

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

ELEVENTH DAY

(Tuesday, February 7, 2017)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

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

Pastor Booker T. Washington Jr., The Church Without Measure, Ennis, was introduced by Senator Birdwell and offered the invocation as follows:

Lord, according to Your word, prayer is always in order for the scriptures record that men and women should always pray and not faint. We believe with every step we take, if we think about what You want, You will help us go the right way. It is through You that we are able to live, to do what we do, and to be who we are. We thank You for this opportunity to gather in Your name for the 85th time. Give us wisdom and knowledge to make laws and pass laws that will govern and lead our state in the direction that You would have us to go. We pray that Your blessings and peace would be upon this legislative session and that it would bring glory and honor to You and to the United States of America. Amen.

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

The motion prevailed without objection.

PHYSICIAN OF THE DAY

Senator Campbell was recognized and presented Dr. Francisco Barrera of Boerne as the Physician of the Day.

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

SENATE RESOLUTION 91

Senator Perry offered the following resolution:

SR 91, Recognizing February 7, 2017, as Child Protection and Home Visiting Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Perry was recognized and introduced to the Senate Child Protection Roundtable and TexProtects delegations.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate an Athens Area Chamber of Commerce delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 89

Senator Perry offered the following resolution:

SR 89, Recognizing February 7, 2017, as Texas Midwest Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Perry was recognized and introduced to the Senate a Texas Midwest Community Network delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 21

Senator Seliger offered the following resolution:

SR 21, Recognizing February 7, 2017, as Community College Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Seliger, joined by Senators Lucio, Buckingham, Zaffirini, Hinojosa, and Kolkhorst, was recognized and introduced to the Senate Texas Association of Community Colleges representatives and Texas community college students, administrators, and instructors.

The Senate welcomed its guests.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 12**.

SENATE RESOLUTION 112

Senator Seliger offered the following resolution:

SR 112, Recognizing February 7, 2017, as Midland-Odessa Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate a Midland-Odessa Day delegation, accompanied by Odessa Mayor David Turner, Austin Keith, Craig Van Amburgh, Jay Edwards, and Kenny Mwansa.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a Rosanky Christian Academy delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nichols, joined by Senator Hall, was recognized and introduced to the Senate a Cedar Creek Lake Area Chamber of Commerce delegation.

The Senate welcomed its guests.

(Senator Watson in Chair)

SENATE RESOLUTION 122

Senator Hinojosa offered the following resolution:

SR 122, Recognizing February 7, 2017, as Rio Grande Valley Day.

HINOJOSA
LUCIO
ZAFFIRINI

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa, joined by Senators Lucio and Zaffirini, was recognized and introduced to the Senate a Rio Grande Valley Day delegation, accompanied by McAllen Mayor Jim Darling, The University of Texas Rio Grande Valley President Guy Bailey, Fred Farias, Laguna Vista Mayor Susie Houston, Rancho Viejo Mayor Cyndie Rathbun.

The Senate welcomed its guests.

SENATE RESOLUTION 136

Senator Hughes offered the following resolution:

SR 136, Recognizing February 7, 2017, as Panola County Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hughes was recognized and introduced to the Senate a Panola County delegation, accompanied by County Judge LeeAnn Jones, Carthage ISD Superintendent J. Glenn Hambrick, Carthage Mayor Lynn Vincent, Panola College President Gregory Powell, and North East Texas Regional Mobility Authority Chair Linda Thomas.

The Senate welcomed its guests.

SENATE RESOLUTION 135

Senator Kolkhorst offered the following resolution:

SR 135, Recognizing February 7, 2017, as Matagorda County Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate a Matagorda County Day delegation, accompanied by Nate McDonald, Denise Fortenberry, Carolyn Thames, Mitch Thames, Bobby Wilkinson, D. C. Dunham, and Cheryl Stewart.

The Senate welcomed its guests.

SENATE RESOLUTION 123

Senator Hinojosa offered the following resolution:

SR 123, Recognizing February 7, 2017, as Jim Wells County Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a Jim Wells County delegation, accompanied by County Judge Pete Trevino Jr., County Commissioner Margie Gonzalez, County Attorney Michael Guerra, County Clerk J. C. Perez, and Judge Michael Garcia.

The Senate welcomed its guests.

(President in Chair)

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a Bastrop County delegation.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 10:55 a.m. announced the conclusion of morning call.

SENATE RULE 4.01 SUSPENDED

Senator Whitmire moved to suspend Senate Rule 4.01 to allow Senator Rodríguez to remain seated today during floor debate and while communicating any matter to the Senate.

The motion prevailed without objection.

SENATE BILL 14 ON SECOND READING

On motion of Senator Taylor of Collin and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 14** at this time (Submitted by Governor as an emergency matter):

SB 14, Relating to the ethics of public officers and related requirements; creating criminal offenses.

The bill was read second time.

Question: Shall **SB 14** be passed to engrossment?

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate Sacred Heart Catholic School students, accompanied by Olga Charles.

The Senate welcomed its guests.

Question: Shall **SB 14** be passed to engrossment?

Senator Taylor of Collin offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 14**, in SECTION 2.01 of the bill (senate committee report page 4, lines 2-5), by striking Subsection (ii) and substituting the following:

(ii) a person who contracts with a governmental entity, if the individual or entity described by Paragraph (B) performs work arising out of the contract, subcontract, or agreement between the person and the governmental entity for a fee.

The amendment to **SB 14** was read and was adopted by a viva voce vote.

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

Senator Taylor of Collin offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 14** (Senate committee printing) as follows:

(1) In SECTION 6.01 of the bill, in added Section 305.029(a), Government Code (page 7, lines 56-57), strike "political contribution" has the meaning and substitute "political contribution," "political committee," and "political expenditure" have the meanings".

(2) In SECTION 6.01 of the bill, strike added Section 305.029(b), Government Code (page 7, lines 58-63), and substitute the following:

(b) Notwithstanding any other provision of law, a person required to register under this chapter may not, before the second anniversary of the date the last term for which the person was elected ends, knowingly make or authorize, from political contributions accepted by the person as a candidate or officeholder, a political expenditure that is a political contribution to a candidate, officeholder, or political committee.

(3) In SECTION 7.01(c) of the bill, strike "a political contribution, political expenditure, or lobbying expenditure" (page 8, lines 22 and 23) and substitute "an expenditure".

The amendment to **SB 14** was read and was adopted by a viva voce vote.

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

Senator Taylor of Collin offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 14** (Senate committee printing) by adding the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumbering remaining SECTIONS of the ARTICLE accordingly:

SECTION 2. . Subchapter B, Chapter 572, Government Code, is amended by adding Section 572.0295 to read as follows:

Sec. 572.0295. AMENDMENT OF FINANCIAL STATEMENT. (a) A person who files a financial statement under this chapter may amend the person's statement.

(b) A financial statement that is amended is considered to have been filed on the date on which the original statement was filed if:

(1) the amendment is made on or before the 14th day after the date the person filing the statement learns of an error or omission in the original statement;

(2) the original financial statement was made in good faith and without an intent to mislead or to misrepresent the information contained in the statement; and

(3) the person filing the amendment accompanies the amendment with a declaration that:

(A) the person became aware of the error or omission in the original statement during the preceding 14 days; and

(B) the original statement was made in good faith and without intent to mislead or to misrepresent the information contained in the statement.

The amendment to **SB 14** was read and was adopted by a viva voce vote.

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

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 4

Amend **SB 14** (senate committee printing) as follows:

(1) In SECTION 1.01 of the bill, in added Section 810.002(b)(2), Government Code (page 1, line 46), strike "held" and substitute "was elected or appointed to".

ZAFFIRINI
TAYLOR OF COLLIN

The amendment to **SB 14** was read and was adopted by a viva voce vote.

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

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 5

Amend **SB 14** (senate committee printing) in SECTION 2.02 of the bill, in amended Section 572.0252, Government Code (page 4, line 35), by inserting the following between "REFERRALS." and "A state":

(a) In this section, "referral for compensation" means the referral of a legal matter by an attorney to another attorney under which the attorney receiving the compensation is not responsible for performing any legal work relating to the matter. The term does not include compensation for acting as co-counsel, of counsel, or local counsel.

(b)

HINOJOSA
TAYLOR OF COLLIN

The amendment to **SB 14** was read and was adopted by a viva voce vote.

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

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 6

Amend **SB 14** (senate committee printing) in SECTION 2.02 of the bill, in amended Section 572.0252, Government Code (page 4, line 35), by inserting the following between "REFERRALS." and "A state":

(a) This section applies only to a referral made to or received from a person if during the period covered by the financial statement the total amount of compensation for all referrals made to or received from that person exceeds \$2,500.

(b)

URESTI
TAYLOR OF COLLIN

The amendment to **SB 14** was read and was adopted by a viva voce vote.

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

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 7

Amend **SB 14** (Senate committee printing) as follows:

(1) In the recital to SECTION 3.01 of the bill (page 4, line 49), strike "amending Subsections (a), (b), and (c) and adding Subsection (h)" and substitute "amending Subsections (a), (b), (c), and (g) and adding Subsections (f-1), (f-2), (f-3), and (h)".

(2) In SECTION 3.01 of the bill, in amended Section 305.0061, Government Code (page 5, between lines 23 and 24), add the following:

(f-1) If a registrant or a person on the registrant's behalf and with the registrant's consent or ratification makes an expenditure for transportation, lodging, food, beverages, or entertainment and the expenditure is made in connection with a widely attended event, the registrant shall also state the following on the report filed under Section 305.006:

(1) a general description of the widely attended event;

(2) the place and date of the widely attended event; and

(3) the amount of the expenditure by the appropriate category of the amount, as determined by the commission.

(f-2) The commission shall provide guidance by rule regarding widely attended events.

(f-3) The commission must provide guidance, on request, regarding whether an event is considered to be a widely attended event for the purposes of Subsection (f-1) within three business days of receiving the request.

(g) In this section:

(1) "Legislative [~~Legislative~~] per diem" means the per diem set by the commission for members of the legislature as provided by Section 24(a), Article III, Texas Constitution.

(2) "Widely attended event" means an event:

(A) that is reasonably expected to be attended by at least 25 persons in addition to any members of the legislative branch, spouses of members, or other persons accompanying members;

(B) that the member attends in connection with the performance of the member's duties; and

(C) at which attendance is open to persons from throughout a given industry or profession or who represent a range of persons interested in a given matter.

WATSON
TAYLOR OF COLLIN

The amendment to **SB 14** was read.

Senator Watson withdrew Floor Amendment No. 7.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 8

Amend **SB 14** (senate committee printing) in SECTION 3.01 of the bill, in added Section 305.0061(h), Government Code (page 5, line 27), between "report" and "the total" by inserting "both the registrant's expenditure and".

LUCIO
TAYLOR OF COLLIN
WATSON

The amendment to **SB 14** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 8.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 9

Amend **SB 14** (Senate committee printing) as follows:

(1) In the recital to SECTION 3.01 of the bill (page 4, line 49), strike "Subsection (h)" and substitute "Subsections (h) and (i)".

(2) In SECTION 3.01 of the bill, in added Section 305.0061(h), Government Code (page 5, line 28), strike "value" and substitute "amount".

(3) In SECTION 3.01 of the bill, in added Section 305.0061(h), Government Code (page 5, lines 28-29), strike "(a), (b), or (c)" and substitute "(a) or (b)".

(4) In SECTION 3.01 of the bill, in added Section 305.0061(h), Government Code (page 5, line 29), strike "value" and substitute "amount".

(5) In SECTION 3.01 of the bill, in added Section 305.0061(h), Government Code (page 5, line 30), strike "(a), (b), or (c)" and substitute "(a) or (b)".

(6) In SECTION 3.01 of the bill, following added Section 305.0061(h), Government Code (page 5, between lines 30 and 31), insert the following:

(i) If more than one registrant or persons acting on behalf of more than one registrant and with each registrant's consent or ratification collaborate to make an expenditure described by Section 305.006(b) together, each registrant shall report the total value of the shared expenditure as required by Subsection (c), if the total value of the shared expenditure exceeds the amount provided under Subsection (c).

WATSON
TAYLOR OF COLLIN

The amendment to **SB 14** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 9.

Senator Burton offered the following amendment to the bill:

Floor Amendment No. 10

Amend **SB 14** (Senate committee printing) as follows:

(1) In SECTION 5.01 of the bill (page 7, line 51), strike "Class A" and substitute "Class B".

BURTON
TAYLOR OF COLLIN

The amendment to **SB 14** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 10.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 11

Amend **SB 14** (senate committee printing) as follows:

(1) In ARTICLE 1 of the bill, add the following appropriately numbered SECTIONS:

SECTION 1.____. Article 42.01, Code of Criminal Procedure, is amended by adding Section 12 to read as follows:

Sec. 12. In addition to the information described by Section 1, the judgment should reflect affirmative findings entered pursuant to Article 42.0196.

SECTION 1.____. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0196 to read as follows:

Art. 42.0196. FINDING REGARDING OFFENSE RELATED TO PERFORMANCE OF PUBLIC SERVICE. (a) In the trial of an offense described by Section 810.002, Government Code, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that the defendant is:

(1) a member of the elected class described by Section 810.002(b)(1), Government Code, while a member of the Employees Retirement System of Texas; or

(2) a holder of an elected office for which the defendant wholly or partly became eligible for membership in a public retirement system.

(b) A judge who makes the affirmative finding described by this article shall make the determination and provide the notice required by Section 810.002(k), Government Code.

(2) In SECTION 1.01 of the bill, in added Section 810.002(d), Government Code (page 1, line 53), between "system" and "shall", insert ", on receipt of notice of a conviction under Subsection (e) or (k), any similar notice of a conviction of a qualifying felony from a United States district court or United States attorney, or any other information that the retirement system determines by rule is sufficient to establish a conviction of a qualifying felony,".

(3) In SECTION 1.01 of the bill, in added Section 810.002(d), Government Code (page 1, line 54), between "person" and "ineligible", insert "the system determines to be".

(4) In SECTION 1.01 of the bill, following added Section 810.002(d), Government Code (page 2, between lines 2 and 3), insert the following:

(e) Not later than the 30th day after the conviction of a person of a qualifying felony, the governmental entity to which the person was elected or appointed must provide written notice of the conviction to the public retirement system in which the person is enrolled. The notice must comply with the administrative rules adopted by the public retirement system under Subsection (j).

(5) In SECTION 1.01 of the bill, after added Section 810.002(i), Government Code (page 2, between lines 23 and 24), add the following:

(k) A court shall notify the retirement system of the terms of a conviction of a person convicted of an offense described by Subsection (c).

(6) Reletter remaining subsections of added Section 810.002, Government Code, as necessary.

(7) Renumber subsequent SECTIONS of ARTICLE 1 accordingly.

ZAFFIRINI

TAYLOR OF COLLIN

The amendment to **SB 14** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 11.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 12

Amend **SB 14** (senate committee printing) as follows:

(1) In SECTION 1.01 of the bill, in added Section 810.002(f), Government Code (page 2, line 9), strike "January 8, 2019," and substitute "the effective date of this subsection".

(2) Add the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumber remaining SECTIONS of ARTICLE 1 accordingly:

SECTION 1. __. This Article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Article takes effect September 1, 2017.

(3) In SECTION 7.02 of the bill (page 8, line 46), strike "This" and substitute "Except as otherwise provided by this Act, this".

LUCIO
TAYLOR OF COLLIN

The amendment to **SB 14** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 12.

SB 14 as amended was passed to engrossment by a viva voce vote.

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

SENATE BILL 14 ON THIRD READING

Senator Taylor of Collin moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 14** be placed on its third reading and final passage.

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

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

REASON FOR VOTE

Senator Huffines submitted the following reason for vote on **SB 14**:

I voted for Senate Bill 14 because the great people of Texas deserve nothing less than an honest government that they can trust. I strongly believe that good government and opaqueness are entirely incompatible, and I am proud that I was able to participate in an ethics reform that will bring unprecedented transparency to the way Texas government operates.

The integrity of our entire political system depends on the public holding their elected officials accountable. In order to facilitate effective accountability, our constituency must have faith that we are public servants acting in the best interest of Texas and Texans. Senate Bill 14 will open the windows on Texas government, and ensure that the elected officials of this state serve their fellow Texans and not themselves.

HUFFINES

REMARKS ORDERED PRINTED

On motion of Senator Taylor of Collin and by unanimous consent, his remarks regarding Floor Amendment No. 1 to **SB 14** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Thank you, Mr. President. Members, this, this is language that I worked with Senator Watson on, and it clarifies for government contracts, it, the bill is, it doesn't change any, the bill's the same size, doesn't change the real

estate. But it just clarifies that if a person who's supposed to file per-financial statement, when this bill passes, will then have to report government, work that they do for governmental entities, regardless if they're working for a firm that they own or a firm that they do not own any of. And so, it is, of course, acceptable to the author, and I'm happy to discuss with my colleague. Okay.

STATEMENT REGARDING SENATE BILL 14

Senator Rodríguez submitted the following statement regarding **SB 14**:

I strongly support efforts to reform our ethics laws, and I am pleased to joint author Senate Bill 14. I believe this legislation will go a long way to bolster the public's confidence in elected government by strengthening our ethics laws.

The bill includes some specific, common-sense provisions to keep the public apprised of potential conflicts of interest, including:

- reducing lobbyists' reporting threshold for elected officials and their family, and closing a loophole allowing lobbyists to avoid disclosures by splitting costs between several lobbyists, and

- requiring state and local elected officials to disclose certain written contracts between themselves, their businesses, and families with governmental entities.

There will surely be those who continue to take issue with bill. Some would suggest the conflict of interest provisions might disincentivize individuals who are not themselves already independently wealthy from running for public office, simply because their work may run adjacent to work in the legislature. Ours is a part-time legislature and one cannot support a family on the salary of a lawmaker alone. I'm not insensitive to this concern. Nevertheless, I think the countervailing public interest in citizens' right to know who is governing them outweighs these concerns.

Although I am supportive of the provisions included in the bill, I am disappointed that several provisions that were in last session's ethics bill (S.B. 19) are not included. For example, two amendments that I added to last session's bill:

- First, a provision that requires filers disclosure of *all* sources of income, including federal or state governmental benefits; and

- Second, a provision requiring that every financial statement be submitted electronically through a secure website maintained by the Ethics Commission. Importantly, under my amendment, these submissions would then be accessible electronically. In the 21st Century, I'm not sure why this isn't already the law, especially since the Ethics Commission indicated to lawmakers that they wanted this authority.

It's a shame these provisions aren't included in this session's S.B. 14.

I'm also disappointed the bill doesn't include any dark money provisions—that is, any provisions requiring disclosure of donations to political nonprofits that work to influence campaigns. These nonprofits are not required to disclose who is padding their coffers while they work for or against candidates across Texas. It's worth noting that these dark money disclosure provisions are supported by Republicans and Democrats alike.

In the same way that the public should know who is supporting a lawmaker's campaign, and what people with business before the legislature may also be cutting lawmakers a paycheck, I believe the public should know who exactly is writing checks that support political nonprofits who endorse—or attack—lawmakers as they run for public office.

Further, while I'm no fan of the U.S. Supreme Court's *Citizen's United* decision, it does make clear that states *can* require disclosure of campaign donations, including to nonprofits. In fact, some states like California and Rhode Island already have similar disclosure laws.

Transparency bills serve the public interest. Voters deserve as much information as possible about the elected officials they send to Austin to represent their interests. Disclosure laws strengthen the public bond by shedding light on any appearance of impropriety, and give voters greater confidence that elected officials keep sight of who they really work for—the public.

In sum, while I wish the bill included at least some of the aforementioned provisions, the legislation will allow us to take several important steps in the right direction, and has my full support.

RODRÍGUEZ

RECESS

On motion of Senator Whitmire, the Senate at 12:22 p.m. recessed until 1:00 p.m. today.

AFTER RECESS

The Senate met at 1:10 p.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, February 7, 2017 - 1

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 65

Ashby

Recognizing the Stop the Bleed campaign.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 4 ON SECOND READING**

Senator Perry moved that the regular order of business be suspended and that **CSSB 4** be taken up for consideration at this time (Submitted by Governor as an emergency matter):

CSSB 4, Relating to the enforcement by certain local governmental entities and campus police departments of state and federal laws governing immigration and to related duties of certain law enforcement and judicial entities in the criminal justice system.

POINT OF ORDER

Senator Menéndez raised a point of order regarding Senate Rule 11.13, which prohibits committees from meeting while the Senate is meeting.

POINT OF ORDER WITHDRAWN

Senator Menéndez withdrew the point of order.

(Senator Hancock in Chair)

(President in Chair)

(Senator Uresti in Chair)

(President in Chair)

The motion to suspend the regular order of business prevailed by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 4** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in the heading for added Section 101.0216, Civil Practice and Remedies Code (page 1, line 29), strike "COUNTY OR MUNICIPALITY" and substitute "STATE, COUNTY, OR MUNICIPALITY".

(2) In SECTION 1 of the bill, in added Section 101.0216(a), Civil Practice and Remedies Code (page 1, line 30), strike "A" and substitute "Except as provided by Subsection (d), a".

(3) In SECTION 1 of the bill, in added Section 101.0216(a), Civil Practice and Remedies Code (page 1, lines 30 and 36), strike "county" and substitute "state criminal justice agency, county".

(4) In SECTION 1 of the bill, in added Section 101.0216(a)(1), Civil Practice and Remedies Code (page 1, line 36), strike the underlined colon.

(5) In SECTION 1 of the bill, in added Section 101.0216(a)(1)(A), Civil Practice and Remedies Code (page 1, line 37), strike "(A)".

(6) In SECTION 1 of the bill, strike added Section 101.0216(a)(1)(B), Civil Practice and Remedies Code (page 1, lines 38-40).

(7) In SECTION 1 of the bill, strike added Section 101.0216(a)(2), Civil Practice and Remedies Code (page 1, lines 41-43), and substitute the following:

(2) the person was not a citizen of the United States at the time of release.

(8) In SECTION 1 of the bill, between added Sections 101.0216(a) and (b), Civil Practice and Remedies Code (page 1, between lines 43 and 44), insert the following:

(a-1) An immigration detainer request described by Subsection (a) is presumed to be valid, regardless of whether the detainer is written or verbal.

(9) In SECTION 1 of the bill, in added Section 101.0216(b), Civil Practice and Remedies Code (page 1, line 46), strike "county" and substitute "state criminal justice agency, county,".

(10) In SECTION 1 of the bill, in added Section 101.0216(c), Civil Practice and Remedies Code (page 1, line 47), strike "Governmental" and substitute "Sovereign immunity of the state and governmental".

(11) In SECTION 1 of the bill, immediately after added Section 101.0216(c), Civil Practice and Remedies Code (page 1, between lines 49 and 50), insert the following:

(d) A state criminal justice agency, county, or municipality is not liable under Subsection (a) for damages incurred after United States Immigration and Customs Enforcement subsequently detains the person described by that subsection.

(e) In this section, "state criminal justice agency" has the meaning assigned by Section 752.051, Government Code.

(12) In SECTION 2 of the bill, in added Article 2.252, Code of Criminal Procedure (page 2, between lines 15 and 16), insert the following:

(c) Notwithstanding Subsection (b), a law enforcement agency is not required to perform a duty imposed by Subsection (a) with respect to a person who has provided proof that the person is a citizen of the United States.

(13) In SECTION 4 of the bill, in added Section 22A.001(a)(2), Government Code (page 2, line 64), between "entity" and "or", insert ", state criminal justice agency,".

(14) In SECTION 5 of the bill, in the heading to added Subchapter C, Chapter 752, Government Code (page 3, line 2), between "ENTITIES" and "AND", insert ", STATE CRIMINAL JUSTICE AGENCIES,".

(15) In SECTION 5 of the bill, in added Section 752.051, Government Code (page 3, line 3), strike "chapter" and substitute "subchapter".

(16) In SECTION 5 of the bill, in added Subchapter C, Chapter 752, Government Code, between "entity" and "or campus police department", insert ", state criminal justice agency," each time "entity or campus police department" appears as follows:

(A) In Section 752.051(2) (page 3, line 7);

(B) In Section 752.051(5) (page 3, line 22);

(C) In Section 752.053(a) (page 3, line 63);

(D) In Section 752.053(b) (page 3, line 69 through page 4, line 1 and page 4, line 20);

(E) In Section 752.055(a) (page 4, line 37);

(F) In Section 752.055(b) (page 4, line 40);

(G) In Section 752.055(c) (page 4, lines 46-47);

(H) In Section 752.055(d) (page 4, lines 62-63);

(I) In Section 752.055(e) (page 5, line 9);

(J) In Section 752.056(b) (page 5, line 28);

(K) In Section 752.057(a) (page 5, line 49);

(L) In Section 752.057(b) (page 5, line 56);

(M) In Section 752.057(c) (page 5, line 61);

(N) In Section 752.057(d) (page 5, line 66); and

(O) In Section 752.057(e) (page 6, line 2).

(17) In SECTION 5 of the bill, immediately after added Section 752.051(7), Government Code (page 3, between lines 38 and 39), insert the following:

(8) "State criminal justice agency" means a state agency that is engaged in the administration of criminal justice under a statute or executive order and allocates a substantial part of its annual budget to the administration of criminal justice.

(18) In SECTION 5 of the bill, in the heading to added Section 752.052, Government Code (page 3, line 39), strike "CHAPTER" and substitute "SUBCHAPTER".

(19) In SECTION 5 of the bill, in added Section 752.052(a), Government Code (page 3, lines 39 and 41), strike "chapter" and substitute "subchapter" in each place it appears.

(20) In SECTION 5 of the bill, in added Section 752.052(b), Government Code (page 3, line 45), strike "chapter" and substitute "subchapter".

(21) In SECTION 5 of the bill, in added Section 752.052(c), Government Code (page 3, line 59), strike "chapter" and substitute "subchapter".

(22) In SECTION 5 of the bill, immediately after added Section 752.052(c), Government Code (page 3, between lines 61 and 62), insert the following:

(d) This subchapter does not apply to a commissioned peace officer employed or contracted by a religious organization during the officer's employment with the organization or while the officer is performing the contract.

(23) In SECTION 5 of the bill, in the heading to added Section 752.053, Government Code (page 3, line 62), strike "POLICY" and substitute "POLICIES AND ACTIONS".

(24) In SECTION 5 of the bill, in added Subchapter C, Chapter 752, Government Code, between "entity" and "or department", insert ", agency," each time "entity or department" appears as follows:

(A) In Section 752.053(a) (page 3, line 65);

(B) In Section 752.053(b) (page 4, line 6);

(C) In Section 752.054 (page 4, line 30);

(D) In Section 752.055(c) (page 4, lines 49, 54, and 58);

(E) In Section 752.055(d) (page 4, lines 64 and 69 and page 5, line 2);

(F) In Section 752.055(e) (page 5, line 12);

(G) In Section 752.056(a) (page 5, line 25);

- (H) In Section 752.056(b) (page 5, line 31);
- (I) In Section 752.057(a) (page 5, line 50);
- (J) In Section 752.057(b) (page 5, line 59); and
- (K) In Section 752.057(d) (page 5, lines 67-68).

(25) In SECTION 5 of the bill, in added Section 752.053(a)(1), Government Code (page 3, line 66), strike "or".

(26) In SECTION 5 of the bill, in added Section 752.053(a)(2), Government Code (page 3, line 68), strike the underlined period and substitute "; or".

(27) In SECTION 5 of the bill, between added Sections 752.053(a) and (b), Government Code (page 3, between lines 68 and 69), insert the following:

(3) for an entity that is a law enforcement agency, for an agency, or for a department, by consistent actions intentionally violate Article 2.252, Code of Criminal Procedure.

(28) In SECTION 5 of the bill, in added Section 752.054, Government Code (page 4, line 28), between the underlined comma and "a", insert "a state criminal justice agency.".

(29) In SECTION 5 of the bill, in added Section 752.055(d)(1), Government Code (page 4, line 66), between "entity's" and "or", insert ", agency's,".

(30) In SECTION 5 of the bill, in added Section 752.056(a), Government Code (page 5, line 24), between the underlined comma and "or", insert "a state criminal justice agency.".

(31) In SECTION 5 of the bill, in added Section 752.056(d), Government Code (page 5, line 39), between "entities" and "and", insert ", state criminal justice agencies.".

(32) In SECTION 5 of the bill, in added Section 752.056(e), Government Code (page 5, line 42), between "entity" and "and", insert ", state criminal justice agency.".

(33) In SECTION 5 of the bill, in added Section 752.057(a), Government Code (page 5, line 54), between "entity's" and "or", insert ", agency's,".

The amendment to **CSSB 4** was read and was adopted by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 4** (senate committee printing) in SECTION 1 of the bill, in added Section 101.0216(a), Civil Practice and Remedies Code, as follows:

- (1) In Subdivision (1)(B) (page 1, line 40), strike "and".
- (2) In Subdivision (2) (page 1, line 43), strike the underlined period and substitute "; and".
- (3) Immediately after Subdivision (2) (page 1, between lines 43 and 44), insert the following:

(3) the attorney general has petitioned the chief justice of the supreme court to convene the special three-judge district court under Section 752.055 to hear an action brought under that section against the county or municipality.

The amendment to **CSSB 4** was read and was adopted by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, between added Sections 752.055 and 752.056, Government Code (page 5, between lines 21 and 22), by inserting the following:

Sec. 752.0555. CIVIL PENALTY. (a) A local entity, state criminal justice agency, or campus police department that violates Section 752.053 is subject to a civil penalty in an amount:

(1) not less than \$1,000 and not more than \$1,500 for the first violation; and

(2) not less than \$25,000 and not more than \$25,500 for each subsequent

violation.

(b) Each day of a continuing violation of Section 752.053 constitutes a separate violation for the civil penalty under this section.

(c) The three-judge district court that hears an action brought under Section 752.055 against the local entity, state criminal justice agency, or campus police department shall determine the amount of the civil penalty under this section.

(d) A civil penalty collected under this section shall be deposited to the credit of the compensation to victims of crime fund established under Subchapter B, Chapter 56, Code of Criminal Procedure.

(e) Governmental immunity of a county and municipality to suit is waived and abolished to the extent of liability created by this section.

The amendment to **CSSB 4** was read and was adopted by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, between added Sections 752.055 and 752.056, Government Code (page 5, between lines 21 and 22), by inserting the following:

Sec. 752.0556. CRIMINAL OFFENSE. (a) An elected official of a municipality, county, or special district or authority, or an individual who is appointed by the governing body of a municipality, county, or special district or authority, who intentionally or knowingly violates Section 752.053 commits an offense.

(b) An offense under this section is a Class A misdemeanor.

The amendment to **CSSB 4** was read and was adopted by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 4** (senate committee printing) as follows:

(1) In SECTION 4 of the bill, in amended Section 22A.001(a), Government Code (page 2, lines 64-65), strike "or campus police department of an institution of higher education".

(2) In SECTION 5 of the bill, in the heading for Subchapter C, Chapter 752, Government Code (page 3, line 2), strike "AND CAMPUS POLICE DEPARTMENTS".

(3) In SECTION 5 of the bill, in added Section 752.051, Government Code (page 3, lines 4-5 and lines 16-20), strike Subdivisions (1) and (4) and renumber the remaining subdivisions appropriately.

(4) In SECTION 5 of the bill, in added Subchapter C, Chapter 752, Government Code, strike "or campus police department" each time it appears as follows:

(A) In Section 752.051(2) (page 3, line 7);

(B) In Section 752.051(5) (page 3, line 22);

(C) In Section 752.053(a) (page 3, line 63);

(D) In Section 752.053(b) (page 3, line 69 to page 4, line 1 and page 4, line 20);

(E) In Section 752.055(a) (page 4, line 37);

(F) In Section 752.055(b) (page 4, line 40);

(G) In Section 752.055(c) (page 4, lines 46-47);

(H) In Section 752.055(d) (page 4, line 63);

(I) In Section 752.055(e) (page 5, line 9);

(J) In Section 752.056(b) (page 5, line 28);

(K) In Section 752.057(a) (page 5, line 49);

- (L) In Section 752.057(b) (page 5, line 56);
 - (M) In Section 752.057(c) (page 5, line 61);
 - (N) In Section 752.057(d) (page 5, line 66); and
 - (O) In Section 752.057(e) (page 6, line 2).
- (5) In SECTION 5 of the bill, in added Subchapter C, Chapter 752, Government Code, strike "or department" each time it appears as follows:
- (A) In Section 752.053(a) (page 3, line 65);
 - (B) In Section 752.053(b) (page 4, line 6);
 - (C) In Section 752.054 (page 4, line 30);
 - (D) In Section 752.055(c) (page 4, lines 49, 54, and 58);
 - (E) In Section 752.055(d) (page 4, lines 64 and 69 and page 5, line 2);
 - (F) In Section 752.055(e) (page 5, line 12);
 - (G) In Section 752.056(a) (page 5, line 25);
 - (H) In Section 752.056(b) (page 5, line 31);
 - (I) In Section 752.057(a) (page 5, line 50);
 - (J) In Section 752.057(b) (page 5, line 59); and
 - (K) In Section 752.057(d) (page 5, lines 67-68).
- (6) In SECTION 5 of the bill, in added Section 752.054, Government Code (page 4, lines 28-29), strike ", a campus police department,".
- (7) In SECTION 5 of the bill, in added Section 752.055(d)(1), Government Code (page 4, line 66), strike "or department's".
- (8) In SECTION 5 of the bill, in added Section 752.056(a), Government Code (page 5, line 24), strike "or a campus police department".
- (9) In SECTION 5 of the bill, in added Section 752.056(d), Government Code (page 5, lines 39-40), strike "and campus police departments".
- (10) In SECTION 5 of the bill, in added Section 752.056(e), Government Code (page 5, line 42), strike "and campus police department".
- (11) In SECTION 5 of the bill, in added Section 752.057(a), Government Code (page 5, line 54), strike "or department's".

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 5 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 4** (senate committee printing) as follows:

- (1) In SECTION 4 of the bill, in added Section 22A.001(a)(2), Government Code (page 2, lines 64-65), strike "campus police department of an institution of higher education" and substitute "state agency as those terms are defined by Section 752.051".

(2) In SECTION 5 of the bill, in the heading to added Subchapter C, Chapter 752, Government Code (page 3, line 1), strike "IMMIGRATION".

(3) In SECTION 5 of the bill, in the heading to added Subchapter C, Chapter 752, Government Code (page 3, line 2), strike "CAMPUS POLICE DEPARTMENTS" and substitute "STATE AGENCIES".

(4) In SECTION 5 of the bill, strike added Sections 752.051(1), (2), (3), (4), and (5), Government Code (page 3, lines 4-27), and renumber the remaining subdivisions of Section 752.051 accordingly.

(5) In SECTION 5 of the bill, add the following appropriately numbered subdivision to added Section 752.051, Government Code (page 3, between lines 38 and 39):

() "State agency" means a board, commission, department, or other agency of this state, including an institution of higher education as defined by Section 61.003, Education Code.

(6) In SECTION 5 of the bill, in the heading to added Section 752.053, Government Code (page 3, line 62), strike "IMMIGRATION" and substitute "LAW".

(7) In SECTION 5 of the bill, in added Section 752.053, Government Code (page 3, line 63), strike "(a)".

(8) In SECTION 5 of the bill, strike added Section 752.053(b), Government Code (page 3, line 69 through page 4, line 27).

(9) In SECTION 5 of the bill, in added Subchapter C, Chapter 752, Government Code, strike "campus police department" and substitute "state agency" each time "campus police department" appears as follows:

- (A) In Section 752.053(a) (page 3, line 63);
- (B) In Section 752.054 (page 4, line 29);
- (C) In Section 752.055(a) (page 4, line 37);
- (D) In Section 752.055(b) (page 4, line 40);
- (E) In Section 752.055(c) (page 4, lines 46-47);
- (F) In Section 752.055(d) (page 4, line 63);
- (G) In Section 752.055(e) (page 5, line 9);
- (H) In Section 752.056(a) (page 5, line 24);
- (I) In Section 752.056(b) (page 5, line 28);
- (J) In Section 752.056(e) (page 5, line 42);
- (K) In Section 752.057(a) (page 5, line 49);
- (L) In Section 752.057(b) (page 5, line 56);
- (M) In Section 752.057(c) (page 5, line 61);
- (N) In Section 752.057(d) (page 5, line 66); and
- (O) In Section 752.057(e) (page 6, line 2).

(10) In SECTION 5 of the bill, in added Subchapter C, Chapter 752, Government Code, strike "or department" and substitute "or agency" each time "or department" appears as follows:

- (A) In Section 752.053(a) (page 3, line 65);
- (B) In Section 752.054 (page 4, line 30);
- (C) In Section 752.055(c) (page 4, lines 49, 54, and 58);
- (D) In Section 752.055(d) (page 4, lines 64 and 69 and page 5, line 2);
- (E) In Section 752.055(e) (page 5, line 12);

- (F) In Section 752.056(a) (page 5, line 25);
- (G) In Section 752.056(b) (page 5, line 31);
- (H) In Section 752.057(a) (page 5, line 50);
- (I) In Section 752.057(b) (page 5, line 59); and
- (J) In Section 752.057(d) (page 5, lines 67-68).

(11) In SECTION 5 of the bill, in added Section 752.053(a), Government Code (page 3, lines 66 and 68), strike "immigration laws" and substitute "a federal or state law" in each place "immigration laws" appears.

(12) In SECTION 5 of the bill, in added Section 752.054, Government Code (page 4, line 32), strike "immigration" and substitute "federal and state".

(13) In SECTION 5 of the bill, in added Section 752.055(d), Government Code (page 4, line 65), strike the underlined colon.

(14) In SECTION 5 of the bill, in added Section 752.055(d), Government Code (page 4, line 66), strike "(1)".

(15) In SECTION 5 of the bill, in added Section 752.055(d)(1), Government Code (page 4, line 66), strike "department's" and substitute "agency's".

(16) In SECTION 5 of the bill, in added Section 752.055(d), Government Code (page 4, line 67), strike the underlined semicolon and substitute an underlined period.

(17) In SECTION 5 of the bill, strike added Sections 752.055(d)(2) and (3), Government Code (page 4, line 68 through page 5, line 3).

(18) In SECTION 5 of the bill, in added Section 752.056(d), Government Code (page 5, lines 39-40), strike "campus police departments" and substitute "state agencies".

(19) In SECTION 5 of the bill, in added Section 752.057(a), Government Code (page 5, line 54), strike "department's" and substitute "agency's".

(20) In SECTION 7 of the bill, in the transition language (page 6, line 18), strike "immigration" and substitute "federal and state".

(21) In SECTION 7 of the bill, in the transition language (page 6, line 22), strike "immigration" and substitute "law".

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 6 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSSB 4** (senate committee printing) in SECTION 1 of the bill, in added Section 101.0216(a), Civil Practice and Remedies Code, as follows:

(1) Strike "liable for damages" (page 1, line 33), and substitute "liable, up to the limits prescribed by Section 101.023, for property damage, personal injury, and death".

(2) Strike "10 years" and substitute "two years" (page 1, line 34).

(3) In Subdivision (1)(A) (page 1, line 37), strike "and".

(4) Immediately after Subdivision (1)(B) (page 1, between lines 40 and 41), insert the following:

(C) was found to have intentionally violated Section 752.053, Government Code, in a final judicial determination in an action brought under Section 752.055, Government Code; and

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 7 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSSB 4** (senate committee printing) in SECTION 2 of the bill, in added Article 2.251(a), Code of Criminal Procedure (page 1, line 53), between "vehicle" and "or conduct", by inserting ", detain a person,".

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 8 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSSB 4** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Article 2.251(a)(1), Code of Criminal Procedure (page 1, line 57), and after "officer" insert "has taken and passed the CBP Border Patrol entrance examination and"

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 9 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSSB 4** (senate committee printing) in SECTION 2 of the bill, in added Article 2.251, Code of Criminal Procedure (page 2, between lines 6 and 7), by inserting the following:

(c) A peace officer may not arrest a person solely because the person is an alien not lawfully present in the United States.

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 10 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Garcia offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSSB 4** (senate committee printing) in SECTION 2 of the bill, in added Article 2.252, Code of Criminal Procedure, as follows:

- (1) In Subsection (a) (page 2, line 8), strike "(a)".
- (2) Strike Subsection (b) (page 2, lines 13 through 15).

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 11 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 12

Amend **CSSB 4** (senate committee printing) in SECTION 2 of the bill, in added Article 2.252, Code of Criminal Procedure (page 2, between lines 15 and 16), by inserting:

(c) A law enforcement agency is not required to continue holding a person in custody for purposes of this article if the immigration detainer request has expired.

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 12 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 13

Amend **CSSB 4** (senate committee printing) as follows:

(1) In the recital to SECTION 2 of the bill (page 1, line 51), strike "2.251 and 2.252" and substitute "2.251, 2.252, and 2.253".

(2) In SECTION 2 of the bill, immediately after added Article 2.252, Code of Criminal Procedure (page 2, between lines 15 and 16), insert the following:

Art. 2.253. IMMIGRATION INQUIRIES IN PERSON'S PRIMARY LANGUAGE. A peace officer who inquires into a person's immigration status must do so in the person's primary language.

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 13 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 14

Amend **CSSB 4** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Article 2.252(b), Code of Criminal Procedure (page 2, lines 14-15), strike "regardless of whether" and substitute "if".

(2) In SECTION 2 of the bill, in added Article 2.252(b), Code of Criminal Procedure (page 2, line 15), strike "or verbal".

(3) In SECTION 5 of the bill, in added Section 752.051(2), Government Code (page 3, lines 8-9), strike "verbal and" and substitute "only".

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 14 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 15

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill by striking added Section 752.051(5), Government Code (page 3, lines 21-27), and substituting the following:

(5) "Lawful detention" means the detention of an individual by a local entity or campus police department for the investigation of a criminal offense. The term excludes a detention if the sole reason for the detention is:

(A) that the individual is:

(i) a victim of or witness to a criminal offense; or

(ii) reporting a criminal offense;

(B) a motor vehicle stop, as that term is defined by Article 2.132, Code of Criminal Procedure; or

(C) to enforce a violation of:

(i) Chapter 552, Transportation Code, if committed by a pedestrian;

or

(ii) an ordinance adopted in accordance with Section 552.009,

Transportation Code.

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 15 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 16

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, in added Section 752.051(5)(B), Government Code (page 3, line 27), between "offense" and the underlined period, by inserting "or child abuse or neglect".

The amendment to **CSSB 4** was read.

Senator Uresti withdrew Floor Amendment No. 16.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 17

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, in added Section 752.052, Government Code, as follows:

(1) In Subsection (b) (page 3, line 45), strike "Subject to Subsection (c), this" and substitute "This".

(2) Strike Subsection (c) (page 3, lines 58-61).

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 17 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Garcia offered the following amendment to the bill:

Floor Amendment No. 18

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, in added Section 752.053(a)(1), Government Code (page 3, line 64), by striking "adopt, enforce, or endorse" and substituting "adopt or enforce".

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 18 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Garcia offered the following amendment to the bill:

Floor Amendment No. 19

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, immediately after added Section 752.052(c) (page 3, between lines 61 and 62), Government Code, by inserting the following:

(d) This subchapter does not apply to a health care facility that is designated as a federally qualified health center as defined by 42 U.S.C. Section 1396d(1)(2)(B).

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 19 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 20

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, immediately after added Section 752.052(c), Government Code (page 3, between lines 61 and 62), by inserting the following:

(d) This subchapter does not apply to a local entity that is:

(1) a county:

(A) that has entered into a settlement agreement before September 1, 2017, to resolve a suit brought against the county; and

(B) for which the agreement entered into requires the county or other body that is part of the county to adopt a policy that prohibits the county or other body that is part of the county from enforcing immigration laws; or

(2) a municipality located in a county described by Subdivision (1).

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 20 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Garcia, on behalf of Senator Rodríguez, offered the following amendment to the bill:

Floor Amendment No. 21

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, immediately after added Section 752.052(c), Government Code (page 3, between lines 61 and 62), by inserting the following:

(d) This subchapter does not apply to the public health department of a local entity.

The amendment to **CSSB 4** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 21.

Senator Garcia, on behalf of Senator Rodríguez, offered the following amendment to the bill:

Floor Amendment No. 22

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, immediately after added Section 752.052(c), Government Code (page 3, between lines 61 and 62), by inserting the following:

(d) This subchapter does not apply to a local mental health authority as defined by Section 531.002, Health and Safety Code.

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 22 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 23

Amend **CSSB 4** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Article 2.251(a)(1), Code of Criminal Procedure (page 1, line 58), strike "or" and substitute "and".

(2) In SECTION 5 of the bill, in added Section 752.053(b)(3), Government Code, between "assistance" and the semicolon (page 4, line 24), insert "as provided by Article 2.251, Code of Criminal Procedure".

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 23 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Garcia, on behalf of Senator Rodríguez, offered the following amendment to the bill:

Floor Amendment No. 24

Amend **CSSB 4** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Article 2.251(a)(1), Code of Criminal Procedure (page 1, line 58), strike "or providing assistance to".

(2) In SECTION 5 of the bill, in added Section 752.053(b)(3), Government Code, between "assistance" and the semicolon (page 4, line 24), insert "as provided by Article 2.251, Code of Criminal Procedure".

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 24 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 25

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, in added Section 752.054., Government Code (page 4, line 31), between "color, " and "language", by inserting "religion,"

The amendment to **CSSB 4** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 25.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 26

Amend **CSSB 4** (senate committee printing) as follows:

- (1) In SECTION 5 of the bill, in added Section 752.054, Government Code (page 4, line 31), strike "or" and substitute "or violate 42 US Code Chapter 21" after "national origin"

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 26 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 27

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill as follows:

- (1) In the heading for added Section 752.054, Government Code (page 4, line 28), strike the underlined period and substitute "; CIVIL LIABILITY. (a)".

(2) Between added Sections 752.054 and 752.055, Government Code (page 4, between lines 33 and 34), insert the following:

(b) A local entity, a state criminal justice agency, a campus police department, or a person employed by or otherwise under the direction or control of the entity, agency, or department is liable for damages incurred as a result of a violation of Subsection (a).

(c) Subsection (b) does not create liability for damages that a person who violates Subsection (a) sustains as a result of the person's violation.

(d) Sovereign and governmental immunity to suit and from liability is waived and abolished to the extent of liability created by Subsection (b).

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 27 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Garcia offered the following amendment to the bill:

Floor Amendment No. 28

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, by striking added Section 752.055(a), Government Code (page 4, lines 34-39), and substituting the following:

(a) Any person residing in the jurisdiction of a local entity or any student enrolled in a course at a campus may file a complaint with the attorney general. The complaint must include evidence to support an allegation that the local entity in which the person resides or the campus police department at the campus at which the student is enrolled in a course is violating Section 752.053.

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 28 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 29

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, in added Section 752.055, Government Code, as follows:

(1) In the heading (page 4, line 34), between the underlined semicolon and "EQUITABLE", insert "OFFENSE FOR FRIVOLOUS COMPLAINT;".

(2) In Subsection (a) (page 4, line 35), between "file" and "a", insert "by sworn and signed affidavit".

(3) Between Subsections (a) and (b) (page 4, between lines 39 and 40), insert the following:

(a-1) A person commits an offense if the person files a complaint under Subsection (a) that is frivolous or for the sole purpose of harassing the local entity or campus police department named in the complaint or that the person knows is false. An offense under this subsection is a state jail felony.

The amendment to **CSSB 4** was read.

(Senator Taylor of Collin in Chair)

On motion of Senator Perry, Floor Amendment No. 29 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 30

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, in added Section 752.056, Government Code (page 5, between lines 36 and 37), by inserting a new Subsection (c-1) to read as follows:

(c-1) State grant funds for the provision of mental health care services, including preventive care and treatment, may not be denied under this section.

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 30 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 31

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, in added Section 752.056, Government Code (page 5, between lines 36 and 37), by inserting a new Subsection (c-1) to read as follows:

(c-1) State grant funds distributed by the Texas Military Preparedness Commission may not be denied under this section.

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 31 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 32

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, in added Section 752.056, Government Code (page 5, between lines 36 and 37), by inserting a new Subsection (c-1) to read as follows:

(c-1) State grant funds for a veterans treatment court program established under Chapter 124 may not be denied under this section.

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The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 32 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 33

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, in added Section 752.056, Government Code (page 5, between lines 36 and 37), by inserting a new Subsection (c-1) to read as follows:

(c-1) State grant funds distributed by the Texas Veterans Commission may not be denied under this section.

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 33 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator West offered the following amendment to the bill:

Floor Amendment No. 34

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, in added Section 752.056(c), Government Code (page 5, line 35), between "purposes" and "may", by inserting ", safety equipment for a first responder, as that term is defined by Section 421.095, or a body worn camera as defined by Section 1701.651, Occupations Code,".

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 34 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 35

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, in added Section 752.056, Government Code (page 5, between lines 36 and 37), by inserting a new Subsection (c-1) to read as follows:

(c-1) State grant funds may not be denied under this section if the funds are:

(1) distributed by the Texas Education Agency; or

(2) for the provision of:

(A) mental health care services;

(B) health services for women and children, including immunizations

for children;

(C) services to persons with disabilities, including a physical, intellectual, or developmental disability; or

(D) services to victims of domestic violence or sexual assault.

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 35 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Garcia, on behalf of Senator Rodríguez, offered the following amendment to the bill:

Floor Amendment No. 36

Amend **CSSB 4** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Article 2.13, Code of Criminal Procedure, is amended by adding Subsections (d) and (e) to read as follows:

(d) Subject to Subsection (e), in the course of investigating an alleged criminal offense, a peace officer may inquire as to the nationality or immigration status of a victim of or witness to the offense only if the officer determines that the inquiry is necessary to:

(1) investigate the offense; or

(2) provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement.

(e) Subsection (d) does not prevent a peace officer from:

(1) conducting a separate investigation of any other alleged criminal offense; or

(2) inquiring as to the nationality or immigration status of a victim of or witness to a criminal offense if the officer has probable cause to believe that the victim or witness has engaged in specific conduct constituting a separate criminal offense.

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 36 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 37

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, in added Subchapter C, Chapter 752, Government Code (page 6, between lines 6 and 7), by inserting the following appropriately numbered section:

Sec. 752. __. POLICY ON INQUIRIES REGARDING IMMIGRATION STATUS OF VICTIMS AND WITNESSES. Each law enforcement agency that is subject to the requirements of this subchapter shall adopt a written policy that:

(1) prohibits a person employed by or otherwise under the direction or control of the agency from inquiring into the immigration status of a detained person if the detention occurred solely because the person:

(A) is a victim of or witness to a criminal offense; or

(B) is reporting a criminal offense; and

(2) requires persons employed by the agency to receive training on the policy and the prohibition described by Subdivision (1).

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 37 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 38

Amend **CSSB 4** (senate committee printing) in SECTION 5 of the bill, in added Subchapter C, Chapter 752, Government Code (page 6, between lines 6 and 7), by inserting the following appropriately numbered section:

Sec. 752. COMMUNITY OUTREACH POLICY. (a) Each law enforcement agency that is subject to the requirements of this subchapter may adopt a written policy requiring the agency to perform community outreach activities to educate the public that a person employed by or otherwise under the direction or control of the agency may not inquire into the immigration status of a detained person if the detention occurred solely because the person:

- (1) is a victim of or witness to a criminal offense; or
- (2) is reporting a criminal offense.

(b) A policy adopted under this section must include outreach to victims of:

(1) family violence, as that term is defined by Section 71.004, Family Code, including those receiving services at family violence centers under Chapter 51, Human Resources Code; and

(2) sexual assault, including those receiving services under a sexual assault program, as those terms are defined by Section 420.003.

(President in Chair)

The amendment to **CSSB 4** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 38.

Senator Garcia offered the following amendment to the bill:

Floor Amendment No. 39

Amend **CSSB 4** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 101.0216(a), Civil Practice and Remedies Code (page 1, line 30), strike "A" and substitute "Except as provided by Subsection (a-1), a".

(2) In SECTION 1 of the bill, between added Sections 101.0216(a) and (b), Civil Practice and Remedies Code (page 1, between lines 43 and 44), insert the following:

(a-1) Notwithstanding Subsection (a), a county or municipality is not liable under Subsection (a) if:

(1) the person released by the county or municipality had been previously convicted only of one or more misdemeanors; and

(2) at the time the person was released, there was no outstanding warrant issued by the federal government for the person's arrest.

(3) In SECTION 2 of the bill, in added Article 2.252, Code of Criminal Procedure (page 2, between lines 15 and 16), insert the following:

(c) Subsection (a) does not apply to an immigration detainer request or other instrument provided by the federal government for which the person who is the subject of the instrument is accused only of one or more misdemeanors and is not named in an outstanding warrant issued by the federal government for the person's arrest.

(4) In SECTION 5 of the bill, in added Section 752.053(a), Government Code (page 3, line 63), strike "A" and substitute "Except as provided by Subsection (c), a".

(5) In SECTION 5 of the bill, immediately after added Section 752.053(b), Government Code (page 4, between lines 27 and 28), insert the following:

(c) A local entity or campus police department may adopt, enforce, or endorse a policy that prohibits or discourages, or by consistent actions may prohibit or discourage, compliance with immigration detainer requests for which the person who is the subject of the request is accused only of one or more misdemeanors and is not named in an outstanding warrant issued by the federal government for the person's arrest.

The amendment to **CSSB 4** was read.

On motion of Senator Perry, Floor Amendment No. 39 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Question: Shall **CSSB 4** as amended be passed to engrossment?

REMARKS ORDERED PRINTED

Senator Menéndez moved that the remarks regarding **CSSB 4** be ordered reduced to writing and printed in the *Senate Journal*.

Senator Menéndez withdrew the motion.

Question: Shall **CSSB 4** as amended be passed to engrossment?

CSSB 4 as amended was passed to engrossment by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Garcia, Hinojosa, Lucio, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Watson.

Senator Birdwell moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

Question: Shall the nominees be confirmed?

REMARKS ORDERED PRINTED

On motion of Senator West and by unanimous consent, the remarks by Senators Miles and West regarding confirmation of The University of Texas System Board of Regents nominees were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Miles: I rise to speak against the nominations. Thank you, Mr. President and Members. I've had the pleasure of speaking with each of the nominees, and I've told each one of them that this is nothing personal. I also had the pleasure of speaking to the Chairman about these nominees. In generality, they are qualified picks to serve on The University of Texas Board of Regents. However, we do not live in a world of generalities. We live in a world where systematic racism is part of the U.S. and Texas history. Two weeks ago, I listened intensely to the nominees, and the nominees mentioned their intent to work for all Texans. I believe that individuals were speaking the truth to heart at that time. But despite their best intentions, those who have lived on the other side of the systematic racism understand it best. I raise concern for more African Americans on this board because we know that diversity will not only help the UT System continue to lead the way, but not only, and to follow others. African American regents will add value and discuss the top 10 percent rule, the recruitment of African American professors, and the impact the university will have on Black students. African American recruitment goes beyond just football and basketball team. We need the seat at the table in the classrooms and the faculty, in the lounge, and in the administration office. For the past 136 years, out of more than 240 regents, only three African Americans have served on the UT Board: Reverend Dr. Zan Wesley Holmes Jr., appointed by Governor Ann Richards; my neighbor, Dr. Judith Craven, appointed by Governor Perry; and Printice Gary, appointed by Governor Rick Perry. Mr. Gary was the last to serve on this term, and his term ended in 2013. It's been four years since the last African American served on the UT Board. According to UT's facts, undergrad enrollment at UT System comprised of 6.8 percent African American students. Texas' overall African American population is 12 percent. As you can see, these statistics show the lack of diversity from the top to the bottom in The University of Texas System. This is this incredible, diverse Texas we have and should use it to our advantage. As many say, it's our greatest strength, so why aren't we using it and

shying away from it at The University of Texas System? Let our diversity be our advantage. And I encourage the Governor and my colleagues to see the different side of this consideration and nominees to the boards and commissions for this state. As I said in my opening, I have nothing personal against the nominees. But I will abstain from the basis, on this vote, in the need of more diversity on The University of Texas Board of Regents to reflect Texas' diverse population and to assure we're doing everything to prepare our students and workforce for the future. Thank you, Mr. President, and thank you, my Members.

Senator West: Thank you, Mr. President and Members. Members, I've had the opportunity and the humble experience to serve in this body. This is my 24th year. I came in with Senator Jane Nelson. And so, we're the last two of that particular class that came in in 1992, '93. You know, I remember when some of the freshmen here, I said make certain that you sit in that chair and just kind of think about the history that you're a part of, when we sit in this particular Chamber and we engage in debate and then we make decisions, how important it is and what legacy we have to those that have come before us. When you sit in the offices that you currently have, think about the persons that occupied those offices before you. As I think about the UT Board of Regents, I think about the number one university system in the State of Texas, with an \$18 billion budget, that has several component institutions. And when we go different places across this globe, all of us like to say that we're from Texas. And whether we graduated from UT or not, some of us, we throw up that Hook 'em Horns. And I think about the history of that institution, and I think about the lack of inclusion of African Americans, my friends. Over four million African Americans in this State of Texas, not one is serving on the UT Board of Regents. Let me, let me make sure I set the stage, though. I support Governor Abbott, most of his initiatives I support. He's a good man. The nominees that came before us are good persons. I made certain, as with Senator Miles, that I contacted and talked with each one of them and said it's nothing personal. You think about Kevin Eltife, and all of us who served with Kevin Eltife. I mean, Kevin and I have been friends before he became a State Senator. Senator Nelson, when he was on the Higher Education Coordinating Board, he was very instrumental in helping us to put together a proposal in order to bring about the University of North Texas at Dallas. A friend, he's a friend. I have an obligation to African Americans and other Texans as I stand here tonight. I don't want to stand here and say the Governor's this and the Governor's that because I don't believe that. I believe that some of the initiatives that he has undertaken, pre-K, I agree with that and some other initiatives I look forward to working with him on. But I think this is a missed opportunity to make certain that the Board of Regents is reflective of the diversity in the State of Texas. You may ask yourself, why is it important? That Board of Regents, board of directors, sets the policies for the UT System. And you need to make certain that you have diversity not only in terms of geographic diversity, not in terms of just ethnic diversity, you need to have diversity, gender diversity, on that board, representing the great State of Texas, in order to get the best input in their deliberative process, Senator Birdwell. I mean, to get the input that we get here, and we don't always agree, but you get the input into the deliberative process that's finally utilized in order to make the decisions. African Americans are left out of that. The only thing that we can do right now, as an African American, is stand in the room, ask

to speak when appropriate, but we can't be involved in the deliberation process. Think about that. We can't be involved in the deliberation process, Senator Nichols. And I'm hoping that we don't miss another opportunity, especially as we talk about higher education, as we, especially as we, as we talk about our higher education initiatives, the 60-30, to make certain that we have that input from all sectors of our community. I say to you, Members, I, hopefully, you will encourage that all of our boards, regardless whether it's UT or otherwise, that we have that diversity, because we will get the best decisions coming out of those type of deliberations with those individuals on the board. Mr. President, I have never, ever voted against a nominee. I think it's unwritten rule in this body where we extend Senatorial courtesy to one another. I don't intend to vote against worthwhile nominees tonight, but I can't vote for them either. And towards that particular end, this is a precedent for me because I wanted to make certain I went to each one of my colleagues and explained to them my vote tonight. I wanted to talk to each and every one of the nominees and explain my vote, and also the Governor, had to explain my vote. I have to stand up. Senator Miles must stand up. Because African Americans are not represented in this, in this deal at all. And if we don't stand up tonight for what we believe is right for the great State of Texas and African American community, who will? Members, with that in mind, great nominees, Mr. Weaver, Ms. Longoria, great nominees. But I'm compelled, we have African Americans throughout the state, to make certain I cast a vote present but not voting on these nominees. And, hopefully, the great State of Texas will understand it. I know those in my community truly understand it and appreciate it. Thank you.

Question: Shall the nominees be confirmed?

Senator Birdwell again moved confirmation of the nominees reported yesterday by the Committee on Nominations.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 29, Nays 0, Present-not voting 2.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, Whitmire, Zaffirini.

Present-not voting: Miles, West.

Members, Board of Regents, The University of Texas System: Kevin Paul Eltife, Smith County; Janiece M. Longoria, Harris County; James Conrad Weaver, Bexar County.

CO-AUTHOR OF SENATE BILL 3

On motion of Senator Taylor of Galveston, Senator Taylor of Collin will be shown as Co-author of **SB 3**.

CO-AUTHORS OF SENATE BILL 4

On motion of Senator Perry, Senators Nelson and Taylor of Collin will be shown as Co-authors of **SB 4**.

CO-AUTHOR OF SENATE BILL 7

On motion of Senator Bettencourt, Senator Hinojosa will be shown as Co-author of **SB 7**.

CO-AUTHOR OF SENATE BILL 11

On motion of Senator Schwertner, Senator Huffman will be shown as Co-author of **SB 11**.

CO-AUTHOR OF SENATE BILL 13

On motion of Senator Huffman, Senator Nelson will be shown as Co-author of **SB 13**.

CO-AUTHORS OF SENATE BILL 14

On motion of Senator Taylor of Collin, Senators Garcia, Hinojosa, Uresti, and Zaffirini will be shown as Co-authors of **SB 14**.

CO-AUTHORS OF SENATE BILL 16

On motion of Senator Nichols, Senators Burton, Estes, Hancock, and Hughes will be shown as Co-authors of **SB 16**.

CO-AUTHORS OF SENATE BILL 20

On motion of Senator Taylor of Galveston, Senators Campbell and Perry will be shown as Co-authors of **SB 20**.

CO-AUTHOR OF SENATE BILL 21

On motion of Senator Birdwell, Senator Nichols will be shown as Co-author of **SB 21**.

CO-AUTHOR OF SENATE BILL 25

On motion of Senator Creighton, Senator Buckingham will be shown as Co-author of **SB 25**.

CO-AUTHOR OF SENATE BILL 231

On motion of Senator Menéndez, Senator Watson will be shown as Co-author of **SB 231**.

CO-AUTHOR OF SENATE BILL 271

On motion of Senator Burton, Senator Menéndez will be shown as Co-author of **SB 271**.

CO-AUTHOR OF SENATE BILL 275

On motion of Senator Watson, Senator Miles will be shown as Co-author of **SB 275**.

CO-AUTHOR OF SENATE BILL 465

On motion of Senator Lucio, Senator Buckingham will be shown as Co-author of **SB 465**.

CO-AUTHORS OF SENATE BILL 500

On motion of Senator Taylor of Collin, Senators Bettencourt, Taylor of Galveston, and Zaffirini will be shown as Co-authors of **SB 500**.

CO-AUTHORS OF SENATE BILL 501

On motion of Senator Taylor of Collin, Senators Bettencourt, Taylor of Galveston, and Zaffirini will be shown as Co-authors of **SB 501**.

CO-AUTHORS OF SENATE BILL 502

On motion of Senator Taylor of Collin, Senators Bettencourt, Taylor of Galveston, and Zaffirini will be shown as Co-authors of **SB 502**.

CO-AUTHORS OF SENATE BILL 503

On motion of Senator Taylor of Collin, Senators Bettencourt, Taylor of Galveston, and Zaffirini will be shown as Co-authors of **SB 503**.

CO-AUTHORS OF SENATE BILL 504

On motion of Senator Taylor of Collin, Senators Bettencourt and Zaffirini will be shown as Co-authors of **SB 504**.

CO-AUTHORS OF SENATE BILL 505

On motion of Senator Taylor of Collin, Senators Bettencourt, Taylor of Galveston, and Zaffirini will be shown as Co-authors of **SB 505**.

CO-AUTHOR OF SENATE BILL 613

On motion of Senator Whitmire, Senator Perry will be shown as Co-author of **SB 613**.

CO-AUTHOR OF SENATE BILL 619

On motion of Senator Estes, Senator Taylor of Collin will be shown as Co-author of **SB 619**.

CO-AUTHOR OF SENATE BILL 622

On motion of Senator Burton, Senator Rodríguez will be shown as Co-author of **SB 622**.

CO-AUTHOR OF SENATE BILL 623

On motion of Senator Burton, Senator Rodríguez will be shown as Co-author of **SB 623**.

CO-AUTHORS OF SENATE BILL 678

On motion of Senator Nichols, Senators Buckingham and Hughes will be shown as Co-authors of **SB 678**.

CO-AUTHOR OF SENATE BILL 681

On motion of Senator Hancock, Senator Rodríguez will be shown as Co-author of **SB 681**.

CO-AUTHOR OF SENATE BILL 734

On motion of Senator Hancock, Senator Taylor of Galveston will be shown as Co-author of **SB 734**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 2

On motion of Senator Birdwell, Senator Nichols will be shown as Co-author of **SJR 2**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 143 by Perry, Recognizing Feeding Texas for its work on behalf of low-income families.

SR 144 by Perry, Recognizing Johnny Anderson for his contributions to the Texas cotton industry.

SR 146 by Birdwell, Nelson, Taylor of Galveston, Watson, Whitmire, and Zaffirini, Recognizing this year's participants in the Bob Bullock Scholars Program of Baylor University.

SR 148 by Lucio, Recognizing F. B. "Lico" Reyes for his work as an advocate for civil rights and labor rights.

HCR 65 (Schwertner), Recognizing the Stop the Bleed campaign.

Official Designation Resolution

SR 147 by Menéndez, Recognizing February 7, 2017, as Blue and White Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 7:29 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

RESOLUTIONS ENROLLED

February 6, 2017

SCR 12, SR 96, SR 99, SR 100, SR 101, SR 102, SR 103, SR 104, SR 105, SR 106, SR 107, SR 108, SR 109, SR 110, SR 111, SR 114, SR 116, SR 117, SR 118, SR 119, SR 120, SR 121, SR 125, SR 126, SR 127, SR 128, SR 129, SR 130, SR 131, SR 132, SR 133, SR 137, SR 138, SR 139, SR 140

SENT TO SECRETARY OF STATE

February 7, 2017

SCR 12

