

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTIETH DAY

(Wednesday, April 12, 2017)

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

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

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

Father Tim Nolt, Saint Mary Cathedral, Austin, was introduced by Senator Lucio and offered the invocation as follows:

God, to acknowledge that all is gift is to have hope that each day's work can bring You glory. May all who labor here this day draw inspiration from Your spirit as they plan, listen, deliberate, and vote. May Your blessing be with each individual present, be upon their families, and dwell in midst of their communities back home. 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.

SENATE RESOLUTION 583

Senator Campbell offered the following resolution:

SR 583, Recognizing special needs theme park, Morgan's Wonderland.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Campbell, joined by Senators Uresti and Menéndez, was recognized and introduced to the Senate a Morgan's Wonderland and The Academy at Morgan's Wonderland delegation, accompanied by Gordon Hartman, Maggie Hartman, Ron Morander, Morgan Hartman, and Susan Bineham.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Larry Kravitz of Austin, accompanied by James Fierbaugh, as the Physician of the Day.

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

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate a Burleson Young Executive Alliance delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 594

Senator Nelson offered the following resolution:

SR 594, Welcoming Leadership Flower Mound.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a Leadership Flower Mound delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 608

Senator Bettencourt offered the following resolution:

SR 608, Recognizing James and Leeshan Chuang Birney for their service to the Houston community.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Bettencourt was recognized and introduced to the Senate James Birney, Leeshan Birney, and Ceyan Birney.

The Senate welcomed its guests.

SENATE RESOLUTION 429

Senator Watson offered the following resolution:

SR 429, Recognizing Alex Graves, Tex "T." Mitchell IV, Aaron Walls, and Jake Yepez for their courage.

The resolution was again read.

The resolution was previously adopted on Wednesday, March 15, 2017.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate members of Boy Scout Troop 410 of Austin, accompanied by Alex Graves, Tex "T." Mitchell IV, Aaron Walls, and Jake Yepez.

The Senate welcomed its guests.

SENATE RESOLUTION 549

Senator Hall offered the following resolution:

SR 549, Recognizing April 2017 as Parkinson's Disease Awareness Month.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hall was recognized and introduced to the Senate Fannin County Parkinson's Disease Support Group and Capital Area Parkinson's Society representatives.

The Senate welcomed its guests.

(Senator Miles in Chair)

SENATE RESOLUTION 619

Senator Menéndez offered the following resolution:

SR 619, Recognizing April 5, 2017, as Gold Star Spouses Day.

MENÉNDEZ
CAMPBELL
URESTI
ZAFFIRINI

The resolution was read.

(President in Chair)

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

On motion of Senator Menéndez, **SR 619** was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Menéndez, joined by Senators Taylor of Collin, Birdwell, Hinojosa, Hall, and Campbell, was recognized and introduced to the Senate a Gold Star Wives of America, Incorporated, Lone Star Chapter, delegation, accompanied by President Sabine Ward and Coordinator Lori Dean.

The Senate welcomed its guests.

SENATE RESOLUTION 586

Senator Hall offered the following resolution:

SR 586, Recognizing April 11 and 12, 2017, as Leadership Mesquite Days.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hall was recognized and introduced to the Senate a Leadership Mesquite and Mesquite Chamber of Commerce delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 614

Senator Uresti offered the following resolution:

SR 614, Recognizing April 12, 2017, as Val Verde County Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a Val Verde County and City of Del Rio delegation, accompanied by County Judge Efrain Valdez, Mayor Robert Garza, City Manager Henry Arredondo, and Councilmembers Rowland Garza, Elizabeth "Liz" Elizalde, and Diana Salgado.

The Senate welcomed its guests.

PERMISSION TO INTRODUCE GRANTED (Motion In Writing)

Mr. President:

The following members hereby request to suspend Senate Rule 7.07(b), Limitations on Introduction, to permit the introduction of bills and resolutions as listed below:

On motion of Senator Lucio: **SB 2270**.

The Motion In Writing was read and prevailed without objection.

SENATE BILLS ON FIRST READING

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

SB 2270 by Lucio

Relating to expansion of a pilot program under the foundation school program for funding prekindergarten programs provided by certain school districts with early high school graduation programs.

To Committee on Education.

SB 2271 by Creighton

Relating to the creation of Port Neches Improvement District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

To Committee on Intergovernmental Relations.

SB 2272 by Creighton

Relating to the creation of the Beaumont Municipal Management District No. 1; providing authority to issue bonds and impose assessments, fees, or taxes.

To Committee on Intergovernmental Relations.

CONCLUSION OF MORNING CALL

The President at 12:04 p.m. announced the conclusion of morning call.

(Senator Watson in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 461 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 461** at this time on its second reading:

CSSB 461, Relating to the notice required before the issuance of certain debt obligations by political subdivisions.

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 461 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 461** 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.

SENATE BILL 345 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **SB 345** at this time on its second reading:

SB 345, Relating to the use of tax revenue by certain municipalities for the payment of certain hotel-related bonds or other obligations.

The motion prevailed.

Senators Burton, 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 a viva voce vote.

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

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

SENATE BILL 345 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 345** be placed on its third reading and final passage.

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

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

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

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 43 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 43** at this time on its second reading:

CSSB 43, Relating to the Judicial Branch Certification Commission; authorizing fees; providing penalties.

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 43 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 43** 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 1083 ON SECOND READING**

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1083** at this time on its second reading:

CSSB 1083, Relating to the applicability of the sales and use tax to certain insurance services.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1083** (senate committee printing) by striking SECTION 1 of the bill, amending Section 151.0039(b), Tax Code (page 1, lines 30-44), and substituting the following:

SECTION 1. Section 151.0039, Tax Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) "Insurance service" does not include:

(1) insurance coverage for which a premium is paid or commissions paid to insurance agents for the sale of insurance or annuities; ~~or~~

(2) a service performed on behalf of an insured by a person licensed under Chapter 4102, Insurance Code;

(3) a service performed by a certified public accountancy firm, if less than one percent of the firm's total revenue in the prior calendar year is from services in this state that would otherwise constitute insurance service under Subsection (a); or

(4) a service performed on behalf of a certified public accountancy firm by an owner of the firm or a member of the firm's affiliated group, if less than one percent of the owner's or member's total revenue in the prior calendar year is from services in this state that would otherwise constitute insurance service under Subsection (a).

(c) In this section:

(1) "Affiliated group" has the meaning assigned by Section 171.0001.

(2) "Certified public accountancy firm" has the meaning assigned by Section 901.002, Occupations Code.

The amendment to **CSSB 1083** 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.

CSSB 1083 as amended was passed to engrossment by a viva voce vote.

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

COMMITTEE SUBSTITUTE SENATE BILL 1083 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 1083** 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.

SENATE BILL 813 ON SECOND READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **SB 813** at this time on its second reading:

SB 813, Relating to recovery of damages, attorney's fees, and costs related to frivolous regulatory actions by state agencies.

The motion prevailed.

Senators Garcia, Rodríguez, and Schwertner 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: Garcia, Rodríguez, Schwertner.

SENATE BILL 813 ON THIRD READING

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 813** 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, Creighton, Estes, Hall, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Garcia, Rodríguez, Schwertner.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 736 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSSB 736** at this time on its second reading:

CSSB 736, Relating to the authority of the General Land Office to sell retail electric power.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffines, Hughes, Kolkhorst, Menéndez, Miles, Nichols, Perry, Seliger, Taylor of Galveston, Taylor of Collin, Watson, West, Whitmire.

Nays: Estes, Garcia, Huffman, Lucio, Nelson, Rodríguez, Schwertner, Uresti, Zaffirini.

The bill was read second time.

Senator Hancock offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 736** (senate committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter D, Chapter 35, Utilities Code, is amended by adding Section 35.107 to read as follows:

Sec. 35.107. EXPIRATION OF AUTHORITY TO SELL OR CONVEY POWER. (a) Notwithstanding another provision of this subchapter, the commissioner's authority to sell or convey power under this subchapter expires September 1, 2022.

(b) This section does not affect the commissioner's authority to sell or convey natural gas under this subchapter.

SECTION 2. (a) The General Land Office or an entity operating under a contract with the General Land Office may continue to provide retail electric service in accordance with Subchapter D, Chapter 35, Utilities Code, as that subchapter existed before the effective date of this Act, under the terms of an agreement with a customer entered into before the effective date of this Act, only until the date the agreement expires.

(b) The General Land Office may not renew or extend the expiration or termination date of a contract to provide retail electric service in accordance with Subchapter D, Chapter 35, Utilities Code, to a date after September 1, 2022.

SECTION 3. This Act takes effect September 1, 2017.

The amendment to **CSSB 736** 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.

CSSB 736 as amended was passed to engrossment by the following vote: Yeas 22, Nays 9.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffines, Hughes, Kolkhorst, Menéndez, Miles, Nichols, Perry, Seliger, Taylor of Galveston, Taylor of Collin, Watson, West, Whitmire.

Nays: Estes, Garcia, Huffman, Lucio, Nelson, Rodriguez, Schwertner, Uresti, Zaffirini.

COMMITTEE SUBSTITUTE SENATE BILL 1361 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSSB 1361** at this time on its second reading:

CSSB 1361, Relating to the powers and duties of the Sabine-Neches Navigation District of Jefferson County.

The motion prevailed.

Senator Hall 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: Hall.

COMMITTEE SUBSTITUTE SENATE BILL 1361 ON THIRD READING

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1361** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Hall.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE BILL 593 ON SECOND READING

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **SB 593** at this time on its second reading:

SB 593, Relating to the governance of certain housing authorities.

The motion prevailed.

Senator 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: Huffines.

SENATE BILL 593 ON THIRD READING

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 593** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Huffines.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 627 ON SECOND READING

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 627** at this time on its second reading:

CSSB 627, Relating to notice of a property owner's rights relating to the examination or survey of property by an entity with eminent domain authority.

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 627 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 627** 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 316 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 316** at this time on its second reading:

CSSB 316, Relating to powers and duties of certain prescribers and dispensers of controlled substances and the regulatory agencies that issue a license, certification, or registration to the prescriber or dispenser; following the recommendations of the Sunset Advisory Commission.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Birdwell, Estes, Garcia, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Buckingham, Burton, Campbell, Creighton, Hall, Hancock, Huffines, Menéndez.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 316** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 481.003(a), Health and Safety Code, is amended to read as follows:

(a) The director may adopt rules to administer and enforce this chapter, other than Sections 481.073, 481.074, 481.075, 481.0751, 481.076, [~~and~~] 481.0761, 481.0762, 481.0763, 481.0764, and 481.0765. The board may adopt rules to administer Sections 481.073, 481.074, 481.075, 481.0751, 481.076, [~~and~~] 481.0761, 481.0762, 481.0763, 481.0764, and 481.0765.

SECTION _____. Section 481.127(a), Health and Safety Code, is amended to read as follows:

(a) A person commits an offense if the person knowingly gives, permits, or obtains unauthorized access to information submitted to the board under Section 481.074(q), [~~or~~] 481.075, or 481.0751.

SECTION _____. Section 554.051(a-1), Occupations Code, is amended to read as follows:

(a-1) The board may adopt rules to administer Sections 481.073, 481.074, 481.075, 481.0751, 481.076, [~~and~~] 481.0761, 481.0762, 481.0763, 481.0764, and 481.0765, Health and Safety Code.

(President in Chair)

The amendment to **CSSB 316** 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 Burton offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 316** (committee printing) as follows:

(1) Strike the recital to SECTION 1 of the bill (page 1, lines 27-28) and substitute the following:

SECTION 1. Section 481.074(q), Health and Safety Code, is amended to read as follows:

(2) In SECTION 1 of the bill, strike amended Section 481.074(k), Health and Safety Code (page 1, lines 29-59).

(3) Strike SECTION 3 of the bill (page 2, lines 30-55).

(4) In the recital to SECTION 4 of the bill (page 2, lines 56-57), strike "481.076(a), (a-3), (a-4), (c), (d), (i), and (j)" and substitute "481.076(a) and (d)".

(5) In SECTION 4 of the bill, in amended Section 481.076(a), Health and Safety Code (page 2, lines 60-61), strike "481.074(q), ~~or~~ 481.075, or 481.0751" and substitute "481.074(q) or 481.075".

(6) In SECTION 4 of the bill, strike amended Sections 481.076(a-3), (a-4), and (c), Health and Safety Code (page 3, lines 35-57).

(7) In SECTION 4 of the bill, strike amended Sections 481.076(i) and (j), Health and Safety Code (page 4, lines 4-20).

(8) In the recital to SECTION 5 of the bill (page 4, line 22), strike "amending Subsections (a) and (c) and".

(9) In SECTION 5 of the bill, strike amended Sections 481.0761(a) and (c), Health and Safety Code (page 4, lines 24-50).

(10) In SECTION 5 of the bill, in added Section 481.0761(i), Health and Safety Code (page 4, line 62), strike "481.074(q), 481.075, and 481.0751" and substitute "481.074(q) and 481.075".

(11) In SECTION 6 of the bill, in added Section 481.0762(b), Health and Safety Code (page 5, line 26), strike "481.074(q), 481.075, and 481.0751" and substitute "481.074(q) and 481.075".

(12) In SECTION 6 of the bill, strike added Section 481.0762(c), Health and Safety Code (page 5, lines 29-33).

(13) In SECTION 6 of the bill, in added Section 481.0762(d), Health and Safety Code (page 5, lines 34-35), strike "or dispensing veterinarian".

(14) In SECTION 6 of the bill, strike added Section 481.0762(e), Health and Safety Code (page 5, lines 38-47), and substitute the following:

(e) In determining whether a potentially harmful prescribing pattern or practice is occurring, the appropriate regulatory agency, at a minimum, shall consider:

(1) the number of times a prescriber prescribes opioids, benzodiazepines, barbiturates, or carisoprodol; and

(2) for prescriptions described by Subdivision (1), patterns of prescribing combinations of those drugs and other dangerous combinations of drugs identified by the board.

(15) In SECTION 6 of the bill, in added Section 481.0762(f), Health and Safety Code (page 5, line 50), between "prescribing" and "patterns", strike "or dispensing".

(16) In SECTION 6 of the bill, reletter the remaining subsections of added Section 481.0762, Health and Safety Code (page 5, lines 17-55), appropriately, and correct cross-references to those subsections accordingly.

(17) In SECTION 6 of the bill, in added Section 481.0764(a), Health and Safety Code (page 5, line 66), between "481.076(a)(5)" and "shall access", insert ", other than a veterinarian,".

(18) In SECTION 6 of the bill, in added Section 481.0764(c), Health and Safety Code (page 6, line 5), following "A veterinarian", strike "subject to this section is required to" and substitute "authorized to access information under Subsection (b) regarding a controlled substance may".

(19) In SECTION 7 of the bill, relating to an interim study, strike Subsections (b)(5), (6), (7), and (8) (page 6, lines 50-64) and substitute the following:

(5) evaluate the integration of any new data elements required to be reported under this Act;

(6) evaluate the existence and scope of diversion of controlled substances by animal owners to whom the substances are dispensed by veterinarians; and

(7) explore the best methods for preventing the diversion of controlled substances by animal owners.

(20) Strike SECTION 8 of the bill (page 7, lines 4-23).

(21) Renumber SECTIONS of the bill appropriately.

The amendment to **CSSB 316** was read.

Senator Hinojosa moved to table Floor Amendment No. 2.

The motion to table was lost by the following vote: Yeas 14, Nays 17.

Yeas: Birdwell, Estes, Garcia, Hinojosa, Miles, Nelson, Nichols, Rodríguez, Schwertner, Taylor of Collin, Uresti, Watson, West, Zaffirini.

Nays: Bettencourt, Buckingham, Burton, Campbell, Creighton, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Perry, Seliger, Taylor of Galveston, Whitmire.

Question recurring on the adoption of Floor Amendment No. 2 to **CSSB 316**, the amendment was adopted by the following vote: Yeas 17, Nays 14.

Yeas: Bettencourt, Buckingham, Burton, Campbell, Creighton, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Perry, Seliger, Taylor of Galveston, Whitmire.

Nays: Birdwell, Estes, Garcia, Hinojosa, Miles, Nelson, Nichols, Rodríguez, Schwertner, Taylor of Collin, Uresti, Watson, West, Zaffirini.

Senator Buckingham offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 316** (senate committee printing) in SECTION 6 of the bill, in added Section 481.0764, Health and Safety Code (page 5, after line 69), by inserting the following new subsection:

(a-1) Notwithstanding Subsection (a), a prescriber who issues a prescription for an opioid, a benzodiazepine, a barbiturate, or carisoprodol is not required to access the information under Section 481.076(a)(5) regarding the patient unless:

(1) the prescriber has previously issued a prescription to that patient for that same controlled substance in the three-month period preceding the instant prescription; or

(2) the prescriber is issuing multiple prescriptions under Section 481.074(d-1).

The amendment to **CSSB 316** was read.

Senator Hinojosa offered the following amendment to Floor Amendment No. 3:

Floor Amendment No. 4

Amend Senate Floor Amendment No. 3 by Buckingham by striking the text of the amendment and substituting the following:

Amend **CSSB 316** (senate committee printing) in SECTION 6 of the bill, in added Section 481.0765, Health and Safety Code (page 6, between lines 31 and 32), by adding the following new subsection:

(d) A prescriber or dispenser is not subject to the requirements of Section 481.0764(a) if the amount of controlled substance prescribed does not exceed a 72-hour supply.

The amendment to Floor Amendment No. 3 to **CSSB 316** was read.

Senator Hinojosa withdrew Floor Amendment No. 4.

Question recurring on the adoption of Floor Amendment No. 3 to **CSSB 316**, the amendment failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Hall, Hancock, Huffines, Hughes, Menéndez, Taylor of Galveston.

Nays: Estes, Garcia, Hinojosa, Huffman, Kolkhorst, Lucio, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Senator Buckingham offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 316** (senate committee printing) in SECTION 10 of the bill, by striking Subdivision (1) of that section (page 7, lines 29 through 30) and renumbering subsequent subdivisions accordingly.

The amendment to **CSSB 316** was read.

Senator Perry offered the following amendment to Floor Amendment No. 5:

Floor Amendment No. 6

Amend Floor Amendment No. 5 to **CSSB 316** by Buckingham (85R21243) by striking the text of the amendment and substituting the following:

Amend **CSSB 316** (senate committee printing) in SECTION 10 of the bill as follows:

(1) Between "SECTION 10." and "Section 481.0764(a)" (page 7, line 27), insert "(a)".

(2) Add the following appropriately lettered subsection to SECTION 10 (page 7, between lines 38 and 39):

() Notwithstanding Subsection (a) of this section, a specific type of prescriber or dispenser is not required to comply with any specific provision of this Act before September 1, 2020, if the Texas State Board of Pharmacy and the Texas Medical Board jointly determine that the system in which the information is reported under Section 481.076, Health and Safety Code, as amended by this Act, is, as of August 31, 2018, insufficient for use by that specific type of prescriber or dispenser under that provision.

The amendment to Floor Amendment No. 5 to **CSSB 316** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

Yeas: Bettencourt, Buckingham, Burton, Campbell, Creighton, Hall, Hancock, Huffines, Hughes, Menéndez, Perry.

Nays: Birdwell, Estes, Garcia, Hinojosa, Huffman, Kolkhorst, Lucio, Miles, Nelson, Nichols, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Question recurring on the adoption of Floor Amendment No. 5 to **CSSB 316**, the amendment failed of adoption by the following vote: Yeas 10, Nays 21.

Yeas: Bettencourt, Buckingham, Burton, Campbell, Creighton, Hall, Hancock, Huffines, Hughes, Menéndez.

Nays: Birdwell, Estes, Garcia, Hinojosa, Huffman, Kolkhorst, Lucio, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

CSSB 316 as amended was passed to engrossment by the following vote: Yeas 24, Nays 7.

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

Nays: Bettencourt, Buckingham, Campbell, Creighton, Hall, Huffines, Menéndez.

COMMITTEE SUBSTITUTE SENATE BILL 316 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 316** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

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

Nays: Bettencourt, Buckingham, Campbell, Creighton, Hall, Huffines.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

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

Nays: Bettencourt, Buckingham, Campbell, Creighton, Hall, Huffines, Menéndez.

REASON FOR VOTE

Senator Burton submitted the following reason for vote on **SB 316**:

While I voted for SB 316 because my concerns about the effect the bill would have on veterinarians was addressed on the floor, I remain extremely concerned about these new requirements on other medical practitioners. I would prefer a system in which medical practitioners were able to opt-in and participate at-will to curtail illicit drug-seeking practices. Our medical practitioners, including those who take care of our animals, are extremely capable professionals. I do not believe the solution proposed in SB 316 is in the best interest of these professionals or Texas patients.

BURTON

COMMITTEE SUBSTITUTE SENATE BILL 736 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 **CSSB 736** be placed on its third reading and final passage:

CSSB 736, Relating to the authority of the General Land Office to sell retail electric power.

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

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

Nays: Garcia, Lucio, Rodríguez, Zaffirini.

The bill was read third time.

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

Floor Amendment No. 2 on Third Reading

Amend **CSSB 736** (senate committee printing) on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) The General Land Office shall collect information on the sale of electricity by the General Land Office and not later than September 1, 2021, provide to the legislature a report based on the collected information.

(b) The report must include and address for each year at least the following information:

- (1) number of participants;
- (2) aggregate rates;
- (3) general contract terms; and
- (4) the extent of any fiscal impact on state resources of administering the program.

The amendment to **CSSB 736** 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 on Third Reading.

CSSB 736 as again amended was finally passed by the following vote: Yeas 24, Nays 7.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffines, Hughes, Kolkhorst, Menéndez, Miles, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Watson, West, Whitmire.

Nays: Estes, Garcia, Huffinan, Lucio, Rodríguez, Uresti, Zaffirini.

COMMITTEE SUBSTITUTE SENATE BILL 1767 ON SECOND READING

Senator Buckingham moved to suspend the regular order of business to take up for consideration **CSSB 1767** at this time on its second reading:

CSSB 1767, Relating to hearings and protests before appraisal review boards involving ad valorem tax determinations.

The motion prevailed.

Senator Bettencourt 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:

Present-not voting: Bettencourt.

COMMITTEE SUBSTITUTE SENATE BILL 1767 ON THIRD READING

Senator Buckingham moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1767** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Bettencourt.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0, Present-not voting 1. (Same as previous roll call)

GUEST PRESENTED

Senator Hughes was recognized and introduced to the Senate Congressman Marc Veasey.

The Senate welcomed its guest.

**COMMITTEE SUBSTITUTE
SENATE BILL 522 ON THIRD READING**

Senator Birdwell moved to suspend the regular order of business to take up for consideration **CSSB 522** at this time on its third reading and final passage:

CSSB 522, Relating to issuing a marriage license and conducting a marriage ceremony.

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 third time and was passed by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

**SENATE CONCURRENT RESOLUTION 3
ON SECOND READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **SCR 3** at this time on its second reading:

SCR 3, Claiming sovereignty under the Tenth Amendment to the U.S. Constitution over all powers not otherwise enumerated and granted to the federal government by the U.S. Constitution, serving notice to the federal government to halt and reverse certain mandates, and providing that certain federal legislation be prohibited or repealed.

The motion prevailed by the following vote: Yeas 20, Nays 11.

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

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

The resolution was read second time and was adopted by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

SENATE RULES SUSPENDED

Senator Kolkhorst moved to suspend the Senate's order of business to permit the reading and referral of bills at this time.

The motion prevailed without objection.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

- HB 10** to Committee on Health and Human Services.
- HB 256** to Committee on Business and Commerce.
- HB 268** to Committee on Criminal Justice.
- HB 351** to Committee on Criminal Justice.
- HB 409** to Committee on Transportation.
- HB 544** to Committee on Agriculture, Water, and Rural Affairs.
- HB 1020** to Committee on State Affairs.
- HB 1197** to Committee on Business and Commerce.
- HB 1257** to Committee on Criminal Justice.
- HB 1483** to Committee on Transportation.
- HB 1709** to Committee on Intergovernmental Relations.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Schwertner and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet at 3:15 p.m. today.

CO-AUTHOR OF SENATE BILL 655

On motion of Senator Bettencourt, Senator Huffines will be shown as Co-author of **SB 655**.

CO-AUTHOR OF SENATE BILL 715

On motion of Senator Campbell, Senator Huffines will be shown as Co-author of **SB 715**.

CO-AUTHOR OF SENATE BILL 725

On motion of Senator Miles, Senator Menéndez will be shown as Co-author of **SB 725**.

CO-AUTHOR OF SENATE BILL 813

On motion of Senator Hughes, Senator Kolkhorst will be shown as Co-author of **SB 813**.

CO-AUTHOR OF SENATE BILL 975

On motion of Senator Birdwell, Senator Creighton will be shown as Co-author of **SB 975**.

CO-AUTHOR OF SENATE BILL 977

On motion of Senator Schwertner, Senator Creighton will be shown as Co-author of **SB 977**.

CO-AUTHOR OF SENATE BILL 979

On motion of Senator Schwertner, Senator Creighton will be shown as Co-author of **SB 979**.

CO-AUTHOR OF SENATE BILL 1221

On motion of Senator Watson, Senator Creighton will be shown as Co-author of **SB 1221**.

CO-AUTHOR OF SENATE BILL 1287

On motion of Senator Huffines, Senator Hall will be shown as Co-author of **SB 1287**.

CO-AUTHOR OF SENATE BILL 1304

On motion of Senator Perry, Senator Creighton will be shown as Co-author of **SB 1304**.

CO-AUTHOR OF SENATE BILL 1847

On motion of Senator Bettencourt, Senator Creighton will be shown as Co-author of **SB 1847**.

CO-AUTHOR OF SENATE BILL 1849

On motion of Senator Whitmire, Senator Miles will be shown as Co-author of **SB 1849**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 3

On motion of Senator Creighton, Senators Bettencourt, Estes, Hancock, Schwertner, and Taylor of Collin will be shown as Co-authors of **SCR 3**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 612 by Lucio, In memory of Sergio A. Cisneros Sr.

SR 616 by Buckingham, In memory of Hazel Ruth Preston Bassett.

Congratulatory Resolutions

SR 613 by Huffman, Recognizing the City of Stafford for its property tax abatement.

SR 615 by Buckingham, Recognizing Charles Duncan for his heroism.

SR 618 by Seliger, Recognizing Malnor Arthur on the occasion of her 100th birthday.

SR 620 by Zaffirini, Recognizing Eric Rendell Tarver on the occasion of his 15th pastoral anniversary.

HCR 116 (Watson), Commemorating the 20th anniversary of the Greater Austin Crime Commission.

Official Designation Resolution

SR 617 by Schwertner, Recognizing April 20, 2017, as Fairfield Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:47 p.m. adjourned, in memory of Liliana Estevez, until 12:00 p.m. Tuesday, April 18, 2017.

APPENDIX

COMMITTEE REPORTS

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

April 12, 2017

FINANCE — CSSB 1286

STATE AFFAIRS — CSSB 1666, CSSB 1955, CSSB 2255, CSSB 1215, CSSB 1911, CSSB 1709, CSSB 1763, CSSB 1246, CSSB 1571, CSSB 2189, CSSB 665, CSSB 1444, CSSB 470

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — SB 2100, SB 1871, SB 1748, SB 1465, CSSB 1330

AGRICULTURE, WATER, AND RURAL AFFAIRS — CSSB 873

HIGHER EDUCATION — SB 803, SB 1123, SB 1781 (Amended)

BUSINESS AND COMMERCE — SB 2087, SB 877

HIGHER EDUCATION — SB 2048

BUSINESS AND COMMERCE — SB 876, SB 1496, SB 1495, SB 1494, CSSB 838, CSSB 586, CSSB 1401, CSSB 860

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — CSSB 1667

EDUCATION — SB 2131, SB 1483, SB 640

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — CSSB 400

EDUCATION — CSSB 276

TRANSPORTATION — SB 599, SB 779, SB 1187

FINANCE — CSSB 2242

STATE AFFAIRS — CSSB 379, CSSB 1764, CSSB 617

BILLS ENGROSSED

April 11, 2017

SB 75, SB 313, SB 409, SB 612, SB 822, SB 970, SB 988, SB 1383, SB 1634, SB 1987

RESOLUTIONS ENROLLED

April 11, 2017

SR 606, SR 609, SR 610, SR 611