

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-THIRD DAY
(Tuesday, May 9, 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.

Dr. Bruce Baker, Washington County Bible Church, Brenham, was introduced by Senator Kolkhost and offered the invocation as follows:

Heavenly Father, as we gather together this morning for the opening of this session of the 85th Texas Legislature, we ask for Your help and guidance. We are told in Your word that righteousness exalts a nation but sin is a disgrace to any people. (Proverbs 14:34) We know also that the legislators gathered here today You have called Your servants and that Your intent is that they foster righteousness and punish evil. (Romans 13:4) Therefore, we ask that You would give this body Your wisdom, that they would fulfill the divinely ordained task set before them. We ask that You would not only help them to know the difference between right and wrong, but that they would choose the right and reject the wrong. Through their collective efforts this day, I pray that this great state would become more righteous, and therefore, more pleasing in Your sight. Hear me as I intercede on their behalf, I pray in Jesus' 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:

May 9, 2017
Austin, Texas

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

On January 13, 2017, I submitted the name of Homer "David" Peeples for appointment as the Fourth Administrative Judicial Region Presiding Judge for a term to expire December 28, 2020.

I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Greg Abbott
Governor

May 9, 2017
Austin, Texas

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

On April 19, 2017, I submitted the name of Daniel R. "Dan" Griffith, II for appointment to the Texas School Safety Center Board for a term to expire February 1, 2018.

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

Respectfully submitted,

/s/Greg Abbott
Governor

(Senator Watson in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 9, 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 18 Capriglione

Relating to oversight of and requirements applicable to state contracts and other state financial and accounting issues, including the delivery of certain Medicaid medical transportation program services; authorizing a fee.

HB 150 Bell

Relating to the exemption from ad valorem taxation of part of the appraised value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization for less than the market value of the residence homestead.

HB 161 Dutton

Relating to the child support obligation of an obligor during the obligor's confinement in jail or prison.

HB 238 Hernandez

Relating to the creation of records of the DNA of certain defendants for inclusion in the DNA database system.

HB 431 Metcalf

Relating to a temporary justice of the peace.

HB 523 Schofield

Relating to the requirement that certain elected school district boards make audio and video recordings of certain work sessions and special called meetings available on the Internet.

HB 850 Turner

Relating to an exemption from ad valorem taxation of a portion of the appraised value of certain real property used to provide housing to certain individuals with an intellectual disability or related conditions.

HB 961 Rodriguez, Justin

Relating to the election of junior college district trustees by plurality vote.

HB 2802 Larson

Relating to the review of river authorities.

HB 4122 Kacal

Relating to the transference of certain territory from one groundwater conservation district to another.

HJR 21 Bell

Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of part of the market value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization for less than the market value of the residence homestead and harmonizing certain related provisions of the Texas Constitution.

HJR 36 González, Mary

Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board to provide assistance to economically distressed areas.

HJR 52

Turner

Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation a portion of the assessed value of certain real property used to provide housing to certain individuals with disabilities.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIANS OF THE DAY

Senator Menéndez was recognized and presented Dr. Stuti Nagpal and Dr. Juan Carlos Rodriguez of San Antonio as the Physicians of the Day.

The Senate welcomed Drs. Nagpal and Rodriguez and thanked them for their participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE CONCURRENT RESOLUTION 43

The Presiding Officer laid before the Senate the following resolution:

SCR 43, Recognizing Ginger Fagan for her contributions to this state.

KOLKHORST

The resolution was again read.

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

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate Ginger Fagan, accompanied by her husband, Jim Fagan.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Menéndez was recognized and introduced to the Senate a San Antonio Hispanic Chamber of Commerce Latina Leadership Institute delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 682

Senator Hall offered the following resolution:

SR 682, Recognizing May 7-9, 2017, as Hopkins County Adult Leadership Days.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hall was recognized and introduced to the Senate a Hopkins County Adult Leadership Days delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate a Leadership Dripping Springs delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Schwertner was recognized and introduced to the Senate a City of Hutto delegation.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

SENATE RESOLUTION 740

Senator Huffines offered the following resolution:

WHEREAS, The members of the fifth class of Governor William P. Clements Jr. Scholars have distinguished themselves through their commitment to public service and public policy; and

WHEREAS, These young Texans are participating in the Clements Legislative Study Program, which is hosted by the Texas Conservative Coalition Research Institute; this exemplary program seeks to train, support, and sustain the next generation of leaders and public servants, instilling in them the values and work ethic of former governor William P. Clements Jr.; and

WHEREAS, Governor Clements overcame the misfortunes that befell his family during the Great Depression to create the world's largest offshore drilling company; he won an upset victory to become the state's first Republican governor since Reconstruction, bringing his business acumen to state government and focusing on such issues as sound budgeting, crime prevention, and economic diversification; and

WHEREAS, The Clements Legislative Study Program is the only program of its kind to bring conservative students to Austin so that they may gain valuable experience in leadership and public service by working directly with members of the Texas Legislature; and

WHEREAS, The program's fifth class consists of Logan Davidson, Gustav Gygi, Elizabeth Haynie, Daniel Manks, Ashton Moore, Julia Reeves, Evan Reid, Kelly Robinson, Saurabh Sharma, Abby Sinclair, Horace Tipton, and Madison Yandell; and

WHEREAS, By taking part in this special program, the members of the fifth class of Governor William P. Clements Jr. Scholars are furthering their understanding of civics, government, and history, and the knowledge and skills they learn from their time at the Texas Legislature will serve them well in the years ahead; now, therefore, be it

RESOLVED, That the Senate of the 85th Texas Legislature hereby commend the Governor William P. Clements Jr. Scholars for their dedication to public policy and for their service to their state and nation and extend to them best wishes for success in all their future endeavors; and, be it further

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

HUFFINES
CAMPBELL
KOLKHORST
SELIGER
TAYLOR OF GALVESTON
TAYLOR OF COLLIN

SR 740 was read and was adopted without objection.

GUESTS PRESENTED

Senator Huffines, joined by Senators Taylor of Galveston, Taylor of Collin, Kolkhorst, and Campbell, was recognized and introduced to the Senate the fifth class of Governor William P. Clements Jr. Scholars: Logan Davidson, Gustav Gygi, Elizabeth Haynie, Daniel Manks, Ashton Moore, Julia Reeves, Evan Reid, Kelly Robinson, Saurabh Sharma, Abby Sinclair, Horace Tipton, and Madison Yandell.

The Senate welcomed its guests.

SENATE RESOLUTION 704

Senator Seliger offered the following resolution:

SR 704, Recognizing May 9, 2017, as Texas Medical Association Ernest and Sarah Butler Awards for Excellence in Science Teaching Day.

SELIGER
NELSON

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Seliger, joined by Senators Buckingham and Nichols, was recognized and introduced to the Senate a Texas Medical Association delegation, accompanied by recipients of the Ernest and Sarah Butler Awards for Excellence in Science Teaching.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate a McQueeney 4-H Legislative Day delegation.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:48 a.m. announced the conclusion of morning call.

SENATE BILL 764 ON THIRD READING

Senator Huffines moved to suspend the regular order of business to take up for consideration **SB 764** at this time on its third reading and final passage:

SB 764, Relating to accounting for costs incurred by this state as a result of the presence of persons who are not lawfully present in the United States.

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 third time and was passed by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

SENATE BILL 1981 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **SB 1981** at this time on its second reading:

SB 1981, Relating to selection of statewide competition locations by the University Interscholastic League.

The motion prevailed.

Senator Buckingham 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: Buckingham.

SENATE BILL 1981 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1981** be placed on its third reading and final passage.

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

Nays: Buckingham.

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 83 ON SECOND READING**

Senator Hall moved to suspend the regular order of business to take up for consideration **CSSB 83** at this time on its second reading:

CSSB 83, Relating to protection of energy critical infrastructure from electromagnetic, geomagnetic, physical, and cyber-attack threats.

The motion prevailed.

Senators Garcia, Lucio, Rodríguez, and Watson 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, Lucio, Rodríguez, Watson.

COMMITTEE SUBSTITUTE SENATE BILL 83 ON THIRD READING

Senator Hall moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 83** 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, Campbell, Creighton, Estes, Hall, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Menéndez, Miles, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, West, Whitmire, Zaffirini.

Nays: Garcia, Lucio, Rodríguez, Watson.

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

SENATE JOINT RESOLUTION 54 ON SECOND READING

On motion of Senator Taylor of Galveston and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 54** at this time on its second reading:

SJR 54, Proposing a constitutional amendment authorizing a municipal charter amendment election to be held on certain election dates.

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

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

SENATE JOINT RESOLUTION 54 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 **SJR 54** be placed on its third reading and final passage.

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

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

(Senator Hancock in Chair)

HOUSE BILL 1818 ON SECOND READING

Senator Taylor of Collin moved to suspend the regular order of business to take up for consideration **HB 1818** at this time on its second reading:

HB 1818, Relating to the continuation and functions of the Railroad Commission of Texas; providing for the imposition of fees.

The motion prevailed.

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

The bill was read second time.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1818** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION ____. Subchapter C, Chapter 81, Natural Resources Code, is amended by adding Section 81.073 to read as follows:

Sec. 81.073. ENFORCEMENT INFORMATION. (a) The commission shall post on the commission's Internet website:

(1) comprehensive information regarding the commission's enforcement of this title and rules, orders, licenses, permits, and certificates issued under this title, including information regarding:

(A) inspection and enforcement activity;

(B) violations; and

(C) the amount of penalties finally assessed;

(2) information evidencing quarterly trends regarding enforcement activity by the commission, including:

(A) the number of inspections conducted;

(B) the number of violations, categorized according to the degree of severity of the violation and the statute, rule, order, license, permit, or certificate violated, for which enforcement action has been taken;

(C) the number of repeat violations determined to have been committed; and

(D) the number of violations referred to the attorney general for enforcement; and

(3) an analysis of annual trends regarding enforcement activity by the commission.

(b) Information required to be posted under this section must be:

(1) in a searchable format;

(2) organized by county, by operator or other entity, and by well, if applicable; and

(3) capable of being downloaded in bulk.

SECTION _____. The Railroad Commission of Texas shall comply with Section 81.073(b), Natural Resources Code, as added by this Act, not later than January 1, 2019.

SECTION _____. The Railroad Commission of Texas shall implement Section 81.073, Natural Resources Code, as added by this Act, using only money that is appropriated to the commission by the General Appropriations Act for the state fiscal biennium beginning September 1, 2017, for public information and services and that is available to be spent for the publication on the commission's Internet website of information about the commission's inspection and enforcement activities. If the commission determines that it is not required to implement that statute because the legislature has not appropriated money available for that purpose, the commission shall notify the Legislative Budget Board of that determination.

The amendment to **HB 1818** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

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

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

HB 1818 was passed to third reading by the following vote: Yeas 29, Nays 2.

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

Nays: Garcia, Rodríguez.

HOUSE BILL 1818 ON THIRD READING

Senator Taylor of Collin moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1818** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Garcia, Rodríguez.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

(President in Chair)

SENATE BILL 384 ON SECOND READING

Senator Burton moved to suspend the regular order of business to take up for consideration **SB 384** at this time on its second reading:

SB 384, Relating to the scheduling of the administration of certain postsecondary readiness assessment instruments to public high school students.

The motion prevailed.

Senators Campbell, Nichols, and Seliger 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, Nichols, Seliger.

SENATE BILL 384 ON THIRD READING

Senator Burton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 384** 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, Creighton, Estes, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Perry, Rodríguez, Schwertner, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Campbell, Nichols, Seliger.

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

SENATE BILL 349 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **SB 349** at this time on its second reading:

SB 349, Relating to the prosecution of the offense of possessing a weapon in certain prohibited places associated with schools or postsecondary educational institutions.

The motion prevailed.

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

The bill was read second time.

Senator Garcia offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 349** (senate committee printing) in SECTION 1 of the bill, by striking Sections 46.03(a)(5) and (6), Penal Code (page 1, line 53, through page 2, line 1), and substituting the following:

(5) in or into a secured area of an airport; [✗]

(6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited; or

(7) on any grounds or building owned or leased by a nonprofit organization and on which activities sponsored by a school or postsecondary educational institution are regularly conducted, if the organization prominently displays at each of the primary public entrances to the grounds or building written notice that possessing or going with a weapon listed under this subsection is prohibited with respect to the grounds or building of the organization.

The amendment to **SB 349** was read and failed of adoption by the following vote: Yeas 10, Nays 21.

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

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

SB 349 was passed to engrossment by the following vote: Yeas 29, Nays 2.

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

Nays: Garcia, Rodríguez.

SENATE BILL 349 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 **SB 349** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Garcia, Rodríguez.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1873 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 1873** at this time on its second reading:

CSSB 1873, Relating to a report regarding certain health and safety information prepared by the Texas Education Agency.

The motion prevailed.

Senators Burton, Hall, Kolkhorst, 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, Kolkhorst, Taylor of Collin.

**COMMITTEE SUBSTITUTE
SENATE BILL 1873 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 1873** 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, Huffines, Huffman, Hughes, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Hall, Kolkhorst, 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)

SENATE BILL 1143 ON SECOND READING

Senator Hall moved to suspend the regular order of business to take up for consideration **SB 1143** at this time on its second reading:

SB 1143, Relating to a prohibition on converting high occupancy vehicle highway lanes to tolled lanes.

The motion prevailed.

Senators Garcia and Watson 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, Watson.

SENATE BILL 1143 ON THIRD READING

Senator Hall moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1143** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Garcia, Watson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

SENATE BILL 436 ON SECOND READING

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 436** at this time on its second reading:

SB 436, Relating to the operation of the special education continuing advisory committee.

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

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

SENATE BILL 436 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 436** be placed on its third reading and final passage.

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

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

(Senator Taylor of Collin in Chair)

SENATE BILL 1294 ON SECOND READING

Senator Buckingham moved to suspend the regular order of business to take up for consideration **SB 1294** at this time on its second reading:

SB 1294, Relating to election of professional staff representatives to certain school district planning and decision-making committees.

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)

SENATE BILL 1294 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 **SB 1294** be placed on its third reading and final passage.

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

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

Nays: Garcia, Menéndez, Miles, Rodríguez, West, Zaffirini.

The bill was read third time and was passed 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.

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 1018 ON SECOND READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **CSSB 1018** at this time on its second reading:

CSSB 1018, Relating to the licensing of family residential centers by the Department of Family and Protective Services and the detention of certain juveniles.

Senator Hughes withdrew the motion to suspend the regular order of business.

(President in Chair)

SENATE BILL 2068 ON SECOND READING

On motion of Senator Buckingham and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2068** at this time on its second reading:

SB 2068, Relating to the plugging or capping of abandoned, deteriorated, open, or uncovered water wells in the Bandera County River Authority and Groundwater District.

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

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

SENATE BILL 2068 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 **SB 2068** 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 1794 ON SECOND READING

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1794** at this time on its second reading:

SB 1794, Relating to the elimination of a specific requirement that certain school districts develop and implement a plan to increase enrollment of the district's students at institutions of higher education.

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

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

SENATE BILL 1794 ON THIRD READING

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1794** 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 2094 ON THIRD READING

Senator Hall moved to suspend the regular order of business to take up for consideration **CSSB 2094** at this time on its third reading and final passage:

CSSB 2094, Relating to establishment of the immigration authority delegation training grant program for local law enforcement agencies.

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 third time and was passed by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

SENATE BILL 50 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **SB 50** at this time on its second reading:

SB 50, Relating to the offense of hazing.

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

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

Nays: Bettencourt, Buckingham, Burton, Creighton, Hancock, Huffines, Hughes, Kolkhorst, Taylor of Collin.

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 50** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In amended Section 37.151(6)(E), Education Code (page 1, lines 58 and 59), strike the text and substitute "violation of the Penal Code; or".

(2) In added Section 37.151(6)(F), Education Code (page 2, lines 1 through 3), strike "or creates an environment in which the student reasonably feels coerced to consume any of those substances [the Penal Code]".

The amendment to **SB 50** 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 50 as amended was passed to engrossment by the following vote: Yeas 24, Nays 7.

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

Nays: Buckingham, Burton, Creighton, Hancock, Huffines, Kolkhorst, Taylor of Collin.

SENATE BILL 50 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 50** be placed on its third reading and final passage.

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

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

Nays: Buckingham, Burton, Creighton, Huffines, Kolkhorst, Taylor of Collin.

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

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

Nays: Buckingham, Burton, Creighton, Hancock, Huffines, Kolkhorst, Taylor of Collin.

**COMMITTEE SUBSTITUTE
SENATE BILL 1314 ON SECOND READING**

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1314** at this time on its second reading:

CSSB 1314, Relating to the regulation of substance abuse facilities and programs for juveniles.

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 1314 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 1314** 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 1660 ON SECOND READING**

On motion of Senator Taylor of Galveston and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1660** at this time on its second reading:

CSSB 1660, Relating to the minimum amount of student instruction required to be provided by school districts and calculation of average daily attendance for public school students.

The bill was read second time.

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

Floor Amendment No. 1

Amend **CSSB 1660** (senate committee report) in SECTION 3 of the bill, as follows:

(1) In the recital for SECTION 3 (page 2, line 3), between "(a-2)," and "and", insert "(g-1),".

(2) In SECTION 3 of the bill, in amended Section 42.005, Education Code, between added Subsections (a-2) and (i) (page 2, between lines 28 and 29), insert the following:

(g-1) The commissioner shall adopt rules to calculate average daily attendance for students participating in a blended learning program in which classroom instruction is supplemented with applied workforce learning opportunities, including participation of students in internships, externships, and apprenticeships.

The amendment to **CSSB 1660** 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 Taylor of Galveston offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1660** (senate committee printing) as follows:

(1) In the recital for SECTION 3 of the bill (page 2, line 4), strike "(n)" and substitute "(o)".

(2) In SECTION 3 of the bill, following added Section 42.005(l), Education Code (page 2, between lines 62 and 63), insert added Section 42.005(m), Education Code, as follows and reletter subsequent subsections of the section as appropriate:

(m) In accordance with rules adopted by the commissioner, each charter school operating under Subchapter B, D, or E, Chapter 12, shall notify the commissioner whether the charter school will provide instruction to students on the basis of minutes of instruction or days of instruction, as provided by Section 25.081(a).

The amendment to **CSSB 1660** 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.

CSSB 1660 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 1660 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 1660** 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 1018 ON SECOND READING

Senator Hughes again moved to suspend the regular order of business to take up for consideration **CSSB 1018** at this time on its second reading:

CSSB 1018, Relating to the licensing of family residential centers by the Department of Family and Protective Services and the detention of certain juveniles.

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)

REASON FOR VOTE

Senator Rodríguez submitted the following reason for vote on **CSSB 1018**:

Senate Bill 1018 allows the state to license federal detention centers that imprison immigrant mothers and their children as child care facilities, specifically a general residential operation (GRO). These centers are operated by the for-profit prison corporations, CCA and GEO Group.

The state's existing standards for GROs are the result of years of consideration and discussion by policymakers and child care experts. The state should not sanction or establish a process by which some children are held in substandard facilities that meet existing requirements of GROs only through exceptions or waivers. Nothing in this legislation would address reported issues of neglect and abuse arising from housing multiple individuals, including those who are not related and of the opposite sex, in one room.

The purported intent of this legislation is to close a perceived gap in the oversight of the children housed in these detention centers. However, by making exceptions or providing waivers of the minimum standards required of GROs, this legislation fails to provide that necessary oversight.

This legislation essentially amounts to a state-sanctioned "rubber stamp" of these detention facilities that operate in a manner contrary to the principles by which we seek to protect children in this state, including considering what is in the best interests of the child. By passing this legislation, we are creating a second-class of children subject to a lower, disparate standard from those who are under the custody of the state or unaccompanied minors. This is unacceptable.

S.B. 1018 benefits two for-profit prison corporations by legitimizing their operations in Texas at the expense of mothers and children who seek nothing more than to escape violence at a level that is inconceivable to most Americans. This latest attack on immigrants goes against our values as Texans and Americans.

It is for these reasons that I voted against S.B. 1018.

RODRÍGUEZ

COMMITTEE SUBSTITUTE SENATE BILL 2140 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 2140** at this time on its second reading:

CSSB 2140, Relating to the provision by the Texas Water Development Board of financial assistance for the development of certain projects in economically distressed areas.

The motion prevailed.

Senator 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: Taylor of Collin.

**COMMITTEE SUBSTITUTE
SENATE BILL 2140 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 2140** be placed on its third reading and final passage.

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

Nays: Taylor of Collin.

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

HOUSE BILL 409 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 409** at this time on its second reading:

HB 409, Relating to the designation of a portion of Farm-to-Market Road 1810 in Jack County as the Luther G. Prunty Memorial Highway.

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

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

HOUSE BILL 409 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 409** 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.

HOUSE BILL 1483 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1483** at this time on its second reading:

HB 1483, Relating to the designation of State Highway 191 in Ector County as the Chris Kyle Memorial Highway.

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

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

HOUSE BILL 1483 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1483** 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.

HOUSE BILL 2328 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **HB 2328** at this time on its second reading:

HB 2328, Relating to an expedited response by a governmental body to a request for public information.

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.

(Senator Campbell in Chair)

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2328** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 552.104, Government Code, is amended to read as follows:

Sec. 552.104. EXCEPTION: INFORMATION RELATED TO COMPETITION OR BIDDING. (a) Except as provided by Subsection (c), information [Information] is excepted from the requirements of Section 552.021 if a governmental body demonstrates that release of the [it is] information [that, if released,] would harm its interests by providing an [give] advantage to a competitor or bidder in a particular competitive situation.

(b) Except as provided by Subsection (c), the [The] requirement of Section 552.022 that a category of information listed under Section 552.022(a) is public information and not excepted from required disclosure under this chapter unless expressly confidential under law does not apply to information that is excepted from required disclosure under this section.

(c) The exception to disclosure provided by Subsection (a) does not apply to:

(1) a bid or proposal, or information contained in a bid or proposal, after the governmental body executes or awards the contract to which the bid or proposal relates; or

(2) an account, voucher, or contract, or information contained in or describing an account, voucher, or contract.

(d) Section 552.305 does not apply to the exception under this section.

(e) Subsection (c) does not apply to programs established under Section 67(b), Article XVI, Texas Constitution.

SECTION _____. Section 552.305(a), Government Code, is amended to read as follows:

(a) In a case in which information is requested under this chapter and a person's privacy or property interests may be involved, including a case under Section 552.101, [~~552.104,~~] 552.110, or 552.114, a governmental body may decline to release the information for the purpose of requesting an attorney general decision.

The amendment to **HB 2328** was read.

Senator Watson moved to temporarily postpone further consideration of **HB 2328**.

The motion prevailed.

Question: Shall Floor Amendment No. 1 to **HB 2328** be adopted?

COMMITTEE SUBSTITUTE SENATE BILL 748 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 748** at this time on its second reading:

CSSB 748, Relating to transition planning for a public school student enrolled in a special education program.

The motion prevailed.

Senators Bettencourt, Buckingham, 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: Bettencourt, Buckingham, Huffines, Kolkhorst.

**COMMITTEE SUBSTITUTE
SENATE BILL 748 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 748** be placed on its third reading and final passage.

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

Yeas: Birdwell, Burton, Campbell, Creighton, Estes, Garcia, Hall, 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: Bettencourt, Buckingham, Huffines, Kolkhorst.

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 1239 ON SECOND READING**

Senator Taylor of Collin moved to suspend the regular order of business to take up for consideration **CSSB 1239** at this time on its second reading:

CSSB 1239, Relating to the authority of a municipality to remove directors of the North Texas Municipal Water District.

The motion prevailed.

Senator Buckingham 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: Buckingham.

**COMMITTEE SUBSTITUTE
SENATE BILL 1239 ON THIRD READING**

Senator Taylor of Collin moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1239** be placed on its third reading and final passage.

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

Nays: Buckingham.

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

SENATE BILL 2095 ON SECOND READING

Senator Hall moved to suspend the regular order of business to take up for consideration **SB 2095** at this time on its second reading:

SB 2095, Relating to regulation of steroid use by students participating in athletic competitions sponsored or sanctioned by the University Interscholastic League.

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

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

Nays: Garcia, Menéndez, Miles, Rodríguez, Watson, Whitmire, Zaffirini.

The bill was read second time.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 2095** (senate committee report) as follows:

(1) In SECTION 2 of the bill, in the introductory language (page 1, line 30), between "(i)," and "(j)", insert "(i-1),".

(2) In SECTION 2 of the bill, in amended Section 33.091, Education Code (page 1, between lines 50 and 51), insert the following:

(i-1) If under Subsection (i) the league declares a student ineligible for competition with students of a specified gender on the basis of steroid use that is prescribed for a purpose relating to gender transition from the specified gender to the other gender, the league must permit the student to compete with students of the other gender.

(3) In SECTION 2 of the bill, in added Section 33.091(j), Education Code (page 1, line 54-56), strike "The rules must provide a process for the league to determine that a student is in violation of this section or league rules." and substitute the following:

The rules must:

(1) ensure that students who identify as transgender and are affected by the rules as a result of steroid use prescribed by a purpose relating to gender transition have an equal opportunity to participate in athletic competition in a manner that does not separate those students from other students; and

(2) provide a process for the league to determine that a student is in violation of this section or league rules.

The amendment to **SB 2095** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

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

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

Senator Garcia offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 2095** (senate committee report) as follows:

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

SECTION __. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.089 to read as follows:

Sec. 33.089. UNIVERSITY INTERSCHOLASTIC LEAGUE POLICY ON PARTICIPATION OF TRANSGENDER STUDENTS. (a) The University Interscholastic League shall adopt a policy regarding the participation of students who identify as transgender in athletic competitions sponsored or sanctioned by the league.

(b) The policy may not require that a student undergo gender-confirming surgery or obtain legal recognition of the student's transitioned gender before the student is permitted to participate in competition with students of the gender with which the student identifies.

(c) The policy must include the following provisions:

(1) a student who has not received and is not receiving hormone treatment relating to gender transition may participate in competition based on the student's assigned birth gender as follows:

(A) a student with an assigned birth gender of female who identifies as male may choose to participate in competition with female or male students; and

(B) a student with an assigned birth gender of male who identifies as female may participate in competition only with male students; and

(2) a student who has received or is receiving hormone treatment relating to gender transition may participate in competition as follows:

(A) a student who has been or is being treated with testosterone for a diagnosed gender identity disorder, gender dysphoria, or transsexualism may participate in competition only with male students; and

(B) a student who has been or is being treated with testosterone suppression medication for a diagnosed gender identity disorder, gender dysphoria, or transsexualism may not participate in competition with female students until the student has completed one year of testosterone suppression medication.

(d) The policy required by this section shall apply only to a student's eligibility to participate in a competition that is limited to students of a single gender, and nothing in this section or a required policy provision is intended to limit eligibility to participate on a coed team or in a competition that includes both males and females in a single division.

(2) In SECTION 2 of the bill, in the introductory language (page 1, line 30), between "(j)," and "(k)," insert "(j-1),"

(3) In SECTION 2 of the bill, in amended Section 33.091, Education Code (page 1, between lines 56 and 57), insert the following:

(j-1) In making a declaration of ineligibility under Subsection (i) and in adopting rules under Subsection (j), the league must act in a manner consistent with the policy adopted under Section 33.089 to the extent that the policy is relevant to the league's action.

The amendment to **SB 2095** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

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

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

SB 2095 was passed to engrossment by the following vote: Yeas 24, Nays 7.

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

Nays: Garcia, Menéndez, Miles, Rodríguez, Watson, Whitmire, Zaffirini.

(President in Chair)

HOUSE BILL 1612 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **HB 1612** at this time on its second reading:

HB 1612, Relating to the authority of the Texas Alcoholic Beverage Commission to offer a civil penalty in lieu of suspending a permit or license.

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 third reading by a viva voce vote.

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

Nays: Hall.

HOUSE BILL 1612 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 **HB 1612** 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)

**COMMITTEE SUBSTITUTE
SENATE BILL 1679 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 1679** at this time on its second reading:

CSSB 1679, Relating to the use of the fund for veterans' assistance to provide grants to support veterans county service offices.

The motion prevailed.

Senators Buckingham, Hancock, Nelson, 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: Buckingham, Hancock, Nelson, Schwertner.

COMMITTEE SUBSTITUTE SENATE BILL 1679 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 1679** be placed on its third reading and final passage.

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

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

Nays: Buckingham, Hancock, Nelson, Schwertner.

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

BILLS AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

SB 24, SB 77, SB 256, SB 561, SB 1012, SB 1459, SB 1533, SB 1871, SB 1955, SB 1976, SB 2105, SJR 60, HB 890, HB 1140, HB 1995, HB 3220.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

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

HB 21 to Committee on Education.

HB 62 to Committee on State Affairs.

HB 72 to Committee on Criminal Justice.

HB 92 to Committee on Veteran Affairs and Border Security.

HB 100 to Committee on State Affairs.

HB 117 to Committee on Criminal Justice.

HB 132 to Committee on Health and Human Services.

HB 150 to Committee on Veteran Affairs and Border Security.

HB 214 to Committee on State Affairs.

HB 238 to Committee on Criminal Justice.

HB 239 to Committee on Criminal Justice.

HB 337 to Committee on Health and Human Services.

HB 362 to Committee on Criminal Justice.

HB 367 to Committee on Agriculture, Water, and Rural Affairs.
HB 431 to Committee on State Affairs.
HB 478 to Committee on State Affairs.
HB 523 to Committee on Education.
HB 555 to Committee on State Affairs.
HB 590 to Committee on State Affairs.
HB 639 to Committee on Education.
HB 683 to Committee on Criminal Justice.
HB 785 to Committee on Health and Human Services.
HB 812 to Committee on Transportation.
HB 874 to Committee on State Affairs.
HB 998 to Committee on State Affairs.
HB 1036 to Committee on Business and Commerce.
HB 1055 to Committee on Business and Commerce.
HB 1066 to Committee on State Affairs.
HB 1075 to Committee on Education.
HB 1081 to Committee on Education.
HB 1103 to Committee on State Affairs.
HB 1174 to Committee on Education.
HB 1216 to Committee on State Affairs.
HB 1217 to Committee on State Affairs.
HB 1470 to Committee on Business and Commerce.
HB 1504 to Committee on Criminal Justice.
HB 1522 to Committee on Health and Human Services.
HB 1549 to Committee on Health and Human Services.
HB 1556 to Committee on Health and Human Services.
HB 1630 to Committee on Veteran Affairs and Border Security.
HB 1730 to Committee on Agriculture, Water, and Rural Affairs.
HB 1744 to Committee on State Affairs.
HB 1787 to Committee on Health and Human Services.
HB 1819 to Committee on State Affairs.
HB 1877 to Committee on State Affairs.
HB 1917 to Committee on Business and Commerce.
HB 1957 to Committee on State Affairs.
HB 2008 to Committee on Veteran Affairs and Border Security.
HB 2048 to Committee on State Affairs.
HB 2101 to Committee on Business and Commerce.
HB 2207 to Committee on State Affairs.
HB 2223 to Committee on Higher Education.
HB 2277 to Committee on Finance.
HB 2285 to Committee on Higher Education.
HB 2306 to Committee on Criminal Justice.
HB 2373 to Committee on Health and Human Services.
HB 2425 to Committee on Health and Human Services.
HB 2463 to Committee on Business and Commerce.
HB 2475 to Committee on Finance.

HB 2486 to Committee on Veteran Affairs and Border Security.
HB 2508 to Committee on Business and Commerce.
HB 2765 to Committee on Business and Commerce.
HB 2776 to Committee on State Affairs.
HB 2819 to Committee on Natural Resources and Economic Development.
HB 2849 to Committee on State Affairs.
HB 2993 to Committee on Transportation.
HB 3016 to Committee on Criminal Justice.
HB 3019 to Committee on Criminal Justice.
HB 3056 to Committee on State Affairs.
HB 3062 to Committee on Finance.
HB 3078 to Committee on Health and Human Services.
HB 3082 to Committee on Intergovernmental Relations.
HB 3124 to Committee on Business and Commerce.
HB 3125 to Committee on State Affairs.
HB 3131 to Committee on Business and Commerce.
HB 3151 to Committee on Health and Human Services.
HB 3158 to Committee on State Affairs.
HB 3166 to Committee on Agriculture, Water, and Rural Affairs.
HB 3177 to Committee on Natural Resources and Economic Development.
HB 3188 to Committee on Agriculture, Water, and Rural Affairs.
HB 3189 to Committee on Criminal Justice.
HB 3223 to Committee on Business and Commerce.
HB 3232 to Committee on Finance.
HB 3356 to Committee on State Affairs.
HB 3537 to Committee on Finance.
HB 3781 to Committee on Agriculture, Water, and Rural Affairs.
HB 3948 to Committee on Criminal Justice.
HB 4032 to Committee on State Affairs.
HB 4102 to Committee on Criminal Justice.
HB 4122 to Committee on Agriculture, Water, and Rural Affairs.
HJR 21 to Committee on Veteran Affairs and Border Security.
HJR 36 to Committee on Finance.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Birdwell.

Senator Birdwell moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

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

Judge, 440th Judicial District Court, Coryell County: Nolan Kinsey, Coryell County.

Members, Commission on Jail Standards: Duane Lock, Tarrant County; Andrew Benson Perry, McLennan County; Esmail Porsa, Collin County; Kelly Shane Rowe, Lubbock County; William Keith Stoudt, Gregg County; Melinda Elizabeth Taylor, Travis County; Dennis Darwin Wilson, Limestone County.

Members, Manufactured Housing Board: Ronald Maxie Richards, Galveston County; Kiran Shah, Fort Bend County; Sheila M. Valles-Pankratz, Hidalgo County.

Commissioner, Pecos River Compact Commission: Frederic H. S. Tate, Presidio County.

Members, Product Development and Small Business Incubator Board: Arun Agarwal, Dallas County; Kellilynn M. Frias, Lubbock County; James D. Mize, Nacogdoches County.

Members, Public Safety Commission: Anne Cynthia Leon, Hidalgo County; Steven Patrick Mach, Harris County; Jason Kenneth Pulliam, Bexar County.

Members, State Board for Educator Certification: Rohanna Brooks-Sykes, Harris County; Arturo Jude Cavazos, Cameron County; Tommy Lamar Coleman, Polk County; Sandra A. Mullins Moger, Harris County; Laurie Jeanette Turner, Nueces County.

Members, State Board of Veterinary Medical Examiners: Sandra Criner, Fort Bend County; Jessica Sue Quillivan, Montgomery County.

Members, State Employee Charitable Campaign Policy Committee: Gregory Scott Davidson, Travis County; Alicia Gray Key Ellison, Hays County; Tabatha Charlene Vasquez, Travis County.

Members, Board of Trustees, Teacher Retirement System of Texas: John Webster Elliott, Travis County; Gregory Alan Gibson, Guadalupe County; Christopher Sloan Moss, Angelina County.

Members, Texas Board of Professional Engineers: Lamberto Jose Balli, Bexar County; Albert Lee Cheng, Harris County; Catherine H. Norwood, Midland County.

Members, Texas Board of Professional Geoscientists: Lindsey Lee Bradford, Jackson County; Bereket Mebrahtu Derie, Williamson County; Steven William Fleming, Bexar County.

Members, Texas Forensic Science Commission: Jeffrey Joseph Barnard, Dallas County; Bruce Budowle, Tarrant County; Mark G. Daniel, Tarrant County; Nancy Ruth Downing, Brazos County; Jasmine Millican Drake, Montgomery County; Sheree Robyn Hughes-Stamm, Montgomery County; Dennis Johnson, Travis County; Sarah Kerrigan, Montgomery County; Jarvis Jermaine Parsons, Brazos County.

Members, Texas Lottery Commission: Carmen Arrieta-Candelaria, El Paso County; Peggy A. Heeg, Harris County; Douglas Edwin Lowe, Anderson County; Robert Gabriel Rivera, Tarrant County.

Members, Texas Low-Level Radioactive Waste Disposal Compact Commission: Richard H. Dolgener, Andrews County; Linda Lane Morris, McLennan County.

Members, Texas Underground Facility Notification Corporation: Barry Calhoun, Dallas County, Jeffery R. Carroll, Travis County; Roberto Gerardo De Leon, Nueces County; Senaida Galvan, Bexar County; Jesus Antonio Garza, Kleberg County; Jason Eric Hartgraves, Dallas County; James Ralph Schneider, Travis County; Janie Lou Walenta, Wood County.

**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 and consider **HB 1407** tomorrow.

CO-AUTHOR OF SENATE BILL 50

On motion of Senator Zaffirini, Senator Garcia will be shown as Co-author of **SB 50**.

CO-AUTHORS OF SENATE BILL 349

On motion of Senator Creighton, Senators Bettencourt and Hall will be shown as Co-authors of **SB 349**.

CO-AUTHOR OF SENATE BILL 459

On motion of Senator Huffines, Senator Schwertner will be shown as Co-author of **SB 459**.

CO-AUTHOR OF SENATE BILL 748

On motion of Senator Zaffirini, Senator Garcia will be shown as Co-author of **SB 748**.

CO-AUTHOR OF SENATE BILL 764

On motion of Senator Huffines, Senator Creighton will be shown as Co-author of **SB 764**.

CO-AUTHOR OF SENATE BILL 959

On motion of Senator Hughes, Senator Bettencourt will be shown as Co-author of **SB 959**.

CO-AUTHOR OF SENATE BILL 1018

On motion of Senator Hughes, Senator Creighton will be shown as Co-author of **SB 1018**.

CO-AUTHOR OF SENATE BILL 1143

On motion of Senator Hall, Senator Taylor of Collin will be shown as Co-author of **SB 1143**.

CO-AUTHOR OF SENATE BILL 1151

On motion of Senator Buckingham, Senator Hall will be shown as Co-author of **SB 1151**.

CO-AUTHOR OF SENATE BILL 1937

On motion of Senator Hughes, Senator Nichols will be shown as Co-author of **SB 1937**.

CO-AUTHORS OF SENATE BILL 2095

On motion of Senator Hall, Senators Bettencourt and Kolkhorst will be shown as Co-authors of **SB 2095**.

CO-AUTHOR OF SENATE BILL 2122

On motion of Senator West, Senator Taylor of Collin will be shown as Co-author of **SB 2122**.

CO-AUTHOR OF SENATE BILL 2140

On motion of Senator Lucio, Senator Rodríguez will be shown as Co-author of **SB 2140**.

CO-SPONSOR OF HOUSE BILL 88

On motion of Senator Hinojosa, Senator Garcia will be shown as Co-sponsor of **HB 88**.

CO-SPONSOR OF HOUSE BILL 799

On motion of Senator Perry, Senator Zaffirini will be shown as Co-sponsor of **HB 799**.

CO-SPONSOR OF HOUSE BILL 1406

On motion of Senator Hinojosa, Senator Rodríguez will be shown as Co-sponsor of **HB 1406**.

CO-SPONSOR OF HOUSE BILL 1638

On motion of Senator West, Senator Zaffirini will be shown as Co-sponsor of **HB 1638**.

CO-SPONSOR OF HOUSE BILL 2328

On motion of Senator Watson, Senator Rodríguez will be shown as Co-sponsor of **HB 2328**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 750 by Taylor of Galveston, In memory of Lyda Ann Thomas.

SR 754 by Creighton, In memory of Thais Hamm Cochran.

HCR 126 (Schwertner), In memory of Dana Sean Shurtleff of Georgetown.

Congratulatory Resolutions

SR 749 by Hughes, Recognizing Louise Kanold on the occasion of her 102nd birthday.

SR 751 by Seliger, Recognizing Edie Carter for receiving the 2017 Faculty Innovation Award.

SR 752 by Watson, Recognizing the Texas Podiatric Medical Association on the occasion of its 100th anniversary.

SR 753 by Hinojosa, Recognizing Cynthia Cooksey for being named the 2017 Librarian of the Year.

ADJOURNMENT

On motion of President Pro Tempore Seliger, the Senate at 4:34 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

May 9, 2017

INTERGOVERNMENTAL RELATIONS — **HB 1709**

ADMINISTRATION — **SB 2290, HB 101, HB 394, HB 799, HB 1288, HB 1559, HB 1638, HB 1829, HB 1963, HB 2332, HCR 53**

BUSINESS AND COMMERCE — **HB 1197, HB 1227, HB 2299, HB 1073, HB 1456, HB 2056, HB 1116, CSSB 1382, CSSB 1994**

STATE AFFAIRS — **CSSB 824**

EDUCATION — **CSSB 1838, CSSB 1801, CSSB 1553, CSSB 1605, CSSB 370, SB 2141, SB 1963, HB 728, SB 1561 (Amended)**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **HB 88, HB 1406, HB 1896, HB 2580, HB 2582, CSHB 1625**

BILLS AND RESOLUTION ENGROSSED

May 8, 2017

SB 195, SB 255, SB 529, SB 631, SB 635, SB 654, SB 965, SB 1067, SB 1514, SB 1656, SB 1673, SB 1886, SB 1942, SB 1980, SB 2039, SB 2243, SB 2244, SJR 51

BILLS AND RESOLUTIONS ENROLLED

May 8, 2017

SB 24, SB 77, SB 256, SB 561, SB 1012, SB 1459, SB 1533, SB 1871, SB 1955, SB 1976, SB 2105, SJR 60, SR 736, SR 737, SR 738, SR 739, SR 741, SR 742, SR 743, SR 744, SR 745, SR 746, SR 747, SR 748

