that this was going to cause police officers harm, simply having this amendment on there. I never quite understood how that was going to happen, but because some of the analogies they were using, again, fell outside the amendment. Because the amendment was related only to where law enforcement stops and asks a person questions solely because they were exercising their right to carry.

PHILLIPS: Agreed. And that's to me—there were some comments that I felt like were concerning and some of those. And I think that's why we're having this conversation.

DUTTON: Well, thank you. And that's why I thought we needed the amendment because apparently there are law enforcement people out there who may not know exactly what the law is. And I hope your committee will stay vigilant at making sure that some of the concerns I have—and some of the other members here who may not be expressing them—but some of the concerns we had will not be borne out in reality and that we'll figure out some way to make sure that everybody is treated equally and fairly.

PHILLIPS: And let me argue the other point a little bit. There are some law enforcement that I know, with a good conscience—and Representative King and I have talked about that—that they were concerned that that language may make officers reticent to do what they lawfully can do—which you and I, as attorneys, would say there's a problem with that. But that there was a misunderstanding, the way the language was written, and that there could be problems. And therefore law enforcement would be less likely to do what they should, which is do their job when it was appropriate. So I know that's the other side—

DUTTON: Well, it is, but I wonder why was that not raised when we decided to have concealed carry?

PHILLIPS: I think it probably was, but when it's concealed, you can't see an active—

DUTTON: Well, I know, but if you saw a bulge in somebody's back you would have the right to assume that it's a gun—at least, I would. And so what I'm wondering about is the fact that when we had concealed carry, it didn't raise nearly the kind of apprehensions on the part of law enforcement as we do now. Simply because you can see the weapon, it would suggest to me that maybe there is something else going on here that required us, absolutely, to have that

amendment on it—because there's some people, I think, who may misunderstand or misapply this, such that, as you suggested earlier, as has happened in several other states. There were several lawsuits over this where the plaintiffs actually won because they were able to show that the police never had any reasonable suspicion or probable cause to interfere with them while they were exercising their right to carry.

REMARKS ORDERED PRINTED

Representative Rinaldi moved to print remarks between Representative Dutton and Representative Phillips.

The motion prevailed.

HR 3384 was adopted by (Record 1731): 102 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson, C.; Ashby; Aycock; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Button; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Dale; Darby; Davis, S.; Davis, Y.; Faircloth; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Harless; Hernandez; Herrero; Howard; Huberty; Israel; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Koop; Kuempel; Larson; Laubenberg; Leach; Longoria; Lucio; Martinez; Meyer; Miles; Miller, D.; Miller, R.; Minjarez; Moody; Morrison; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheets; Sheffield; Smith; Smithee; Stephenson; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; VanDeaver; Villalba; Vo; Walle; Wu; Zedler; Zerwas.

Nays — Alvarado; Anderson, R.; Bell; Bernal; Burns; Burrows; Canales; Capriglione; Cyrier; Deshotel; Dutton; Elkins; Fallon; Gutierrez; Hunter; Isaac; Johnson; Klick; Krause; Landgraf; Martinez Fischer; Metcalf; Muñoz; Paul; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Simmons; Simpson; Spitzer; Springer; Stickland; Tinderholt; Turner, E.S.; White, J.; White, M.; Workman; Wray.

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

Absent, Excused — Dukes; McClendon.

Absent — Hughes; Lozano; Peña.

STATEMENTS OF VOTE

When Record No. 1731 was taken, I was shown voting no. I intended to vote yes.

Alvarado

When Record No. 1731 was taken, I was in the house but away from my desk. I would have voted no.

Hughes

When Record No. 1731 was taken, I was shown voting no. I intended to vote yes.

Johnson

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. 6).

HB 910 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Phillips submitted the following conference committee report on **HB 910**:

Austin, Texas, May 28, 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 910** 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.

Estes
Huffines
Huffman
Eltife
On the part of the senate

Phillips
P. King
Geren
Nevárez
On the part of the house

HB 910, A bill to be entitled An Act relating to the authority of a person who is licensed to carry a handgun to openly carry a holstered handgun; creating criminal offenses.

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

SECTION 1. Section 11.041(a), Alcoholic Beverage Code, is amended to read as follows:

(a) Each holder of a permit who is not otherwise required to display a sign under Section 411.204, Government Code, shall display in a prominent place on the permit holder's premises a sign giving notice that it is unlawful for a person to carry a weapon on the premises unless the weapon is a ~~concealed~~ handgun the person is licensed to carry under Subchapter H, Chapter 411, Government Code.

SECTION 2. Section 11.61(e), Alcoholic Beverage Code, is amended to read as follows:

(e) Except as provided by Subsection (f) or (i), the commission or administrator shall cancel an original or renewal permit if it is found, after notice and hearing, that the permittee knowingly allowed a person to possess a firearm in a building on the licensed premises. This subsection does not apply to a person:

(1) who holds a security officer commission issued under Chapter 1702, Occupations Code, if:

(A) the person is engaged in the performance of the person's duties as a security officer;

(B) the person is wearing a distinctive uniform; and

(C) the weapon is in plain view;

(2) who is a peace officer;

(3) who is a permittee or an employee of a permittee if the person is supervising the operation of the premises; or

(4) who possesses a [~~concealed~~] handgun the person is licensed to carry under Subchapter H, Chapter 411, Government Code, unless the person is on the premises of a business described by Section 46.035(b)(1), Penal Code.

SECTION 3. Section 61.11(a), Alcoholic Beverage Code, is amended to read as follows:

(a) Each holder of a license who is not otherwise required to display a sign under Section 411.204, Government Code, shall display in a prominent place on the license holder's premises a sign giving notice that it is unlawful for a person to carry a weapon on the premises unless the weapon is a [~~concealed~~] handgun the person is licensed to carry under Subchapter H, Chapter 411, Government Code.

SECTION 4. Section 61.71(f), Alcoholic Beverage Code, is amended to read as follows:

(f) Except as provided by Subsection (g) or (j), the commission or administrator shall cancel an original or renewal dealer's on-premises or off-premises license if it is found, after notice and hearing, that the licensee knowingly allowed a person to possess a firearm in a building on the licensed premises. This subsection does not apply to a person:

(1) who holds a security officer commission issued under Chapter 1702, Occupations Code, if:

(A) the person is engaged in the performance of the person's duties as a security officer;

(B) the person is wearing a distinctive uniform; and

(C) the weapon is in plain view;

(2) who is a peace officer;

(3) who is a licensee or an employee of a licensee if the person is supervising the operation of the premises; or

(4) who possesses a [~~concealed~~] handgun the person is licensed to carry under Subchapter H, Chapter 411, Government Code, unless the person is on the premises of a business described by Section 46.035(b)(1), Penal Code.

SECTION 5. Article 7A.05(c), Code of Criminal Procedure, is amended to read as follows:

(c) In a protective order, the court may suspend a license to carry a [~~concealed~~] handgun issued under Section 411.177, Government Code, that is held by the alleged offender.

SECTION 6. Article 17.292(1), Code of Criminal Procedure, is amended to read as follows:

(l) In the order for emergency protection, the magistrate shall suspend a license to carry a ~~concealed~~ handgun issued under Subchapter H, Chapter 411, Government Code, that is held by the defendant.

SECTION 7. Article 17.293, Code of Criminal Procedure, is amended to read as follows:

Art. 17.293. DELIVERY OF ORDER FOR EMERGENCY PROTECTION TO OTHER PERSONS. The magistrate or the clerk of the magistrate's court issuing an order for emergency protection under Article 17.292 that suspends a license to carry a ~~concealed~~ handgun shall immediately send a copy of the order to the appropriate division of the Department of Public Safety at its Austin headquarters. On receipt of the order suspending the license, the department shall:

(1) record the suspension of the license in the records of the department;

(2) report the suspension to local law enforcement agencies, as appropriate; and

(3) demand surrender of the suspended license from the license holder.

SECTION 8. Section 37.0811(f), Education Code, is amended to read as follows:

(f) A school district or charter school employee's status as a school marshal becomes inactive on:

(1) expiration of the employee's school marshal license under Section 1701.260, Occupations Code;

(2) suspension or revocation of the employee's license to carry a ~~concealed~~ handgun issued under Subchapter H, Chapter 411, Government Code;

(3) termination of the employee's employment with the district or charter school; or

(4) notice from the board of trustees of the district or the governing body of the charter school that the employee's services as school marshal are no longer required.

SECTION 9. Section 63.0101, Election Code, is amended to read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. The following documentation is an acceptable form of photo identification under this chapter:

(1) a driver's license, election identification certificate, or personal identification card issued to the person by the Department of Public Safety that has not expired or that expired no earlier than 60 days before the date of presentation;

(2) a United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of presentation;

(3) a United States citizenship certificate issued to the person that contains the person's photograph;

(4) a United States passport issued to the person that has not expired or that expired no earlier than 60 days before the date of presentation; or

(5) a license to carry a ~~[concealed]~~ handgun issued to the person by the Department of Public Safety that has not expired or that expired no earlier than 60 days before the date of presentation.

SECTION 10. Section 2.005(b), Family Code, is amended to read as follows:

(b) The proof must be established by:

(1) a driver's license or identification card issued by this state, another state, or a Canadian province that is current or has expired not more than two years preceding the date the identification is submitted to the county clerk in connection with an application for a license;

(2) a United States passport;

(3) a current passport issued by a foreign country or a consular document issued by a state or national government;

(4) an unexpired Certificate of United States Citizenship, Certificate of Naturalization, United States Citizen Identification Card, Permanent Resident Card, Temporary Resident Card, Employment Authorization Card, or other document issued by the federal Department of Homeland Security or the United States Department of State including an identification photograph;

(5) an unexpired military identification card for active duty, reserve, or retired personnel with an identification photograph;

(6) an original or certified copy of a birth certificate issued by a bureau of vital statistics for a state or a foreign government;

(7) an original or certified copy of a Consular Report of Birth Abroad or Certificate of Birth Abroad issued by the United States Department of State;

(8) an original or certified copy of a court order relating to the applicant's name change or sex change;

(9) school records from a secondary school or institution of higher education;

(10) an insurance policy continuously valid for the two years preceding the date of the application for a license;

(11) a motor vehicle certificate of title;

(12) military records, including documentation of release or discharge from active duty or a draft record;

(13) an unexpired military dependent identification card;

(14) an original or certified copy of the applicant's marriage license or divorce decree;

(15) a voter registration certificate;

(16) a pilot's license issued by the Federal Aviation Administration or another authorized agency of the United States;

(17) a license to carry a ~~[concealed]~~ handgun under Subchapter H, Chapter 411, Government Code;

(18) a temporary driving permit or a temporary identification card issued by the Department of Public Safety; or

(19) an offender identification card issued by the Texas Department of Criminal Justice.

SECTION 11. Section 58.003(m), Family Code, is amended to read as follows:

(m) On request of the Department of Public Safety, a juvenile court shall reopen and allow the department to inspect the files and records of the juvenile court relating to an applicant for a license to carry a [~~concealed~~] handgun under Subchapter H, Chapter 411, Government Code.

SECTION 12. Section 85.022(d), Family Code, is amended to read as follows:

(d) In a protective order, the court shall suspend a license to carry a [~~concealed~~] handgun issued under Subchapter H, Chapter 411, Government Code, that is held by a person found to have committed family violence.

SECTION 13. Section 85.042(e), Family Code, is amended to read as follows:

(e) The clerk of the court issuing an original or modified protective order under Section 85.022 that suspends a license to carry a [~~concealed~~] handgun shall send a copy of the order to the appropriate division of the Department of Public Safety at its Austin headquarters. On receipt of the order suspending the license, the department shall:

(1) record the suspension of the license in the records of the department;

(2) report the suspension to local law enforcement agencies, as appropriate; and

(3) demand surrender of the suspended license from the license holder.

SECTION 14. The heading to Section 411.047, Government Code, is amended to read as follows:

Sec. 411.047. REPORTING RELATED TO CERTAIN [~~CONCEALED~~] HANDGUN INCIDENTS INVOLVING LICENSE HOLDERS.

SECTION 15. Section 411.0625, Government Code, is amended to read as follows:

Sec. 411.0625. PASS FOR EXPEDITED ACCESS TO CAPITOL. (a) The department shall allow a person to enter the Capitol and the Capitol Extension, including any public space in the Capitol or Capitol Extension, in the same manner as the department allows entry to a person who presents a [~~concealed handgun~~] license to carry a handgun under Subchapter H if the person:

(1) obtains from the department a Capitol access pass; and

(2) presents the pass to the appropriate law enforcement official when entering the building or a space within the building.

(b) To be eligible for a Capitol access pass, a person must meet the eligibility requirements applicable to a license to carry a [~~concealed~~] handgun under Subchapter H, other than requirements regarding evidence of handgun proficiency.

(c) The department shall adopt rules to establish a procedure by which a resident of the state may apply for and be issued a Capitol access pass. Rules adopted under this section must include provisions for eligibility, application, approval, issuance, and renewal that:

(1) require the department to conduct the same background check on an applicant for a Capitol access pass that is conducted on an applicant for a ~~[concealed handgun]~~ license to carry a handgun under Subchapter H;

(2) enable the department to conduct the background check described by Subdivision (1); and

(3) establish application and renewal fees in amounts sufficient to cover the cost of administering this section, not to exceed the amounts of similar fees required under Section 411.174 for a ~~[concealed handgun]~~ license to carry a handgun ~~[under Section 411.174]~~.

SECTION 16. The heading to Subchapter H, Chapter 411, Government Code, is amended to read as follows:

SUBCHAPTER H. LICENSE TO CARRY A ~~[CONCEALED]~~ HANDGUN

SECTION 17. Sections 411.172(a), (b-1), (g), and (h), Government Code, are amended to read as follows:

(a) A person is eligible for a license to carry a ~~[concealed]~~ handgun if the person:

(1) is a legal resident of this state for the six-month period preceding the date of application under this subchapter or is otherwise eligible for a license under Section 411.173(a);

(2) is at least 21 years of age;

(3) has not been convicted of a felony;

(4) is not charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or of an offense under Section 42.01, Penal Code, or equivalent offense, or of a felony under an information or indictment;

(5) is not a fugitive from justice for a felony or a Class A or Class B misdemeanor or equivalent offense;

(6) is not a chemically dependent person;

(7) is not incapable of exercising sound judgment with respect to the proper use and storage of a handgun;

(8) has not, in the five years preceding the date of application, been convicted of a Class A or Class B misdemeanor or equivalent offense or of an offense under Section 42.01, Penal Code, or equivalent offense;

(9) is fully qualified under applicable federal and state law to purchase a handgun;

(10) has not been finally determined to be delinquent in making a child support payment administered or collected by the attorney general;

(11) has not been finally determined to be delinquent in the payment of a tax or other money collected by the comptroller, the tax collector of a political subdivision of the state, or any agency or subdivision of the state;

(12) is not currently restricted under a court protective order or subject to a restraining order affecting the spousal relationship, other than a restraining order solely affecting property interests;

(13) has not, in the 10 years preceding the date of application, been adjudicated as having engaged in delinquent conduct violating a penal law of the grade of felony; and

(14) has not made any material misrepresentation, or failed to disclose any material fact, in an application submitted pursuant to Section 411.174.

(b-1) An offense is not considered a felony for purposes of Subsection (b) if, at the time of a person's application for a license to carry a ~~concealed~~ handgun, the offense:

(1) is not designated by a law of this state as a felony; and

(2) does not contain all the elements of any offense designated by a law of this state as a felony.

(g) Notwithstanding Subsection (a)(2), a person who is at least 18 years of age but not yet 21 years of age is eligible for a license to carry a ~~concealed~~ handgun if the person:

(1) is a member or veteran of the United States armed forces, including a member or veteran of the reserves or national guard;

(2) was discharged under honorable conditions, if discharged from the United States armed forces, reserves, or national guard; and

(3) meets the other eligibility requirements of Subsection (a) except for the minimum age required by federal law to purchase a handgun.

(h) The issuance of a license to carry a ~~concealed~~ handgun to a person eligible under Subsection (g) does not affect the person's ability to purchase a handgun or ammunition under federal law.

SECTION 18. Section 411.173(b), Government Code, is amended to read as follows:

(b) The governor shall negotiate an agreement with any other state that provides for the issuance of a license to carry a ~~concealed~~ handgun under which a license issued by the other state is recognized in this state or shall issue a proclamation that a license issued by the other state is recognized in this state if the attorney general of the State of Texas determines that a background check of each applicant for a license issued by that state is initiated by state or local authorities or an agent of the state or local authorities before the license is issued. For purposes of this subsection, "background check" means a search of the National Crime Information Center database and the Interstate Identification Index maintained by the Federal Bureau of Investigation.

SECTION 19. Section 411.174(a), Government Code, is amended to read as follows:

(a) An applicant for a license to carry a ~~concealed~~ handgun must submit to the director's designee described by Section 411.176:

(1) a completed application on a form provided by the department that requires only the information listed in Subsection (b);

(2) one or more photographs of the applicant that meet the requirements of the department;

(3) a certified copy of the applicant's birth certificate or certified proof of age;

(4) proof of residency in this state;

(5) two complete sets of legible and classifiable fingerprints of the applicant taken by a person appropriately trained in recording fingerprints who is employed by a law enforcement agency or by a private entity designated by a law enforcement agency as an entity qualified to take fingerprints of an applicant for a license under this subchapter;

(6) a nonrefundable application and license fee of \$140 paid to the department;

(7) evidence of handgun proficiency, in the form and manner required by the department;

(8) an affidavit signed by the applicant stating that the applicant:

(A) has read and understands each provision of this subchapter that creates an offense under the laws of this state and each provision of the laws of this state related to use of deadly force; and

(B) fulfills all the eligibility requirements listed under Section 411.172; and

(9) a form executed by the applicant that authorizes the director to make an inquiry into any noncriminal history records that are necessary to determine the applicant's eligibility for a license under Section 411.172(a).

SECTION 20. Section 411.177(a), Government Code, is amended to read as follows:

(a) The department shall issue a license to carry a [~~concealed~~] handgun to an applicant if the applicant meets all the eligibility requirements and submits all the application materials. The department shall administer the licensing procedures in good faith so that any applicant who meets all the eligibility requirements and submits all the application materials shall receive a license. The department may not deny an application on the basis of a capricious or arbitrary decision by the department.

SECTION 21. Section 411.185(c), Government Code, is amended to read as follows:

(c) The director by rule shall adopt an informational form that describes state law regarding the use of deadly force and the places where it is unlawful for the holder of a license issued under this subchapter to carry a [~~concealed~~] handgun. An applicant for a renewed license must sign and return the informational form to the department by mail or acknowledge the form electronically on the Internet according to the procedure adopted under Subsection (f).

SECTION 22. Sections 411.188(b) and (g), Government Code, are amended to read as follows:

(b) Only qualified handgun instructors may administer the classroom instruction part or the range instruction part of the handgun proficiency course. The classroom instruction part of the course must include not less than four hours and not more than six hours of instruction on:

(1) the laws that relate to weapons and to the use of deadly force;

(2) handgun use and safety, including use of restraint holsters and methods to ensure the secure carrying of openly carried handguns;

(3) nonviolent dispute resolution; and

(4) proper storage practices for handguns with an emphasis on storage practices that eliminate the possibility of accidental injury to a child.

(g) A person who wishes to obtain a license to carry a ~~concealed~~ handgun must apply in person to a qualified handgun instructor to take the appropriate course in handgun proficiency and demonstrate handgun proficiency as required by the department.

SECTION 23. Sections 411.190(b), (c), and (f), Government Code, are amended to read as follows:

(b) In addition to the qualifications described by Subsection (a), a qualified handgun instructor must be qualified to instruct persons in:

- (1) the laws that relate to weapons and to the use of deadly force;
- (2) handgun use, proficiency, and safety, including use of restraint holsters and methods to ensure the secure carrying of openly carried handguns;
- (3) nonviolent dispute resolution; and
- (4) proper storage practices for handguns, including storage practices that eliminate the possibility of accidental injury to a child.

(c) In the manner applicable to a person who applies for a license to carry a ~~concealed~~ handgun, the department shall conduct a background check of a person who applies for certification as a qualified handgun instructor. If the background check indicates that the applicant for certification would not qualify to receive a handgun license, the department may not certify the applicant as a qualified handgun instructor. If the background check indicates that the applicant for certification would qualify to receive a handgun license, the department shall provide handgun instructor training to the applicant. The applicant shall pay a fee of \$100 to the department for the training. The applicant must take and successfully complete the training offered by the department and pay the training fee before the department may certify the applicant as a qualified handgun instructor. The department shall issue a license to carry a ~~concealed~~ handgun under the authority of this subchapter to any person who is certified as a qualified handgun instructor and who pays to the department a fee of \$100 in addition to the training fee. The department by rule may prorate or waive the training fee for an employee of another governmental entity.

(f) If the department determines that a reason exists to revoke, suspend, or deny a license to carry a ~~concealed~~ handgun with respect to a person who is a qualified handgun instructor or an applicant for certification as a qualified handgun instructor, the department shall take that action against the person's:

- (1) license to carry a ~~concealed~~ handgun if the person is an applicant for or the holder of a license issued under this subchapter; and
- (2) certification as a qualified handgun instructor.

SECTION 24. Section 411.1901(c), Government Code, is amended to read as follows:

(c) A qualified handgun instructor certified in school safety under this section may provide school safety training, including instruction in the subjects listed under Subsection (a), to employees of a school district or an open-enrollment charter school who hold a license to carry a ~~concealed~~ handgun issued under this subchapter.

SECTION 25. Section 411.198(a), Government Code, is amended to read as follows:

(a) On written approval of the director, the department may issue to a law enforcement officer an alias license to carry a [concealed] handgun to be used in supervised activities involving criminal investigations.

SECTION 26. Sections 411.201(c), (d), (e), and (h), Government Code, are amended to read as follows:

(c) An active judicial officer is eligible for a license to carry a [concealed] handgun under the authority of this subchapter. A retired judicial officer is eligible for a license to carry a [concealed] handgun under the authority of this subchapter if the officer:

- (1) has not been convicted of a felony;
- (2) has not, in the five years preceding the date of application, been convicted of a Class A or Class B misdemeanor or equivalent offense;
- (3) is not charged with the commission of a Class A or Class B misdemeanor or equivalent offense or of a felony under an information or indictment;
- (4) is not a chemically dependent person; and
- (5) is not a person of unsound mind.

(d) An applicant for a license who is an active or retired judicial officer must submit to the department:

- (1) a completed application, including all required affidavits, on a form prescribed by the department;
- (2) one or more photographs of the applicant that meet the requirements of the department;
- (3) two complete sets of legible and classifiable fingerprints of the applicant, including one set taken by a person employed by a law enforcement agency who is appropriately trained in recording fingerprints;
- (4) evidence of handgun proficiency, in the form and manner required by the department for an applicant under this section;
- (5) a nonrefundable application and license fee set by the department in an amount reasonably designed to cover the administrative costs associated with issuance of a license to carry a [concealed] handgun under this subchapter; and
- (6) if the applicant is a retired judicial officer, a form executed by the applicant that authorizes the department to make an inquiry into any noncriminal history records that are necessary to determine the applicant's eligibility for a license under this subchapter.

(e) On receipt of all the application materials required by this section, the department shall:

- (1) if the applicant is an active judicial officer, issue a license to carry a [concealed] handgun under the authority of this subchapter; or
- (2) if the applicant is a retired judicial officer, conduct an appropriate background investigation to determine the applicant's eligibility for the license and, if the applicant is eligible, issue a license to carry a [concealed] handgun under the authority of this subchapter.

(h) The department shall issue a license to carry a ~~concealed~~ handgun under the authority of this subchapter to an elected attorney representing the state in the prosecution of felony cases who meets the requirements of this section for an active judicial officer. The department shall waive any fee required for the issuance of an original, duplicate, or renewed license under this subchapter for an applicant who is an attorney elected or employed to represent the state in the prosecution of felony cases.

SECTION 27. Section 411.203, Government Code, is amended to read as follows:

Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does not prevent or otherwise limit the right of a public or private employer to prohibit persons who are licensed under this subchapter from carrying a ~~concealed~~ handgun on the premises of the business. In this section, "premises" has the meaning assigned by Section 46.035(f)(3), Penal Code.

SECTION 28. Section 411.2032(b), Government Code, is amended to read as follows:

(b) An institution of higher education or private or independent institution of higher education in this state may not adopt or enforce any rule, regulation, or other provision or take any other action, including posting notice under Section 30.06 or 30.07, Penal Code, prohibiting or placing restrictions on the storage or transportation of a firearm or ammunition in a locked, privately owned or leased motor vehicle by a person, including a student enrolled at that institution, who holds a license to carry a ~~concealed~~ handgun under this subchapter and lawfully possesses the firearm or ammunition:

- (1) on a street or driveway located on the campus of the institution; or
- (2) in a parking lot, parking garage, or other parking area located on the campus of the institution.

SECTION 29. Section 12.092(b), Health and Safety Code, is amended to read as follows:

(b) The medical advisory board shall assist the Department of Public Safety of the State of Texas in determining whether:

- (1) an applicant for a driver's license or a license holder is capable of safely operating a motor vehicle; or
- (2) an applicant for or holder of a license to carry a ~~concealed~~ handgun under the authority of Subchapter H, Chapter 411, Government Code, or an applicant for or holder of a commission as a security officer under Chapter 1702, Occupations Code, is capable of exercising sound judgment with respect to the proper use and storage of a handgun.

SECTION 30. Sections 52.061 and 52.062, Labor Code, are amended to read as follows:

Sec. 52.061. RESTRICTION ON PROHIBITING EMPLOYEE ACCESS TO OR STORAGE OF FIREARM OR AMMUNITION. A public or private employer may not prohibit an employee who holds a license to carry a ~~concealed~~ handgun under Subchapter H, Chapter 411, Government Code, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition

from transporting or storing a firearm or ammunition the employee is authorized by law to possess in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the employer provides for employees.

Sec. 52.062. EXCEPTIONS. (a) Section 52.061 does not:

(1) authorize a person who holds a license to carry a [~~concealed~~] handgun under Subchapter H, Chapter 411, Government Code, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition to possess a firearm or ammunition on any property where the possession of a firearm or ammunition is prohibited by state or federal law; or

(2) apply to:

(A) a vehicle owned or leased by a public or private employer and used by an employee in the course and scope of the employee's employment, unless the employee is required to transport or store a firearm in the official discharge of the employee's duties;

(B) a school district;

(C) an open-enrollment charter school, as defined by Section 5.001, Education Code;

(D) a private school, as defined by Section 22.081, Education Code;

(E) property owned or controlled by a person, other than the employer, that is subject to a valid, unexpired oil, gas, or other mineral lease that contains a provision prohibiting the possession of firearms on the property; or

(F) property owned or leased by a chemical manufacturer or oil and gas refiner with an air authorization under Chapter 382, Health and Safety Code, and on which the primary business conducted is the manufacture, use, storage, or transportation of hazardous, combustible, or explosive materials, except in regard to an employee who holds a license to carry a [~~concealed~~] handgun under Subchapter H, Chapter 411, Government Code, and who stores a firearm or ammunition the employee is authorized by law to possess in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the employer provides for employees that is outside of a secured and restricted area:

(i) that contains the physical plant;

(ii) that is not open to the public; and

(iii) the ingress into which is constantly monitored by security personnel.

(b) Section 52.061 does not prohibit an employer from prohibiting an employee who holds a license to carry a [~~concealed~~] handgun under Subchapter H, Chapter 411, Government Code, or who otherwise lawfully possesses a firearm, from possessing a firearm the employee is otherwise authorized by law to possess on the premises of the employer's business. In this subsection, "premises" has the meaning assigned by Section 46.035(f)(3), Penal Code.

SECTION 31. (a) Section 118.011(b), Local Government Code, as effective until September 1, 2019, is amended to read as follows:

(b) The county clerk may set and collect the following fee from any person:

(1) Returned Check (Sec. 118.0215) not less than \$15 or more than \$30

(2) Records Management and Preservation Fee (Sec. 118.0216) not more than \$10

(3) Mental Health Background Check for License to Carry a Handgun [~~Concealed Weapon~~] (Sec. 118.0217) not more than \$2

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

SECTION 32. (a) Section 118.011(b), Local Government Code, as effective September 1, 2019, is amended to read as follows:

(b) The county clerk may set and collect the following fee from any person:

(1) Returned Check (Sec. 118.0215) not less than \$15 or more than \$30

(2) Records Management and Preservation Fee (Sec. 118.0216) not more than \$5

(3) Mental Health Background Check for License to Carry a Handgun [~~Concealed Weapon~~] (Sec. 118.0217) not more than \$2

(b) This section takes effect September 1, 2019.

SECTION 33. Section 118.0217(a), Local Government Code, is amended to read as follows:

(a) The fee for a "mental health background check for license to carry a handgun [~~concealed weapon~~]" is for a check, conducted by the county clerk at the request of the Texas Department of Public Safety, of the county records involving the mental condition of a person who applies for a license to carry a [~~concealed~~] handgun under Subchapter H, Chapter 411, Government Code. The fee, not to exceed \$2, will be paid from the application fee submitted to the Department of Public Safety according to Section 411.174(a)(6), Government Code.

SECTION 34. Section 229.001(b), Local Government Code, is amended to read as follows:

(b) Subsection (a) does not affect the authority a municipality has under another law to:

(1) require residents or public employees to be armed for personal or national defense, law enforcement, or another lawful purpose;

(2) regulate the discharge of firearms or air guns within the limits of the municipality, other than at a sport shooting range;

(3) regulate the use of property, the location of a business, or uses at a business under the municipality's fire code, zoning ordinance, or land-use regulations as long as the code, ordinance, or regulations are not used to circumvent the intent of Subsection (a) or Subdivision (5) of this subsection;

(4) regulate the use of firearms or air guns in the case of an insurrection, riot, or natural disaster if the municipality finds the regulations necessary to protect public health and safety;

(5) regulate the storage or transportation of explosives to protect public health and safety, except that 25 pounds or less of black powder for each private residence and 50 pounds or less of black powder for each retail dealer are not subject to regulation;

(6) regulate the carrying of a firearm or air gun by a person other than a person licensed to carry a [~~concealed~~] handgun under Subchapter H, Chapter 411, Government Code, at a:

- (A) public park;
 - (B) public meeting of a municipality, county, or other governmental body;
 - (C) political rally, parade, or official political meeting; or
 - (D) nonfirearms-related school, college, or professional athletic event;
- (7) regulate the hours of operation of a sport shooting range, except that the hours of operation may not be more limited than the least limited hours of operation of any other business in the municipality other than a business permitted or licensed to sell or serve alcoholic beverages for on-premises consumption; or
- (8) regulate the carrying of an air gun by a minor on:
- (A) public property; or
 - (B) private property without consent of the property owner.

SECTION 35. The heading to Section 1701.260, Occupations Code, is amended to read as follows:

Sec. 1701.260. TRAINING FOR HOLDERS OF LICENSE TO CARRY A ~~[CONCEALED]~~ HANDGUN; CERTIFICATION OF ELIGIBILITY FOR APPOINTMENT AS SCHOOL MARSHAL.

SECTION 36. Sections 1701.260(a) and (i), Occupations Code, are amended to read as follows:

(a) The commission shall establish and maintain a training program open to any employee of a school district or open-enrollment charter school who holds a license to carry a ~~[concealed]~~ handgun issued under Subchapter H, Chapter 411, Government Code. The training may be conducted only by the commission staff or a provider approved by the commission.

(i) The commission shall revoke a person's school marshal license if the commission is notified by the Department of Public Safety that the person's license to carry a ~~[concealed]~~ handgun issued under Subchapter H, Chapter 411, Government Code, has been suspended or revoked. A person whose school marshal license is revoked may obtain recertification by:

(1) furnishing proof to the commission that the person's ~~[concealed]~~ handgun license has been reinstated; and

(2) completing the initial training under Subsection (c) to the satisfaction of the commission staff, paying the fee for the training, and demonstrating psychological fitness on the psychological examination described in Subsection (d).

SECTION 37. Section 1702.206(b), Occupations Code, is amended to read as follows:

(b) An individual who is acting as a personal protection officer and is wearing the uniform of a security officer, including any uniform or apparel described by Section 1702.323(d), may not conceal any firearm the individual is carrying and shall carry the firearm in plain view. An individual who is acting as a personal protection officer and is not wearing the uniform of a security officer shall conceal the firearm, regardless of whether the individual is authorized to openly carry the firearm under any other law.

SECTION 38. Sections 62.082(d) and (e), Parks and Wildlife Code, are amended to read as follows:

(d) Section 62.081 does not apply to:

- (1) an employee of the Lower Colorado River Authority;
- (2) a person authorized to hunt under Subsection (c);
- (3) a peace officer as defined by Article 2.12, Code of Criminal Procedure; or
- (4) a person who:

(A) possesses a [~~concealed~~] handgun and a license issued under Subchapter H, Chapter 411, Government Code, to carry a [~~concealed~~] handgun; or

(B) under circumstances in which the person would be justified in the use of deadly force under Chapter 9, Penal Code, shoots a handgun the person is licensed to carry under Subchapter H, Chapter 411, Government Code.

(e) A state agency, including the department, the Department of Public Safety, and the Lower Colorado River Authority, may not adopt a rule that prohibits a person who possesses a license issued under Subchapter H, Chapter 411, Government Code, from entering or crossing the land of the Lower Colorado River Authority while:

- (1) possessing a [~~concealed~~] handgun; or
- (2) under circumstances in which the person would be justified in the use of deadly force under Chapter 9, Penal Code, shooting a handgun.

SECTION 39. Section 284.001(e), Parks and Wildlife Code, is amended to read as follows:

(e) This section does not limit the ability of a license holder to carry a [~~concealed~~] handgun under the authority of Subchapter H, Chapter 411, Government Code.

SECTION 40. Section 30.05(f), Penal Code, is amended to read as follows:

(f) It is a defense to prosecution under this section that:

(1) the basis on which entry on the property or land or in the building was forbidden is that entry with a handgun was forbidden; and

(2) the person was carrying:

(A) a [~~concealed handgun and a~~] license issued under Subchapter H, Chapter 411, Government Code, to carry a [~~concealed~~] handgun; and

(B) a handgun:

(i) in a concealed manner; or

(ii) in a shoulder or belt holster.

SECTION 41. The heading to Section 30.06, Penal Code, is amended to read as follows:

Sec. 30.06. TRESPASS BY LICENSE HOLDER WITH A [~~OF LICENSE TO CARRY~~] CONCEALED HANDGUN.

SECTION 42. Sections 30.06(a) and (d), Penal Code, are amended to read as follows:

(a) A license holder commits an offense if the license holder:

(1) carries a concealed handgun under the authority of Subchapter H, Chapter 411, Government Code, on property of another without effective consent; and

(2) received notice that ~~that~~ ~~entry on the property by a license holder with a concealed handgun was forbidden~~; ~~or~~ ~~remaining on the property with a concealed handgun was forbidden and failed to depart~~.

(d) An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given the notice by oral communication described by Subsection (b) and subsequently failed to depart.

SECTION 43. Section 30.06(c)(3), Penal Code, is amended to read as follows:

(3) "Written communication" means:

(A) a card or other document on which is written language identical to the following: "Pursuant to Section 30.06, Penal Code (trespass by license holder with ~~of license to carry~~ a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (~~concealed~~ handgun licensing law), may not enter this property with a concealed handgun"; or

(B) a sign posted on the property that:

(i) includes the language described by Paragraph (A) in both English and Spanish;

(ii) appears in contrasting colors with block letters at least one inch in height; and

(iii) is displayed in a conspicuous manner clearly visible to the public.

SECTION 44. Chapter 30, Penal Code, is amended by adding Section 30.07 to read as follows:

Sec. 30.07. TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN. (a) A license holder commits an offense if the license holder:

(1) openly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, on property of another without effective consent; and

(2) received notice that entry on the property by a license holder openly carrying a handgun was forbidden.

(b) For purposes of this section, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

(c) In this section:

(1) "Entry" has the meaning assigned by Section 30.05(b).

(2) "License holder" has the meaning assigned by Section 46.035(f).

(3) "Written communication" means:

(A) a card or other document on which is written language identical to the following: "Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly"; or

(B) a sign posted on the property that:

(i) includes the language described by Paragraph (A) in both English and Spanish;

(ii) appears in contrasting colors with block letters at least one inch in height; and

(iii) is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

(d) An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given the notice by oral communication described by Subsection (b) and subsequently failed to depart.

(e) It is an exception to the application of this section that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Section 46.03 or 46.035.

(f) It is not a defense to prosecution under this section that the handgun was carried in a shoulder or belt holster.

SECTION 45. Section 46.02(a-1), Penal Code, is amended to read as follows:

(a-1) A person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle or watercraft that is owned by the person or under the person's control at any time in which:

(1) the handgun is in plain view, unless the person is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, and the handgun is carried in a shoulder or belt holster; or

(2) the person is:

(A) engaged in criminal activity, other than a Class C misdemeanor that is a violation of a law or ordinance regulating traffic or boating;

(B) prohibited by law from possessing a firearm; or

(C) a member of a criminal street gang, as defined by Section 71.01.

SECTION 46. Section 46.03(f), Penal Code, is amended to read as follows:

(f) It is not a defense to prosecution under this section that the actor possessed a handgun and was licensed to carry a ~~concealed~~ handgun under Subchapter H, Chapter 411, Government Code.

SECTION 47. Section 46.035, Penal Code, is amended by amending Subsections (a), (b), (c), (d), (g), (h), (i), and (j) and adding Subsection (a-1) to read as follows:

(a) A license holder commits an offense if the license holder carries a handgun on or about the license holder's person under the authority of Subchapter H, Chapter 411, Government Code, and intentionally displays the handgun in plain view of another person in a public place. It is an exception to the application of this subsection that the handgun was partially or wholly visible but was carried in a shoulder or belt holster by the license holder.

(a-1) Notwithstanding Subsection (a), a license holder commits an offense if the license holder carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, on or about the license holder's person under the authority of Subchapter H, Chapter 411, Government Code, and intentionally displays the handgun in plain view of another person:

(1) on the premises of an institution of higher education or private or independent institution of higher education; or

(2) on any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of an institution of higher education or private or independent institution of higher education.

(b) A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, on or about the license holder's person:

(1) on the premises of a business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, if the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic Beverage Commission under Section 104.06, Alcoholic Beverage Code;

(2) on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event;

(3) on the premises of a correctional facility;

(4) on the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing facility ~~[home]~~ licensed under Chapter 242, Health and Safety Code, unless the license holder has written authorization of the hospital or nursing facility ~~[home]~~ administration, as appropriate;

(5) in an amusement park; or

(6) on the premises of a church, synagogue, or other established place of religious worship.

(c) A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, at any meeting of a governmental entity.

(d) A license holder commits an offense if, while intoxicated, the license holder carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster.

(g) An offense under this section [~~Subsection (a), (b), (c), (d), or (e)~~] is a Class A misdemeanor, unless the offense is committed under Subsection (b)(1) or (b)(3), in which event the offense is a felony of the third degree.

(h) It is a defense to prosecution under Subsection (a) or (a-1) that the actor, at the time of the commission of the offense, displayed the handgun under circumstances in which the actor would have been justified in the use of force or deadly force under Chapter 9.

(i) Subsections (b)(4), (b)(5), (b)(6), and (c) do not apply if the actor was not given effective notice under Section 30.06 or 30.07.

(j) Subsections (a), (a-1), and (b)(1) do not apply to a historical reenactment performed in compliance with the rules of the Texas Alcoholic Beverage Commission.

SECTION 48. Section 46.035(f), Penal Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

SECTION 49. Sections 46.15(a) and (b), Penal Code, are amended to read as follows:

(a) Sections 46.02 and 46.03 do not apply to:

(1) peace officers or special investigators under Article 2.122, Code of Criminal Procedure, and neither section prohibits a peace officer or special investigator from carrying a weapon in this state, including in an establishment in this state serving the public, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon;

(2) parole officers and neither section prohibits an officer from carrying a weapon in this state if the officer is:

(A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B) in compliance with policies and procedures adopted by the Texas Department of Criminal Justice regarding the possession of a weapon by an officer while on duty;

(3) community supervision and corrections department officers appointed or employed under Section 76.004, Government Code, and neither section prohibits an officer from carrying a weapon in this state if the officer is:

(A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B) authorized to carry a weapon under Section 76.0051, Government Code;

(4) an active judicial officer as defined by Section 411.201, Government Code, who is licensed to carry a [~~concealed~~] handgun under Subchapter H, Chapter 411, Government Code;

(5) an honorably retired peace officer, qualified retired law enforcement officer, federal criminal investigator, or former reserve law enforcement officer who holds a certificate of proficiency issued under Section 1701.357,

Occupations Code, and is carrying a photo identification that is issued by a federal, state, or local law enforcement agency, as applicable, and that verifies that the officer is:

- (A) an honorably retired peace officer;
- (B) a qualified retired law enforcement officer;
- (C) a federal criminal investigator; or
- (D) a former reserve law enforcement officer who has served in

that capacity not less than a total of 15 years with one or more state or local law enforcement agencies;

(6) a district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a ~~[concealed]~~ handgun under Subchapter H, Chapter 411, Government Code;

(7) an assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a ~~[concealed]~~ handgun under Subchapter H, Chapter 411, Government Code;

(8) a bailiff designated by an active judicial officer as defined by Section 411.201, Government Code, who is:

(A) licensed to carry a ~~[concealed]~~ handgun under Subchapter H, Chapter 411, Government Code; and

(B) engaged in escorting the judicial officer; or

(9) a juvenile probation officer who is authorized to carry a firearm under Section 142.006, Human Resources Code.

(b) Section 46.02 does not apply to a person who:

(1) is in the actual discharge of official duties as a member of the armed forces or state military forces as defined by Section 437.001, Government Code, or as a guard employed by a penal institution;

(2) is traveling;

(3) is engaging in lawful hunting, fishing, or other sporting activity on the immediate premises where the activity is conducted, or is en route between the premises and the actor's residence, motor vehicle, or watercraft, if the weapon is a type commonly used in the activity;

(4) holds a security officer commission issued by the Texas Private Security Board, if the person is engaged in the performance of the person's duties as an officer commissioned under Chapter 1702, Occupations Code, or is traveling to or from the person's place of assignment and is wearing the officer's uniform and carrying the officer's weapon in plain view;

(5) acts as a personal protection officer and carries the person's security officer commission and personal protection officer authorization, if the person:

(A) is engaged in the performance of the person's duties as a personal protection officer under Chapter 1702, Occupations Code, or is traveling to or from the person's place of assignment; and

(B) is either:

(i) wearing the uniform of a security officer, including any uniform or apparel described by Section 1702.323(d), Occupations Code, and carrying the officer's weapon in plain view; or

(ii) not wearing the uniform of a security officer and carrying the officer's weapon in a concealed manner;

(6) is carrying:

(A) a ~~[concealed handgun and a valid]~~ license issued under Subchapter H, Chapter 411, Government Code, to carry a ~~[concealed]~~ handgun; and

(B) a handgun:

(i) in a concealed manner; or

(ii) in a shoulder or belt holster;

(7) holds an alcoholic beverage permit or license or is an employee of a holder of an alcoholic beverage permit or license if the person is supervising the operation of the permitted or licensed premises; or

(8) is a student in a law enforcement class engaging in an activity required as part of the class, if the weapon is a type commonly used in the activity and the person is:

(A) on the immediate premises where the activity is conducted; or

(B) en route between those premises and the person's residence and is carrying the weapon unloaded.

SECTION 50. Section 411.171(3), Government Code, is repealed.

SECTION 51. The change in law made by this Act relating to the authority of a license holder to openly carry a holstered handgun applies to the carrying of a handgun on or after the effective date of this Act by any person who:

(1) holds a license issued under Subchapter H, Chapter 411, Government Code, regardless of whether the person's license was issued before, on, or after the effective date of this Act; or

(2) applies for the issuance of a license under that subchapter, regardless of whether the person applied for the license before, on, or after the effective date of this Act.

SECTION 52. The changes in law made by this Act to Sections 62.082 and 284.001, Parks and Wildlife Code, and to Sections 30.05, 30.06, 46.02, 46.03, 46.035, and 46.15, 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 53. Except as otherwise provided by this Act, this Act takes effect January 1, 2016.

Representative Phillips moved to adopt the conference committee report on **HB 910**.

The motion to adopt the conference committee report on **HB 910** prevailed by (Record 1732): 102 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Aycok; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Craddick; Crownover; Cyrier; Dale; Darby; Davis, S.; Elkins; Faircloth; Fallon;

Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Goldman; Gonzales; Guillen; Harless; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Metcalf; Meyer; Miller, D.; Miller, R.; Moody; Morrison; Murphy; Murr; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raney; Riddle; Rinaldi; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Smithee; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Tinderholt; Turner, E.S.; VanDeaver; Villalba; White, J.; White, M.; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bernal; Blanco; Canales; Coleman; Collier; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; González; Guerra; Gutierrez; Hernandez; Herrero; Howard; Israel; Lucio; Márquez(C); Martinez; Martinez Fischer; Miles; Minjarez; Muñoz; Naishtat; Nevárez; Oliveira; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Turner, C.; Turner, S.; Vo; Walle; Wu.

Present, not voting — Mr. Speaker.

Absent, Excused — Dukes; McClendon.

Absent — Johnson; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1732 was taken, I was in the house but away from my desk. I would have voted no.

Johnson

When Record No. 1732 was taken, I was shown voting no. I intended to vote yes.

Raymond

RESOLUTIONS ADOPTED

Representative Moody 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 3247 (by Moody), Commending Samantha Rago for her service as a legislative intern in the office of State Representative Joe Moody.

HR 3250 (by Moody), Honoring Luis Brasil for his work as a legislative intern in the office of State Representative Joe Moody.

HR 3252 (by Moody), Honoring Andres "Andy" Cerecero for his service as a legislative intern in the office of State Representative Joe Moody.

HR 3253 (by Moody), Commending Katie Martin for her service as a legislative aide in the office of State Representative Joe Moody.

The resolutions were adopted.

**SB 1882 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative S. Thompson, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1882**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1882**: S. Thompson, chair; Wray, Murr, Hernandez, and Raymond.

**SB 1964 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Martinez, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1964**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1964**: Martinez, chair; Clardy, Farrar, Hernandez, and Sheets.

**HB 3405 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 3405, A bill to be entitled An Act relating to the territory and authority of the Barton Springs-Edwards Aquifer Conservation District to regulate certain wells for the production of groundwater.

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 3405**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3405**: Isaac, chair; E. Rodriguez, Howard, Keffer, and Frank.

**SB 1999 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative D. Bonnen, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1999**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1999**: Coleman, chair; Farias, S. Davis, Zerwas, and Morrison.

HR 3003 - ADOPTED
(by Sanford)

Representative Sanford moved to suspend all necessary rules to take up and consider at this time **HR 3003**.

The motion prevailed.

The following resolution was laid before the house:

HR 3003, Commending Alpha Kappa Psi fraternity at Baylor University for its community service.

HR 3003 was adopted.

SB 1 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative D. Bonnen submitted the conference committee report on **SB 1**.

Representative D. Bonnen moved to adopt the conference committee report on **SB 1**.

The motion to adopt the conference committee report on **SB 1** prevailed by (Record 1733): 138 Yeas, 0 Nays, 1 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; Elkins; Faircloth; Fallon; Farias; Farney; 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; Márquez(C); Martínez Fischer; Metcalf; Meyer; Miles; Miller, R.; Minjarez; 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.

Present, not voting — Mr. Speaker.

Absent, Excused — Dukes; McClendon.

Absent — Allen; Dutton; Farrar; Johnson; Lucio; Martinez; Miller, D.; Moody; Thompson, E.

STATEMENT OF VOTE

When Record No. 1733 was taken, I was in the house but away from my desk. I would have voted yes.

D. Miller

**SB 551 - 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 551**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 551**: Keffer, chair; Frank, Lucio, T. King, and Kacal.

(Vo in the chair)

**HCR 142 - ADOPTED
(by Kacal)**

Representative Kacal moved to suspend all necessary rules to take up and consider at this time **HCR 142**.

The motion prevailed.

The following resolution was laid before the house:

HCR 142, Recalling **HB 1926** from the senate for further consideration.

HCR 142 was adopted by (Record 1734): 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; 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; 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; Sheets; Sheffield; Simmons; Simpson; 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.

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

Absent, Excused — Dukes; McClendon.

Absent — Johnson.

SCR 49 - HOUSE SPONSOR AUTHORIZED

On motion of Representative Kacal, Representative Laubenberg was authorized as a house sponsor to **SCR 49**.

(Kacal 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. 8).

**SB 1756 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Phillips, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1756**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1756**: Phillips, chair; Nevárez, Moody, Keffer, and Dale.

**HB 3474 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 3474, A bill to be entitled An Act relating to issues affecting counties and political subdivisions within counties.

Representative Coleman 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 3474**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3474**: Coleman, chair; Keffer, Farias, Geren, and Morrison.

(Crownover in the chair)

HB 2187 - MOTION TO CONCUR IN SENATE AMENDMENTS

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

HB 2187, A bill to be entitled An Act relating to the regulation of metal recycling entities; imposing an administrative penalty; amending provisions subject to a criminal penalty.

Representative Smith moved to concur in the senate amendments to **HB 2187**.

HB 2187 - POINT OF ORDER

Representative Walle raised a point of order against further consideration of **HB 2187** under Rule 11, Section 2 of the House Rules on the grounds that the senate amendments are not germane to the bill.

The chair sustained the point of order and submitted the following statement:

Representative Walle raised a point of order against further consideration of **HB 2187** pursuant to Rule 11, Section 2 of the House Rules on the grounds that the amendment added by the senate is not germane to the bill. The point of order is sustained.

HB 2187 left the house as a bill that would have regulated metal recycling entities by restricting the methods of payment for purchasing regulated materials, expanding the information required in records of purchase of regulated material, authorizing penalties for a person who violates certain requirements for metal recycling entities, increasing the number of members on the committee on matters related to regulation of medical recycling entities, and changing the definition of regulated material to include batteries containing lead, while exempting purchases of regulated material from telecommunications, cable, or video service providers. In sum, the bill deals with metal recycling entities' transactions involving regulated metal material and their tracking of those transactions.

The senate added an amendment that would have: (1) defined "explosive component" and "explosive weapon" and would have required metal recycling entities to report the attempted sale of these explosive items, (2) required the Department of Public Safety to use the reporting system traditionally used to track the sale of regulated metal to track the sale or attempted sale of an explosive weapon or explosive component, (3) made it a criminal offense for anyone to sell an explosive component or explosive weapon to a metal recycling entity or for a metal recycling entity to purchase or store an explosive component or explosive weapon, and (4) provided for a court to order a defendant guilty of the criminal offenses created to order restitution for costs incurred by the state or a political subdivision in responding to the offense and to the owner of any property damaged as a result of the offense. Rather than dealing with regulated material, the senate amendment attempts to introduce two entirely new types of items (explosive component and explosive weapon) not included in the definition of regulated material and would subject them to an entirely separate set of requirements, some of which are required for persons other than metal recycling entities. More plainly spoken, the senate by amendment put a nongermane bill (**SB 1194**) onto a house bill. Having successfully introduced a second subject and a nongermane amendment, the senate's actions subjected the house bill to a point of order. Because **HB 2187** deals with recycling entities and their treatment of regulated material, but the senate amendment deals with the criminalization of the sale or purchase of an explosive component or an explosive weapon, the amendment is not germane to the bill and the bill is out of order.

HB 2187 was returned to the senate.

HB 13 - WITH SENATE AMENDMENTS

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

HB 13, A bill to be entitled An Act relating to categories of and funding allocation for transportation projects by the Texas Department of Transportation and local transportation entities.

HB 13 - POINT OF ORDER

Representative Pickett raised a point of order against further consideration of **HB 13** under Rule 11, Section 2 of the House Rules and under Article III, Section 35 of the Texas Constitution on the grounds that the senate amendments are not germane to the bill.

The chair sustained the point of order and submitted the following statement:

"My faith in the Constitution is whole, it is complete, it is total." The words of Barbara Jordan, a former Texas state senator, are a stark reminder of the duties of an elected official who takes an oath to uphold the federal and state constitution. Former State Senator Jordan's full-length painting hangs in the senate chamber today.

Legislative chambers are not walled vessels into which the constitution cannot enter. They are not extra constitutional. Nor is there a provision of the Texas (or federal constitution) which says that a legislative chamber can disregard a substantive procedural constitutional provision because they don't want to follow the restriction or they believe their practice is better than the ideas propounded by the framers of the state and federal constitution or adopted by the people. Protection of these constitutional provisions is a proper role for those who interpret parliamentary rules in their chambers. More important than any staffer who might be called upon to assert an opinion, the preserving of the authority of these constitutional mandates and the binding force of the constitution is as much the duty of each member of the legislative chamber as it is the duty of the presiding officer.

Article III, Section 35 of the Texas Constitution requires bills to contain only one subject. This provision prevents "log-rolling," the inclusion in a bill of multiple subjects having no connection to each other to create sufficient support from the varied interests to support the whole bill. It also stops "the last train out of town" or "bill dump" in which members from one chamber of the legislature gleefully pack a bill full of non-related bills. Neither a body's rules nor practice can be an excuse to modify these constitutional provisions. A member's oath demands the officeholder acts to uphold the rule of law at all times—not just when it is convenient and everyone approves.

HB 13 related to categories of and funding allocation for transportation projects by the Texas Department of Transportation and local transportation entities. In the senate's floor Amendment No. 1, Senator Hall added and the senate approved the addition of prohibitions on red light cameras by local governments. This item had nothing to do with the concept of categories of and

funding allocation for transportation projects by the Texas Department of Transportation and local transportation entities. It is hard to measure what is more shocking or brazen, the wide variance between the items (TxDOT road funding v. abolishing the ability of the local government to operate red light cameras) or the fact that, at no part in the process, was there any attempt to question or slow the amendment.

Regardless of whether the purpose of the amendment was a noble but deliberate attempt to inject a second subject into the bill, or somewhere else on the legislative spectrum, the amendment laid out by the lieutenant governor, offered by Senator Hall, and adopted by the senate was not germane and introduced a second subject. The point of order is sustained.

HB 13 was returned to the senate.

**HB 1490 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 1490, A bill to be entitled An Act relating to public school interventions for truancy and eliminating a criminal penalty and authorizing a civil penalty for truancy.

Representative Huberty 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 1490**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1490**: Huberty, chair; Dutton, Aycock, Martinez Fischer, and Riddle.

PROVIDING FOR ADJOURNMENT

At 6:27 p.m., Representative C. Anderson moved that, at the conclusion of the receipt of messages from the senate, the house adjourn until 10 a.m. tomorrow in memory of Alfred "Fritz" Nemecek of Austin.

The motion prevailed.

(Moody 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. 7).

(Geren in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 9:52 a.m. Saturday, May 30, adjourned until 10 a.m. today.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HCR 140 (By Vo, Parker, Y. Davis, Koop, and Anchia), Urging governmental entities to cease displaying the flag of the Socialist Republic of Vietnam and to instead fly the Freedom and Heritage Flag.

To International Trade and Intergovernmental Affairs.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 32

HB 23, HB 177, HB 416, HB 554, HB 565, HB 621, HB 642, HB 679, HB 699, HB 866, HB 930, HB 939, HB 966, HB 1000, HB 1039, HB 1150, HB 1151, HB 1164, HB 1190, HB 1306, HB 1307, HB 1317, HB 1364, HB 1376, HB 1447, HB 1481, HB 1579, HB 1613, HB 1666, HB 1683, HB 1706, HB 1782, HB 1786, HB 1841, HB 1912, HB 1923, HB 1929, HB 1930, HB 2020, HB 2037, HB 2053, HB 2091, HB 2159, HB 2160, HB 2185, HB 2194, HB 2246, HB 2257, HB 2278, HB 2282, HB 2303, HB 2350, HB 2464, HB 2511, HB 2521, HB 2583, HB 2610, HB 2621, HB 2665, HB 2697, HB 2710, HB 2712, HB 2718, HB 2721, HB 2794, HB 2849, HB 2861, HB 2883, HB 2891, HB 2926, HB 3043, HB 3070, HB 3089, HB 3099, HB 3136, HB 3157, HB 3175, HB 3186, HB 3190, HB 3244, HB 3348, HB 3364, HB 3390, HB 3512, HB 3532, HB 3562, HB 3623, HB 3668, HB 3683, HB 3750, HB 3791, HB 3901, HB 3951, HB 3987, HB 4103, HB 4130, HB 4147, HB 4158, HB 4159, HB 4160, HB 4176, HB 4178, HB 4179, HB 4180, HB 4184, HB 4185, HB 4187, HB 4192, HB 4196, HB 4202, HB 4203, HB 4204, HB 4206, HB 4212, HCR 78, HCR 96, HCR 104, HCR 105, HCR 106, HCR 119, HCR 122

Senate List No. 31

SB 724, SB 881, SB 923, SB 932, SB 1025, SB 1049, SB 1070, SB 1135, SB 1408, SB 1496, SB 1517, SB 1760, SB 1880, SCR 9, SCR 22, SCR 40, SCR 41, SJR 52

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
Friday, May 29, 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 TAKEN THE FOLLOWING OTHER ACTION:

HB 3405

The Senate grants the request of the House and returns HB 3405 to the House for further consideration.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 29, 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 136 Smithee SPONSOR: Seliger
Honoring Conquer Chiari for its efforts in behalf of those with Chiari malformation.

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 1 (30 Yeas, 1 Nay)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 29, 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 1336

Senate Conferees: Perry - Chair/Creighton/Fraser/Hinojosa/Huffines

SB 1882

Senate Conferees: Zaffirini - Chair/Estes/Huffman/Nelson/Schwertner

SB 1964

Senate Conferees: Hinojosa - Chair/Huffman/Nelson/Taylor, Larry/Zaffirini

SB 1999

Senate Conferees: Menéndez - Chair/Creighton/Perry/Schwertner/Zaffirini

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 29, 2015 - 5

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:

SJR 1

(25 Yeas, 6 Nays)

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 26

Senate Conferees: Fraser - Chair/Birdwell/Estes/Nichols/Uresti

HB 382

Senate Conferees: Lucio - Chair/Bettencourt/Campbell/Creighton/Hinojosa

HB 408

Senate Conferees: Menéndez - Chair/Creighton/Estes/Huffman/Zaffirini

HB 483

Senate Conferees: Kolkhorst - Chair/Burton/Hancock/Taylor, Larry/Watson

HB 1295

Senate Conferees: Hancock - Chair/Campbell/Taylor, Larry/Taylor, Van/Watson

HB 1915

Senate Conferees: Hinojosa - Chair/Kolkhorst/Taylor, Larry/Taylor, Van/Uresti

HB 2019

Senate Conferees: Seliger - Chair/Birdwell/Eltife/Nichols/Watson

HB 2123

Senate Conferees: Perry - Chair/Birdwell/Campbell/Huffman/Lucio

HB 2150

Senate Conferees: Whitmire - Chair/Burton/Hinojosa/Huffman/Perry

HB 2398

Senate Conferees: Whitmire - Chair/Huffman/Nelson/Nichols/West

HB 2641

Senate Conferees: Schwertner - Chair/Campbell/Nelson/Perry/Uresti

HB 2645

Senate Conferees: Hinojosa - Chair/Burton/Huffman/Perry/Whitmire

HB 3106

Senate Conferees: Creighton - Chair/Bettencourt/Lucio/Taylor, Larry/West

HB 3615

Senate Conferees: Zaffirini - Chair/Birdwell/Campbell/Hinojosa/Seliger

HB 3736

Senate Conferees: Huffman - Chair/Creighton/Nelson/Taylor, Van/Zaffirini

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 751 (31 Yeas, 0 Nays)

HB 923 (31 Yeas, 0 Nays)

HB 1378 (31 Yeas, 0 Nays)

SB 1 (26 Yeas, 5 Nays)

SJR 5 (31 Yeas, 0 Nays)

Respectfully,

Patsy Spaw
Secretary of the Senate

Message No. 5

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 29, 2015 - 6

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 141 Smith SPONSOR: Taylor, Larry
Recalling H.B. 2187 from the Senate for further consideration.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 6

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 29, 2015 - 7

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 GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 743
Senate Conferees: Seliger - Chair/Estes/Lucio/Nichols/Taylor, Larry

HB 1905
Senate Conferees: Taylor, Larry - Chair/Eltife/Hancock/Kolkhorst/Uresti

HB 2804
Senate Conferees: Taylor, Larry - Chair/Bettencourt/Campbell/Huffines/Lucio

HB 3535

Senate Conferees: Menéndez - Chair/Bettencourt/Nelson/Taylor, Larry/Uresti

THE SENATE HAS DISCHARGED ITS CONFEREES AND CONCURRED
IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 1336 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 7

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Friday, May 29, 2015 - 8

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 208 (28 Yeas, 3 Nays)

SB 265 (29 Yeas, 2 Nays)

SB 277 (30 Yeas, 1 Nay)

SB 593 (30 Yeas, 1 Nay)

SB 633 (27 Yeas, 4 Nays)

SB 699 (30 Yeas, 1 Nay)

SB 933 (30 Yeas, 1 Nay)

SB 1101 (30 Yeas, 1 Nay)

SB 1213 (31 Yeas, 0 Nays)

SB 1243 (31 Yeas, 0 Nays)

SB 1287 (28 Yeas, 3 Nays)

SB 1296 (30 Yeas, 1 Nay)

SB 1406 (31 Yeas, 0 Nays)

SB 1462 (31 Yeas, 0 Nays)

SB 1474 (31 Yeas, 0 Nays)

SB 1580 (28 Yeas, 3 Nays)

SB 1876 (31 Yeas, 0 Nays)

SB 1877 (31 Yeas, 0 Nays)

SB 1934 (27 Yeas, 4 Nays)

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 3405

Senate Conferees: Campbell - Chair/Kolkhorst/Taylor, Larry/Watson/Zaffirini

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 910 (20 Yeas, 11 Nays)

SB 684 (31 Yeas, 0 Nays)

SB 733 (31 Yeas, 0 Nays)

SB 1828 (29 Yeas, 2 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 8

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 29, 2015 - 9

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 GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 824

Senate Conferees: Eltife - Chair/Estes/Garcia/Huffines/Taylor, Larry

HB 1559

Senate Conferees: Taylor, Larry - Chair/Bettencourt/Kolkhorst/Lucio/Taylor, Van

HB 1585

Senate Conferees: Taylor, Larry - Chair/Creighton/Eltife/Hancock/Hinojosa

HB 2205

Senate Conferees: Seliger - Chair/Bettencourt/Eltife/Taylor, Larry/West

HB 2524

Senate Conferees: Rodríguez - Chair/Campbell/Lucio/Nichols/Taylor, Larry

THE SENATE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 2187

Senate returns H.B. 2187 to the House of Representatives for further consideration pursuant to HCR 141.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

ENROLLED

May 28 - HB 23, HB 177, HB 416, HB 554, HB 565, HB 621, HB 642, HB 679, HB 699, HB 866, HB 930, HB 939, HB 966, HB 1000, HB 1039, HB 1150, HB 1151, HB 1164, HB 1190, HB 1306, HB 1307, HB 1317, HB 1364, HB 1376, HB 1447, HB 1481, HB 1579, HB 1613, HB 1666, HB 1683, HB 1706, HB 1782, HB 1786, HB 1841, HB 1912, HB 1923, HB 1929, HB 1930, HB 2020, HB 2037, HB 2053, HB 2091, HB 2159, HB 2160, HB 2185, HB 2194, HB 2246, HB 2257, HB 2278, HB 2282, HB 2303, HB 2350, HB 2464, HB 2511, HB 2521, HB 2583, HB 2610, HB 2621, HB 2665, HB 2697, HB 2710, HB 2712, HB 2718, HB 2721, HB 2794, HB 2849, HB 2861, HB 2883, HB 2891, HB 2926, HB 3043, HB 3070, HB 3089, HB 3099, HB 3136, HB 3157, HB 3186, HB 3190, HB 3244, HB 3348, HB 3364, HB 3390, HB 3512, HB 3532, HB 3562, HB 3623, HB 3668, HB 3683, HB 3750, HB 3791, HB 3901, HB 3951, HB 3987, HB 4103, HB 4130, HB 4147, HB 4158, HB 4159, HB 4160, HB 4176, HB 4178, HB 4179, HB 4180, HB 4184, HB 4185, HB 4187, HB 4192, HB 4196, HB 4202, HB 4203, HB 4204, HB 4206, HB 4212, HCR 78, HCR 96, HCR 104, HCR 105, HCR 106, HCR 119, HCR 122

SENT TO THE GOVERNOR

May 28 - HB 283, HB 372, HB 549, HB 830, HB 1212, HB 1217, HB 1273, HB 1309, HB 1338, HB 2182, HB 2235, HB 2265, HB 2391, HB 2498, HB 2739, HB 2789, HB 2830, HB 2921, HB 3150, HB 3618, HB 4001, HB 4097

SENT TO THE SECRETARY OF THE STATE

May 28 - HJR 75

SIGNED BY THE GOVERNOR

May 28 - HB 4, HB 75, HB 115, HB 158, HB 188, HB 280, HB 389, HB 431, HB 437, HB 601, HB 643, HB 821, HB 896, HB 949, HB 1077, HB 1133, HB 1180, HB 1232, HB 1584, HB 1662, HB 1756, HB 1934, HB 1937, HB 1945, HB 1993, HB 2002, HB 2022, HB 2119, HB 2152,

**HB 2272, HB 2400, HB 2419, HB 2604, HB 2809, HB 2813, HB 2913,
HB 3628**

FILED WITHOUT THE GOVERNOR'S SIGNATURE

**May 28 - HB 795, HB 1068, HB 2200, HB 2819, HB 3081, HB 4139,
HB 4141, HB 4153**