

# SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## TWENTIETH DAY

(Wednesday, March 1, 2017)

The Senate met at 11:00 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 Gavin Papit, Hope Fellowship, Frisco, offered the invocation as follows:

Lord, thank You for the opportunity this legislative body has to gather here today and make decisions that will guide the lives of millions of Texans. We ask that You would bless every man and woman on this floor with wisdom. We ask for Your guidance over every conversation and over every decision made today. Lord, allow unity to anchor this body. I pray blessing over the men and women who serve here, over their families and those they serve. Thank You for the great state we get to call home and the freedom that defines it. 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.

## GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate Pastor Gavin Papit and his son, Dalton, serving today as an Honorary Senate Page.

The Senate welcomed its guests.

## PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Stewart Browning of Austin as the Physician of the Day.

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

**(Senator West in Chair)****MESSAGES FROM THE GOVERNOR**

The following Messages from the Governor were read and were referred to the Committee on Nominations:

February 28, 2017  
Austin, Texas

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

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Governing Board of the Texas Indigent Defense Commission for terms to expire February 1, 2019:

Alexander "Alex" Bunin  
Houston, Texas  
(Mr. Bunin is being reappointed)

Don T. Hase  
Arlington, Texas  
(Mr. Hase is being reappointed)

Respectfully submitted,

/s/Greg Abbott  
Governor

March 1, 2017  
Austin, Texas

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

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a member of the Board for Lease of Texas Department of Criminal Justice Lands for a term to expire September 1, 2017:

Erin E. Lunceford  
Houston, Texas  
(replacing Wesley D. Lloyd of Waco whose term expired)

To be a member of the Pecos River Compact Commission for a term to expire January 23, 2023:

Frederic "Rick" Tate  
Marfa, Texas  
(Mr. Tate is being reappointed)

To be a member of the Red River Compact Commission for a term to expire February 1, 2023:

Clyde M. Siebman  
Pottsboro, Texas  
(replacing William Allen "Bill" Abney of Marshall whose term expired)

Respectfully submitted,  
/s/Greg Abbott  
Governor

**(President in Chair)**

**GUESTS PRESENTED**

Senator Zaffirini, joined by Senator Perry, was recognized and introduced to the Senate a United Way delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Nichols was recognized and introduced to the Senate a delegation from the Cooperative Forest Fire Prevention Program, accompanied by Smokey Bear.

The Senate welcomed its guests.

**(Senator Taylor of Galveston in Chair)**

**SENATE RESOLUTION 318**

Senator Perry offered the following resolution:

**SR 318**, Recognizing March 1, 2017, as Texas Tech University System Day.

PERRY  
BUCKINGHAM  
CAMPBELL  
RODRÍGUEZ  
SELIGER  
WEST

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Perry, joined by Senators Campbell, Buckingham, Rodríguez, Seliger, West, and Lucio, was recognized and introduced to the Senate a Texas Tech University System delegation, joined by Chancellor Robert Duncan, President Lawrence Schovanec, and Student Regent and fourth-year medical student Jeremy Stewart.

The Senate welcomed its guests.

**(President in Chair)**

**MESSAGE FROM THE SPEAKER  
OF THE HOUSE OF REPRESENTATIVES**

The following Message from the Speaker of the House of Representatives was read and was referred to the Committee on Nominations:

HOUSE OF REPRESENTATIVES

Joe Straus  
Speaker

March 1, 2017

The Honorable Dan Patrick  
Lieutenant Governor  
P.O. Box 12068  
Austin, Texas 78711

Dear Governor Patrick,

On July 22, 2016, I appointed Jeanie Wyatt to the Employees Retirement System of Texas Board of Trustees to fill an unexpired term ending August 31, 2020.

Since the appointment was made during the interim, the Regular Session of the 85th Legislature is now the first opportunity for your consideration of her appointment. Therefore, I respectfully request your assistance in initiating Senate review procedures for Ms. Wyatt.

If you have questions or need additional information concerning this appointment, please do not hesitate to contact Erin Daly Wilson in my office at (512) 463-1000.

Sincerely,

/s/Joe Straus  
Speaker

#### **GUESTS PRESENTED**

Senator Kolkhorst was recognized and introduced to the Senate a University of Houston-Victoria delegation.

Senator Kolkhorst also introduced 80 Advanced Placement teachers and students, accompanied by Brenham High School teacher and coach, Trenton Hall.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 305**

Senator Miles offered the following resolution:

WHEREAS, A delegation from the University of Houston is visiting Austin on March 1, 2017, in celebration of University of Houston Day at the State Capitol; and

WHEREAS, The Tier One campus is located in an area that is home to a quarter of the state's population and that generates nearly a third of the state's gross product; the student body, one of the nation's most diverse, fully reflects the rich cultural tapestry of Houston, and the school is designated as both a Hispanic-Serving Institution and an Asian-Serving Institution; and

WHEREAS, Each year, the university awards more than 8,000 degrees in 300 undergraduate and graduate academic programs; it now can boast more than 255,000 alumni; and

WHEREAS, Under the able leadership of chancellor and president Renu Khator, the university has received record levels of research funding; it recently embarked on a \$1 billion capital campaign, and it has received a \$20 million donation for the establishment of the McGovern College of the Arts and \$20 million for construction of the Fertitta Center Basketball Arena; moreover, it has been recognized as a top institution in spurring the upward mobility of low-income students; and

WHEREAS, The university has been awarded a Phi Beta Kappa chapter; it has a tradition of excellence in athletics as well, with a nationally ranked Cougar football team, an NCAA-record 16 national golf titles, and the legendary Phi Slama Jama basketball dynasty; additionally, Olympians Carl Lewis and Leroy Burrell attended the school; and

WHEREAS, For nine decades, the University of Houston has provided students with an outstanding education that builds a strong foundation for success, and in so doing, it has contributed significantly to the economic vitality of the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 85th Legislature, hereby recognize March 1, 2017, as University of Houston Day at the State Capitol and extend to all participants sincere best wishes for an informative and enjoyable visit.

**SR 305** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Miles, joined by Senators Whitmire, West, and Bettencourt, was recognized and introduced to the Senate a University of Houston Day delegation, accompanied by Chancellor Renu Khator, Board of Regents Chair Tilman Fertitta, and Student Government Association President Shane Smith.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 294**

Senator Taylor of Galveston offered the following resolution:

**SR 294**, Recognizing the 2016-2017 class of Leadership La Porte.

The resolution was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Taylor of Galveston was recognized and introduced to the Senate a Leadership La Porte delegation.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate a Baptist General Convention of Texas delegation.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 306**

Senator Nelson offered the following resolution:

**SR 306**, Celebrating February 28 and March 1, 2017, as Denton County Days.

NELSON  
ESTES

The resolution was again read.

The resolution was previously adopted on Monday, February 27, 2017.

**GUESTS PRESENTED**

Senator Nelson, joined by Senator Estes, was recognized and introduced to the Senate a Denton County Days delegation, accompanied by Judge Mary Horn and County Commissioners Andy Eads, Bobbie Mitchell, Ron Marchant, and Hugh Coleman.

The Senate welcomed its guests.

**SENATE RESOLUTION 316**

Senator Rodríguez offered the following resolution:

**SR 316**, Recognizing March 1, 2017, as Presidio County Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Rodríguez was recognized and introduced to the Senate a Presidio County Day delegation, accompanied by Marfa Mayor Dan Dunlap, Presidio Mayor John Ferguson, County Judge Cinderela Guevara, Justice of the Peace David Beebe, and Presidio ISD Superintendent Dennis McEntire.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Nichols was recognized and introduced to the Senate a Texas Forestry Association delegation.

The Senate welcomed its guests.

**(Senator Buckingham in Chair)**

**SENATE RESOLUTION 333**

Senator Taylor of Galveston offered the following resolution:

**SR 333**, Recognizing March 1, 2017, as Galveston County Day.

TAYLOR OF GALVESTON  
CREIGHTON

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Taylor of Galveston, joined by Senator Creighton, was recognized and introduced to the Senate a Galveston County delegation, accompanied by Texas City ISD Superintendent Cynthia Lusignolo and Friendswood ISD Superintendent Trish Hanks.

The Senate welcomed its guests.

**SENATE RESOLUTION 320**

Senator Zaffirini offered the following resolution:

**SR 320**, Recognizing March 1, 2017, as Childhood Cancer Awareness Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a Childhood Cancer Awareness Day delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 94**

Senator Seliger offered the following resolution:

**SR 94**, Recognizing March 1, 2017, as Andrews County Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Seliger was recognized and introduced to the Senate an Andrews County Day delegation, accompanied by Carol Boswell, Lynn Fisher, Jeneane Anderegg, Lee Stokes, and Carolyn Jones.

The Senate welcomed its guests.

**(Senator Hancock in Chair)**

**GUESTS PRESENTED**

Senator Buckingham was recognized and introduced to the Senate Salado Youth Leadership participants.

The Senate welcomed its guests.

**SENATE RESOLUTION 335**

Senator Hall offered the following resolution:

WHEREAS, Texans everywhere are indebted to the men and women of the law enforcement profession who willingly place themselves in harm's way to protect the safety of their communities, and Corporal Bryan Shaw and Trooper Danny Shaw are two such individuals; and

WHEREAS, Corporal Bryan Shaw, a detective with the El Centro College Campus Police, was among the officers present during a demonstration in downtown Dallas on July 7, 2016; Corporal Shaw was struck when a lone gunman opened fire on police; despite his injury, he continued to protect his fellow officers and civilians, and he held his post during an hours-long standoff between the police and the gunman; and

WHEREAS, Later that year, Corporal Bryan Shaw's older brother, Trooper Danny Shaw of the Texas Department of Public Safety, was also injured in the line of duty; on November 25, 2016, while he was on assignment in Fronton, near the Rio Grande, Trooper Shaw was struck by a bullet from an unknown assailant after a firefought erupted on the Mexican side of the river; in the midst of the violence, he was transported to a hospital by DPS helicopter; and

WHEREAS, Through their courage and dedication to duty, these two outstanding officers have earned the respect and gratitude of their fellow Texans, who continue to hold them in their thoughts and prayers; now, therefore, be it

RESOLVED, That the Senate of the 85th Texas Legislature hereby honor Corporal Bryan Shaw and Trooper Danny Shaw for their commitment and perseverance, both on the job and during their recovery, and extend to them sincere best wishes for the future; and, be it further

RESOLVED, That official copies of this resolution be prepared for the Shaw brothers as an expression of high regard by the Texas Senate.

**SR 335** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Hall was recognized and introduced to the Senate Corporal Bryan Shaw and his wife, Stephanie, and Trooper Danny Shaw and his wife, Melissa.

The Senate welcomed its guests.

**(President in Chair)**

#### **GUESTS PRESENTED**

Senator Hughes was recognized and introduced to the Senate a Texas A&M University–Texarkana Day delegation.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 340**

Senator Bettencourt offered the following resolution:

WHEREAS, March 2 marks the anniversary of that historic day in 1836 when residents of Texas officially declared their independence from Mexico, thereby giving birth to the independent republic that would stand on its own for more than nine years before becoming the 28th state of the Union; and

WHEREAS, The proud Texans who issued the call for independence were members of the Convention of 1836, which met at Washington-on-the-Brazos on March 1 of that fateful year; as they gathered, the valiant defenders of the Alamo were facing off against the troops of Mexican ruler Antonio Lopez de Santa Anna, and the Texas revolutionaries had reached a crucial point in their campaign for greater political freedom; and

WHEREAS, Stating the views of the delegates in no uncertain terms, the Texas Declaration of Independence listed their grievances against the Mexican government and announced their bold conclusion: "that the people of Texas do now constitute a free, Sovereign, and independent republic, and are fully invested with all the rights and attributes which properly belong to independent nations"; and

WHEREAS, Winning that independence on the battlefield would take another six weeks and the lives of many brave Texans, but with this remarkable proclamation the 59 signatories of the Texas Declaration of Independence had enunciated a vision of liberty, independence, and just government and charted a dramatic new course for the land they called home; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 85th Legislature, hereby commemorate Texas Independence Day 2017 and pay tribute to the immense contributions of those individuals who helped found the Republic of Texas.



BETTENCOURT  
RODRÍGUEZ

**SR 340** was read.

On motion of Senator Bettencourt and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Bettencourt, the resolution was adopted without objection.

#### **ACKNOWLEDGMENT**

The President thanked the Texas State Library and Archives Commission for providing the Texas Declaration of Independence to the Senate for viewing.

#### **REMARKS ORDERED PRINTED**

On motion of Senator Creighton and by unanimous consent, the March 6, 1836, letter written by Washington-on-the-Brazos convention delegate Martin Parmer was read by his fifth great-grandson, Senator Creighton, and was ordered reduced to writing and printed in the *Senate Journal* as follows:

Dear wife: I am well and we are getting along very well. We have three or four committees who are preparing a *constitution*, and we will soon have it ready. I shall be at home in ten or fifteen days, we have alarming news continually from the west; Frank Johnson's division is all killed, but five, it is supposed. We saw two shot begging for quarters. Dr. Grant with a company of men is supposed to be all slain.

Travis' last express states San Antonio was strongly besieged; it is much feared that Travis and company are all massacred, as despatches have been due from that place three days and none have arrived here yet. The frontiers are breaking up, Gonzales must be sacked, and its inhabitants murdered and defiled unless they get immediate aid. The last accounts, the Mexicans were to a considerable number between Gonzales and San Antonio. Fanning is at La Badia with about 500 men, and is in daily expectation of a visit from Santa Anna. Texas has been declared free and independent, but unless we have a general turn out and every man lay his helping hand too, we are lost. Santa Anna and his vassals are now on our borders, and the declaration of our freedom, unless it is sealed with blood, is of no force. I say again that nothing will save Texas but a general turn out. You all know my views with regard to our condition; I have given you facts, judge for yourselves. I wish a copy of this letter sent immediately to capt. Baily Anderson and col. S. A. Lublett, and publicly read in San Augustine. Travis closes his last expresses with these words—Help! O my country.

Martin Parmer

#### **INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

**CONCLUSION OF MORNING CALL**

The President at 1:07 p.m. announced the conclusion of morning call.

**(Senator Hancock in Chair)**

**(President in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 11 ON SECOND READING**

Senator Schwertner moved that the regular order of business be suspended and that **CSSB 11** be taken up for consideration at this time (Submitted by Governor as an emergency matter):

**CSSB 11**, Relating to the administration of services provided by the Department of Family and Protective Services, including foster care, child protective, relative and kinship caregiver support, and prevention and early intervention services.

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

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 11** (senate committee printing) in SECTION 6 of the bill, in added Section 264.159, Family Code (page 6, lines 7-8), by striking "or integrated care coordination".

The amendment to **CSSB 11** 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 Lucio offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 11** (senate committee printing) in SECTION 2 of the bill, in added Section 261.004, Family Code (page 1, lines 52-57) by striking Subsection (a) and substituting the following:

(a) The department shall:

(1) collect and monitor data regarding repeated reports of abuse or neglect:

(A) involving the same child, including reports of abuse or neglect of the child made while the child resided in other households and reports of abuse or neglect of the child by different alleged perpetrators made while the child resided in the same household; or

(B) by the same alleged perpetrator.

(a-1) In monitoring reports of abuse or neglect under Subsection (a), the department shall group together separate reports involving differing children residing in the same household.

The amendment to **CSSB 11** 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 Zaffirini offered the following amendment to the bill:

### Floor Amendment No. 3

Amend **CSSB 11** (senate committee printing) as follows:

(1) In SECTION 6 of the bill, in added Section 264.153, Family Code (page 4, line 3), strike "CONTRACTOR." and substitute "CONTRACTOR; SELECTION. (a).".

(2) In SECTION 6 of the bill, in added Section 264.153, Family Code (page 4, between lines 7 and 8), insert the following:

(b) In selecting a single source continuum contractor, the department shall consider whether a prospective contractor for a catchment area has demonstrated experience in providing services to children and families in the catchment area.

The amendment to **CSSB 11** 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 **CSSB 11** (senate committee printing) as follows:

(1) In SECTION 6 of the bill, in added Section 264.161, Family Code (page 6, line 21), between "CONTRACT." and "A", insert "(a)".

(2) In SECTION 6 of the bill, in added Section 264.161, Family Code (page 6, between lines 25 and 26), insert the following:

(b) In each catchment area in which community-based foster care is implemented, the department shall create a contingency plan to ensure the continuity of services for children and families in the catchment area in the event of an early termination of the contract with the single source continuum contractor providing foster care services in that catchment area.

(c) To support each contingency plan, the single source continuum contractor providing foster care services in that catchment area, subject to approval by the department, shall develop a transfer plan to ensure the continuity of services for children and families in the catchment area in the event of an early termination of the contract with the department. The contractor shall submit an updated transfer plan each year and six months before the end of the contract period, including any extension. The department is not limited or restricted in requiring additional information from the contractor or requiring the contractor to modify the transfer plan as necessary.

The amendment to **CSSB 11** 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 Lucio offered the following amendment to the bill:

### Floor Amendment No. 5

Amend **CSSB 11** (senate committee printing) as follows:

(1) In SECTION 13 of the bill, in added Section 40.042(e), Human Resources Code (page 12, line 29), strike "may" and substitute "shall".

The amendment to **CSSB 11** 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 Hughes offered the following amendment to the bill:

### **Floor Amendment No. 6**

Amend **CSSB 11** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 263.401, Family Code, is amended to read as follows:

Sec. 263.401. DISMISSAL AFTER ONE YEAR; NEW TRIALS; EXTENSION. (a) Unless the court has commenced the trial on the merits or granted an extension under Subsection (b) or (b-1), on the first Monday after the first anniversary of the date the court rendered a temporary order appointing the department as temporary managing conservator, the court's jurisdiction over ~~[court shall dismiss]~~ the suit affecting the parent-child relationship filed by the department that requests termination of the parent-child relationship or requests that the department be named conservator of the child is terminated and the suit is automatically dismissed without a court order.

(b) Unless the court has commenced the trial on the merits, the court may not retain the suit on the court's docket after the time described by Subsection (a) unless the court finds that extraordinary circumstances necessitate the child remaining in the temporary managing conservatorship of the department and that continuing the appointment of the department as temporary managing conservator is in the best interest of the child. If the court makes those findings, the court may retain the suit on the court's docket for a period not to exceed 180 days after the time described by Subsection (a). If the court retains the suit on the court's docket, the court shall render an order in which the court:

(1) schedules the new date on which the suit will be automatically dismissed if the trial on the merits has not commenced, which date must be not later than the 180th day after the time described by Subsection (a);

(2) makes further temporary orders for the safety and welfare of the child as necessary to avoid further delay in resolving the suit; and

(3) sets the trial on the merits on a date not later than the date specified under Subdivision (1).

(b-1) If, after commencement of the initial trial on the merits within the time required by Subsection (a) or (b), the court grants a motion for a new trial or mistrial, or the case is remanded to the court by an appellate court following an appeal of the court's final order, the court shall retain the suit on the court's docket and render an order in which the court:

(1) schedules a new date on which the suit will be automatically dismissed if the new trial has not commenced, which must be a date not later than the 180th day after the date on which:

- (A) the motion for a new trial or mistrial is granted; or
- (B) the appellate court remanded the case;

(2) makes further temporary orders for the safety and welfare of the child as necessary to avoid further delay in resolving the suit; and

(3) sets the new trial on the merits for a date not later than the date specified under Subdivision (1).

(c) If the court grants an extension under Subsection (b) or (b-1) but does not commence the trial on the merits before the dismissal date, the court's jurisdiction over [court shall dismiss] the suit is terminated and the suit is automatically dismissed without a court order. The court may not grant an additional extension that extends the suit beyond the required date for dismissal under Subsection (b) or (b-1), as applicable.

SECTION \_\_\_\_\_. The changes in law made by this Act to Section 263.401, Family Code, apply only to a suit affecting the parent-child relationship filed on or after the effective date of this Act. A suit affecting the parent-child relationship filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

HUGHES  
HUFFINES

The amendment to **CSSB 11** 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 Taylor of Collin offered the following amendment to the bill:

#### **Floor Amendment No. 7**

Amend **CSSB 11** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 71.004, Family Code, is amended to read as follows:

Sec. 71.004. FAMILY VIOLENCE. "Family violence" means:

(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;

(2) abuse, as that term is defined by Sections 261.001(1)(C), (E), (G), (H), (I), (J), ~~(K)~~, and (M), by a member of a family or household toward a child of the family or household; or

(3) dating violence, as that term is defined by Section 71.0021.

SECTION \_\_\_\_\_. Section 261.001(1), Family Code, is amended to read as follows:

(1) "Abuse" includes the following acts or omissions by a person:

(A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;

(D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

(E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;

(G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;

(H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;

(I) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

(J) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;

(K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code; ~~or~~

(L) knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or

(M) forcing or coercing a child to enter into a marriage.

The amendment to **CSSB 11** 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. 7.

Senator Perry offered the following amendment to the bill:

**Floor Amendment No. 8**

Amend **CSSB 11** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 162.005, Family Code, is amended by adding Subsection (c) to read as follows:

(c) The department shall ensure that each licensed child-placing agency, single source continuum contractor, or other person placing a child for adoption receives a copy of any portion of the report prepared by the department.

SECTION \_\_\_\_\_. Section 162.0062, Family Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If a child is placed with a prospective adoptive parent prior to adoption, the prospective adoptive parent is entitled to examine any record or other information relating to the child's health history, including the portion of the report prepared under Section 162.005 for the child that relates to the child's health. The department, licensed child-placing agency, single source continuum contractor, or other person placing a child for adoption shall inform the prospective adoptive parent of the prospective adoptive parent's right to examine the records and other information relating to the child's health history. The department, licensed child-placing agency, single source continuum contractor, or other person placing the child for adoption shall edit the records and information to protect the identity of the biological parents and any other person whose identity is confidential.

SECTION \_\_\_\_\_. Section 162.007, Family Code, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(a) The health history of the child must include information about:

(1) the child's health status at the time of placement;

(2) the child's birth, neonatal, and other medical, psychological, psychiatric, and dental history information, including to the extent known by the department:

(A) whether the child's birth mother consumed alcohol during pregnancy; and

(B) whether the child has been diagnosed with fetal alcohol spectrum disorder;

(3) a record of immunizations for the child; and

(4) the available results of medical, psychological, psychiatric, and dental examinations of the child.

(g) In this section, "fetal alcohol spectrum disorder" means any of a group of conditions that can occur in a person whose mother consumed alcohol during pregnancy.

The amendment to **CSSB 11** 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 Lucio offered the following amendment to the bill:

**Floor Amendment No. 9**

Amend **CSSB 11** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 40.051, Human Resources Code, is amended to read as follows:

Sec. 40.051. STRATEGIC PLAN FOR DEPARTMENT. The department shall develop a departmental strategic plan based on the goals and priorities stated in the commission's coordinated strategic plan for health and human services. The department shall also develop its plan based on:

- (1) furthering the policy of family preservation;
- (2) the goal of ending the abuse and neglect of children in the conservatorship of the department; and
- (3) the goal of increasing the capacity and availability of foster, relative, and kinship placements in this state.

The amendment to **CSSB 11** 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.

**CSSB 11** as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 11 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 11** be placed on its third reading and final passage.

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

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

**REMARKS ORDERED PRINTED**

On motion of Senator Lucio and by unanimous consent, the remarks by Senators Schwertner and Lucio regarding **CSSB 11** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Lucio:** Senator Schwertner, Chairman Schwertner, I want to commend you on your opening remarks, they were exemplary. And I certainly join with other Senators in the floor here and those listening to this debate in thanking you for the hard work that you've endeavored in this particular piece of legislation. I also—

**Senator Schwertner:** I want to thank you for your lifelong commitment to issues—

**Senator Lucio:** Thank you.

**Senator Schwertner:** —like this—



**Senator Lucio:** Thank you.

**Senator Schwertner:** –and for your work on the amendments that will be going on this bill.

**Senator Lucio:** Yes, Sir. I also, I would be remiss if I didn't thank you also for your staff. Alyssa Jones has been wonderful to work with and–

**Senator Schwertner:** She's very good.

**Senator Lucio:** –and the entire staff. They're wonderful. I certainly agree that we must move swiftly to improve CPS in our state. Children are abused in so many ways, unfortunately, and neglect is just as bad an abuse as physical and mental in my point of view. A simple hug when leaving the house, letting our children know that we love them, that we support them, that we back them up, and that we're there any time they need us, is something that obviously will lead to a happy life and will end child abuse. I agree with what you mentioned just moments ago on empowerment and flexibility at the local level. I think that's a very important component and the overall reason for this bill. And I, I want to ask a couple of questions, if I may, for legislative intent. Under Section 4 of your bill, which starts on page 2, line 27, overall, under this section of Senate Bill 11, medical examinations are required to be given to children that have been taken into conservatorship of the department and that remain in conservatorship for more than three business days, correct?

**Senator Schwertner:** That is correct.

**Senator Lucio:** Are the medical examinations physical examinations for physical abuse of a child, or do they also include a mental health assessments for mental abuse?

**Senator Schwertner:** Senator, the recommended 72-hour exam components are based upon the American Academy of Pediatrics and they include a history as well as development and mental health screening for major risks of, or impairment. Vital signs, complete physical exam, if there's an investigation that includes sexual abuse, that, that physical exam would be dif– be deferred until it is maybe performed in a CAC, child advocacy center, review of immunizations, TB test, and labs as tolerated, but not required, hearing and vision if, if available and as tolerated. So there, there's a number of different components of what is envisioned under, under the bill.

**Senator Lucio:** Chairman Schwertner, thank you. It, it's extremely important as we work on this bill, through the process, to make sure that we make clear, crystal clear, the legislative intent, and at the proper moment, Mr. President, I'd like to, to move that the exchange between Senator Schwertner and myself on this particular question on medical examinations be reduced and be placed in the Journal for legislative intent purposes, if you don't mind. Thank you, Chairman Schwertner, for your hard work.

**Senator Schwertner:** Thank you, Senator Lucio.

### REMARKS ORDERED PRINTED

On motion of Senator Rodríguez and by unanimous consent, the remarks by Senators Schwertner and Rodríguez regarding **CSSB 11** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Rodríguez:** Thank you, thank you, Mr. President. Senator Schwertner, I, too, want to thank you for all of the hard work that you have put into this bill, very significant bill for all of us, as has been pointed out. And I just want to ask you a few questions about the direction that we seem to be headed in. Some questions have already been raised or, kind of, touched upon, but just so we can start the discussion, under this general framework that you've described here, the goal is to move the casework management from the state to the community or local level, is that correct?

**Senator Schwertner:** You asked about case management?

**Senator Rodríguez:** Yes, Sir.

**Senator Schwertner:** To the local level?

**Senator Rodríguez:** Yes, from the state, to move it from the state to the local level or community level.

**Senator Schwertner:** That is, that is correct. The Single Source Continuum Contractor would have flexibility and responsibility to divide it, to devise an individualized plan for that child.

**Senator Rodríguez:** Yes.

**Senator Schwertner:** Right now we have plans that are, are, are, you know, devised by case managers within the DFPS that are centralized and much more uniform. I think it, and when you do it at the local level, not only do you know that child better, but you have a better knowledge of the assets in that geographic region and can individualize the plan of care for that foster child or CPS child in a more effective manner.

**Senator Rodríguez:** Yes, yes, Sir. Does this mean that eventually the Department of Family and Protective Services would only be tasked with functions and responsibilities related to investigations?

**Senator Schwertner:** No, not at all. The Department of Family and Protective Services has very specific oversight responsibilities and maintains its standing before the court and the ultimate responsibility as conservator in a legal manner and has the ability to change or modify actions of the SSCC, as necessary. So, I, I think the DFPS oversight responsibility through the quality oversight division and the monitors and its contractual oversight, I think, are, are very important functions that are maintained by DFPS. It is not just turning over case management. DFPS and the State of Texas still has a significant oversight responsibility, but we are entrusting, again, not-for-profits at local level to help a, fashion a individualized plan of care for that child through their case management at the local level.

**Senator Rodríguez:** Yes, well, I can see, Senator Schwertner, that moving the case management to the community-based model would be, frankly, of great benefit for the children that we're tasked with protecting. However, one of the main reasons that CPS has been in crisis is, of course, related to funding, and I know you talked about funding issues with Senator West and the fact that you still have to work that out through the Finance Committee process. But the lack of funding, I think we can all agree based on testimony that we've heard and other sources of information, has translated to not having enough caseworkers and existing caseworkers having high,

unmanageable caseloads. So, is it your intent to ensure that these nonprofits, which will now be responsible for the case management duties, will be funded in a manner, and I know you still don't know how much funding, but is it your intent that they will be funded in a manner where they're able to hire enough caseworkers and that those caseworkers will have the recommended caseload of anywhere from 12 to 15 cases?

**Senator Schwertner:** Yes, I think we need to fight, uh find, find the right funding structure for the SSCCs, with their current responsibilities under foster care redesign but also their expanded duty under the community-based care model—

**Senator Rodríguez:** Yes, Sir.

**Senator Schwertner:** —which includes the case management component.

**Senator Rodríguez:** Right. If, if we don't—

**Senator Schwertner:** We, we discussed that, actually, in Article II, last night, as—

**Senator Rodríguez:** —right, as—

**Senator Schwertner:** —regarding—

**Senator Rodríguez:** —you were saying earlier—

**Senator Schwertner:** —regarding exceptional item of the, of the department regarding that, that specific item.

**Senator Rodríguez:** Would, would you agree that if we don't provide the sufficient funding that we're simply going to transfer the current bad outcomes from the state to the local level?

**Senator Schwertner:** I'm, I, I think the bad outcomes of the state are a reflection of the bureaucracy and the environment, the leadership, the, the regulations, the workforce environment, as I mentioned. We, we studied very acutely and, and in depth during the Sunset process, all the challenges of DFPS. And it was obvious to me that we needed to find a different direction. And that direction, again, is one toward the community, one toward those that know that child the best. That child is their child, and that, in, those individuals are not-for-profits or local governmental entities or, or faith-based entities, that, that have a child welfare mission at heart.

**Senator Rodríguez:** Yeah.

**Senator Schwertner:** And I, I think we, we would not transfer any deficiencies of the state to those, to that, to the local level, to the community-based care, if it's done as I envision under this bill.

**Senator Rodríguez:** So, we're trying to, correct me if I'm mistaken, but it sounds like we're trying to make the whole system better, not just, not just the catchment area and Region 3b.

**Senator Schwertner:** No, well, the long-term goal is to move toward community-based care. We certainly still have the majority of the children of the State of Texas in CPS in our legacy system. There are aspects of, of trying to enhance capacity in our legacy system concurrent with trying to roll out more and more catchment areas, but we need to roll it out in a responsible manner based upon the readiness of a region to

assume some of the responsibilities and, and interest of that region. I think that was one of the reasons that the first rollout failed so, so badly was that we had lack of some community interest. We also had lack of funding as you, as you mentioned.

**Senator Rodríguez:** Right.

**Senator Schwertner:** And it was a for-profit entity. We've learned a lot as we've moved forward, and I think we're getting better and better in, in realizing some of the deficiencies of our foster care system and realizing that community-based care is the avenue we need to take, but we need to take it with certain guide rails in place.

**Senator Rodríguez:** Yes, Sir. Do you know how much the administrative transfer of the case management is going to cost the state? Do we know that at this point?

**Senator Schwertner:** The administrative transfer—

**Senator Rodríguez:** Yeah.

**Senator Schwertner:** —that is still being looked at in Article II. I—

**Senator Rodríguez:** Okay.

**Senator Schwertner:** —I don't know the specific, I can't recall the specific exceptional item. It won't be in the rates for the SSCCs for the children, but there will be a line item for that.

**Senator Rodríguez:** Alright. Let me ask you with regard to the two family-based safety services pilot projects that we have—

**Senator Schwertner:** Uhm-hum.

**Senator Rodríguez:** —that are authorized in your bill. Is it your intent to ensure that whatever dollar amounts currently expended by the department are transferred in whole to the selected nonprofit vendor?

**Senator Schwertner:** The, for the FBSS pilot programs?

**Senator Rodríguez:** Yes, for the FBSS, yes.

**Senator Schwertner:** Yes, family-based—

**Senator Rodríguez:** Yes, Sir.

**Senator Schwertner:** —supports, yes, I believe they should be continued to be funded, and now, hopefully, they will be able to utilize that money in a much more effective manner.

**Senator Rodríguez:** Yeah. It's my understanding that, that the department is currently looking at El Paso as one of the pilot sites. And, however, neither I nor my office have been provided with any figures on what the contract value would be. My point is that we need to make sure that we're not, we're not asking our CPAs or other nonprofits to carry out additional tasks like case management with insufficient resources. And so, that's a concern for my constituents back home. Also, in the selection of the two sites for the FBSS pilot project, would you agree that the department should conduct a community-needs assessment in determining the sites?

**Senator Schwertner:** Yes, I would agree with that.

**Senator Rodríguez:** And would you also agree that the sites chosen should be regions with currently poor outcomes?

**Senator Schwertner:** Yes, I agree with that, too, that have a lack of FBSS services in which there's a demonstrated need.

**Senator Rodríguez:** Yes, Sir. I think that's the way to go. Let me ask you something about, about workers, because I've gotten some calls on this. When we shift these positions from the state to the nonprofits for the community-based services, is it your intent that the nonprofits will hire most, if not all, of the current workers, presuming that the workers are in good standing with—

**Senator Schwertner:** The bill has a provision in there that they will give consideration to, to DFPS workers and preference DFPS, DFPS workers that are in good standing.

**Senator Rodríguez:** —that are in good standing. So, if you're in good standing currently within the department, the selection process should give you preference.

**Senator Schwertner:** Yes. But also, there's, there's still the quality monitoring component that would be maintained at DFPS, and those quality monitors, there'd be transition, and I don't, I don't believe that there's, there could be attrition, but, but I believe there's some transfer of caseworkers from DFPS to SSCC or within the agency itself.

**Senator Rodríguez:** Well, under the department's current proposal to carry out the family-based safety services piloted in El Paso, there's about 55 employees that stand to lose their jobs once the program functions are outsourced to a local nonprofit, 55. So, would you consider putting a minimum number of current workers that should be hired or given first choice at the new positions?

**Senator Schwertner:** No, I, I believe that the, the whole purpose is to allow for the Single Source Continuum Contractor to have the flexibility to partner with local entities that provide certain services and supports, and I think they should have that maximum flexibility to do what's in the best interest of that, that child. And if you're mandating certain employment arrangements, I believe that goes one step too far, Senator.

**Senator Rodríguez:** Well, it, it's, it's not mandating, it's really, kind of, taking to heart the preference as expressed in the bill for workers that are currently in good standing.

**Senator Schwertner:** I think a preference would be appropriate, but as far as a mandatory hiring or transfer of, of any, any staff, I don't believe that would be right.

**Senator Rodríguez:** Is it, is it your intent, Senator Schwertner, that current caseworkers will continue to receive the same salary as they were receiving under the department?

**Senator Schwertner:** I leave the flexibility to the SSCC to pay a wage that is commensurate with the services and the, the work being done by that, that professional, that caseworker.

**Senator Rodríguez:** So, your bill doesn't address having—

**Senator Schwertner:** I don't set minimum salaries or, or, or anything like that in the bill, no.

**Senator Rodríguez:** Well, I guess I know the answer to the next question, because, as you know, one of the benefits of working for the state, for the public sector with low salaries is typically the fact that there is healthcare and retirement benefits provided. So, are we considering adding requirements for the nonprofits to provide these benefits, or are workers going to find themselves lower salary and no benefits?

**Senator Schwertner:** I wouldn't necessarily— say there'd be, find themselves lower salary, could be higher salary, with easier hours and less caseloads and better benefits. But the state has certain benefits, private not-for-profits, our local government entities that are acting like SSCCs also have different structures for salary as well as benefits. So, I, I wouldn't say it would necessarily be lower. It would potentially and probably be different.

**Senator Rodríguez:** Okay. I want to talk a little bit here towards the end about the ongoing court case, to the extent we can talk about it. And this is a concern that's been raised with me by various stakeholders that this bill is a fundamental change in how we handle CPS and that it's going to shift accountability and liability from the state to the local nonprofits. Now, I heard your earlier response to Senator Perry that in, as I understood you, that the state will maintain ultimate responsibility.

**Senator Schwertner:** Absolutely. State maintains ultimate responsibility. It is the state's responsibility as the conservator of that child to provide for that child. But I think, I think the court case is begging for change.

**Senator Rodríguez:** Yeah.

**Senator Schwertner:** Begging to do something different than what we're doing now. And those that argue that we just need to throw money at it, I think, are missing the point of, of the ruling that found it unconstitutional. We need to be doing it different. We need to enhance it from financial standpoint, but we also need to be doing it different. And my view, and I think the view of the work of many Senators and stakeholders that in, had input to this bill, point toward the need to recruit, empower, incentivize the local communities to engage.

**Senator Rodríguez:** Right. Right. There are some, there are things in this bill that address some of the concerns expressed in the, in the court decision, but there are some things that apparently were not included. For example, the maintenance of the ICU, which is those who monitor the kids who are placed out of the region, and the CPU workers, that is those who do placement. That doesn't seem to be addressed in the bill. All children entitled to attorney ad litem and CASA volunteers is not addressed, I don't believe. Youth aging out of the foster care system is also not, not considered, so, and the question of whether or not there's enough conservatorship workers. So, are we going to somehow, whether through other measures over in the House, or down the line, address those concerns, or do we think those concerns are not relevant?

**Senator Schwertner:** Well, I, I would just say that, you know, the court case is, is a, is, has a lot of findings, and I believe this bill speaks to their, a large number, but I, the gist of the court issue was investigations, making sure that children are properly and timely investigated, and a lack of capacity in our foster care system, and having children placed in the least restrictive placement closest to their community and not being warehoused in residential treatment centers. And this bill speaks to those major issues of our foster care system. There, Article II, obviously, regarding caseworkers and caseloads and aging out of the system, and there are programs in place currently, and we can augment those through the budgeting process, and there are other bills that address other issues. But as far as the major concerns raised by the interim findings, I believe, I believe this bill speaks loudly to, to those findings, and, and I, and I hope and actually expect that this type of movement by, by this Legislature will view, be viewed possibly by the court.

**Senator Rodríguez:** Well, I, yes, and I think what, when all is said and done, and I think you have done a good job in trying to address many of the major issues on a bipartisan basis, I might add, and I want to thank you for reaching out to us, including myself, to provide some input. I think that's very important in this particular area. And I'm hopeful that as we move along, some of those concerns raised in the federal court that are not addressed in the bill, that somehow we'll be able to address them, whether the court presses those issues or not, because I, I think we can all agree—

**Senator Schwertner:** I, I didn't fashion—

**Senator Rodríguez:** —we need to do everything we can to ensure that our kids have the best opportunity to succeed in, in the system.

**Senator Schwertner:** Yeah, this, this bill was not fashioned as a retort or answer in a direct manner to any, any court proceedings. I think that's probably not the correct way of fashioning legislation. But the, certainly the findings of the court but also the findings of the Sunset process and—

**Senator Rodríguez:** Right.

**Senator Schwertner:** —and the findings of, of, of discussions amongst our constituents and, and what we learned through talking to caseworkers and people in the agency, speak to the need to address the structure of foster care system in the State of Texas, and, and certainly investigations, and, and we found areas through the interim committee hearings and, and through a lot of deliberation and discussion with stakeholders that, that this bill is compiled, and, and enhances and improves.

**Senator Rodríguez:** Well, yes, indeed. Thank you and the committee as well, as a matter of fact, for bringing this forth for our consideration. Thank you very much.

**Senator Schwertner:** Thank you, Senator Rodríguez.

#### SENATE BILL 46 ON SECOND READING

Senator Zaffirini moved that Senate Rule 7.13; Section 5, Article III of the Texas Constitution; and the regular order of business be suspended and that **SB 46** be taken up for consideration at this time:

**SB 46**, Relating to allowing judges to use juror identification numbers when polling the jury.

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

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

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

#### **SENATE BILL 46 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 46** 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.

#### **PRESENTATION**

The President presented to President Pro Tempore Kel Seliger a gavel engraved "Governor of Texas, February 24, 2017" and a proclamation acknowledging his service to the people of Texas.

**(President Pro Tempore Seliger in Chair)**

#### **SENATE CONCURRENT RESOLUTION 28**

The President Pro Tempore laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 85th Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, March 1, 2017, and ending on Monday, March 6, 2017.

WHITMIRE

**SCR 28** was read.

On motion of Senator Kolkhorst, on behalf of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

**(President in Chair)**

#### **BIRTHDAY GREETINGS EXTENDED**

Senator Bettencourt was recognized and, on behalf of the Senate, extended birthday greetings to Senator Rodríguez.

#### **MOTION TO ADJOURN**

On motion of Senator Seliger and by unanimous consent, the Senate at 3:08 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 2:00 p.m. Monday, March 6, 2017.



**(Senator Creighton in Chair)****SENATE BILLS ON FIRST READING**

The following bills were introduced, read first time, and referred to the committees indicated:

**SB 899** by Huffman

Relating to increasing the punishment for an offense committed against a person because of the person's status as a peace officer, a firefighter, or emergency medical services personnel.

To Committee on Criminal Justice.

**SB 910** by Huffman, Uresti

Relating to the distribution, possession, purchase, consumption, and receipt of cigarettes, e-cigarettes, and tobacco products; providing penalties.

To Committee on State Affairs.

**SB 926** by Rodríguez

Relating to durable powers of attorney.

To Committee on State Affairs.

**SB 927** by Rodríguez

Relating to a special education recovery program operated by the Texas Education Agency.

To Committee on Education.

**SB 928** by Rodríguez, Estes

Relating to the designation of portions of certain highways as the Tom Lea Trail.

To Committee on Transportation.

**SB 929** by Hughes

Relating to continuing education requirements for county tax assessor-collectors.

To Committee on Finance.

**SB 930** by Taylor of Collin

Relating to the nonconfidential status of certain state pension information.

To Committee on Business and Commerce.

**SB 931** by Seliger

Relating to the authority to waive certain penalties and interest in order to facilitate the settlement of an ad valorem tax appeal.

To Committee on Finance.

**SB 932** by Schwertner

Relating to the licensing of, the executive commissioner of the Health and Human Services Commission's duties with respect to, and the administrative penalties for certain long-term care facilities.

To Committee on Health and Human Services.

**SB 933** by Schwertner

Relating to the licensing of, the executive commissioner of the Health and Human Services Commission's duties with respect to, and the administrative penalties for home and community support services agencies.

To Committee on Health and Human Services.

**SB 934** by Schwertner

Relating to health care liability insurance for certain long-term care facilities.

To Committee on Health and Human Services.

**SB 935** by Hughes

Relating to the composition of the board of trustees of the Employees Retirement System of Texas.

To Committee on State Affairs.

**SB 936** by Huffman

Relating to the creation of a joint interim committee to undertake a study of the public retirement systems of this state.

To Committee on State Affairs.

**SB 937** by Zaffirini

Relating to county law libraries.

To Committee on Intergovernmental Relations.

**SB 938** by Taylor of Collin

Relating to certain rental-purchase agreements.

To Committee on Business and Commerce.

**SB 939** by Bettencourt

Relating to the regulatory analysis of rules proposed by the Texas Commission on Environmental Quality.

To Committee on Natural Resources and Economic Development.

**SB 940** by Campbell

Relating to the evaluation of and improvements to the quality of the Texas Workforce Commission's subsidized child care program.

To Committee on Health and Human Services.

**SB 941** by Hughes

Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.

To Committee on Criminal Justice.

**SB 942** by Hughes

Relating to the use of municipal hotel occupancy tax revenue in certain municipalities.

To Committee on Natural Resources and Economic Development.

**SB 943** by Taylor of Collin

Relating to limitations on the rate of growth of appropriations.

To Committee on Finance.

**SB 944** by Hughes

Relating to the adoption of the Uniform Foreign-Country Money Judgments Recognition Act.

To Committee on State Affairs.

**SB 945** by Bettencourt

Relating to the authority of the chief appraiser of an appraisal district to correct an ad valorem tax appraisal roll.

To Committee on Finance.

**SB 946** by Bettencourt

Relating to deadlines for performing various functions in connection with the ad valorem tax system.

To Committee on Finance.

**SB 947** by Kolkhorst

Relating to liability of certain electric utilities that allow certain uses of land that the electric utility owns, occupies, or leases.

To Committee on Business and Commerce.

**SB 948** by Kolkhorst

Relating to certain information provided to prospective adoptive parents by the Department of Family and Protective Services.

To Committee on Health and Human Services.

**SB 949** by Kolkhorst

Relating to a limitation on the amount of attorney's fees awarded in a case assigned to a special three-judge district court.

To Committee on State Affairs.

**SB 950** by Seliger

Relating to tuition and fee exemptions or waivers at public institutions of higher education.

To Committee on Higher Education.

**SB 951** by Hancock

Relating to the regulation of the manufacture and sale of wine and certain related activities; authorizing a fee.

To Committee on Business and Commerce.

**SB 952** by Hancock

Relating to enforcement of a lien on property in a self-service storage facility by a sale conducted through an Internet website.

To Committee on Business and Commerce.

**SB 953** by Hancock

Relating to warning signs applicable to the carrying of weapons on the premises of certain holders of alcoholic beverage licenses and permits.

To Committee on Business and Commerce.

**SB 954** by Hancock

Relating to the authority of the Texas Alcoholic Beverage Commission to offer a civil penalty in lieu of suspending a permit or license.

To Committee on Business and Commerce.

**SB 955** by Hancock

Relating to the rates of the taxes imposed on the first sale of ale, malt liquor, and beer; reducing a tax rate.

To Committee on Business and Commerce.

**SB 956** by Hancock

Relating to taxes imposed on vinous liquor.

To Committee on Business and Commerce.

**SB 957** by Campbell, Hinojosa

Relating to the numbering of propositions on the ballot.

To Committee on State Affairs.

**SB 958** by Rodríguez

Relating to the deadline for filing an application for a writ of habeas corpus in a death penalty case.

To Committee on Criminal Justice.

**SB 959** by Hughes

Relating to the adoption of the Compact for a Balanced Budget.

To Committee on State Affairs.

**SB 960** by Nichols

Relating to the regulation of prescribed burning by the Texas Commission on Environmental Quality.

To Committee on Natural Resources and Economic Development.

**SB 961** by Garcia

Relating to the licensing and regulation of a journeyman lineman.

To Committee on Business and Commerce.

**SB 962** by Garcia

Relating to requiring public institutions of higher education to develop and establish an online reporting system for sex offenses.

To Committee on State Affairs.

**SB 963** by Zaffirini

Relating to the establishment of a guardianship court pilot program.

To Committee on State Affairs.

**SB 964** by Rodríguez

Relating to the Jeff Davis County Underground Water Conservation District; authorizing a fee.

To Committee on Agriculture, Water, and Rural Affairs.

**SB 965** by Zaffirini

Relating to the creation and operation of a park and recreation district in counties that share a border on the San Marcos River and to the authority of the district to collect fees and issue bonds; creating a criminal offense.

To Committee on Intergovernmental Relations.

**SB 966** by Watson

Relating to criminal offenses regarding the consumption or possession of alcoholic beverages by a minor.

To Committee on Criminal Justice.

**SB 967** by Watson

Relating to the prosecution of the offenses of sexual assault and aggravated sexual assault.

To Committee on Criminal Justice.

**SB 968** by Watson

Relating to requiring certain public and private institutions of higher education to provide students and employees an option to electronically report certain offenses to the institution.

To Committee on State Affairs.

**SB 969** by Watson

Relating to requiring certain public and private institutions of higher education to provide amnesty to students who report incidents of sexual assault.

To Committee on State Affairs.

**SB 970** by Watson

Relating to a sexual assault policy at public and private institutions of higher education.

To Committee on State Affairs.

**SB 971** by Zaffirini

Relating to eligibility to serve on the appraisal review board of certain appraisal districts.

To Committee on Finance.

**SB 972** by Zaffirini

Relating to the reappraisal for ad valorem taxation purposes of real property on which a building completely destroyed by a casualty is located.

To Committee on Finance.

**SB 973** by Creighton

Relating to authorization to enter onto property to survey for a proposed high-speed rail facility.

To Committee on Transportation.

**SB 974** by Creighton

Relating to option contracts to acquire real property for high-speed rail projects.

To Committee on Transportation.

**SB 975** by Birdwell

Relating to the security of high-speed rail operated by a private entity.  
To Committee on Transportation.

**SB 1107** by Schwertner, Perry

Relating to telemedicine and telehealth services.  
To Committee on Health and Human Services.

**CO-AUTHORS OF SENATE BILL 11**

On motion of Senator Schwertner, Senators Garcia, Hancock, Huffines, Kolkhorst, Rodriguez, Seliger, West, Whitmire, and Zaffirini will be shown as Co-authors of **SB 11**.

**CO-AUTHOR OF SENATE BILL 143**

On motion of Senator Garcia, Senator Miles will be shown as Co-author of **SB 143**.

**CO-AUTHOR OF SENATE BILL 329**

On motion of Senator Creighton, Senator Garcia will be shown as Co-author of **SB 329**.

**CO-AUTHOR OF SENATE BILL 744**

On motion of Senator Kolkhorst, Senator Nichols will be shown as Co-author of **SB 744**.

**CO-AUTHOR OF SENATE BILL 822**

On motion of Senator Estes, Senator Taylor of Galveston will be shown as Co-author of **SB 822**.

**CO-AUTHOR OF SENATE BILL 1107**

On motion of Senator Schwertner, Senator Watson will be shown as Co-author of **SB 1107**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 348** by Watson, In memory of Garland Hartman.

**Congratulatory Resolutions**

**SR 334** by Taylor of Galveston, Recognizing the League City Music Festival and Bar-B-Q Cook-Off.

**SR 338** by Lucio, Recognizing Frutoso M. Gomez Jr. on the occasion of his retirement.

**SR 339** by Creighton, Recognizing the 181st anniversary of the adoption of the Texas Declaration of Independence.

**SR 342** by Whitmire, Recognizing the National Black Law Students Association on the occasion of its 49th Annual Convention.

**SR 344** by Watson, Recognizing the 36th Infantry Division of the Texas Army National Guard on the occasion of its 100th anniversary.

**SR 345** by Garcia, Recognizing the dedication of an Official Texas Historical Marker in honor of James Sherwood Lucas and his son, Alfred T. Lucas.

**SR 347** by Menéndez, Campbell, Uresti, and Zaffirini, Recognizing the Robert B. Green Memorial Hospital on the occasion of its 100th anniversary.

#### **Official Designation Resolutions**

**SR 272** by Rodríguez and Garcia, Recognizing March 1, 2017, as the Day of the Fallen.

**SR 327** by Perry, Recognizing the month of March as Multiple System Atrophy Awareness Month in Texas.

**SR 331** by Hancock, Birdwell, and West, Recognizing March 1, 2017, as Grand Prairie Day.

**SR 336** by Perry, Recognizing February 28, 2017, as Ward County Day.

**SR 343** by Kolkhorst, Celebrating September 30, 2017, as Czech Heritage Day.

#### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 3:19 p.m. adjourned until 2:00 p.m. Monday, March 6, 2017.

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### **APPENDIX**

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#### **COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

March 1, 2017

FINANCE — **SJR 1, SB 15, SB 550**

#### **BILLS AND RESOLUTIONS ENGROSSED**

February 28, 2017

**SB 21, SB 44, SJR 2, SJR 38**

#### **RESOLUTIONS ENROLLED**

February 28, 2017

**SR 239, SR 283, SR 292, SR 293, SR 297, SR 301, SR 303, SR 308, SR 315, SR 319, SR 321, SR 322, SR 323, SR 324, SR 325, SR 326, SR 328, SR 329, SR 330, SR 332**

**SENT TO SECRETARY OF STATE**

March 1, 2017

**SCR 23**