

# SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## FORTY-SEVENTH DAY

(Thursday, April 27, 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.

Captain Brian Hudson, Chaplain, 36th Infantry Division, Texas Army National Guard, offered the invocation as follows:

Lord God, creator and sustainer of us all, we give You thanks that You are ever-present with us, guiding our thoughts and decisions. We acknowledge before You that in our own power and understanding we are unable to guide our wonderful state that You have entrusted into our care. So, we pray in this hallowed Chamber for Your wisdom and guidance to meet the challenges we are faced with today. As we are gathered here, we pray for servicemembers of our nation and the Guardsmen of the great State of Texas. May Your covering be over them in all their duties. Protect and keep them out of harm's way. We give You thanks for those who have made the ultimate sacrifice for our freedom and ask that You would accept them into Your presence surrounding their loved ones with Your peace which passes all understanding. We humbly ask all this in Your holy name. 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.

## MESSAGES FROM THE GOVERNOR

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

April 27, 2017  
Austin, Texas

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

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

To be members of the Jefferson and Orange County Board of Pilot Commissioners for terms to expire August 22, 2018:

Charles E. "Charlie" Holder

Vidor, Texas

(replacing David L. Meaux of Orange whose term expired)

William G. "Will" Jenkins, III

Beaumont, Texas

(replacing Gerald "Ray" Callas of Beaumont whose term expired)

Respectfully submitted,

/s/Greg Abbott

Governor

April 27, 2017

Austin, Texas

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

On January 13, 2017, I submitted the name of Joseph "Joe" Martino for appointment to the Texas Crime Stoppers Council for a term to expire September 1, 2020.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Greg Abbott

Governor

**PHYSICIAN OF THE DAY**

Senator Campbell was recognized and presented Dr. Lisa Clemons of Austin as the Physician of the Day.

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

**FORMER MEMBERS DAY**

Senator Whitmire was recognized and introduced the following:

**Former Lieutenant Governors**

The Honorable Ben Barnes–De Leon

Lieutenant Governor–1969 to 1973

The Honorable Bill Ratliff–Mount Pleasant

Lieutenant Governor–2000 to 2003

**Former Senators**

The Honorable Don Adams–Jasper  
State Senator–1973 to 1977

The Honorable Richard Anderson–Marshall  
State Senator–1986 to 1989

The Honorable Ken Armbrister–Victoria  
State Senator–1987 to 2007

The Honorable Gonzalo Barrientos–Austin  
State Senator–1985 to 2007

The Honorable Joe Bernal–San Antonio  
State Senator–1967 to 1973

The Honorable J. E. "Buster" Brown–Lake Jackson  
State Senator–1981 to 2002

The Honorable David Cain–Dallas  
State Senator–1995 to 2003

The Honorable Kent Caperton–Bryan  
State Senator–1981 to 1991

The Honorable Ron Clower–Garland  
State Senator–1973 to 1981

The Honorable Robert Duncan–Lubbock  
State Senator–1996 to 2014

The Honorable Michael Galloway–The Woodlands  
State Senator–1995 to 1999

The Honorable Kent Hance–Lubbock  
State Senator–1975 to 1979

The Honorable Glenn Kothmann–San Antonio  
State Senator–1971 to 1987

The Honorable Cyndi Krier–San Antonio  
State Senator–1985 to 1993

The Honorable Jon Lindsay–Houston  
State Senator–1997 to 2007

The Honorable Ted Lyon–Rockwall  
State Senator–1983 to 1993

The Honorable Bill Meier–Eules  
State Senator–1973 to 1983

The Honorable John T. Montford–Lubbock  
State Senator–1983 to 1996

The Honorable Carl A. Parker–Port Arthur  
State Senator–1977 to 1995

The Honorable Dan Shelley–Crosby  
State Senator–1993 to 1995

The Honorable Todd Staples–Palestine  
State Senator–2001 to 2007

The Honorable Jeff Wentworth–San Antonio  
State Senator–1993 to 2013

The Honorable Tommy Williams–The Woodlands  
State Senator–2003 to 2013

The Senate welcomed its guests.

### **ACKNOWLEDGMENTS**

Senator Kolkhorst was recognized and acknowledged the current Senators who served in the military:

Senator Brian Birdwell

Senator Robert Hall

Senator Juan "Chuy" Hinojosa

Senator Van Taylor

Senator Carlos Uresti

Former Members who served in the military were also recognized.

### **IN MEMORIAM**

Senator Kolkhorst offered the following remarks and read the following names from "A State of Remembrance, April 27, 2017":

Members, the Texas Senate is a special institution, rich in history and tradition. Service in the Texas Senate makes one a part of that great institution and, indeed, part of Texas history.

Service, tradition, history—all so very important to this body, and we are honored by the presence of our former Members today. Unfortunately, the number of former Members has become fewer since we last honored them.

Because of our respect and love for each other, Senate tradition on Former Members Day calls for remembering and honoring those former Members who have died during the interim and for publicly reading their names into the Senate record.

Members, on your desks you will find the memorial booklet prepared in honor of those seven former colleagues and friends. You will note that former Senator Jim Wallace's recognition is an insert to the booklet, which had already been produced prior to his passing. In alphabetical order, we honor the memory of:

Senator Roy Morris Blake Sr.

Texas Senator 1978-1989

Senator Chester Edward "Chet" Brooks

Texas Senator 1967-1993

Senator Chris Harris  
Texas Senator 1991-2013  
Senator E. L. Short  
Texas Senator 1979-1983  
Senator William McKinnie "Bill" Sims  
Texas Senator 1983-1997  
Senator Jack Boynton Strong  
Texas Senator 1963-1971  
Senator James Price "Jim" Wallace  
Texas Senator 1971-1974

Statesmen, public servants, Texas Senators—Dean Whitmire, I ask that when the Senate adjourns today, it do so in memory of these who served so well the state they loved so much.

### ACKNOWLEDGMENTS

The President acknowledged the sacrifices made by all of the former Members which allowed them to contribute greatly to the State of Texas.

The President also acknowledged former Parliamentarian Walter Fisher and thanked him for his work in the Senate.

The Senate welcomed its guest.

Senator Whitmire was again recognized for closing remarks and thanked the honored guests for their service to the State of Texas.

### AT EASE

The President at 11:31 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

### IN LEGISLATIVE SESSION

The President at 11:45 a.m. called the Senate to order as In Legislative Session.

### 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 Schwertner: **SB 2289**.

The Motion In Writing was read and prevailed without objection.

### SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

**SB 2289** by Schwertner

Relating to the Fairfield Hospital District.

To Committee on Health and Human Services.

### CONCLUSION OF MORNING CALL

The President at 11:46 a.m. announced the conclusion of morning call.

**(Senator Hancock in Chair)**

### SENATE BILL 1733 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **SB 1733** at this time on its second reading:

**SB 1733**, Relating to recognition of certain identification documents by governmental officials.

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 bill was read second time and was passed to engrossment by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

### COMMITTEE SUBSTITUTE

### SENATE BILL 1929 ON SECOND READING

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1929** at this time on its second reading:

**CSSB 1929**, Relating to maternal mortality and morbidity and pregnancy-related deaths, including postpartum depression.

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 1929** (senate committee printing) in SECTION 1 of the bill, in amended Section 34.005, Health and Safety Code (page 1, lines 29-30), by striking "maternal mortality and in" and substituting "pregnancy-related deaths and [##]".

The amendment to **CSSB 1929** 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 1929** 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 1929 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 1929** 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 591 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 591** at this time on its second reading:

**CSSB 591**, Relating to a community outreach campaign to increase awareness of veterans benefits 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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 591 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 591** 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 1633 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 1633** at this time on its second reading:

**CSSB 1633**, Relating to the provision of pharmacy services through a telepharmacy system; establishing a remote dispensing site license.

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 1633 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 1633** 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 2053 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 2053** at this time on its second reading:

**SB 2053**, Relating to the distribution of the consolidated court cost.

The bill was read second time.

Senator West offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 2053** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in amended Section 133.102(e), Local Government Code (page 1, line 50), strike "4.8362" and substitute "5.9400 [~~4.8362~~"].

(2) In SECTION 1 of the bill, in amended Section 133.102(e), Local Government Code (page 1, line 56), strike "17.8448" and substitute "16.7410".

The amendment to **SB 2053** was read.

On motion of Senator West, further consideration of **SB 2053** was temporarily postponed.

Question: Shall Floor Amendment No. 1 to **SB 2053** be adopted?

**COMMITTEE SUBSTITUTE  
SENATE BILL 1584 ON SECOND READING**

Senator Garcia moved to suspend the regular order of business to take up for consideration **CSSB 1584** at this time on its second reading:

**CSSB 1584**, Relating to the conditions of community supervision.

The motion prevailed.

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

The bill was read second time.



Senator Birdwell offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1584** (senate committee report), in SECTION 1 of the bill, in amended Article 42A.301(a), Code of Criminal Procedure (page 1, line 27), by striking "based on" and substituting "after considering".

The amendment to **CSSB 1584** 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 1584** 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: Schwertner.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1584 ON THIRD READING**

Senator Garcia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1584** be placed on its third reading and final passage.

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

Nays: Schwertner.

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 692 ON THIRD READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 692** at this time on its third reading and final passage:

**CSSB 692**, Relating to regulation by certain counties of lots in platted subdivisions that have remained undeveloped.

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

Yeas: Bettencourt, Birdwell, Campbell, Estes, Garcia, Hinojosa, Huffman, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Perry, Rodríguez, Schwertner, Seliger, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Buckingham, Burton, Creighton, Hall, Hancock, Huffines, Hughes, Nichols, Taylor of Galveston, Taylor of Collin.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.

Yeas: Bettencourt, Birdwell, Campbell, Estes, Garcia, Hinojosa, Huffman, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Buckingham, Burton, Creighton, Hall, Hancock, Huffines, Hughes, Taylor of Galveston, Taylor of Collin.

### HOUSE BILL 89 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **HB 89** at this time on its second reading:

**HB 89**, Relating to state contracts with and investments in companies that boycott Israel.

The motion prevailed.

Senators Garcia, Nichols, Rodríguez, Watson, and Zaffirini 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 third reading by the following vote: Yeas 26, Nays 5.

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

Nays: Garcia, Nichols, Rodríguez, Watson, Zaffirini.

### HOUSE BILL 89 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 **HB 89** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

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

Nays: Garcia, Nichols, Rodríguez, Watson, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

### SENATE BILL 2053 ON SECOND READING

The Presiding Officer laid before the Senate **SB 2053** by Senator West on its second reading. The bill had been read second time, an amendment offered, and further consideration postponed:

**SB 2053**, Relating to the distribution of the consolidated court cost.

Question: Shall Floor Amendment No. 1 to **SB 2053** be adopted?

Senator West withdrew Floor Amendment No. 1.

**SB 2053** was passed to engrossment by a viva voce vote.

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

**SENATE BILL 2053 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 2053** 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 1148 ON SECOND READING**

On motion of Senator Buckingham and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1148** at this time on its second reading:

**CSSB 1148**, Relating to maintenance of certification by a physician or an applicant for a license to practice medicine in this state; authorizing a fee.

The bill was read second time.

Senator Buckingham offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1148** (senate committee report) as follows:

(1) Strike SECTION 2 of the bill, adding Section 151.002(a)(6-b), Occupations Code (page 2, lines 20-28), and substitute the following:

SECTION 2. Section 151.002(a), Occupations Code, is amended by adding Subdivision (6-b) to read as follows:

(6-b) "Maintenance of certification" means the satisfactory completion of periodic recertification requirements that are required for a physician to maintain certification after initial certification from:

(A) a medical specialty member board of the American Board of Medical Specialties;

(B) a medical specialty member board of the American Osteopathic Association Bureau of Osteopathic Specialists;

(C) the American Board of Oral and Maxillofacial Surgery; or

(D) any other certifying board that is recognized by the Texas Medical Board.

(2) Strike SECTION 3 of the bill, adding Section 151.006, Occupations Code (page 2, lines 29-35), and substitute the following:

SECTION 3. Subchapter A, Chapter 151, Occupations Code, is amended by adding Section 151.006 to read as follows:

Sec. 151.006. CERTIFICATION OF MEDICAL SPECIALTY.

(a) Notwithstanding any law other than Subsection (b), a physician is considered a board-certified medical specialist in this state if the physician receives initial certification, regardless of the physician's maintenance of certification, from:

(1) a medical specialty member board of the American Board of Medical Specialties;

(2) a medical specialty member board of the American Osteopathic Association Bureau of Osteopathic Specialists;

(3) the American Board of Oral and Maxillofacial Surgery; or

(4) any other certifying board that is recognized by the Texas Medical Board.

(b) Subsection (a) does not apply to a physician:

(1) who holds a medical license that is currently restricted or suspended for cause or has been canceled for cause or revoked by any state, a province of Canada, or a uniformed service of the United States;

(2) who is under an investigation or against whom a proceeding is instituted that may result in a restriction, cancellation, suspension, or revocation of the physician's medical license in any state, a province of Canada, or a uniformed service of the United States; or

(3) who has a prosecution that is pending against the physician in any state, federal, or Canadian court for any offense that under the laws of this state is a misdemeanor involving moral turpitude or a felony.

(3) In SECTION 4 of the bill, strike added Section 151.0515(a), Occupations Code (page 2, lines 39-44), and substitute the following:

(a) Except as provided by Subsection (b), the following entities may not differentiate between physicians based on a physician's maintenance of certification:

(1) a health facility that is licensed under Subtitle B, Title 4, Health and Safety Code, if the facility has an organized medical staff or a process for credentialing physicians;

(2) a hospital that is owned or operated by this state;

(3) an institution or program that is owned, operated, or licensed by this state, including an institution or program that directly or indirectly receives state financial assistance, if the institution or program has an organized medical staff or a process for credentialing physicians on its staff; or

(4) an institution or program that is owned, operated, or licensed by a political subdivision of this state, if the institution or program has an organized medical staff or a process for credentialing physicians on its staff.

(4) In SECTION 4 of the bill, in added Section 151.0515(d), Occupations Code (page 2, line 60), strike "a hospital or other provider" and substitute "an entity described by Subsection (a)".

(5) In SECTION 7 of the bill, in added Section 170.003(b), Occupations Code (page 3, line 31), strike "and".

(6) In SECTION 7 of the bill, in added Section 170.003(b), Occupations Code (page 3, between lines 31 and 32), insert the following and renumber subsequent subdivisions accordingly:

(4) an online resource for the consumer to verify the maintenance of certification of its members;

(5) that the applicant has a permanent headquarters and staff;

(6) that the applicant has written proof of a determination by the Internal Revenue Service that the agency is tax exempt under Section 501(c), Internal Revenue Code of 1986;

(7) that the applicant has written bylaws, a code of ethics to guide the practice of its members, and a disciplinary system providing for revocation of certification based upon violations of such bylaws or ethical guidelines;

(8) that the applicant has an internal review and control process, including budgetary practices, to ensure effective use of resources;

(9) that the applicant has the ability to provide a full explanation of its recertification process upon request by the board; and

(7) In SECTION 7 of the bill, in added Section 170.004, Occupations Code (page 3, line 34), between "." and "The" insert (a).

(8) In SECTION 7 of the bill, in added Section 170.004(3), Occupations Code (page 3, line 41), strike "Sections 170.005 and 170.006" and substitute "Section 170.005".

(9) In SECTION 7 of the bill, in added Section 170.004, Occupations Code (page 3, between lines 41 and 42), insert the following:

(b) The board shall within 180 days issue a certificate to an applicant that meets the requirements of this chapter.

(10) In SECTION 7 of the bill, in added Section 170.005(1), Occupations Code (page 3, line 46), between "to" and "complete", insert the following:

⋮

(A) be licensed in this state with a full and unrestricted license; and

(B)

(11) In SECTION 7 of the bill, in added Section 170.005, Occupations Code (page 3, line 48), strike "and", substitute the following subdivision, and renumber subsequent subdivisions accordingly:

(2) may not deny an application by a physician seeking maintenance of certification if the physician is considered a board-certified medical specialist in this state for purposes of Section 151.006; and

(12) In SECTION 7 of the bill, in added Section 170.005(2), Occupations Code (page 3, line 50), after "entity to", insert "provide confidential patient records or".

(13) In SECTION 7 of the bill, strike added Section 170.006, Occupations Code (page 3, lines 53-61), and renumber subsequent sections of added Chapter 170, Occupations Code, accordingly.

(14) In SECTION 7 of the bill, in added Section 170.007, Occupations Code (page 3, lines 66-67), strike "maintenance of certification" and substitute "initial board certification".

(15) In SECTION 7 of the bill, in added Chapter 170, Occupations Code (page 3, between lines 67 and 68), insert the following appropriately numbered section:

Sec. . CONFIDENTIALITY. (a) Except as provided by Subsection (b), information that is used, maintained, or compiled by a holder of a certificate issued under this chapter regarding an application by a physician for maintenance of certification is confidential and not subject to subpoena or discovery.

(b) The board may obtain records from a holder of a certificate issued under this chapter only for the purposes of verifying maintenance of certification by a physician.

The amendment to **CSSB 1148** 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 1148** 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 1148 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 1148** 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 814 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 814** at this time on its second reading:

**CSSB 814**, Relating to the board of directors of the Agua Special Utility District.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 814** (senate committee printing) in SECTION 1 of the bill, in amended Section 7201.052(a)(5), Special District Local Laws Code (page 1, lines 36 and 37), by striking "City of La Joya to represent that city" and substituting "part of the City of La Joya within the district to represent that part of the city".

The amendment to **CSSB 814** 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 814** 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 814 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 814** 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 1491 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **SB 1491** at this time on its second reading:

**SB 1491**, Relating to domestic surplus lines insurers; authorizing and imposing a tax.

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 1491 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1491** 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)

**(Senator Watson in Chair)**

**(President in Chair)**

**COMMITTEE SUBSTITUTE****SENATE BILL 602 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 602** at this time on its second reading:

**CSSB 602**, Relating to the establishment of a restructuring commission to evaluate each state supported living center.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Estes, Hall, Hancock, Hinojosa, Huffines, Hughes, Lucio, Miles, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Buckingham, Garcia, Huffman, Kolkhorst, Menéndez, Nelson, Nichols.

The bill was read second time.

**(Senator Hughes in Chair)**

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 602** (senate committee printing), in SECTION 1 of the bill, as follows:

(1) Strike added Section 555.202, Health and Safety Code (page 2, lines 43 through 47).

(2) In added Section 555.203(a), Health and Safety Code (page 2, line 51), strike "under Section 555.202" and substitute "by the restructuring commission in the report submitted under Section 555.201".

The amendment to **CSSB 602** 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 602** as amended was passed to engrossment by the following vote: Yeas 24, Nays 7.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Estes, Hall, Hancock, Hinojosa, Huffines, Hughes, Lucio, Miles, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Buckingham, Garcia, Huffman, Kolkhorst, Menéndez, Nelson, Nichols.

**COMMITTEE SUBSTITUTE  
SENATE BILL 602 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 602** be placed on its third reading and final passage.

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

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

Nays: Buckingham, Garcia, Huffman, Menéndez, Nelson, Nichols.

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

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Estes, Hall, Hancock, Hinojosa, Huffines, Hughes, Lucio, Miles, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Buckingham, Garcia, Huffman, Kolkhorst, Menéndez, Nelson, Nichols.



**COMMITTEE SUBSTITUTE  
SENATE BILL 1698 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 1698** at this time on its second reading:

**CSSB 1698**, Relating to outreach and awareness for women veterans in this state.

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 1698 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 1698** 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 1655 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 1655** at this time on its second reading:

**CSSB 1655**, Relating to the availability of certain information under the public information law.

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 1655 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 1655** 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 399 ON SECOND READING**

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 399** at this time on its second reading:

**SB 399**, Relating to nontolled lanes on a highway that has been converted from a nontolled highway to a toll project.

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 399** (senate committee report) in SECTION 1 of the bill by striking added Section 228.201(c), Transportation Code (page 1, lines 24 through 27), and substituting the following:

(c) In determining the number of nontolled lanes required to comply with Subsection (a)(3), the department:

(1) may consider only a general-purpose lane that is part of the highway;  
and

(2) may not consider a lane of a frontage road to be a nontolled lane before or after reconstruction of the highway.

The amendment to **SB 399** 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.

**SB 399** as amended was passed to engrossment by a viva voce vote.

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

**SENATE BILL 399 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 **SB 399** 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 2127 ON SECOND READING**

Senator Taylor of Galveston moved to suspend the regular order of business to take up for consideration **CSSB 2127** at this time on its second reading:

**CSSB 2127**, Relating to limitations on the information reported by consumer reporting agencies.

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

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

Nays: Buckingham, Burton, Campbell, Nelson, Schwertner, Taylor of Collin.

The bill was read second time and was passed to engrossment by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 2127 ON THIRD READING**

Senator Taylor of Galveston moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2127** be placed on its third reading and final passage.

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

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

Nays: Buckingham, Burton, Campbell, Nelson, Schwertner, Taylor of Collin.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 738 ON SECOND READING**

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 738** at this time on its second reading:

**CSSB 738**, Relating to the transfer of certain suits affecting the parent-child relationship.

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 738** by Kolkhorst (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Subsection 155.201(d), Family Code (page 1, line 31), between "pending" and the period, insert ", within the time required by Subsection 155.207(a)".

(2) In SECTION 2 of the bill, in amended Section 155.204(i), Family Code (page 1, line 41), between "subchapter" and the period, insert "within the time required by Subsection 155.207(a)".

(3) In SECTION 3 of the bill, in amended Subsection 262.203(a), Family Code (page 1, line 48), between "any;" and "if", insert "within the time required by Subsection 155.207(a)".

The amendment to **CSSB 738** 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 738** 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 738 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 738** 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.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Thursday, April 27, 2017 - 1

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HB 53** Romero, Jr.  
Relating to certain limitations on settlement agreements with a governmental unit.

**HB 180** Lucio III  
Relating to the review of groundwater conservation districts by the state auditor.

**HB 223** Howard  
Relating to use of compensatory education allotment funding to provide assistance to students at risk of dropping out of school who are pregnant or who are parents and to reporting through the Public Education Information Management System.

**HB 240** Hernandez  
Relating to evidence in a suit to abate certain common nuisances and to notice of certain arrests.

**HB 294** Walle  
Relating to appointment of a receiver for a water or sewer utility.

**HB 473** Moody  
Relating to the employment of certain peace officers, detention officers, county jailers, or firefighters who are injured in the course and scope of duty.

- HB 513** Davis, Sarah  
Relating to the reappraisal for ad valorem tax purposes of property damaged in a disaster.
- HB 561** Murphy  
Relating to the operation of certain vehicles used for package delivery; authorizing a fee.
- HB 655** Clardy  
Relating to the filing of a degree plan by students at public junior colleges.
- HB 682** Wu  
Relating to the statute of limitations for aggravated assault.
- HB 965** Springer  
Relating to the authority of a retail public water utility to require an operator of a correctional facility to comply with water conservation measures.
- HB 1187** Capriglione  
Relating to the authority of a captive insurance company to provide reinsurance.
- HB 1264** Burkett  
Relating to the concurrent jurisdiction of certain municipal courts in certain criminal cases punishable by fine only.
- HB 1355** Wray  
Relating to the enforcement of commercial motor vehicle safety standards in certain municipalities.
- HB 1428** Smithee  
Relating to mediation of the settlement of certain out-of-network health benefit claims involving balance billing for members of the Teacher Retirement System of Texas.
- HB 1492** Miller  
Relating to the creation of the National Museum of the Pacific War museum fund.
- HB 1570** Burns  
Relating to the enforcement of commercial motor vehicle safety standards in certain municipalities.
- HB 1698** Kuempel  
Relating to the licensing and regulation of a journeyman industrial electrician.
- HB 1978** Sheffield  
Relating to physician assistant services performed as volunteer care.
- HB 2097** Geren  
Relating to the sale of malt liquor, ale, and beer by the holder of a brewpub license.
- HB 2113** Goldman  
Relating to the regulation of for-profit legal service contract companies.
- HB 2948** Larson  
Relating to the state and regional water planning process.
- HB 3042** Meyer  
Relating to designating July 7 as Fallen Law Enforcement Officer Day.

**HCR 121** Canales  
In memory of Salvador Sanchez Diaz of Edinburg.

**HCR 124** Pickett  
Commemorating the 100th anniversary of the first license plate issued by the State of Texas.

**HCR 126** Gonzales, Larry  
In memory of Dana Sean Shurtleff of Georgetown.

**SCR 25** Hughes Sponsor: Clardy  
Recognizing the Mount Tabor Indian Community for its contributions to this state.

**SCR 43** Kolkhorst Sponsor: Morrison, Geanie W.  
Recognizing Ginger Fagan for her contributions to this state.

**SCR 44** Hughes Sponsor: Hefner  
In memory of Frances Debora McBride Collins.

**SCR 45** Hughes  
In memory of Dennis H. Boerner.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### SENATE BILL 1780 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **SB 1780** at this time on its second reading:

**SB 1780**, Relating to the amount of compensation and allowances of a county auditor in certain counties.

The motion prevailed by the following vote: Yeas 26, Nays 5.

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

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

The bill was read second time and was passed to engrossment by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

### SENATE BILL 1780 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1780** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

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

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

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

**(President in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 518 ON THIRD READING**

Senator Miles moved to suspend the regular order of business to take up for consideration **CSSB 518** at this time on its third reading and final passage:

**CSSB 518**, Relating to a franchise tax credit for entities that employ certain students in certain paid internship or similar programs.

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

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

Nays: Bettencourt, Buckingham, Burton, Campbell, Estes, Hall, Hancock, Huffines, Kolkhorst, Taylor of Collin.

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

**(Senator Hughes in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 1622 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1622** at this time on its second reading:

**CSSB 1622**, Relating to the creation of a statewide alert system for missing military members.

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 1622 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1622** 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 2076 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 2076** at this time on its second reading:

**CSSB 2076**, Relating to the titling of motor vehicles; creating a criminal offense and authorizing fees.

The motion prevailed.

Senators Campbell, Huffines, Perry, 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: Campbell, Huffines, Perry, Taylor of Collin.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2076 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 **CSSB 2076** be placed on its third reading and final passage.

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

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

Nays: Campbell, Huffines, Perry, 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 2205 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2205** at this time on its second reading:

**CSSB 2205**, Relating to automated motor vehicles.

The bill was read second time.

Senator Hancock offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 2205** (senate committee report) in SECTION 1 of the bill as follows:



(1) Strike added Section 545.451(5), Transportation Code (page 1, lines 51-53), and substitute the following:

(5) "Owner" has the meaning assigned by Section 502.001.

(2) Strike added Sections 545.454(b)(2) and (3), Transportation Code (page 2, lines 26-29), and substitute the following:

(2) equipped with a recording device, as defined by Section 547.615(a), installed by the manufacturer of the automated motor vehicle or automated driving system;

(3) equipped with an automated driving system in compliance with applicable federal law and federal motor vehicle safety standards;

The amendment to **CSSB 2205** was read and was adopted by a viva voce vote.

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

Senator Hancock offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **CSSB 2205** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike added Section 545.455, Transportation Code (page 2, lines 35-51), and substitute:

Sec. 545.455. DUTIES FOLLOWING ACCIDENT INVOLVING AUTOMATED MOTOR VEHICLE. In the event of an accident involving an automated motor vehicle, the automated motor vehicle or any human operator of the automated motor vehicle shall comply with Chapter 550.

(2) In SECTION 1 of the bill, strike added Section 545.456, Transportation Code (page 2, lines 52-65).

(3) In SECTION 1 of the bill, in added Section 545.457, Transportation Code (page 2, line 66), strike "545.457" and substitute "545.456".

(4) In SECTION 2(b) of the bill (page 3, line 9), strike "Sections 545.452(b) and 545.456" and substitute "Section 545.452(b)".

The amendment to **CSSB 2205** was read and was adopted by a viva voce vote.

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

Senator Hancock offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **CSSB 2205** (senate committee report), in SECTION 2 of the bill, as follows:

(1) In Subsection (a) (page 3, line 1), strike both occurrences of "driver" and substitute each occurrence with "operator".

(2) In Subsection (b) (page 3, line 7), strike "driver" and substitute "operator".

(3) In Subsection (b) (page 3, line 9), strike "545.456" and substitute "545.454".

(4) Add Subsection (c) (page 3, between lines 10 and 11) to read as follows:

(c) Nothing in Subchapter J, Chapter 545, Transportation Code, as added by this Act, shall be construed to affect, alter, or amend the right to operate a motor vehicle equipped with hardware and software capable of performing the entire dynamic driving task with the expectation that a human operator will respond appropriately to a request to intervene.

The amendment to **CSSB 2205** was read and was adopted by a viva voce vote.

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

Senator Nichols offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend **CSSB 2205** (senate committee printing), in SECTION 1 of the bill, in added Section 545.452(b), Transportation Code (page 2, lines 1 and 2), between "related to" and "an automated motor vehicle", by inserting "the operation of".

The amendment to **CSSB 2205** was read and was adopted by a viva voce vote.

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

Senator Rodríguez offered the following amendment to the bill:

**Floor Amendment No. 5**

Amend **CSSB 2205** (Senate committee report) as follows:

In SECTION 1 of the bill, in added Section 454.454, Transportation Code, add Subsection (c) (page 2, between lines 34 and 35) to read as follows:

(c) Before a manufacturer of an automated motor vehicle or of an automated driving system may sell such a vehicle or system for use on a highway in this state, the manufacturer shall:

(1) Submit to the Texas Department of Transportation proof of insurance or a surety bond acceptable to the department in the amount of \$5,000,000 per person/\$10,000,000 per accident/\$25,000,000 yearly aggregate per year; or

(2) Provide the department proof of self insurance in the amount of at least \$10,000,000.

The amendment to **CSSB 2205** was read and failed of adoption by the following vote: Yeas 8, Nays 21.

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

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

Absent: Hinojosa, Lucio.

**(President in Chair)**

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 6**

Amend **CSSB 2205** on Page 2, between Lines 68 and 69, by adding a new Section 545.458 to read as follows:

Sec. 545.458. AFFECT ON OTHER LAW. This subchapter does not affect, and shall not be construed to affect, liability for any cause of action, or any defense to a cause of action, under the common law or the statutory law of this state or the United States.

The amendment to **CSSB 2205** was read and failed of adoption by the following vote: Yeas 10, Nays 21.

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

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

**CSSB 2205** 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 2205 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 2205** 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 687 ON SECOND READING**

Senator Uresti moved to suspend the regular order of business to take up for consideration **CSSB 687** at this time on its second reading:

**CSSB 687**, Relating to the collection and use of certain information relating to child abuse and neglect and the provision of prevention and early intervention services; creating an offense.

The motion prevailed.

Senators Hall, Huffines, and Kolkhorst 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, Huffines, Kolkhorst.

**COMMITTEE SUBSTITUTE  
SENATE BILL 687 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 687** 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, Garcia, Hancock, Hinojosa, Huffman, Hughes, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Hall, Huffines, Kolkhorst.

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 1070 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1070** at this time on its second reading:

**CSSB 1070**, Relating to authorized reinsurance and financial statement credit and accounting for reinsurance.

The bill was read second time.

Senator Hancock offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1070** (senate committee report) in SECTION 1.09 of the bill, in added Section 493.155(e)(2), Insurance Code (page 8, lines 28-29), by striking "a trustee surplus of at least \$20 million" and substituting "the required amount of trustee surplus".

The amendment to **CSSB 1070** 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 1070** 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 1070 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 1070** 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 1731 ON SECOND READING**

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1731** at this time on its second reading:

**CSSB 1731**, Relating to the repeal of laws governing certain state entities, including the functions of those entities.

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 1731 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1731** 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 457 ON SECOND READING**

Senator Campbell moved to suspend the regular order of business to take up for consideration **CSSB 457** at this time on its second reading:

**CSSB 457**, Relating to funding for an open-enrollment charter school based on the guaranteed level of state and local funds provided to school districts through the existing debt allotment.

The motion prevailed.

Senators Garcia, Kolkhorst, Lucio, Menéndez, Nichols, Perry, Rodríguez, Seliger, Uresti, Whitmire, and Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

The bill was read second time.

Senator Campbell offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 457** (senate committee printing) on page 1, line 39, by striking "2017" and replacing with "2018".

The amendment to **CSSB 457** 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: Nichols, Whitmire.

Present-not voting: West.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 457** (senate committee printing) by adding the following SECTION (between lines 34 and 35), and appropriately renumbering the SECTIONS in the bill throughout:

SECTION 2. Section 46.032(a), Education Code, is amended to read as follows:

(a) Each school district is guaranteed a specified amount per student in state and local funds for each cent of tax effort to pay the principal of and interest on eligible bonds. The amount of state support, subject only to the maximum amount under Section 46.034, is determined by the formula:

$$EDA = (EDGL \times ADA \times EDTR \times 100) - (EDTR \times (DPV/100))$$

where:

"EDA" is the amount of state funds to be allocated to the district for assistance with existing debt;

"EDGL" is the dollar amount guaranteed level of state and local funds per student per cent of tax effort, which is \$40 [~~35~~] or a greater amount for any year provided by appropriation;

"ADA" is the number of students in average daily attendance, as determined under Section 42.005, in the district;

"EDTR" is the existing debt tax rate of the district, which is determined by dividing the amount budgeted by the district for payment of eligible bonds by the quotient of the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 42.2521, divided by 100; and

"DPV" is the district's taxable value of property as determined under Subchapter M, Chapter 403, Government Code, or, if applicable, under Section 42.2521.

The amendment to **CSSB 457** was read and was adopted by the following vote: Yeas 27, Nays 3, Present-not voting 1.

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

Nays: Menéndez, Nichols, Whitmire.

Present-not voting: West.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **CSSB 457** (senate committee printing) in SECTION 1 of the bill, in added Subsection 12.106(d), Education Code, by striking "state average interest and sinking fund tax rate imposed by school districts for the current year" (page 1, line 34-35) and substituting the "lesser of:

(i) the state average interest and sinking fund tax rate imposed by school districts for the current year, or

(ii) a rate that would result in the total appropriation under this Subsection to be \$100,000,000, which is to be split equally between charter schools and school districts".

The amendment to **CSSB 457** was read and was adopted by the following vote: Yeas 24, Nays 6, Present-not voting 1.

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

Nays: Garcia, Menéndez, Miles, Nichols, Whitmire, Zaffirini.

Present-not voting: West.

**CSSB 457** as amended was passed to engrossment by the following vote: Yeas 20, Nays 10, Present-not voting 1.

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

Nays: Garcia, Kolkhorst, Menéndez, Miles, Nichols, Perry, Rodríguez, Uresti, Whitmire, Zaffirini.

Present-not voting: West.

**COMMITTEE SUBSTITUTE  
SENATE BILL 457 ON THIRD READING**

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 457** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5, Present-not voting 1.

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

Nays: Kolkhorst, Menéndez, Nichols, Whitmire, Zaffirini.

Present-not voting: West.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10, Present-not voting 1.

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

Nays: Garcia, Kolkhorst, Menéndez, Miles, Nichols, Perry, Rodríguez, Uresti, Whitmire, Zaffirini.

Present-not voting: West.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Taylor of Galveston and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider **SB 585** today.

**CO-AUTHOR OF SENATE BILL 287**

On motion of Senator Watson, Senator Campbell will be shown as Co-author of **SB 287**.

**CO-AUTHORS OF SENATE BILL 399**

On motion of Senator Kolkhorst, Senators Campbell, Hall, and Hughes will be shown as Co-authors of **SB 399**.

**CO-AUTHOR OF SENATE BILL 457**

On motion of Senator Campbell, Senator Bettencourt will be shown as Co-author of **SB 457**.

**CO-AUTHOR OF SENATE BILL 591**

On motion of Senator Lucio, Senator West will be shown as Co-author of **SB 591**.

**CO-AUTHOR OF SENATE BILL 687**

On motion of Senator Uresti, Senator Rodríguez will be shown as Co-author of **SB 687**.

**CO-AUTHOR OF SENATE BILL 989**

On motion of Senator Watson, Senator Garcia will be shown as Co-author of **SB 989**.

**CO-AUTHOR OF SENATE BILL 1214**

On motion of Senator Perry, Senator Garcia will be shown as Co-author of **SB 1214**.

**CO-AUTHORS OF SENATE BILL 1398**

On motion of Senator Lucio, Senators Taylor of Collin and West will be shown as Co-authors of **SB 1398**.



**CO-AUTHOR OF SENATE BILL 1426**

On motion of Senator Hancock, Senator Buckingham will be shown as Co-author of **SB 1426**.

**CO-AUTHOR OF SENATE BILL 1584**

On motion of Senator Garcia, Senator Rodríguez will be shown as Co-author of **SB 1584**.

**CO-AUTHORS OF SENATE BILL 1733**

On motion of Senator Birdwell, Senators Bettencourt and Schwertner will be shown as Co-authors of **SB 1733**.

**CO-AUTHOR OF SENATE BILL 1824**

On motion of Senator Burton, Senator Garcia will be shown as Co-author of **SB 1824**.

**CO-AUTHOR OF SENATE BILL 1831**

On motion of Senator Buckingham, Senator Taylor of Collin will be shown as Co-author of **SB 1831**.

**CO-AUTHOR OF SENATE BILL 1836**

On motion of Senator Burton, Senator Garcia will be shown as Co-author of **SB 1836**.

**CO-AUTHORS OF SENATE BILL 1882**

On motion of Senator Menéndez, Senators Campbell, Garcia, and Uresti will be shown as Co-authors of **SB 1882**.

**CO-AUTHOR OF SENATE BILL 1929**

On motion of Senator Kolkhorst, Senator West will be shown as Co-author of **SB 1929**.

**CO-AUTHOR OF SENATE BILL 1975**

On motion of Senator Whitmire, Senator Garcia will be shown as Co-author of **SB 1975**.

**CO-AUTHOR OF SENATE BILL 1991**

On motion of Senator Watson, Senator Garcia will be shown as Co-author of **SB 1991**.

**CO-AUTHORS OF SENATE BILL 2205**

On motion of Senator Hancock, Senators Bettencourt and West will be shown as Co-authors of **SB 2205**.

**CO-AUTHORS OF SENATE BILL 2265**

On motion of Senator Taylor of Galveston, Senators Bettencourt, Garcia, and Lucio will be shown as Co-authors of **SB 2265**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 6**

On motion of Senator Zaffirini, Senator Perry will be shown as Co-author of **SJR 6**.

**CO-SPONSOR OF HOUSE BILL 89**

On motion of Senator Creighton, Senator Hughes will be shown as Co-sponsor of **HB 89**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Congratulatory Resolutions**

**SR 640** by Campbell, Recognizing Jan and Kay Heining on the occasion of their 45th wedding anniversary.

**SR 689** by Hughes, Recognizing the John Tyler High School ethics bowl team for its participation in the 2017 National High School Ethics Bowl Finals.

**SR 690** by Schwertner, Recognizing the dedication of an Official Texas Historical Marker for New Hope Missionary Baptist Church.

**SR 691** by Taylor of Collin, Recognizing the 2017 Thin Blue Line Ball.

**SR 692** by Buckingham, Recognizing Norm Archibald for his service to the City of Abilene.

**SR 693** by Rodríguez, Recognizing the members of the Texas Silver Student Study Group for their contributions to the state.

**SR 695** by Schwertner, Recognizing the Sam Houston State University students participating in the Austin Internship Program.

**SR 697** by Hughes, Recognizing the Winnsboro Wrestling Club for its achievements.

**SR 698** by Hughes, Recognizing Michael and Margaret Moulton on the occasion of their 50th wedding anniversary.

**Official Designation Resolution**

**SR 694** by Nelson, Celebrating May 1 through 7, 2017, as Healthy Texas Week.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 3:41 p.m. adjourned, in memory of Barbara Madden, Lyda Ann Thomas, and former Senators Roy Morris Blake Sr., Chester Edward "Chet" Brooks, Chris Harris, E. L. Short, William McKinnie "Bill" Sims, Jack Boynton Strong, and James Price "Jim" Wallace, until 1:00 p.m. Monday, May 1, 2017.

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**APPENDIX**

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**COMMITTEE REPORTS**

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

April 27, 2017

EDUCATION — **SB 2270** (Amended)

STATE AFFAIRS — **CSSB 740, CSSB 2094**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSSB 568, CSSB 1354, CSSB 1804, CSSB 2056**

CRIMINAL JUSTICE — **CSSB 1975, CSSB 527, CSSB 2238, SB 50**

AGRICULTURE, WATER, AND RURAL AFFAIRS — **CSSB 2140, CSSB 696**

FINANCE — **CSSB 1713**

AGRICULTURE, WATER, AND RURAL AFFAIRS — **CSSB 2186**

STATE AFFAIRS — **CSSB 1446**

HEALTH AND HUMAN SERVICES — **SB 1705, CSSB 1680, CSSB 850, CSSB 940**

TRANSPORTATION — **CSSB 637**

BUSINESS AND COMMERCE — **CSSB 1572**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSSB 1588**

STATE AFFAIRS — **CSSB 1074, CSSB 900**

HIGHER EDUCATION — **SB 1799, SB 537, CSSB 496**

STATE AFFAIRS — **SB 322**

FINANCE — **CSSB 2124**

AGRICULTURE, WATER, AND RURAL AFFAIRS — **CSSB 1971, CSSB 1972**

**BILLS ENGROSSED**

April 26, 2017

**SB 379, SB 400, SB 470, SB 547, SB 693, SB 714, SB 772, SB 849, SB 877, SB 966, SB 1037, SB 1087, SB 1088, SB 1123, SB 1131, SB 1133, SB 1152, SB 1153, SB 1183, SB 1199, SB 1229, SB 1298, SB 1300, SB 1384, SB 1401, SB 1413, SB 1444, SB 1487, SB 1490, SB 1498, SB 1502, SB 1503, SB 1516, SB 1548, SB 1560, SB 1565, SB 1566, SB 1571, SB 1654, SB 1666, SB 1667, SB 1739, SB 1763, SB 1764, SB 1784, SB 1806, SB 1837, SB 1895, SB 1901, SB 1911, SB 1940, SB 1944, SB 1955, SB 1968, SB 1976, SB 1977, SB 2006, SB 2020, SB 2048, SB 2075, SB 2087, SB 2100, SB 2105, SB 2189, SB 2204,**

**SB 2227, SB 2255**

**RESOLUTIONS ENROLLED**

April 26, 2017

**SR 674, SR 675, SR 676, SR 677, SR 678, SR 679, SR 680, SR 681, SR 683,  
SR 684, SR 685, SR 686, SR 687, SR 688**