

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-FIFTH DAY

(Tuesday, March 14, 2017)

The Senate met at 12:00 p.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.

Father Esteban Jasso, All Saints Catholic Church, Fort Worth, offered the invocation as follows:

Holy, amazing, all-loving, redeeming God, You are beauty, You are meekness, You are the protector, You are the custodian and defender, You are strength, You are refreshment, You are hope, You are our faith, You are our charity, You are our eternal life, great and wonderful Lord, almighty God. Assist with Your spirit of counsel, wisdom, and fortitude the presiding Senate President and Senators as they begin their work this week. Let the light of Your divine wisdom direct their work and shine forth in the results of their decisions for the well-being of those they serve in our State of Texas. We likewise commend to Your unbounded care our Governor Greg Abbott and his family and Members of Congress and Senate. And may the Lord bless you and keep you. May His face shine upon you and be gracious to you. May He look upon you with kindness and give you peace. May the Lord bless your work today and always. 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 Watson was recognized and presented Dr. Terrance Hines of Austin as the Physician of the Day.

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

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.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate Junior Senator for a Day Julianne Johnson and Carolyn Herbert.

The Senate welcomed its guests.

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 Birdwell.

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.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Chair, State Board of Education: Donna McDaniel Bahorich, Harris County.

Commissioner of Education: Michael Hunter Morath, Dallas County.

Members, Council on Cardiovascular Disease and Stroke: Melbert Carl Hillert, Dallas County; Sherron Denise Meeks, Midland County; Shilpa Shamapant, Travis County; Harry Sheets, Taylor County; Maricela Gonzalez Wilson, Travis County.

Member, Board of Directors, Gulf Coast Waste Disposal Authority: Nancy Caroline Blackwell, Harris County.

Member, Prepaid Higher Education Tuition Board: Michael Joseph Truncale, Jefferson County.

GUESTS PRESENTED

Senator Menéndez, joined by Senator Campbell, was recognized and introduced to the Senate a Northeast Partnership for Economic Development delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 323

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome the delegation from the South Central Region of Jack and Jill of America, Incorporated, on the occasion of Teen Legislative Summit Day at the Capitol; and

WHEREAS, Jack and Jill of America is an organization of mothers with children between the ages of two and 19; members and their families are committed to nurturing future African American leaders by encouraging a spirit of volunteerism, philanthropic activities, civic participation, and leadership development in children; and

WHEREAS, The organization is represented by more than 40,000 members in 230 chapters across the nation; each chapter supports mothers in their endeavors to guide their children by providing programs and opportunities for young people to empower themselves and make a difference in their communities; and

WHEREAS, On March 14, 2017, approximately 200 teenage representatives of the South Central Region of Jack and Jill of America, accompanied by 50 adult representatives, are spending the day at the Texas Capitol; these impressive young delegates will participate in and observe legislative activities, visit with legislators, and lobby in support of opportunities for minority youth in Texas; and

WHEREAS, The future success of the Lone Star State rests in the hands of its children, and the delegates of Jack and Jill of America are indeed deserving of recognition for exemplifying the highest ideals of civic service and leadership development; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 85th Legislature, hereby commend all associated with the South Central Region of Jack and Jill of America, Incorporated, for their work promoting the next generation of Texas leaders and extend to the delegation best wishes for a successful visit to the Texas Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for them as an expression of esteem from the Texas Senate.

SR 323 was again read.

The resolution was previously adopted on Tuesday, February 28, 2017.

GUESTS PRESENTED

Senator West, joined by Senator Miles, was recognized and introduced to the Senate a South Central Region of Jack and Jill of America, Incorporated, delegation.

The Senate welcomed its guests.

SENATE BILL 317 REREFERRED (Motion In Writing)

Senator Nichols submitted a Motion In Writing requesting that **SB 317** be withdrawn from the Committee on State Affairs and rereferred to the Committee on Health and Human Services.

The Motion In Writing was read and prevailed without objection.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)
(Motion In Writing)

Senator Kolkhorst submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rule 11.13 so that committees may meet during the reading and referral of bills.

KOLKHORST

The Motion In Writing was read and prevailed without objection.

CONCLUSION OF MORNING CALL

The President at 12:28 p.m. announced the conclusion of morning call.

SENATE BILL 26 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **SB 26** at this time on its second reading:

SB 26, Relating to the Texas emissions reduction plan and other related programs and measures to reduce emissions.

The motion prevailed by the following vote: Yeas 27, Nays 4.

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

Nays: Campbell, Creighton, Hall, Taylor of Collin.

The bill was read second time.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 26** (senate committee printing) as follows:

(1) In SECTION 4 of the bill, in Section 386.002, Health and Safety Code (page 3, lines 4-8), strike "commission publishes in the Texas Register certification that, with respect to each national ambient air quality standard for ozone under 40 C.F.R. Section 81.344, the United States Environmental Protection Agency" and substitute "United States Environmental Protection Agency publishes in the Federal Register certification that, with respect to each national ambient air quality standard for ozone under 40 C.F.R. Section 81.344, the agency".

(2) In SECTION 12 of the bill, in Section 386.252(a), Health and Safety Code (page 7, line 13), between "Subsection (g)," and "money", insert "and with the exception of money appropriated to the commission for the Governmental Alternative Fuel Fleet Grant Program under Subsection (f),".

(3) In SECTION 16 of the bill, in Section 390.006, Health and Safety Code (page 9, lines 50-54), strike "commission publishes in the Texas Register certification that, with respect to each national ambient air quality standard for ozone under 40".

C.F.R. Section 81.344, the United States Environmental Protection Agency" and substitute "United States Environmental Protection Agency publishes in the Federal Register certification that, with respect to each national ambient air quality standard for ozone under 40 C.F.R. Section 81.344, the agency".

(4) In SECTION 19 of the bill, in Section 391.304, Health and Safety Code (page 10, lines 26-30), strike "commission publishes in the Texas Register certification that, with respect to each national ambient air quality standard for ozone under 40 C.F.R. Section 81.344, the United States Environmental Protection Agency" and substitute "United States Environmental Protection Agency publishes in the Federal Register certification that, with respect to each national ambient air quality standard for ozone under 40 C.F.R. Section 81.344, the agency".

(5) In SECTION 24 of the bill, in Section 392.008, Health and Safety Code (page 11, lines 19-23), strike "commission publishes in the Texas Register certification that, with respect to each national ambient air quality standard for ozone under 40 C.F.R. Section 81.344, the United States Environmental Protection Agency" and substitute "United States Environmental Protection Agency publishes in the Federal Register certification that, with respect to each national ambient air quality standard for ozone under 40 C.F.R. Section 81.344, the agency".

(6) In SECTION 25 of the bill, in added Section 393.001(1-a)(C)(ii), Health and Safety Code (page 11, lines 46-47), strike "a state highway" and substitute "the most direct route using highways in the state highway system".

(7) In SECTION 31 of the bill, in Section 393.007, Health and Safety Code (page 13, lines 43-47), strike "commission publishes in the Texas Register certification that, with respect to each national ambient air quality standard for ozone under 40 C.F.R. Section 81.344, the United States Environmental Protection Agency" and substitute "United States Environmental Protection Agency publishes in the Federal Register certification that, with respect to each national ambient air quality standard for ozone under 40 C.F.R. Section 81.344, the agency".

(8) In SECTION 34 of the bill, in added Section 394.005(b)(2)(B)(ii)(b), Health and Safety Code (page 15, line 26), strike "a nonattainment or near-nonattainment area" and substitute "the clean transportation zone".

(9) In SECTION 38 of the bill, in Section 394.012, Health and Safety Code (page 17, lines 32-36), strike "commission publishes in the Texas Register certification that, with respect to each national ambient air quality standard for ozone under 40 C.F.R. Section 81.344, the United States Environmental Protection Agency" and substitute "United States Environmental Protection Agency publishes in the Federal Register certification that, with respect to each national ambient air quality standard for ozone under 40 C.F.R. Section 81.344, the agency".

(10) In SECTION 39 of the bill, in added Section 395.012, Health and Safety Code (page 20, line 41), strike "three-fourths of one percent of the total amount of money awarded under" and substitute "1.5 percent of the total amount of money allocated to".

(11) In SECTION 39 of the bill, in added Section 395.015, Health and Safety Code (page 20, lines 62-66), strike "commission publishes in the Texas Register certification that, with respect to each national ambient air quality standard for ozone under 40 C.F.R. Section 81.344, the United States Environmental Protection Agency" and substitute "United States Environmental Protection Agency publishes in the Federal Register certification that, with respect to each national ambient air quality standard for ozone under 40 C.F.R. Section 81.344, the agency".

and substitute "United States Environmental Protection Agency publishes in the Federal Register certification that, with respect to each national ambient air quality standard for ozone under 40 C.F.R. Section 81.344, the agency".

(12) In SECTION 42 of the bill (page 21, line 10), strike "September 1" and substitute "August 30".

(13) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 391.102(f), Health and Safety Code, is amended to read as follows:

(f) In reviewing a grant application under this chapter [~~coordinating interagency application review procedures~~], the commission may [~~shall~~]:

(1) solicit review and comments from:

(A) the comptroller to assess:

(i) the financial stability of the applicant;

(ii) the economic benefits and job creation potential associated with

the project; and

(iii) any other information related to the duties of that office;

(B) the Public Utility Commission of Texas to assess:

(i) the reliability of the proposed technology;

(ii) the feasibility and cost-effectiveness of electric transmission associated with the project; and

(iii) any other information related to the duties of that agency; and

(C) the Railroad Commission of Texas to assess:

(i) the availability and cost of the fuel involved with the project;

and

(ii) any other information related to the duties of that agency; and

(2) consider the comments received under Subdivision (1) in the commission's grant award decision process[~~and~~

~~(3) as part of the report required by Section 391.104, justify awards made to projects that have been negatively reviewed by agencies under Subdivision (1)].~~

(14) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 391.104, Health and Safety Code, is amended to read as follows:

Sec. 391.104. REPORTING REQUIREMENTS. The commission [~~annually~~] shall include in the biennial plan report required by Section 386.057(b) information [~~prepare a report~~] that summarizes the applications received and grants awarded in the preceding biennium [~~year~~]. Preparation of the information for the report may [~~must~~] include the participation of any [~~the~~] state agency [~~agencies~~] involved in the review of applications under Section 391.102, if the commission determines participation of the agency is needed.

The amendment to **SB 26** 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 Hancock offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 26** (senate committee printing) in SECTION 2 of the bill as follows:

(1) In added Section 2158.0051(a), Government Code (page 2, line 30), strike "it is the intent of this state that".

(2) In added Section 2158.0051(a)(1), Government Code (page 2, line 33), strike "shall" and substitute "may".

(3) In added Section 2158.0051(a)(3), Government Code (page 2, lines 47-48), strike "rather than conventional gasoline or diesel fuels".

The amendment to **SB 26** 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 Perry offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 26** as follows:

(1) In SECTION 17 of the bill, in added Section 391.002(b)(3)(A), Health and Safety Code (Committee printing page 10, line 3), strike "or".

(2) In SECTION 17 of the bill, in added Section 391.002(b)(3)(B), Health and Safety Code (Committee printing page 10, line 6), strike "and" and substitute "or".

(3) In SECTION 17 of the bill, in added Section 391.002(b)(3), Health and Safety Code (Committee printing page 10, between lines 6 and 7), add a new Paragraph (C) to read as follows:

"(C) the installation of systems that reduce flaring emissions and other site emissions by capturing waste heat to generate electricity; and".

(4) In SECTION 18 of the bill, in Section 391.205(a)(2), Health and Safety Code (Committee printing page 10, line 20), strike "or" and substitute "[or]".

(5) In SECTION 18 of the bill, in Section 391.205(a)(3), Health and Safety Code (Committee printing page 10, line 22), between "sources" and the period, insert the following:

"; or

(4) recover waste heat from the flaring of natural resources for the purpose of generating electricity".

The amendment to **SB 26** 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.

SB 26 as amended was passed to engrossment by a viva voce vote.

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

Nays: Burton, Creighton, Hall, Taylor of Collin.

SENATE BILL 26 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 26** be placed on its third reading and final passage.

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

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

Nays: Creighton, Hall, Taylor of Collin.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4.

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

Nays: Burton, Creighton, Hall, Taylor of Collin.

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate a Jackson County Day delegation.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 40 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 40** at this time on its second reading:

CSSB 40, Relating to the bond required and the bond insurance obtained for certain judges.

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.

COMMITTEE SUBSTITUTE SENATE BILL 40 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 **CSSB 40** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 454 ON SECOND READING**

Senator Perry moved to suspend the regular order of business to take up for consideration **CSSB 454** at this time on its second reading:

CSSB 454, Relating to certain protective orders in a suit for dissolution of marriage or a suit affecting the parent-child relationship, including a proceeding to adjudicate parentage.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 454 ON THIRD READING**

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 454** 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.

(Senator Perry in Chair)

(President in Chair)

(Senator West in Chair)

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 6 ON SECOND READING**

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **CSSB 6** at this time on its second reading:

CSSB 6, Relating to regulations and policies for entering or using a bathroom or changing facility; authorizing a civil penalty.

The motion prevailed by the following vote: Yeas 21, Nays 10.

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

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

The bill was read second time.

Senator Garcia offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 6** (senate committee printing) as follows:

(1) In SECTION 5 of the bill, in added Section 769.001, Health and Safety Code (page 2, lines 23-25), strike Subdivision (1).

(2) In SECTION 5 of the bill, in added Section 769.001, Health and Safety Code, between Subdivisions (6) and (7) (page 2, between lines 44 and 45), insert new Subdivision (7) to read as follows:

(7) "Sex" means the condition of being male or female.

(3) In SECTION 5 of the bill, in added Section 769.001, Health and Safety Code, renumber subdivisions of that section appropriately.

(4) Strike "biological" each time it appears in the bill.

The amendment to **CSSB 6** was read and failed of adoption by the following vote: Yeas 10, Nays 21.

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

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

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 6** (senate committee printing) as follows:

(1) In SECTION 1 of the bill (page 1, lines 31-36) strike "the federal government's mandate requiring Texas public schools to provide students access to restrooms, showers, and dressing rooms based on an individual student's internal sense of gender is alarming and could potentially lead to boys and girls showering together and using the same restroom should such guidance be followed" and substitute "for six years, the National Collegiate Athletic Association (NCAA) has issued and followed guidelines promoting the safety of all athletes, including the inclusion of transgender athletes and best practices for facilities access".

(2) In SECTION 1 of the bill, page 1, line 37, add "(3) the NCAA affirms that transgender women are women and transgender men are men, and that best practices for including transgender athletes in their programs are providing equal opportunity, valuing diversity, and establishing diversity policies; and" and renumber the remaining subdivisions accordingly.

(3) On page 1, line 54 through page 2, line 6, strike SECTION 3 and renumber the remaining SECTIONS accordingly.

(4) In SECTION 5 of the bill, in added Chapter 769 Subtitle A, Title 9, Health and Safety Code, SUBCHAPTER A, Sec. 769.001 (page 2, lines 23-25), strike "Biological sex" means the physical condition of being male or female, which is stated on a person's birth certificate;" and substitute "Gender identity" means an

individual's innermost concept, perception, and identification of self as male, female, a blend of both, or neither. Gender identity may be the same as or different from the sex assigned to an individual at birth".

(5) On page 2, line 61, strike "biological sex" and substitute "gender identity".

(6) On pages 2-3, SECTION 5, strike page 2 line 62 through page 3 line 2 and substitute "Sec. 769.052. ACCOMMODATIONS AUTHORIZED. Transgender students may use the locker room, shower, and toilet facilities in accordance with the student's gender identity. Every locker room should have some private, enclosed changing areas, showers, and toilets for use by any student who desires them. When requested by a student, schools should provide private, separate changing, showering, and toilet facilities, but transgender students may not be required to use separate facilities."

(7) On page 3, lines 6-7, strike "biological sex opposite to the person's biological sex" and substitute "gender identity opposite to the person's gender identity"

(8) On page 3, SECTION 5, lines 20-62, strike SUBCHAPTER C.

The amendment to **CSSB 6** was read and failed of adoption by the following vote: Yeas 10, Nays 21.

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

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

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 6** (senate committee report) as follows:

(1) In SECTION 5 of the bill, immediately following added Section 769.052, Health and Safety Code (page 3, between lines 2 and 3), insert the following new section:

Sec. 769.0525. PRIVATE LEASES AND CONTRACTS. A private entity that leases or contracts to use a building owned or leased by a school district or open-enrollment charter school is not subject to Section 769.051. A school district or open-enrollment charter school may not require the private entity to adopt, or prohibit the private entity from adopting, a policy on the designation or use of bathrooms or changing facilities located in the building.

(2) In SECTION 5 of the bill, immediately following added Section 769.053, Health and Safety Code (page 3, between lines 19 and 20), insert the following new section:

Sec. 769.054. CONSIDERATION OF CERTAIN POLICIES PROHIBITED. In awarding a contract for the purchase of goods or services, a school district or open-enrollment charter school may not consider whether a private entity competing for the contract has adopted a policy relating to the designation or use of the entity's bathrooms or changing facilities.

(3) In SECTION 5 of the bill, immediately following added Section 769.104, Health and Safety Code (page 3, between lines 62 and 63), insert the following new section:

Sec. 769.105. CONSIDERATION OF CERTAIN POLICIES PROHIBITED. In awarding a contract for the purchase of goods or services, a political subdivision or state agency may not consider whether a private entity competing for the contract has adopted a policy relating to the designation or use of the entity's bathrooms or changing facilities.

The amendment to **CSSB 6** was read and was adopted by the following vote: Yeas 21, Nays 10.

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

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

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 6** (senate committee printing) as follows:

(1) In SECTION 5 of the bill, in added Section 769.103, Health and Safety Code (page 3, line 37), immediately following "CONTRACTS.", insert "(a)".

(2) In SECTION 5 of the bill, at the end of added Section 769.103, Health and Safety Code (page 3, between lines 43 and 44), add the following new subsection to that section:

(b) A building owned or leased by this state or a political subdivision that is primarily used for rental or lease by private entities on a short-term basis for events is not at any time subject to Section 769.101, regardless of whether a public or private entity is using the building at that time.

The amendment to **CSSB 6** was read.

Senator Menéndez withdrew Floor Amendment No. 4.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 6** (senate committee report) as follows:

(1) In SECTION 5 of the bill, immediately following added Section 769.051, Health and Safety Code (page 2, between lines 61 and 62), insert the following new section:

Sec. 769.0515. REQUIRING IDENTIFICATION PROHIBITED. An employee of a school district or open-enrollment charter school may not require an individual to produce the individual's birth certificate, driver's license, or other form of identification that includes the individual's sex:

(1) as a condition for entering or using a multiple-occupancy bathroom or changing facility; or

(2) to confirm that the individual entered a multiple-occupancy bathroom or changing facility consistent with the individual's sex stated on the identification.

(2) In SECTION 5 of the bill, immediately following added Section 769.101, Health and Safety Code (page 3, between lines 28 and 29), insert the following new section:

Sec. 769.1015. REQUIRING IDENTIFICATION PROHIBITED. An employee of a political subdivision or state agency may not require an individual to produce the individual's birth certificate, driver's license, or other form of identification that includes the individual's sex:

(1) as a condition for entering or using a multiple-occupancy bathroom or changing facility; or

(2) to confirm that the individual entered a multiple-occupancy bathroom or changing facility consistent with the individual's sex stated on the identification.

(3) In SECTION 5 of the bill, in added Section 769.153(c)(1), Health and Safety Code (page 4, lines 40-41), immediately following "location", strike "of the bathroom or changing facility found to be in violation" and substitute "in which the violation occurred".

The amendment to **CSSB 6** was read and failed of adoption by the following vote: Yeas 10, Nays 21.

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

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

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 6** (senate committee report), in SECTION 5 of the bill, in added Section 769.104(2)(A), Health and Safety Code (page 3, line 59), following "younger than", strike "eight" and substitute "10".

The amendment to **CSSB 6** was read and was adopted by the following vote: Yeas 31, Nays 0.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSSB 6** (senate committee report) as follows:

(1) In SECTION 5 of the bill, strike added Section 769.053, Health and Safety Code (page 3, lines 3-19), and substitute the following:

Sec. 769.053. EXCEPTIONS. A designation of a multiple-occupancy bathroom or changing facility under Section 769.051 does not apply to a person:

(1) entering a multiple-occupancy bathroom or changing facility designated for the biological sex opposite to the person's biological sex:

(A) for a custodial purpose;

(B) for a maintenance or inspection purpose;

(C) to render medical or other emergency assistance;

(D) to accompany a student needing assistance in using the facility, if the assisting person is:

(i) an employee or authorized volunteer of a school district or open-enrollment charter school; or

(ii) the student's parent, guardian, conservator, or authorized caregiver;

(E) to accompany a person other than a student needing assistance in using the facility; or

(F) to receive assistance in using the facility; or

(2) who identifies as transgender, regardless of whether the person's birth certificate is amended to reflect the person's sex.

(2) In SECTION 5 of the bill, in added Section 769.104, Health and Safety Code (page 3, line 57), strike "or".

(3) In SECTION 5 of the bill, in added Section 769.104, Health and Safety Code (page 3, line 62), strike the underlined period and substitute the following:

; or

(3) a person who identifies as transgender, regardless of whether the person's birth certificate is amended to reflect the person's sex.

The amendment to **CSSB 6** was read and failed of adoption by the following vote: Yeas 10, Nays 21.

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

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

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSSB 6** (senate committee report) in SECTION 5 of the bill, in added Section 769.152(b)(2), Health and Safety Code (page 4, line 18), immediately following "(2)", by striking "a signed statement by the citizen" and substituting "the citizen's sworn statement or affidavit".

The amendment to **CSSB 6** was read and was adopted by the following vote: Yeas 31, Nays 0.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSSB 6** (senate committee printing) in SECTION 5 of the bill as follows:

(1) In added Section 769.153(c)(3), Health and Safety Code (page 4, line 46), between "before" and "the", insert the following:

⋮

(A)

(2) In added Section 769.153(c)(3), Health and Safety Code (page 4, line 50), between "chapter" and the underlined period, insert the following:

; or

(B) the first anniversary after the date the school district, open-enrollment charter school, state agency, or political subdivision provides written notice to the attorney general that the school district, open-enrollment charter school, state agency, or political subdivision intends to cure the violation by construction or renovation

(3) In added Section 769.154(a), Health and Safety Code (page 4, lines 55-56), strike "Section 769.153(c)(3)" and substitute the following: Section 769.153(c)(3)(A) or the first anniversary after the date the attorney general receives notice under Section 769.153(c)(3)(B), as applicable

The amendment to **CSSB 6** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

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

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

Senator Garcia offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSSB 6** (senate committee report) in SECTION 5 of the bill immediately following added Section 769.001, Health and Safety Code (page 2, between lines 54 and 55), by adding the following new section:

Sec. 769.002. PUBLIC AWARENESS CAMPAIGN. The Department of State Health Services shall develop and implement a public awareness campaign designed to educate the public about the provisions of this chapter, including informing the public that:

(1) this chapter does not grant an individual the authority to request another individual to produce the individual's birth certificate, driver's license, or other form of identification that includes the individual's sex for purposes of entering or using a multiple-occupancy bathroom or changing facility;

(2) an individual may not be penalized or held liable under this chapter for entering or using a multiple-occupancy bathroom or changing facility designated for the opposite biological sex; and

(3) the attorney general is responsible for enforcing this chapter, and an individual may file a complaint with the attorney general under Section 769.152 regarding a violation of this chapter by a school district, open-enrollment charter school, state agency, or political subdivision.

The amendment to **CSSB 6** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

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

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

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSSB 6** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 100B to read as follows:

CHAPTER 100B. LIABILITY ARISING FROM DISCRIMINATION SUBCHAPTER A. GENERAL PROVISIONS

Sec. 100B.001. DEFINITIONS. In this chapter:

(1) "Aggrieved person" includes any person who:

(A) claims to have been injured by a discriminatory practice; or

(B) believes that he or she will be injured by a discriminatory practice

that is about to occur.

(2) "Discriminatory practice" means an act prohibited by this chapter.

(3) "Gender identity or expression" means having or being perceived as having gender-related identity, appearance, expression, or behavior, regardless of whether that identity, appearance, expression, or behavior is different from that commonly associated with the individual's actual or perceived sex.

(4) "Public accommodation" means a business or other entity that offers to the general public food, shelter, recreation, or amusement, or any other goods, service, privilege, facility, or accommodation.

(5) "Religious organization" means:

(A) a religious corporation, association, or society; or

(B) a school, institution of higher education, or other educational institution, not otherwise a religious organization, that:

(i) is wholly or substantially controlled, managed, owned, or supported by a religious organization; or

(ii) has a curriculum directed toward the propagation of a particular religion.

(6) "Sexual orientation" means the actual or perceived status of an individual with respect to the individual's sexuality.

Sec. 100B.002. APPLICABILITY OF CHAPTER. (a) Except as provided by Subsection (b), this chapter does not apply to a religious organization.

(b) This chapter applies to activities conducted by a religious organization for profit to the extent that those activities are subject to federal taxation under Section 511(a), Internal Revenue Code of 1986, as that section existed on September 1, 2017.

SUBCHAPTER B. DISCRIMINATION IN PUBLIC ACCOMMODATIONS
PROHIBITED

Sec. 100B.051. PUBLIC ACCOMMODATIONS. (a) Except as provided by Subsection (b), a person commits a discriminatory practice and violates this chapter if the person, because of the sexual orientation or gender identity or expression of an individual:

(1) denies that individual full and equal accommodations in any place of public accommodation in this state, subject only to the conditions and limitations established by law and applicable to all persons; or

(2) otherwise discriminates against or segregates or separates the individual based on sexual orientation or gender identity or expression.

(b) A person does not commit a discriminatory practice or violate this chapter under Subsection (a) if segregation or separation of an individual is necessary to provide a service that:

(1) provides acceptance, support, and understanding to the individual;

(2) assists the individual with coping with the individual's sexual orientation or gender identity or expression, maintaining social support, and exploring and identifying the individual's identity; or

(3) provides support to an individual undergoing a gender transition.

(c) The services described by Subsection (b)(2) include a sexual orientation-neutral intervention for preventing or addressing unlawful conduct or unsafe sexual practices if the intervention does not seek to change the individual's sexual orientation or gender identity or expression.

SUBCHAPTER C. CAUSE OF ACTION

Sec. 100B.101. CIVIL ACTION. An aggrieved person may file a civil action in district court not later than the second anniversary of the occurrence of the termination of an alleged discriminatory practice under this chapter to obtain appropriate relief with respect to the discriminatory practice.

Sec. 100B.102. RELIEF GRANTED. In an action under this subchapter, if the court finds that a discriminatory practice has occurred or is about to occur, the court may award to the plaintiff:

(1) actual and punitive damages;

(2) reasonable attorney's fees;

(3) court costs; and

(4) any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering other appropriate action.

SECTION _____. Subchapter A, Chapter 2155, Government Code, is amended by adding Section 2155.0065 to read as follows:

Sec. 2155.0065. PROHIBITION AGAINST DISCRIMINATION BY STATE CONTRACTOR BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY OR EXPRESSION. (a) In this section:

(1) "Employee" means an individual who is employed by a contractor or subcontractor for compensation.

(2) "Gender identity or expression" means having or being perceived as having a gender-related identity, appearance, expression, or behavior, regardless of whether that identity, appearance, expression, or behavior is different from that commonly associated with the individual's actual or perceived sex.

(3) "Sexual orientation" means the actual or perceived status of an individual with respect to the individual's sexuality.

(b) A state agency contracting with a contractor under this subtitle shall require the contractor to adopt and apply an employment policy under which the contractor and any subcontractor may not, because of sexual orientation or gender identity or expression:

(1) fail or refuse to hire an individual, discharge an individual, or discriminate in any other manner against an individual in connection with compensation or the terms, conditions, or privileges of employment; or

(2) limit, segregate, or classify an employee or applicant for employment in a manner that would deprive or tend to deprive an individual of any employment opportunity or adversely affect in any other manner the status of an employee.

(c) Each contract entered into between a state agency and a contractor under this subtitle must include terms that:

(1) authorize an employee of a contractor or subcontractor, or an applicant for employment with the contractor or subcontractor, to make a verbal or written complaint to the state agency regarding the contractor's or subcontractor's noncompliance with an employment policy required by Subsection (b);

(2) explain that, on confirmation of a contractor's noncompliance with an employment policy required by Subsection (b) that is the subject of a complaint, the state agency shall provide to the contractor written notice of the noncompliance by hand delivery or certified mail;

(3) inform a contractor that the state agency may impose an administrative penalty if the contractor fails to comply with an employment policy required by Subsection (b) after the date on which the contractor receives notice under Subdivision (2); and

(4) explain that an amount equal to the amount of the administrative penalty may be withheld from a payment otherwise owed to a contractor under a contract.

(d) The amount of an administrative penalty imposed under Subsection (c)(3) is \$100 per day for each employee or applicant for employment who is discriminated against in violation of an employment policy required by Subsection (b).

(e) Each state agency shall develop procedures for the administration of this section.

SECTION ____ . Section 21.002, Labor Code, is amended by adding Subdivisions (9-a) and (13-a) to read as follows:

(9-a) "Gender identity or expression" means having or being perceived as having a gender-related identity, appearance, expression, or behavior, regardless of whether that identity, appearance, expression, or behavior is different from that commonly associated with the individual's actual or perceived sex.

(13-a) "Sexual orientation" means the actual or perceived status of an individual with respect to the individual's sexuality.

SECTION ____ . Section 21.051, Labor Code, is amended to read as follows:

Sec. 21.051. DISCRIMINATION BY EMPLOYER. An employer commits an unlawful employment practice if because of race, color, disability, religion, sex, national origin, ~~[or]~~ age, sexual orientation, or gender identity or expression the employer:

(1) fails or refuses to hire an individual, discharges an individual, or discriminates in any other manner against an individual in connection with compensation or the terms, conditions, or privileges of employment; or

(2) limits, segregates, or classifies an employee or applicant for employment in a manner that would deprive or tend to deprive an individual of any employment opportunity or adversely affect in any other manner the status of an employee.

SECTION _____. Section 21.052, Labor Code, is amended to read as follows:

Sec. 21.052. DISCRIMINATION BY EMPLOYMENT AGENCY. An employment agency commits an unlawful employment practice if the employment agency:

(1) fails or refuses to refer for employment or discriminates in any other manner against an individual because of race, color, disability, religion, sex, national origin, ~~[or]~~ age, sexual orientation, or gender identity or expression; or

(2) classifies or refers an individual for employment on the basis of race, color, disability, religion, sex, national origin, ~~[or]~~ age, sexual orientation, or gender identity or expression.

SECTION _____. Section 21.053, Labor Code, is amended to read as follows:

Sec. 21.053. DISCRIMINATION BY LABOR ORGANIZATION. A labor organization commits an unlawful employment practice if because of race, color, disability, religion, sex, national origin, ~~[or]~~ age, sexual orientation, or gender identity or expression the labor organization:

(1) excludes or expels from membership or discriminates in any other manner against an individual; or

(2) limits, segregates, or classifies a member or an applicant for membership or classifies or fails or refuses to refer for employment an individual in a manner that would:

(A) deprive or tend to deprive an individual of any employment opportunity;

(B) limit an employment opportunity or adversely affect in any other manner the status of an employee or of an applicant for employment; or

(C) cause or attempt to cause an employer to violate this subchapter.

SECTION _____. Section 21.054(a), Labor Code, is amended to read as follows:

(a) Unless a training or retraining opportunity or program is provided under an affirmative action plan approved under a federal law, rule, or order, an employer, labor organization, or joint labor-management committee controlling an apprenticeship, on-the-job training, or other training or retraining program commits an unlawful employment practice if the employer, labor organization, or committee discriminates against an individual because of race, color, disability, religion, sex, national origin, ~~[or]~~ age, sexual orientation, or gender identity or expression in admission to or participation in the program.

SECTION _____. Section 21.059(a), Labor Code, is amended to read as follows:

(a) An employer, labor organization, employment agency, or joint labor-management committee controlling an apprenticeship, on-the-job training, or other training or retraining program commits an unlawful employment practice if the employer, labor organization, employment agency, or committee prints or publishes or causes to be printed or published a notice or advertisement relating to employment that:

(1) indicates a preference, limitation, specification, or discrimination based on race, color, disability, religion, sex, national origin, ~~or~~ age, sexual orientation, or gender identity or expression; and

(2) concerns an employee's status, employment, or admission to or membership or participation in a labor union or training or retraining program.

SECTION _____. Section 21.102(c), Labor Code, is amended to read as follows:

(c) This section does not apply to standards of compensation or terms, conditions, or privileges of employment that are discriminatory on the basis of race, color, disability, religion, sex, national origin, ~~or~~ age, sexual orientation, or gender identity or expression.

SECTION _____. Section 21.112, Labor Code, is amended to read as follows:

Sec. 21.112. EMPLOYEES AT DIFFERENT LOCATIONS. An employer does not commit an unlawful employment practice by applying to employees who work in different locations different standards of compensation or different terms, conditions, or privileges of employment that are not discriminatory on the basis of race, color, disability, religion, sex, national origin, ~~or~~ age, sexual orientation, or gender identity or expression.

SECTION _____. Section 21.113, Labor Code, is amended to read as follows:

Sec. 21.113. IMBALANCE PLAN NOT REQUIRED. This chapter does not require a person subject to this chapter to grant preferential treatment to an individual or a group on the basis of race, color, disability, religion, sex, national origin, ~~or~~ age, sexual orientation, or gender identity or expression because of an imbalance between:

(1) the total number or percentage of persons of that individual's or group's race, color, disability, religion, sex, national origin, ~~or~~ age, sexual orientation, or gender identity or expression:

(A) employed by an employer;

(B) referred or classified for employment by an employment agency or labor organization;

(C) admitted to membership or classified by a labor organization; or

(D) admitted to or employed in an apprenticeship, on-the-job training, or other training or retraining program; and

(2) the total number or percentage of persons of that race, color, disability, religion, sex, national origin, ~~or~~ age, sexual orientation, or gender identity or expression in:

(A) a community, this state, a region, or other area; or

(B) the available work force in a community, this state, a region, or other area.

SECTION _____. Section 21.120(b), Labor Code, is amended to read as follows:

(b) Subsection (a) does not apply to a policy adopted or applied with the intent to discriminate because of race, color, sex, national origin, religion, age, ~~[or]~~ disability, sexual orientation, or gender identity or expression.

SECTION _____. Section 21.122(a), Labor Code, is amended to read as follows:

(a) An unlawful employment practice based on disparate impact is established under this chapter only if:

(1) a complainant demonstrates that a respondent uses a particular employment practice that causes a disparate impact on the basis of race, color, sex, national origin, religion, ~~[or]~~ disability, sexual orientation, or gender identity or expression and the respondent fails to demonstrate that the challenged practice is job-related for the position in question and consistent with business necessity; or

(2) the complainant makes the demonstration in accordance with federal law as that law existed June 4, 1989, with respect to the concept of alternative employment practices, and the respondent refuses to adopt such an alternative employment practice.

SECTION _____. Section 21.124, Labor Code, is amended to read as follows:

Sec. 21.124. PROHIBITION AGAINST DISCRIMINATORY USE OF TEST SCORES. It is an unlawful employment practice for a respondent, in connection with the selection or referral of applicants for employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the results of employment-related tests on the basis of race, color, sex, national origin, religion, age, ~~[or]~~ disability, sexual orientation, or gender identity or expression.

SECTION _____. The heading to Section 21.125, Labor Code, is amended to read as follows:

Sec. 21.125. CLARIFYING PROHIBITION AGAINST IMPERMISSIBLE CONSIDERATION OF RACE, COLOR, SEX, NATIONAL ORIGIN, RELIGION, AGE, ~~[OR]~~ DISABILITY, SEXUAL ORIENTATION, OR GENDER IDENTITY OR EXPRESSION IN EMPLOYMENT PRACTICES.

SECTION _____. Section 21.125(a), Labor Code, is amended to read as follows:

(a) Except as otherwise provided by this chapter, an unlawful employment practice is established when the complainant demonstrates that race, color, sex, national origin, religion, age, ~~[or]~~ disability, sexual orientation, or gender identity or expression was a motivating factor for an employment practice, even if other factors also motivated the practice, unless race, color, sex, national origin, religion, age, ~~[or]~~ disability, sexual orientation, or gender identity or expression is combined with objective job-related factors to attain diversity in the employer's work force.

SECTION _____. Section 21.126, Labor Code, is amended to read as follows:

Sec. 21.126. COVERAGE OF PREVIOUSLY EXEMPT EMPLOYEES OF THE STATE OR POLITICAL SUBDIVISION OF THE STATE. It is an unlawful employment practice for a person elected to public office in this state or a political subdivision of this state to discriminate because of race, color, sex, national origin, religion, age, ~~[or]~~ disability, sexual orientation, or gender identity or expression against an individual who is an employee or applicant for employment to:

- (1) serve on the elected official's personal staff;
- (2) serve the elected official on a policy-making level; or

(3) serve the elected official as an immediate advisor with respect to the exercise of the constitutional or legal powers of the office.

SECTION _____. Section 21.152(a), Labor Code, is amended to read as follows:

(a) A political subdivision or two or more political subdivisions acting jointly may create a local commission to:

(1) promote the purposes of this chapter; and

(2) secure for all individuals in the jurisdiction of each political subdivision freedom from discrimination because of race, color, disability, religion, sex, national origin, ~~or~~ age, sexual orientation, or gender identity or expression.

SECTION _____. Section 21.155(a), Labor Code, is amended to read as follows:

(a) The commission [~~Commission on Human Rights~~] shall refer a complaint concerning discrimination in employment because of race, color, disability, religion, sex, national origin, ~~or~~ age, sexual orientation, or gender identity or expression that is filed with that commission to a local commission with the necessary investigatory and conciliatory powers if:

(1) the complaint has been referred to the commission [~~Commission on Human Rights~~] by the federal government; or

(2) jurisdiction over the subject matter of the complaint has been deferred to the commission [~~Commission on Human Rights~~] by the federal government.

SECTION _____. Section 301.003, Property Code, is amended by amending Subdivision (6) and adding Subdivisions (9-a) and (10-a) to read as follows:

(6) "Disability" means a mental or physical impairment that substantially limits at least one major life activity, a record of the impairment, or being regarded as having the impairment. The term does not include current illegal use of or addiction to any drug or illegal or federally controlled substance [~~and does not apply to an individual because of an individual's sexual orientation or because that individual is a transvestite~~].

(9-a) "Gender identity or expression" means having or being perceived as having a gender-related identity, appearance, expression, or behavior, regardless of whether that identity, appearance, expression, or behavior is different from that commonly associated with the individual's actual or perceived sex.

(10-a) "Sexual orientation" means the actual or perceived status of an individual with respect to the individual's sexuality.

SECTION _____. Sections 301.021(a) and (b), Property Code, are amended to read as follows:

(a) A person may not refuse to sell or rent, after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or in any other manner make unavailable or deny a dwelling to another because of race, color, religion, sex, familial status, ~~or~~ national origin, sexual orientation, or gender identity or expression.

(b) A person may not discriminate against another in the terms, conditions, or privileges of sale or rental of a dwelling or in providing services or facilities in connection with a sale or rental of a dwelling because of race, color, religion, sex, familial status, ~~or~~ national origin, sexual orientation, or gender identity or expression.

SECTION _____. Section 301.022, Property Code, is amended to read as follows:

Sec. 301.022. PUBLICATION. A person may not make, print, or publish or effect the making, printing, or publishing of a notice, statement, or advertisement that is about the sale or rental of a dwelling and that indicates any preference, limitation, or discrimination or the intention to make a preference, limitation, or discrimination because of race, color, religion, sex, disability, familial status, ~~[or]~~ national origin, sexual orientation, or gender identity or expression.

SECTION _____. Section 301.023, Property Code, is amended to read as follows:

Sec. 301.023. INSPECTION. A person may not represent to another because of race, color, religion, sex, disability, familial status, ~~[or]~~ national origin, sexual orientation, or gender identity or expression that a dwelling is not available for inspection for sale or rental when the dwelling is available for inspection.

SECTION _____. Section 301.024, Property Code, is amended to read as follows:

Sec. 301.024. ENTRY INTO NEIGHBORHOOD. A person may not, for profit, induce or attempt to induce another to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, religion, sex, disability, familial status, ~~[or]~~ national origin, sexual orientation, or gender identity or expression.

SECTION _____. Section 301.026(a), Property Code, is amended to read as follows:

(a) A person whose business includes engaging in residential real estate related transactions may not discriminate against another in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, sex, disability, familial status, ~~[or]~~ national origin, sexual orientation, or gender identity or expression.

SECTION _____. Section 301.027, Property Code, is amended to read as follows:

Sec. 301.027. BROKERAGE SERVICES. A person may not deny another access to, or membership or participation in, a multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in the terms or conditions of access, membership, or participation in such an organization, service, or facility because of race, color, religion, sex, disability, familial status, ~~[or]~~ national origin, sexual orientation, or gender identity or expression.

SECTION _____. Sections 301.042(a) and (c), Property Code, are amended to read as follows:

(a) This chapter does not prohibit a religious organization, association, or society or a nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from:

(1) limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion; or

(2) giving preference to persons of the same religion, unless membership in the religion is restricted because of race, color, sex, disability, familial status, ~~[or]~~ national origin, sexual orientation, or gender identity or expression.

(c) This chapter does not prohibit a person engaged in the business of furnishing appraisals of real property from considering in those appraisals factors other than race, color, religion, sex, disability, familial status, ~~[☐]~~ national origin, sexual orientation, or gender identity or expression.

SECTION _____. Section 301.068, Property Code, is amended to read as follows:

Sec. 301.068. REFERRAL TO MUNICIPALITY. (a) Subject to Subsection (b), the [The] commission may defer proceedings under this chapter and refer a complaint to a municipality that has been certified by the federal Department of Housing and Urban Development as a substantially equivalent fair housing agency.

(b) The commission may not defer proceedings and refer a complaint under Subsection (a) to a municipality in which the alleged discrimination occurred if:

(1) the complaint alleges discrimination based on sexual orientation or gender identity or expression; and

(2) the municipality does not have laws prohibiting the alleged discrimination.

SECTION _____. Section 301.171(a), Property Code, is amended to read as follows:

(a) A person commits an offense if the person, without regard to whether the person is acting under color of law, by force or threat of force intentionally intimidates or interferes with a person:

(1) because of the person's race, color, religion, sex, disability, familial status, ~~[☐]~~ national origin, sexual orientation, or gender identity or expression and because the person is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling or applying for or participating in a service, organization, or facility relating to the business of selling or renting dwellings; or

(2) because the person is or has been or to intimidate the person from:

(A) participating, without discrimination because of race, color, religion, sex, disability, familial status, ~~[☐]~~ national origin, sexual orientation, or gender identity or expression, in an activity, service, organization, or facility described by Subdivision (1); ~~[☐]~~

(B) affording another person opportunity or protection to so participate; or

(C) lawfully aiding or encouraging other persons to participate, without discrimination because of race, color, religion, sex, disability, familial status, ~~[☐]~~ national origin, sexual orientation, or gender identity or expression, in an activity, service, organization, or facility described by Subdivision (1).

SECTION _____. (a) Section 2155.0065, Government Code, as added by this Act, applies only to a contract for which a state agency first advertises or otherwise solicits bids, proposals, offers, qualifications, or other similar expressions of interest on or after the effective date of this Act.

(b) The changes in law made by this Act to Chapter 21, Labor Code, apply to conduct occurring on or after the effective date of this Act. Conduct occurring before that date is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

(c) The changes in law made by this Act to Chapter 301, Property Code, apply only to a complaint filed with the Texas Workforce Commission on or after the effective date of this Act. A complaint filed before that date is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

The amendment to **CSSB 6** was read and failed of adoption by the following vote: Yeas 10, Nays 21.

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

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

Senator Miles offered the following amendment to the bill:

Floor Amendment No. 12

Amend **CSSB 6** as follows:

Committee substitute for Senate Bill 6, insert the following new section where appropriate and renumber accordingly:

Sec. ____ . INFORMATIONAL ASSISTANCE TO PUBLIC SCHOOLS. At the request of a public school district or open-enrollment charter school, the Texas Health and Human Services Commission shall designate an individual or an office to advise the school of health and safety regulations and federal accessibility laws and, to the extent permitted under law, provide recommendations and responses to those inquiries. The commission shall generally make such information available to the public and to schools on its website.

The amendment to **CSSB 6** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

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

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

Senator Garcia offered the following amendment to the bill:

Floor Amendment No. 13

Amend **CSSB 6** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . (a) In this section:

(1) "Biological sex" has the meaning assigned by Section 769.001, Health and Safety Code, as added by this Act.

(2) "Department" means the Department of Public Safety of the State of Texas.

(3) "Multiple-occupancy bathroom or changing facility" has the meaning assigned by Section 769.001, Health and Safety Code, as added by this Act.

(b) The department shall conduct a study on incidents reported to law enforcement in this state in which a person whose biological sex at birth is male is alleged to have impersonated a female for the purpose of committing an offense against a female in a multiple-occupancy bathroom or changing facility designated for females.

(c) The department shall develop a report of the results of the study conducted under Subsection (b) of this section. The report must include data on:

(1) the total number of incidents described by Subsection (b) that were reported in this state during the period covered by the study;

(2) the number of incidents described by Subsection (b) by municipality;

(3) for each incident described by Subsection (b), the general purpose of or typical use of the building in which the incident occurred; and

(4) for each incident described by Subsection (b), whether the person who engaged in the conduct described by Subsection (b) was arrested or convicted of any offense in connection with that conduct.

(d) The department may require local law enforcement agencies to provide data for the study under this section.

(e) The department shall provide a written copy of the report developed under Subsection (c) of this section to the legislature not later than December 1, 2018.

(f) This section expires June 1, 2019.

The amendment to **CSSB 6** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

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

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

Senator Miles offered the following amendment to the bill:

Floor Amendment No. 14

Amend **CSSB 6** as follows:

Committee substitute for Senate Bill 6, insert the following new section where appropriate and renumber accordingly:

Sec. _____. GENDER DETERMINATION. (a) no later than December 1, 2017, the Texas Department of State Health Services (DSHS) shall form a task force of medical experts to study the issue of gender determination in instances when the gender cannot be determined at the time of birth;

(b) no later than June 1, 2018, DSHS shall report to the governor, lieutenant governor and speaker of the house of representatives on its findings regarding a new process for gender determination, including recommendations for statutory change;

(c) no later than June 1, 2018 the Department of Information Resources and the state auditor's office shall review the process by which vital statistics data is submitted through the Texas Electronic Registrar system and submit recommendations to ensure that proper cyber security precautions are followed;

(d) this subsection shall sunset on July 1, 2018.

The amendment to **CSSB 6** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

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

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

Senator Garcia offered the following amendment to the bill:

Floor Amendment No. 15

Amend **CSSB 6** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) The Department of State Health Services shall conduct a survey of persons in this state who identify as transgender or gender nonconforming about:

- (1) each person's use of public bathrooms and changing facilities;
- (2) each person's experiences when using public bathrooms and changing facilities; and
- (3) the impact of the experiences described in Subdivision (2) of this subsection on the person's health, education, employment, or participation in public activities.

(b) Not later than December 1, 2018, the Department of State Health Services shall prepare and submit to the governor, lieutenant governor, and members of the legislature a report summarizing the findings of the survey described in Subsection (a) of this section.

The amendment to **CSSB 6** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

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

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

Senator Miles offered the following amendment to the bill:

Floor Amendment No. 16

Amend **CSSB 6** as follows:

Committee substitute for Senate Bill 6, insert the following new section where appropriate and renumber accordingly:

Sec. . FINDING OF LOSS OF SIGNIFICANT EVENT. (a) the governor's office of Economic Development and Tourism shall report all conventions, events, conventions and performances lost to the state as a direct result of the passage of Senate Bill 6, 85th Regular Legislative Session, or similar legislation;

(b) the report shall include a listing of all such events which declined to take place in the state due to the passage of the legislation, including the estimated economic activity and estimated employment that would have been gained if the loss of the event had not occurred. The report shall include a breakdown of those losses by business sector, broken down by county;

(c) office of Economic Development and Tourism shall present its findings to the governor, lieutenant governor, and speaker of the house of representatives no later than September 1 of every year, beginning in 2018;

(d) should the findings by the office of Economic Development and Tourism confirm the loss of a major event due to the legislation, the Secretary of State shall suspend this Act in its entirety, notwithstanding Section 6 of this Act, no later than December 1 of that year, pending further action by the legislature;

(e) for the purpose of this subsection, a "major event" is defined as a super bowl, NBA all-star game, MLB all-star game, NFL pro bowl, NCAA college football playoff game, or men's or women's NCAA Final Four in basketball;

(f) should the governor's office of Economic Development and Tourism fail to submit its findings by September 1 of any year, the Secretary of State shall suspend this Act no later than December 1 of that year.

The amendment to **CSSB 6** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

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

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

Senator Miles offered the following amendment to the bill:

Floor Amendment No. 17

Amend **CSSB 6** as follows:

Committee substitute for Senate Bill 6, insert the following new section where appropriate and renumber accordingly:

Sec. . FINDING OF SIGNIFICANT JOB LOSS. (a) the comptroller of public accounts must provide a cumulative assessment of all economic activity and employment opportunities that were lost to the state as a direct result of the passage of Senate Bill 6, 85th Regular Legislative Session, or similar legislation;

(b) the assessment shall include an aggregate accounting of attributable economic and employment losses, a breakdown of those losses by business sector, broken down by county;

(c) the comptroller shall present its findings to the governor, lieutenant governor, and speaker of the house of representatives no later than September 1 of every year, beginning in 2018;

(d) should the findings by the comptroller confirm the loss of \$100 million in economic activity or the loss of 1000 jobs due to the legislation, the Secretary of State shall suspend this Act in its entirety, notwithstanding Section 6 of this Act, no later than December 1 of that year, pending further action by the legislature;

(e) should the comptroller fail to submit its findings by September 1 of any year, the Secretary of State shall suspend this Act no later than December 1 of that year.

The amendment to **CSSB 6** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

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

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

Senator Miles offered the following amendment to the bill:

Floor Amendment No. 18

Amend **CSSB 6** as follows:

Committee substitute for Senate Bill 6, insert the following new section where appropriate and renumber accordingly:

Sec. _____. FINDING OF SIGNIFICANT JOB LOSS. (a) the comptroller of public accounts must provide a cumulative assessment of all economic activity and employment opportunities that were lost to the state as a direct result of the passage of Senate Bill 6, 85th Regular Legislative Session, or similar legislation;

(b) the assessment shall include an aggregate accounting of attributable economic and employment losses, a breakdown of those losses by business sector, broken down by county;

(c) the comptroller shall present its findings to the governor, lieutenant governor, and speaker of the house of representatives no later than September 1 of every year, beginning in 2018.

The amendment to **CSSB 6** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

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

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

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 19

Amend **CSSB 6** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, in added Section 250.008(b), Local Government Code (page 2, line 1), strike "or enforce".

(2) Strike SECTION 7 of the bill (page 5, lines 31-33) and substitute the following:

SECTION 7. Section 250.008, Local Government Code, as added by this Act, applies only to an order, ordinance, or other measure adopted on or after the effective date of this Act.

The amendment to **CSSB 6** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

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

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

Senator Garcia offered the following amendment to the bill:

Floor Amendment No. 20

Amend **CSSB 6** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 769, Health and Safety Code, as added by this Act, applies only to an accommodation provided to a student on or after the effective date of this Act. An accommodation provided to a student before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

The amendment to **CSSB 6** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

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

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

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 21

Amend **CSSB 6** (senate committee printing) by striking SECTIONS 7 and 8 that add transition language (page 5, lines 31-36), substituting the following appropriately numbered SECTION to the bill, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) The changes in law made by this Act apply only on or after the date on which the comptroller of public accounts publishes a report describing the estimated economic impact the passage of this Act will have on this state.

(b) Section 250.008, Local Government Code, as added by this Act, applies to an order, ordinance, or other measure adopted before, on, or after the date described by Subsection (a) of this section.

(c) Section 271.909, Local Government Code, as added by this Act, applies only to a contract awarded on or after the date described by Subsection (a) of this section.

The amendment to **CSSB 6** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

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

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

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 22

Amend **CSSB 6** (senate committee report), in SECTION 9 of the bill (page 5, line 37), following "September 1,", by striking "2017" and substituting "2018".

The amendment to **CSSB 6** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

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

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

CSSB 6 as amended was passed to engrossment by the following vote: Yeas 21, Nays 10.

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

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

STATEMENT REGARDING SENATE BILL 6

Senator Rodríguez submitted the following statement regarding **SB 6**:

I submit this statement to reiterate my strong opposition to Senate Bill 6. The dialogue we've had in the committee hearing, the Senate floor, and in the media surrounding this bill make clear that S.B. 6 is problematic in several ways.

It violates individual rights. It conflicts with federal civil rights laws, and more broadly, conflicts with the U.S. Constitution's guarantee of equal protection for all people. It is bad for business. It nullifies local control. It creates enormous liability issues for our schools and local governments.

While it purports to address a public safety issue, the testimony, from both law enforcement and from ordinary Texans, has made it clear: S.B. 6 will not make anyone safer. What it does is target the transgender and gender non-conforming community.

S.B. 6 makes these Texans, who are already too often targets of ridicule, discrimination, and violence, less safe. A transgender woman is a woman, and this law will make a transgender woman use a man's bathroom.

There are laws against sexual assault or similar crimes that may happen in a bathroom. There is little evidence of people pretending to be transgender to commit those crimes, and to the degree they take place, they already are against the law. By contrast, there are high rates of harassment, assaults, and sexual offenses against people who are transgender. They are three times more likely than the general population to be victims of hate crimes. They are four times more likely to be victims of sexual assault than the general population. Up to a third of transgender people report being harassed by law enforcement when they do report the crimes.

No matter how many times proponents of this bill say it is not meant to target Texans who are transgender, the facts above, the record from the Senate hearing, and public statements by outside backers of this proposal, make it clear that this is exactly its purpose.

This is not only abhorrent, it is unconstitutional. S.B. 6 conflicts with federal civil rights laws because it discriminates on the basis of sex. Both Title VII and Title IX of our federal civil rights laws expressly prohibit discrimination on the basis of sex. S.B. 6 conflicts with EEOC and OSHA regulations regarding how employers, including state and local government employers, must treat transgender employees. Finally, because S.B. 6 cannot be reconciled with the equal protection guarantee of the U.S. Constitution, it would put school districts, municipalities, and other governmental entities in Texas in an untenable position. Simply put, S.B. 6 exposes school districts and other government entities to litigation and liability.

While doing so, it also hurts the private sector. As testimony indicated, visitor bureaus reported that if S.B. 6 passed, based on the organizations they have been dealing with, direct spending losses in Texas would total more than \$400 million. This would result in a \$23 million loss to the state, which we could use for other programs during this difficult budget cycle (for example, to hire additional CPS caseworkers for our broken foster care system).

It is tragic that we are spending time considering this state-sanctioned discrimination, which is premised on imagined problems and unfounded claims, when we should be debating the real issues facing our state.

Nonetheless, it is my hope that in all the news coverage that has surrounded S.B. 6, that members of the public have at least received an introduction to our Texas transgender community. I hope the public has begun to appreciate transgender Texans' unique needs and concerns.

Most importantly, I hope the public has begun to recognize their shared humanity – that these are our sons and daughters, co-workers, neighbors and friends. They deserve the same respect, compassion, and constitutional rights as anyone else.

In my district in El Paso, I'm incredibly proud of the work of my office's LGBTQ district advisory committee. One of the group's earliest projects was to organize a transgender visibility project, which compiled photographs and personal narratives of transgender El Pasoans.

Through this project I was introduced to several of my transgender constituents, including Claudia, a 48-year-old mother of four who remembers early in her transition using the men's room, and being bullied and being subject to unwelcomed sexual advances. We would put her in danger again if we pass S.B. 6.

I also met Mason, a former intern in my district office, who said, "most people don't know what transgender people look like and they let other people tell them they should be afraid. I'm just a son, a husband, a future dad. Please, get to know us, you'll see there's nothing to fear."

I commend the brave transgender Texans who offered testimony at the Capitol last week.

I know most transgender people did not ask for this attention and, in fact, would prefer not to have it. Transgender folks almost uniformly report being harassed at work, if they're fortunate enough to find employment at all. Most will experience family rejection. Many will experience homelessness. Some reports suggest that, nationally, documented violence against transgender people – in particular transgender women of color – is at an all-time high.

All of this media attention is no doubt terror-making to people who may spend their lives just trying to pass; failing to do so may put their lives at risk.

I also commend the parents of transgender children, who really helped put a face on the real dangers S.B. 6 presents to their families. These parents shared their concerns that their child would fall into depression; that transition was necessary. They shared concerns that their children would be bullied at school with impunity, without intervention from a caring school official.

Texas schools have a duty to respect and protect these children.

Some would claim school districts are overreaching when they refuse to discriminate against students on the basis of their gender identity. The truth is, proposals that would "out" transgender youth and force them to use bathrooms that don't align with their gender identity actually put those children in danger.

S.B. 6 sends a message to schools that they don't need to support trans kids. In a country where a staggering 40 percent of trans individuals attempt suicide, suggesting that schools shouldn't be environments where trans kids feel safe and affirmed is simply unconscionable.

We know that the whole nation and world is watching what happens here. We've seen in other states where passage of anti-transgender legislation resulted in waves of public backlash and shame.

We don't need this in Texas. We have to do better.

RODRÍGUEZ

SENATE BILL 467 REREFERRED
(Motion In Writing)

Senator Lucio submitted a Motion In Writing requesting that **SB 467** be withdrawn from the Committee on State Affairs and rereferred to the Committee on Intergovernmental Relations.

The Motion In Writing was read and prevailed without objection.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Hancock and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet today.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 5:25 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 12:00 p.m. tomorrow.

(Senator Creighton in Chair)

SENATE BILLS ON FIRST READING

The following bills, filed on or before Friday, March 10, 2017, were introduced, read first time, and referred to the committees indicated:

SB 1301 by Creighton

Relating to verification of alcohol content for prior approval of malt beverages.

To Committee on Business and Commerce.

SB 1302 by Lucio

Relating to the authority of the Texas Military Department to purchase food and beverages.

To Committee on Veteran Affairs and Border Security.

SB 1303 by Lucio

Relating to the establishment of school district policies regarding the marketing and commercial advertising of food products on school district property.

To Committee on Education.

SB 1304 by Perry

Relating to confidentiality, sharing, sealing, and destruction of juvenile records.

To Committee on State Affairs.

SB 1305 by Nichols

Relating to the abolishment of the transportation infrastructure fund and the grant program using money from the fund.

To Committee on Transportation.

SB 1306 by Creighton, Taylor of Galveston

Relating to the enforcement of workers' compensation compliance and practice requirements.

To Committee on Business and Commerce.

SB 1307 by Hall

Relating to the authority of the State Commission on Judicial Conduct to discipline judges.

To Committee on State Affairs.

SB 1308 by Hall

Relating to the program to provide free or reduced-price meals to certain public school students.

To Committee on Education.

SB 1309 by Hall

Relating to state requirements for teacher training and student instruction regarding certain subjects in public schools.

To Committee on Education.

SB 1310 by Hall

Relating to elimination of the requirement that a school district establish a local school health advisory council.

To Committee on Education.

SB 1311 by Garcia, Rodríguez

Relating to the creation of a Texas resident driver's permit, provisional Texas resident driver's permit, and Texas resident driver's instruction permit and the amount and allocation of state traffic fine funds; creating an offense.

To Committee on Transportation.

SB 1312 by Miles

Relating to the deadline for adoption of desired future conditions in groundwater conservation districts.

To Committee on Agriculture, Water, and Rural Affairs.

SB 1313 by Rodríguez

Relating to the identification and assessment of defendants suspected of having mental illness or intellectual disability.

To Committee on Criminal Justice.

SB 1314 by Rodríguez

Relating to the standards for substance abuse facilities and programs operated by juvenile probation departments.

To Committee on Criminal Justice.

SB 1315 by Rodríguez

Relating to the duties of a personal bond pretrial release office.

To Committee on Criminal Justice.

SB 1316 by Hall

Relating to staff development in suicide prevention for public school educators.

To Committee on Education.

SB 1317 by Uresti

Relating to the earliest day a school district may require a teacher to report for service and information regarding required teacher attendance on noninstructional days.

To Committee on Education.

SB 1318 by Taylor of Collin

Relating to designation of mathematics innovation zones by the commissioner of education and to the establishment of pay for success programs to provide necessary funding.

To Committee on Education.

SB 1319 by Seliger

Relating to the prosecution of the offense of operation of an unmanned aircraft over certain facilities.

To Committee on Criminal Justice.

SB 1320 by Huffman

Relating to establishing a protective order registry and the duties of courts in regard to the registry.

To Committee on State Affairs.

SB 1321 by Hughes

Relating to the deposit and appropriation of revenue received or collected by the Automobile Burglary and Theft Prevention Authority.

To Committee on Finance.

SB 1322 by Kolkhorst

Relating to increasing the punishment for the offense of possession or promotion of child pornography; changing parole eligibility.

To Committee on Criminal Justice.

SB 1323 by Zaffirini

Relating to the academic costs charged to resident undergraduate students by general academic teaching institutions and to certain reports regarding certain costs of those institutions.

To Committee on Higher Education.

SB 1324 by Campbell

Relating to the eligibility for and emergency suspension of a license relating to massage therapy.

To Committee on Business and Commerce.

SB 1325 by Zaffirini

Relating to authorizing counties to establish public guardians to serve as guardians for certain incapacitated persons.

To Committee on State Affairs.

SB 1326 by Zaffirini

Relating to procedures regarding criminal defendants who are or may be persons with a mental illness or an intellectual disability.

To Committee on Criminal Justice.

SB 1327 by Seliger

Relating to the authority of a district engineer for the Texas Department of Transportation to temporarily lower speed limits.

To Committee on Transportation.

SB 1328 by Taylor of Collin

Relating to authorization by the Texas Higher Education Coordinating Board for certain public junior colleges to offer baccalaureate degree programs.

To Committee on Higher Education.

SB 1329 by Huffman

Relating to the operation and administration of and practice in courts in the judicial branch of state government.

To Committee on State Affairs.

SB 1330 by Seliger

Relating to funding for the operations of the Texas Low-Level Radioactive Waste Disposal Compact Commission.

To Committee on Natural Resources and Economic Development.

SB 1331 by Hughes

Relating to the powers of the Texamericas Center.

To Committee on Intergovernmental Relations.

SB 1332 by Rodríguez

Relating to the availability of certain dates of birth under the public information law.

To Committee on Criminal Justice.

SB 1333 by Huffman

Relating to the reporting of attempted child abductions.

To Committee on Criminal Justice.

SB 1334 by Hinojosa

Relating to the allocation categories for state funding of public transportation.

To Committee on Transportation.

SB 1335 by Hinojosa

Relating to the amount of a fine or cost imposed in a criminal case by a justice or municipal court and to the court's authority to order a defendant confined in jail for failure to pay a fine or cost or for contempt.

To Committee on Criminal Justice.

SB 1336 by Hinojosa

Relating to the establishment by the commissioner of education of an advanced computer science program for high school students.

To Committee on Education.

SB 1337 by Hinojosa

Relating to charitable raffles conducted by certain professional sports team charitable foundations.

To Committee on State Affairs.

SB 1338 by Whitmire

Relating to the pretrial release of a defendant and to funding for judicial continuing legal education.

To Committee on Criminal Justice.

SB 1339 by Hinojosa

Relating to the licensing and practice of psychological associates.

To Committee on Business and Commerce.

SB 1340 by Hughes

Relating to the eligibility of a criminal defendant for an order of nondisclosure of criminal history record information.

To Committee on Criminal Justice.

SB 1341 by Garcia, Rodríguez

Relating to a change of name and sex for certain persons and the issuance of associated vital records and documentation; authorizing a fee.

To Committee on State Affairs.

SB 1342 by Garcia

Relating to prohibited nonconsensual genital surgery on certain minors with intersex traits.

To Committee on State Affairs.

SB 1343 by Hughes

Relating to the prosecution of criminal offenses regarding unauthorized recordings.

To Committee on State Affairs.

SB 1344 by Taylor of Collin

Relating to reporting on investments by certain public retirement systems.

To Committee on State Affairs.

SB 1345 by Watson

Relating to the exemption from ad valorem taxation of property owned by a charitable organization and used to provide tax return preparation and other financial services without regard to the beneficiaries' ability to pay.

To Committee on Finance.

SB 1346 by Watson

Relating to disclosure of state agency contract information regarding administrator services for group health benefit plans.

To Committee on State Affairs.

SB 1347 by Watson

Relating to an expedited response by a governmental body to a request for public information.

To Committee on Business and Commerce.

SB 1348 by Watson

Relating to the deposit and appropriation of revenue received or collected by the Automobile Burglary and Theft Prevention Authority.

To Committee on Finance.

SB 1349 by Watson

Relating to the authority of the Texas Department of Motor Vehicles over real property, including the transfer of specific property from the Texas Department of Transportation.

To Committee on Transportation.

SB 1350 by Watson

Relating to the commitment of certain juveniles to local post-adjudication secure correctional facilities in certain counties and to the release under supervision of those juveniles.

To Committee on Criminal Justice.

CO-AUTHOR OF SENATE BILL 8

On motion of Senator Schwertner, Senator Seliger will be shown as Co-author of **SB 8**.

CO-AUTHOR OF SENATE BILL 18

On motion of Senator Seliger, Senator Huffines will be shown as Co-author of **SB 18**.

CO-AUTHOR OF SENATE BILL 22

On motion of Senator Taylor of Galveston, Senator Rodríguez will be shown as Co-author of **SB 22**.

CO-AUTHORS OF SENATE BILL 26

On motion of Senator Estes, Senators Hinojosa, Lucio, and West will be shown as Co-authors of **SB 26**.

CO-AUTHORS OF SENATE BILL 31

On motion of Senator Zaffirini, Senators Huffman and Menéndez will be shown as Co-authors of **SB 31**.

CO-AUTHOR OF SENATE BILL 38

On motion of Senator Zaffirini, Senator Hall will be shown as Co-author of **SB 38**.

CO-AUTHOR OF SENATE BILL 40

On motion of Senator Zaffirini, Senator Hall will be shown as Co-author of **SB 40**.

CO-AUTHORS OF SENATE BILL 83

On motion of Senator Hall, Senators Creighton and Nelson will be shown as Co-authors of **SB 83**.

CO-AUTHORS OF SENATE BILL 132

On motion of Senator Creighton, Senators Hall and Huffines will be shown as Co-authors of **SB 132**.

CO-AUTHOR OF SENATE BILL 134

On motion of Senator Creighton, Senator Taylor of Galveston will be shown as Co-author of **SB 134**.

CO-AUTHORS OF SENATE BILL 135

On motion of Senator Taylor of Collin, Senators Creighton, Hall, and Huffines will be shown as Co-authors of **SB 135**.

CO-AUTHOR OF SENATE BILL 180

On motion of Senator Menéndez, Senator Campbell will be shown as Co-author of **SB 180**.

CO-AUTHOR OF SENATE BILL 258

On motion of Senator Huffines, Senator Hall will be shown as Co-author of **SB 258**.

CO-AUTHORS OF SENATE BILL 277

On motion of Senator Campbell, Senators Hinojosa and Lucio will be shown as Co-authors of **SB 277**.

CO-AUTHOR OF SENATE BILL 402

On motion of Senator Zaffirini, Senator Garcia will be shown as Co-author of **SB 402**.

CO-AUTHOR OF SENATE BILL 454

On motion of Senator Perry, Senator Hall will be shown as Co-author of **SB 454**.

CO-AUTHOR OF SENATE BILL 578

On motion of Senator Lucio, Senator Hall will be shown as Co-author of **SB 578**.

CO-AUTHOR OF SENATE BILL 588

On motion of Senator Lucio, Senator Hall will be shown as Co-author of **SB 588**.

CO-AUTHOR OF SENATE BILL 589

On motion of Senator Lucio, Senator Menéndez will be shown as Co-author of **SB 589**.

CO-AUTHOR OF SENATE BILL 751

On motion of Senator Campbell, Senator Lucio will be shown as Co-author of **SB 751**.

CO-AUTHOR OF SENATE BILL 1153

On motion of Senator Menéndez, Senator West will be shown as Co-author of **SB 1153**.

CO-AUTHOR OF SENATE BILL 1192

On motion of Senator Buckingham, Senator Garcia will be shown as Co-author of **SB 1192**.

CO-AUTHOR OF SENATE BILL 1362

On motion of Senator Campbell, Senator Burton will be shown as Co-author of **SB 1362**.

CO-AUTHOR OF SENATE BILL 1436

On motion of Senator Uresti, Senator Menéndez will be shown as Co-author of **SB 1436**.

CO-AUTHOR OF SENATE BILL 1569

On motion of Senator Huffman, Senator Nelson will be shown as Co-author of **SB 1569**.

CO-AUTHOR OF SENATE BILL 2073

On motion of Senator Rodríguez, Senator Menéndez will be shown as Co-author of **SB 2073**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 418 by Hughes, In memory of the life of Robert Russell Barnett.

SR 420 by Hughes, In memory of Yolanda JoAn Davis.

Congratulatory Resolutions

SR 419 by Hughes, Recognizing George A. Faber on the occasion of his retirement.

SR 421 by Watson, Recognizing Altrusa International, Incorporated, on the occasion of its 100th anniversary.

SR 422 by Creighton, Commending Jackson Fuja for achieving the rank of Eagle Scout.

SR 423 by Creighton, Commending Ethan Hatch for achieving the rank of Eagle Scout.

Official Designation Resolutions

SR 416 by Campbell, Recognizing October 13, 2017, as Metastatic Breast Cancer Awareness Day.

SR 417 by Schwertner, Recognizing March 23, 2017, as *Community Impact Newspaper Day*.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 5:36 p.m. adjourned until 12:00 p.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

March 14, 2017

HEALTH AND HUMAN SERVICES — **CSSB 674**

STATE AFFAIRS — **SB 712, SB 31, SB 75**

AGRICULTURE, WATER, AND RURAL AFFAIRS — **SB 721, SB 865, SB 1009, SB 689**

STATE AFFAIRS — **CSSB 539, CSSB 77, CSSB 5**

BILLS AND RESOLUTION ENGROSSED

March 13, 2017

SB 12, SB 15, SB 798, SB 1138, SJR 1

RESOLUTIONS ENROLLED

March 13, 2017

SR 403, SR 404, SR 405, SR 406, SR 407, SR 408, SR 409, SR 410, SR 411, SR 412, SR 413, SR 414