The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Miles.

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

Pastor Brandon Weir, The Fellowship Round Rock, offered the invocation as follows:

Dear Lord, we open this session with prayer, thanking You for blessing and loving us. We believe You are near and we pray that You would continually guide us. I thank You for the men and women represented today. I pray that You would give them wisdom and knowledge as they seek to lead the citizens of this great country. We believe You extend hope to us and know that You desire a relationship with us. I pray for You to enlighten hearts and minds in this place. Give them strength according to Your power and dwell here today. May love and unity abound in spite of our differences. I thank You for their willingness to lead. I pray for their families as they serve and sacrifice for our nation. They have a difficult job and I ask You to refresh and encourage them. Give them great compassion not only for one another, but also for the people of this land. Give them courage and humility as they lead. Lord, we thank You for the great State of Texas. We pray for You to bless our land and give us peace. It says in Your word that You will be the stability of our times, an abundance of salvation, wisdom, and knowledge. We ask for Your favor to rest on us. It's in Your great name I pray. 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.
LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Miles was granted leave of absence for today on account of illness.

PHYSICIAN OF THE DAY

Senator Campbell was recognized and presented Dr. Mark Nadeau of San Antonio as the Physician of the Day.

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

SENATE RESOLUTION 538

Senator Birdwell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize members of the Lipan High School varsity boys basketball team, who recently won the Division 1A state championship title; and

WHEREAS, The Lipan Indians were ultimately victorious in their appearance at the state finals after a fierce competition against some of the most talented teams in Texas; in addition to winning the championship, the team had an overall season record of 36-3, setting a new record for wins for Lipan High School; and

WHEREAS, These young athletes have demonstrated great talent and perseverance throughout the school year; team members Santana Martinez, Tyler Rice, Hayden Richardson, Eric Miller, Tate Phillips, Ty Phillips, Ty Bryant, Layton Sharp, William Westerhaus, Carter McFadden, Derrick Cook, Bryce Shockley, and Brayden Jones can indeed take pride in their outstanding performance; and

WHEREAS, Under the superior leadership of head coach Brent Gaylor and assistant coaches Tony Phillips and Steve Bryant and with the assistance of managers Chris Baldree and Caden Cogdill, the Indians have developed exceptional team work and discipline; the team also benefited from the invaluable support of ball boys Tripp Phillips and Court Gaylor and water girl Hannah Gaylor; and

WHEREAS, Lipan High School and the City of Lipan are proud of the Indians for their hard work, their impressive skills, and their fine sportsmanship; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 85th Legislature, hereby commend the Lipan High School varsity boys basketball team for their successful season and congratulate the team on winning the Division 1A state basketball championship; and, be it further

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

SR 538 was again read.

The resolution was previously adopted on Wednesday, March 29, 2017.
GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate representatives of the Lipan High School boys basketball team, accompanied by Head Coach Brent Gaylor, Assistant Coach and Principal Steve Bryant, and team members Tate Phillips, Ty Bryant, and Eric Miller.

The Senate welcomed its guests.

SENATE RESOLUTION 581

Senator Taylor of Collin offered the following resolution:

SR 581, Honoring the Collin County Sheriff’s Office for its service to its community.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Taylor of Collin, joined by Senator Estes, was recognized and introduced to the Senate a Collin County Sheriff’s Office delegation, accompanied by Sheriff Jim Skinner, Assistant Chief Terry McCraw, Commander Matt Langan, Deputy Chuck Sibley, and Lieutenant Tami McCullough.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate an Austin County Day delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 559

Senator Whitmire offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Mark Clark for his distinguished service as a police officer and for his tireless advocacy on behalf of law enforcement agencies in the State of Texas; and

WHEREAS, Police officers are the guardians of our communities, and they selflessly put their lives on the line every day to protect the citizens in their greatest time of need; and

WHEREAS, Mark Clark has served as a police officer for the Houston Police Department for over 38 years; in the course of his exemplary career, he has, at great peril to his own life and well-being, protected countless citizens from criminal elements intent on causing pain and suffering; and

WHEREAS, Mr. Clark has been a voice for Houston police officers as a former president of the Houston Police Officers' Union and as its current executive director, and he has been a leading spokesman for all law enforcement agencies and personnel over the last three decades; and

WHEREAS, Texas police officers continually strive to serve the public with great courage, commitment, and compassion, and Mark Clark is indeed deserving of recognition for representing the highest qualities of his profession; now, therefore, be it

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RESOLVED, That the Senate of the State of Texas, 85th Legislature, hereby commend Mark Clark for his selfless work on behalf of his community and his colleagues in the field of law enforcement and extend to him best wishes for his future; and, be it further
RESOLVED, That a copy of this Resolution be prepared for him as an expression of esteem from the Texas Senate.

SR 559 was again read.

The resolution was previously adopted on Monday, April 3, 2017.

GUESTS PRESENTED

Senator Whitmire was recognized and introduced to the Senate a Houston Police Officers' Union delegation, accompanied by Executive Director Mark Clark; his wife, Stacey Clark; his daughter, Madison Clark Lemkowitz; his father, Bob Clark; his brother, Matt Clark; Board President Ray Hunt; Dallas Police Association Secretary/Treasurer James Parnell; and Dallas Police Association Political Action Committee Chair Frederick Frazier.

The Senate welcomed its guests.

SENATE RESOLUTION 232

Senator Campbell offered the following resolution:

SR 232, Recognizing the Texas World War I Centennial Commemoration Association.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate a Texas World War I Centennial Commemoration delegation, accompanied by Cynthia Smith, Michael Visconage, Deborah Wall, and Military History Institute-Dolph Briscoe Center for American History Director Tom Hatfield.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Hinojosa was recognized and introduced to the Senate Miss Texas 2015 Ylianna Guerra.

The Senate welcomed its guest.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate La Paloma Elementary fourth- and fifth-grade students.

The Senate welcomed its guests.

(Senator Perry in Chair)

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate a Leadership Bulverde Spring Branch and Bulverde Spring Branch Area Chamber of Commerce delegation.
The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The Presiding Officer at 12:06 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE
SENATE BILL 1051 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration CSSB 1051 at this time on its second reading:

CSSB 1051, Relating to the accommodation of a deaf or hard of hearing student in driver education; authorizing a fee.

The motion prevailed.

Senators Creighton and Huffines asked to be recorded as voting "Nay" on suspension of the regular order of business.

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 except as follows:

Nays: Creighton, Huffines.
Absent-excused: Miles.

COMMITTEE SUBSTITUTE
SENATE BILL 1051 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 1051 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.


Nays: Creighton, Huffines.
Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

COMMITTEE SUBSTITUTE
SENATE BILL 744 ON SECOND READING

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration CSSB 744 at this time on its second reading:

CSSB 744, Relating to a tree planting credit to offset tree mitigation fees imposed by a municipality.
The motion prevailed.

Senators Garcia and Rodríguez asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 1

Amend CSSB 744 (senate committee printing) in SECTION 1 of the bill, in added Section 212.905, Local Government Code, as follows:

1. In Subsection (a) (page 1, line 27), strike "that is located in the municipality".
2. Strike Subsection (d) (page 1, lines 45-51) and substitute the following:
   (1) The amount of a credit provided to a person under this section must be:
      (1) applied in the same manner as the tree mitigation fee assessed against the person; and
      (2) at least 50 percent of the amount of the tree mitigation fee assessed against the person.
3. In Subsection (e) (page 1, line 54), between "ability of" and "a", insert "or require".
4. In Subsection (e)(1) (page 1, line 55), strike "size and number" and substitute "size, number, and type".
5. In Subsection (e)(1) (page 1, line 57), strike "or".
6. In Subsection (e)(2) (page 1, line 59), strike the underlined period and substitute the following:
   (3) the requirements for tree planting methods and best management practices to ensure that the tree grows to the anticipated height at maturity.

The amendment to CSSB 744 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 except as follows:

Absent-excused: Miles.

CSSB 744 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:

Absent-excused: Miles.

COMMITTEE SUBSTITUTE
SENATE BILL 744 ON THIRD READING

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 744 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.
The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(Senator Uresti in Chair)

SENATE BILL 737 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration SB 737 at this time on its second reading:

SB 737, Relating to requirements for new or increased municipal fees.

The motion prevailed.

Senator Watson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend SB 737 (senate committee report) in SECTION 7 of the bill, in added Section 109.002, Local Government Code, as follows:

(1) Immediately after the heading to the added section (page 2, line 64), insert the following new Subsection (a):

(a) This section does not apply to a municipality located primarily in a county with a population of less than 30,000.

(2) Reletter subsequent subsections of the added section accordingly.

The amendment to SB 737 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 except as follows:

Nays: Watson.

Absent-excused: Miles.

Senator Huffines offered the following amendment to the bill:

Floor Amendment No. 2

Amend SB 737 (senate committee report) in SECTION 7 of the bill as follows:

(1) In the heading to added Chapter 109, Local Government Code (page 2, line 58), strike "NOTIFICATION OF".

(2) At the end of added Section 109.002, Local Government Code (page 3, between lines 29 and 30), insert the following appropriately numbered section to added Chapter 109, Local Government Code:

Sec. 109. PUBLIC HEARING ON NEW OR INCREASED FEE. (a) The governing body of a municipality may not adopt a new fee or the increase of an existing fee unless the governing body holds a public hearing at which members of the public are given the opportunity to be heard.

(b) The hearing required by Subsection (a) must be held not earlier than the 60th day or later than the 30th day before the date the governing body adopts the new fee or the increase of the existing fee.
The amendment to **SB 737** was read and was adopted by the following vote: Yeas 15, Nays 14.

**Yeas:** Bettencourt, Buckingham, Burton, Campbell, Hall, Hancock, Huffines, Hughes, Kolkhorst, Lucio, Menéndez, Perry, Schwertner, Taylor of Collin, Watson.

**Nays:** Birdwell, Estes, Garcia, Hinojosa, Huffman, Nelson, Nichols, Rodríguez, Seliger, Taylor of Galveston, Uresti, West, Whitmire, Zaffirini.

Absent: Creighton.

Absent-excused: Miles.

**SB 737** 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:** Garcia, Watson.

Absent-excused: Miles.

**SENATE BILL 737 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 737** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

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

**Nays:** Garcia, Watson.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

**SENATE BILL 1249 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **SB 1249** at this time on its second reading:

**SB 1249**, Relating to adverse possession of real property by a cotenant heir against other cotenant heirs.

The motion prevailed.

Senator Menéndez asked to be recorded as "Present-not voting" on suspension of the regular order of business.

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 except as follows:
SENATE BILL 1249 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that SB 1249 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Menéndez.
Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 1. (Same as previous roll call)

SENATE BILL 304 ON SECOND READING

On motion of Senator Taylor of Collin and by unanimous consent, the regular order of business was suspended to take up for consideration SB 304 at this time on its second reading:

SB 304, Relating to the continuation and functions of the Texas Board of Chiropractic Examiners; authorizing a reduction in fees.

The bill was read second time.

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

Floor Amendment No. 1

Amend SB 304 (senate committee printing), in SECTION 3 of the bill, by striking amended Section 201.061(b), Occupations Code (page 1, line 47 through page 2, line 2), and substituting the following:

(b) The training program must provide the person with information regarding:
(1) this chapter;
(2) the board's programs, functions, rules, and budget;
(3) the scope of and limitations on the board’s rulemaking authority;
(4) the types of board rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by persons engaged in a profession or business the board regulates, including rules, interpretations, and enforcement actions that:
   (A) regulate the scope of practice of persons in a profession or business the board regulates;
   (B) restrict advertising by persons in a profession or business the board regulates;
   (C) affect the price of goods or services provided by persons in a profession or business the board regulates; and
   (D) restrict participation in a profession or business the board regulates;
   (5) the results of the most recent formal audit of the board;
(6) [☐] the requirements of:
(A) laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts of interest; and
(B) other laws applicable to members of the board in performing their duties; and
(7) [☐] any applicable ethics policies adopted by the board or the Texas Ethics Commission.

The amendment to SB 304 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 except as follows:

Absent-excused: Miles.

Senator Buckingham offered the following amendment to the bill:

Floor Amendment No. 2

Amend SB 304 (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION ____. Section 201.002(a), Occupations Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Diagnose" in regard to the practice of chiropractic means the analysis, examination, or evaluation of the biomechanical condition of the spine or musculoskeletal system of the human body.

The amendment to SB 304 was read.

Senator Buckingham withdrew Floor Amendment No. 2.

SB 304 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:

Absent-excused: Miles.

SENATE BILL 304 ON THIRD READING

Senator Taylor of Collin moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that SB 304 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

REMARKS ORDERED PRINTED

On motion of Senator Buckingham and by unanimous consent, the remarks by Senators Taylor of Collin and Buckingham regarding SB 304 were ordered reduced to writing and printed in the Senate Journal as follows:
Senator Buckingham: Thank you, Mr. President, Members. I do intend to withdraw my amendment to Senate Bill 304, but before I do so, I'd like to clarify the intention of the author. Senator Taylor, can you please speak to the purpose of adding the word "diagnosis" to the definition of chiropractic practice?

Presiding Officer: Senator Taylor.

Senator Taylor of Collin: Sure. Look, I, I appreciate your question. The language that we're adding in this, which is one word and one comma, is merely intended to clarify, and I want to emphasize the word clarify, that chiropractors have the authority to diagnose within their statutory scope of practice. We have a duty as legislators to write clear statutes that avoid long, costly lawsuits over what they mean. Unfortunately, we have exactly that with the chiropractor occupations code. The Texas Board of Chiropractic Examiners has been sued two times over rules authorizing these chiropractors to render a diagnosis. It's estimated that one of these lawsuits and its appeal cost the Texas Board of Chiropractic Examiners $325,000. In December, the Sunset Advisory Commission voted 11 to 1 to resolve this ambiguity, helping prevent the chiropractic board from further lawsuits over the issue. This modification merely serves to clarify the intent of the Legislature and does not any way alter the practice of chiropractic or the chiropractic scope.

Senator Buckingham: Thank you, Senator. I want to be absolutely clear that we aren't inadvertently expanding chiropractic scope, which is limited to the analysis, examination, or evaluation of the biomechanical condition of the spine or musculoskeletal system of the human body. While it is just one word, it's an important word, especially when we are discussing the broader definition of the word "diagnose" in the context of medical diagnosis. Was this language designed or intended, in any way, to broaden the regions or system of the body that a chiropractor may lawfully diagnose to include, for example, the neurological, cardiovascular, digestive, integumentary, or nervous systems?

Senator Taylor of Collin: Well, I, I want to be clear that this in, in no way, and there was a very long discussion between myself and, and Senator Schwertner on the dias about this. This is in no way intended to offer any kind of expansion or contraction of scope. This is not a what, what we would refer to as a scope bill. This is intended merely to clarify that the word "diagnose," which again, is in five other parts of the chiropractic act, and I'm happy to go over that with you, if you'd like to, that the word, that the word "diagnose," which we're adding, the word "diagnose" is just to clarify that it, it is a synonym for evaluate and analyze.

Senator Buckingham: Thank you, Senator. Is there any region or system that is currently outside the scope of practice for a Texas chiropractor that will be brought into scope by passage of this bill?

Senator Taylor of Collin: This, this does not expand or contract their scope in any way. It merely clarifies that examine and analyze are synonyms for the word "diagnose."

Senator Buckingham: Thank you, Senator.
COMMITTEE SUBSTITUTE
SENATE BILL 39 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration CSSB 39 at this time on its second reading:

CSSB 39, Relating to guardianships, substitutes for guardianships, and durable powers of attorney for persons with disabilities or who are incapacitated.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend CSSB 39 (senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike amended Section 751.052(a), Estates Code (page 1, lines 28-41), and substitute the following:

(a) If, after execution of a durable power of attorney, a court of the principal’s domicile appoints a:

(1) permanent guardian of the estate for a ward who is the principal who executed the power of attorney, on the qualification of the guardian the powers and authority granted to the attorney in fact or agent named in the power of attorney are automatically revoked; or

(2) temporary guardian of the estate for a ward who is the principal who executed the power of attorney, on the qualification of the guardian the powers and authority granted to the attorney in fact or agent named in the power of attorney are automatically suspended for the duration of the guardianship unless the court enters an order that:

(A) affirms and states the effectiveness of the power of attorney; and
(B) confirms the validity of the appointment of the named attorney in fact or agent; or

(2) In SECTION 9 of the bill, strike proposed Section 1357.052(b), Estates Code (page 6, lines 53-58), and substitute the following:

(b) The supporter owes to the adult with a disability fiduciary duties as listed in the form provided by Section 1357.056(a), regardless of whether that form is used for the supported decision-making agreement.

The amendment to CSSB 39 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 except as follows:

Absent-excused: Miles.

CSSB 39 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:

Absent-excused: Miles.
COMMITTEE SUBSTITUTE
SENATE BILL 39 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 39 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE
SENATE BILL 291 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration CSSB 291 at this time on its second reading:

CSSB 291, Relating to the issuance of a writ of attachment for certain witnesses.

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 except as follows:

Absent-excused: Miles.

COMMITTEE SUBSTITUTE
SENATE BILL 291 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 291 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE
SENATE BILL 488 ON SECOND READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration CSSB 488 at this time on its second reading:

CSSB 488, Relating to requirements for certain petitions requesting an election and ballot propositions.

The motion prevailed by the following vote: Yeas 24, Nays 6.
Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti.

Nays: Garcia, Rodríguez, Watson, West, Whitmire, Zaffirini.

Absent-excused: Miles.

The bill was read second time.

Senator Bettencourt offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend CSSB 488 (Senate committee printing) as follows:

1. In SECTION 4 of the bill, in added Section 273.101(b), Election Code (page 1, lines 56-57), strike "is misleading or inaccurate" and substitute "substantially submits the question with such definiteness and certainty that the voters are not misled".

2. In SECTION 4 of the bill, in added Section 273.101(c), Election Code (page 1, line 59), strike "is misleading or inaccurate" and substitute "fails to substantially submit the question with such definiteness and certainty that the voters are not misled".

3. In SECTION 4 of the bill, in added Section 273.101(d), Election Code (page 2, lines 6-7), strike "is misleading or inaccurate" and substitute "fails to substantially submit the question with such definiteness and certainty that the voters are not misled".

4. In SECTION 4 of the bill, following added Section 273.104, Election Code (page 2, between lines 8 and 9), insert the following:

   Sec. 273.102. RULES. The secretary of state may adopt rules as necessary to implement this subchapter.

5. In the recital to SECTION 8 of the bill (page 2, line 59), strike "Section 277.005" and substitute "Sections 277.005 and 277.006".

6. In SECTION 8 of the bill, strike added Section 277.005(a), Election Code (page 2, lines 62-63), and substitute the following:

   (a) The secretary of state shall prescribe the form and content for a petition related to a city charter amendment or city initiative or referendum election.

7. In SECTION 8 of the bill, in added Section 277.005(c), Election Code (page 3, line 2), strike "an officially" and substitute "a".

8. In SECTION 8 of the bill, in added Section 277.005(c), Election Code (page 3, line 4), strike "officially".

9. In SECTION 8 of the bill, following added Section 277.005, Election Code (page 3, between lines 4 and 5), insert the following:

   Sec. 277.006. RULES. The secretary of state may adopt rules as necessary to implement this subchapter.

10. Add the following appropriately numbered SECTION to the bill:

    SECTION ___. Subchapter E, Chapter 51, Local Government Code, is amended by adding Section 51.080 to read as follows:
Sec. 51.080. PUBLICATION OF INITIATIVE OR REFERENDUM BALLOT PROPOSALS. (a) This section applies to a municipality for which a petition may be submitted requesting an election on an amendment to the municipality’s charter or a voter-initiated initiative or referendum.

(b) In addition to any other notice or publication requirements, a municipality shall publish the ballot proposition language to be voted on at an election described by Subsection (a) not later than the 109th day before the date of the election.

(c) The municipality must provide on its website in an easily accessible location a clear and concise explanation of the process used to submit a petition requesting an election on an amendment to the municipality’s charter or a voter-initiated initiative or referendum.

(11) Renumber remaining SECTIONS of the bill accordingly.

The amendment to CSSB 488 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 except as follows:

Absent-excused: Miles.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 2

Amend CSSB 488 (Senate committee printing) in SECTION 1 of the bill by striking added Section 52.072(f), Election Code (page 1, lines 24-26), and substituting the following:

(f) A proposition must substantially submit the question with such definiteness and certainty in identifying the proposition’s chief features that the voters are not misled.

The amendment to CSSB 488 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 except as follows:

Absent-excused: Miles.

CSSB 488 as amended was passed to engrossment by the following vote: Yeas 24, Nays 6.

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

Nays: Garcia, Rodríguez, Watson, West, Whitmire, Zaffirini.

Absent-excused: Miles.

GUESTS PRESENTED

Senator Menéndez was recognized and introduced to the Senate Northwest Vista College students.

The Senate welcomed its guests.
SENATE BILL 1045 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **SB 1045** at this time on its second reading:

**SB 1045**, Relating to the consolidation of public notice requirements for certain air quality permit applications.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Garcia, Menéndez, Uresti, Watson.

Absent-excused: Miles.

The bill was read second time and was passed to engrossment by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

SENATE BILL 1045 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 1045** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Garcia, Menéndez, Uresti, Watson.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

COMMITTEE SUBSTITUTE

SENATE BILL 488 ON THIRD READING

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 488** be placed on its third reading and final passage:

**CSSB 488**, Relating to requirements for certain petitions requesting an election and ballot propositions.

The motion prevailed by the following vote: Yeas 24, Nays 6.

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

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6. (Same as previous roll call)

SENATE BILL 203 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration SB 203 at this time on its second reading:

SB 203, Relating to removing the deadline for the Department of Family and Protective Services to enter into permanency care assistance agreements.

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 except as follows:

Absent-excused: Miles.

SENATE BILL 203 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that SB 203 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(President in Chair)

COMMITTEE SUBSTITUTE
SENATE BILL 91 ON SECOND READING

On motion of Senator Hall and by unanimous consent, the regular order of business was suspended to take up for consideration CSSB 91 at this time on its second reading:

CSSB 91, Relating to the use of automatic license plate readers by a law enforcement agency.

The bill was read second time.

Senator Hall offered the following amendment to the bill:

Floor Amendment No. 1

Amend CSSB 91 (senate committee report) in SECTION 1 of the bill as follows: (1) In added Section 411.0094(b), Government Code (page 1, line 30), between "law enforcement agency" and "may" insert "or a municipal parking enforcement authority".
(2) Strike added Section 411.0094(c), Government Code (page 1, lines 32 through 36), and substitute the following:

(c) Images and any related data produced from an automatic license plate reader under Subsection (b) may be used only:

(1) for a law enforcement purpose; or

(2) by a municipal parking enforcement authority to issue a citation at the time of an alleged violation of a vehicle parking ordinance.

The amendment to CSSB 91 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 except as follows:

Nays: Huffines.

Absent-excused: Miles.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 2

Amend CSSB 91 (senate committee printing), in SECTION 1 of the bill, in added Section 411.0094, Government Code (page 1, between lines 40 and 41), by inserting the following:

(d-1) A law enforcement agency may not enter into an agreement to provide images or any related data produced from an automatic license plate reader for a commercial purpose.

The amendment to CSSB 91 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 except as follows:

Absent-excused: Miles.

CSSB 91 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:

Absent-excused: Miles.

COMMITTEE SUBSTITUTE
SENATE BILL 91 ON THIRD READING

Senator Hall moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 91 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)
COMMITTEE SUBSTITUTE
SENATE BILL 1539 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration CSSB 1539 at this time on its second reading:

CSSB 1539, Relating to the application of the sales and use tax to certain property and services.

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 except as follows:

Absent-excused: Miles.

COMMITTEE SUBSTITUTE
SENATE BILL 1539 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 1539 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 1620 ON SECOND READING

On motion of Senator Taylor of Collin and by unanimous consent, the regular order of business was suspended to take up for consideration SB 1620 at this time on its second reading:

SB 1620, Relating to the regulation of raising or keeping six or fewer chickens by a political subdivision.

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 except as follows:

Absent-excused: Miles.

SENATE BILL 1620 ON THIRD READING

Senator Taylor of Collin moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that SB 1620 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.
The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE BILL 1414 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1414** at this time on its second reading:

**SB 1414**, Relating to a recipient’s disenrollment from a Medicaid managed care plan.

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 except as follows:

Absent-excused: Miles.

**SENATE BILL 1414 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1414** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE BILL 1251 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **SB 1251** at this time on its second reading:

**SB 1251**, Relating to making a voluntary contribution to the Ending Homelessness fund when registering a motor vehicle or renewing a motor vehicle registration.

The motion prevailed.

Senators Burton, Campbell, Hall, Huffines, and Taylor of Collin asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by the following vote: Yeas 25, Nays 5.


Nays: Burton, Campbell, Hall, Huffines, Taylor of Collin.

Absent-excused: Miles.
SENATE BILL 1251 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that SB 1251 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

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

Nays: Burton, Campbell, Hall, Huffines, Taylor of Collin.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 5. (Same as previous roll call)

VOTE RECONSIDERED ON SENATE BILL 18

On motion of Senator Schwertner and by unanimous consent, the vote by which SB 18 was passed to engrossment was reconsidered:

SB 18, Relating to eliminating provisions requiring public institutions of higher education to set aside portions of designated tuition for student financial assistance.

Question: Shall SB 18 as amended be passed to engrossment?

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 3

Amend SB 18 (senate committee printing), as amended by Floor Amendment 1, by striking added Sec. 56.645, Education Code, and replacing as follows:

Sec. 56.645. ELIGIBILITY FOR GRANT. To be eligible for a grant under the program, a person must:

1. be a resident of this state as determined by coordinating board rules;
2. be enrolled as an undergraduate student at an eligible institution;
3. meet financial need requirements as defined by coordinating board rules;
4. comply with any additional requirement adopted by the coordinating board under this subchapter; and
5. be eligible for federal financial aid, except that a person is not required to meet any financial aid need requirement applicable to a particular federal financial aid program.

The amendment to SB 18 was read and was adopted by the following vote: Yeas 19, Nays 10, Present-not voting 1.

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

Present-not voting: Seliger.
Absent-excused: Miles.

Senator West offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend SB 18 by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION ____. Subchapter A, Chapter 56, Education Code, is amended by adding Sections 56.0093 and 56.0094 to read as follows:

Sec. 56.0093. REPORT REGARDING DESIGNATED TUITION SET ASIDE FOR STUDENT FINANCIAL ASSISTANCE. (a) In this section, "coordinating board" means the Texas Higher Education Coordinating Board.

(b) This section applies only to the governing board of an institution of higher education that sets aside any portion of the tuition charged by the institution to a resident student under Section 54.0513 for the purpose of providing financial assistance for resident students enrolled in an undergraduate, graduate, or professional degree program at the institution.

(c) Not later than August 31 of each year, the governing board of an institution to which this section applies shall submit to the coordinating board a written report regarding any tuition set aside by the institution as described by Subsection (b) in the preceding fall, spring, or summer term. The report must include:

(1) the amount of tuition set aside by the institution as described by Subsection (b) for each applicable term;

(2) the percentage of the total amount of tuition charged by the institution under Section 54.0513 for each applicable term that was set aside by the institution as described by Subsection (b); and

(3) the types of student financial assistance provided using the funds set aside by the institution as described by Subsection (b).

(d) The coordinating board shall disseminate to each public or accredited private high school in this state the information provided in subsection (c) in a way designed to educate high school students and the parents of those students on available opportunities and required preparation with respect to institutions of higher education.

(e) The coordinating board may adopt rules to administer this section.

Sec. 56.0094. NOTICE TO STUDENTS REGARDING TUITION SET ASIDE FOR FINANCIAL ASSISTANCE. (a) An institution of higher education that sets aside a portion of a student's tuition payments to provide financial assistance for students enrolled in the institution shall provide to each student of the institution who pays tuition from which a portion is set aside for that purpose a notice regarding the specific amount that is set aside by the institution.

(b) The institution shall provide the notice required by Subsection (a) to the student in a prominently printed statement that appears on or is included with:

(1) the student's tuition bill or billing statement, if the institution provides the student with a printed bill or billing statement for the payment of the student's tuition; or

(2) the student's tuition receipt, if the institution provides the student with a printed receipt evidencing the payment of the student's tuition.
(c) If for any semester or other academic term the institution does not provide the student with a printed tuition bill, tuition billing statement, or tuition receipt, the institution shall include the notice required by Subsection (a) for that semester or other term in a statement prominently displayed in an e-mail sent to the student. The notice may be included in any other e-mail sent to the student in connection with the student's tuition charges for that semester or other term.

(d) The Texas Higher Education Coordinating Board by rule shall prescribe minimum standards for the manner, form, and content of the notice required by this section.

The amendment to SB 18 was read and was adopted by a viva voce vote.

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

Absent-excused: Miles.

SB 18 as again amended was again passed to engrossment by the following vote: Yeas 20, Nays 10.

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


Absent-excused: Miles.

CO-AUTHOR OF SENATE BILL 203

On motion of Senator West, Senator Hinojosa will be shown as Co-author of SB 203.

CO-AUTHOR OF SENATE BILL 275

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

CO-AUTHOR OF SENATE BILL 488

On motion of Senator Bettencourt, Senator Kolkhorst will be shown as Co-author of SB 488.

CO-AUTHOR OF SENATE BILL 518

On motion of Senator Miles, Senator Rodríguez will be shown as Co-author of SB 518.

CO-AUTHOR OF SENATE BILL 522

On motion of Senator Birdwell, Senator Hughes will be shown as Co-author of SB 522.

CO-AUTHOR OF SENATE BILL 589

On motion of Senator Lucio, Senator Watson will be shown as Co-author of SB 589.
CO-AUTHOR OF SENATE BILL 892
On motion of Senator Perry, Senator Hughes will be shown as Co-author of SB 892.

CO-AUTHORS OF SENATE BILL 928
On motion of Senator Rodríguez, Senators Buckingham, Lucio, West, and Zaffirini will be shown as Co-authors of SB 928.

CO-AUTHOR OF SENATE BILL 1767
On motion of Senator Buckingham, Senator West will be shown as Co-author of SB 1767.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 25
On motion of Senator Hughes, Senator Lucio will be shown as Co-author of SCR 25.

RESOLUTIONS OF RECOGNITION
The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SCR 25 by Hughes, Recognizing the Mount Tabor Indian Community for its contributions to this state.

SR 578 by Watson, Recognizing the Travis County Mental Health Public Defender Office on the occasion of its 10th anniversary.

SR 580 by Buckingham, Recognizing Our Lady of the Hills Regional Catholic High School boys basketball team for winning a state championship.

SR 582 by Hinojosa, Recognizing the Catholic Daughters of the Americas Texas State Court on the occasion of its 100th anniversary.

SR 584 by Lucio, Recognizing the Brownsville High School Class of 1967 on the occasion of their 50th anniversary reunion.

SR 585 by Hinojosa, Recognizing Luis Magdaleno for his contributions to the Rio Grande Valley.

SR 587 by Hall and Hughes, Recognizing the dedication of the Dr. D. Arlington Talbot Building at Texas A&M University–Commerce.

ADJOURNMENT
On motion of Senator Whitmire, the Senate at 2:26 p.m. adjourned until 10:00 a.m. tomorrow.
The following committee reports were received by the Secretary of the Senate in the order listed:

April 5, 2017
FINANCE — CSSB 518
STATE AFFAIRS — CSSB 970, CSSB 1664, CSSB 1663, CSSB 626, CSSB 627
BUSINESS AND COMMERCE — SB 56, SB 59, SB 261, SB 289, SB 562, SB 564, SB 659, SB 697, SB 775, SB 988, SB 1147, SB 1476
INTERGOVERNMENTAL RELATIONS — CSSB 461, SB 1805, SB 593
EDUCATION — SB 489, SB 1634, SB 671
INTERGOVERNMENTAL RELATIONS — CSSB 1987
STATE AFFAIRS — CSSB 1954

April 4, 2017
BILLS ENGROSSED
SB 19, SB 42, SB 301, SB 302, SB 303, SB 440, SB 452, SB 570, SB 573, SB 576, SB 613, SB 706, SB 799, SB 823, SB 1305, SB 1575

RESOLUTIONS ENROLLED