

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-FIFTH DAY

(Thursday, May 11, 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.

Pastor Todd Wagner, Watermark Community Church, Fort Worth, was introduced by Senator Huffines and offered the invocation as follows:

Please give our leaders ears to hear Your wisdom and guidance and the discernment, courage, and strength to carry out Your direction. We ask, Father, for You to move their hearts to honor You as their highest authority. We pray for wisdom and strength for the Senators, Governor, and all those who serve this state in public office. We ask that Your holy wisdom penetrate the thoughts and decision-making processes of those in positions of authority. Help all those in authority to recognize they are accountable first to You. We ask You to instill in our leaders an awareness of the godly heritage of this country and their responsibility before You to honor and preserve it. We ask for leaders in all walks of life who sincerely hunger for truth and strive for sacred honor in all they think, say, and do. We ask You to move in the hearts of many who know that service to You can be anywhere, even under a Capitol dome. We ask You to raise up godly leaders who desire principle over politics. We ask for servant-leaders to be statesmen over politicians. We ask for You to prosper and give favor to those who are truly devoted to You, that they may grow in influence and effectiveness. We ask for Your transforming power to work in the lives of those who would deceive, divide, and destroy. We ask for religious leaders who understand You and are devoted to Your truth and proclaim it boldly. We ask You to transform the hearts of those who serve as leaders but don't know or honor You as sovereign. Please make Yourself known to them, beloved Father. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

PHYSICIAN OF THE DAY

Senator Birdwell was recognized and presented Dr. James Thomison of Longview as the Physician of the Day.

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

(Senator Miles in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 11, 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 3204 Raymond
Relating to vendor requirements under the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

HB 3746 Phelan
Relating to the permissible uses of the floodplain management account.

HB 3859 Frank
Relating to protection of the rights of conscience for child welfare services providers.

HJR 113 Capriglione
Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation precious metal held in the Texas Bullion Depository.

SB 549 Kolkhorst Sponsor: Bell
Relating to refunds of certain bingo licensing and registration fees.
(Amended)

SB 1406 Creighton Sponsor: Smithee
Relating to the authority of the commissioner of insurance to request a state innovation waiver for certain small group health benefit plans of certain federal actuarial value and level of coverage requirements.

SB 1584

Garcia

Sponsor: Allen

Relating to the conditions of community supervision.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives**GUESTS PRESENTED**

Senator Menéndez was recognized and introduced to the Senate Acadiana Cafe owners Andrea Night, Yvonne Faz, and Dave Saylor.

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.

(Senator Watson in Chair)**GUESTS PRESENTED**

Senator Miles was recognized and introduced to the Senate Shadydale Elementary School students and teachers.

The Senate welcomed its guests.

(Senator Miles in Chair)**(Senator Watson in Chair)****CONCLUSION OF MORNING CALL**

The Presiding Officer at 11:42 a.m. announced the conclusion of morning call.

SENATE BILL 521 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **SB 521** at this time on its second reading:

SB 521, Relating to the qualifications required of an appraisal district employee in order to testify as to the value of real property in certain ad valorem tax appeals.

The motion prevailed.

Senators Garcia, Menéndez, Miles, 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 engrossment by a viva voce vote.

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

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

SENATE BILL 521 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 521** 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, West, Whitmire.

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

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 824 ON SECOND READING**

Senator Burton moved to suspend the regular order of business to take up for consideration **CSSB 824** at this time on its second reading:

CSSB 824, Relating to compensation of certain justices and judges for performing extrajudicial services.

The motion prevailed.

Senators Bettencourt, Garcia, Hughes, Lucio, and Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

The bill was read second time and was passed to engrossment by the following vote: Yeas 25, Nays 5, Present-not voting 1.

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

Nays: Bettencourt, Garcia, Hughes, Lucio, Zaffirini.

Present-not voting: Birdwell.

**COMMITTEE SUBSTITUTE
SENATE BILL 824 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 **CSSB 824** 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: Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire.

Nays: Bettencourt, Garcia, Hughes, Lucio, Zaffirini.

Present-not voting: Birdwell.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 5, Present-not voting 1. (Same as previous roll call)

(President in Chair)

SENATE BILL 1855 ON SECOND READING

Senator Uresti moved to suspend the regular order of business to take up for consideration **SB 1855** at this time on its second reading:

SB 1855, Relating to the authority of a defense base development authority to participate in a company or partnership organized to finance redevelopment projects.

The motion prevailed.

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

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

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

Nays: Burton, Hall.

SENATE BILL 1855 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 **SB 1855** be placed on its third reading and final passage.

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

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Estes, Garcia, 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.

Nays: Burton, Hall.

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

HOUSE BILL 641 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 641** at this time on its second reading:

HB 641, Relating to the continuation of the Red River Boundary Commission.

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 641 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 641** 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 1443 ON THIRD READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSSB 1443** at this time on its third reading and final passage:

CSSB 1443, Relating to electronic benefits transfer cards used by recipients of benefits under certain assistance programs.

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)

(Senator Kolkhorst in Chair)

SENATE JOINT RESOLUTION 38 WITH HOUSE AMENDMENT

Senator Estes called **SJR 38** from the President's table for consideration of the House amendment to the resolution.

The Presiding Officer laid the resolution and the House amendment before the Senate.

Amendment

Amend **SJR 38** by substituting in lieu thereof the following:

A JOINT RESOLUTION

rescinding certain applications made by the Texas Legislature to the United States Congress to call a national convention under Article V of the United States Constitution for proposing any amendment to that Constitution.

WHEREAS, Over the years, the Texas Legislature has approved resolutions officially applying to the Congress of the United States to call a convention, under the terms of Article V of the Constitution of the United States, to offer various amendments to that Constitution; and

WHEREAS, While no Article V amendatory convention has yet taken place thus far in American history, nevertheless, there is a very real possibility that one, or more than one, could be triggered at some point in the future; and

WHEREAS, Regardless of their age, such past applications from Texas lawmakers remain alive and valid until such time as they are later formally rescinded; now, therefore, be it

RESOLVED, That the 85th Legislature of the State of Texas, Regular Session, 2017, hereby officially rescinds, repeals, revokes, cancels, voids, and nullifies any and all applications from Texas legislators prior to the 85th Legislature, Regular Session, 2017, other than the application provided by H.C.R. No. 31, Acts of the 65th Legislature, Regular Session, 1977, that apply to the United States Congress for the calling of a convention, pursuant to Article V of the United States Constitution, regardless of how old such previous applications might be, and irrespective of what subject matters such applications pertained to; and, be it further

RESOLVED, That the 85th Legislature of the State of Texas, Regular Session, 2017, hereby declares that any application to the United States Congress for the calling of a convention under Article V of the United States Constitution that is submitted by the Texas Legislature during or after this Regular Session shall be automatically rescinded, repealed, revoked, canceled, voided, and nullified if the applicable convention is not called on or before the eighth anniversary of the date the last legislative vote is taken on the application; and, be it further

RESOLVED, That, in a manner which would furnish confirmation of delivery and tracking while en route, the Texas secretary of state shall transmit properly certified copies of this joint resolution of rescission, pursuant to the Standing Rules of the United States Senate (namely, Rule VII, paragraphs 4, 5, and 6), to the vice president of the United States (in his capacity as presiding officer of the United States Senate and addressed to him at the office which he maintains inside the United States Capitol Building); to the secretary and parliamentarian of the United States Senate; and to both United States senators representing Texas; accompanied by a cover letter to each addressee drawing attention to the fact that it is the 85th Texas Legislature's courteous, yet firm, request that the full and complete verbatim text of this joint resolution be duly published in the United States Senate's portion of the *Congressional Record* as an official memorial to the United States Senate, and that this joint resolution be referred to whichever committee or committees of the United States Senate that would have appropriate jurisdiction in this matter; and, be it further

RESOLVED, That, in a manner which would furnish confirmation of delivery and tracking while en route, the Texas secretary of state shall likewise transmit properly certified copies of this joint resolution of rescission, pursuant to the Rules of the United States House of Representatives (namely, Rule XII, clauses 3 and 7), to the speaker, clerk, and parliamentarian of the United States House of Representatives; and to all members of the United States House of Representatives who represent districts in Texas; likewise accompanied by a cover letter to each addressee drawing attention

to the fact that it is the 85th Texas Legislature's courteous, yet firm, request that the substance of this joint resolution be accurately summarized in the United States House of Representatives' portion of the *Congressional Record* as an official memorial to the United States House of Representatives, and that this joint resolution be referred to whichever committee or committees of the United States House of Representatives that would have appropriate jurisdiction in this matter.

The amendment was read.

Senator Estes moved to concur in the House amendment to **SJR 38**.

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

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1713 ON THIRD READING**

Senator Uresti moved to suspend the regular order of business to take up for consideration **CSSB 1713** at this time on its third reading and final passage:

CSSB 1713, Relating to a study on sales and use tax compliance.

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

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

Nays: Creighton, Estes, Hall, Huffines, Kolkhorst, Taylor of Collin.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11.

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

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

SENATE BILL 812 ON SECOND READING

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **SB 812** at this time on its second reading:

SB 812, Relating to repayment of money contributed by the Texas Department of Transportation or the Texas Transportation Commission for toll projects.

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, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Collin, West, Whitmire, Zaffirini.

Nays: Garcia, Lucio, Menéndez, Miles, Taylor of Galveston, Uresti, Watson.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 812** by Kolkhorst (senate committee printing) by inserting the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

(1) SECTION _____. The heading to Subchapter E, Chapter 228, Transportation Code, is amended to read as follows:

SUBCHAPTER E. LIMITATION ON TOLL FACILITY DESIGNATION
~~[DETERMINATION]~~; CONVERSION OF NONTOLLED STATE HIGHWAY

(2) SECTION _____. Section 228.201, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) The department may not operate any part of State Highway 255 in Webb County as a toll project.

The amendment to **SB 812** 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 812 as amended 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, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Collin, West, Whitmire, Zaffirini.

Nays: Garcia, Lucio, Menéndez, Miles, Taylor of Galveston, Uresti, Watson.

SENATE BILL 812 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 812** 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, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Collin, West, Whitmire, Zaffirini.

Nays: Lucio, Menéndez, Miles, Taylor of Galveston, Uresti, Watson.

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

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

Nays: Garcia, Lucio, Menéndez, Miles, Taylor of Galveston, Uresti, Watson.

GUEST PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate Honorary Senate Page Gracie Fellows.

The Senate welcomed its guest.

**COMMITTEE SUBSTITUTE
SENATE BILL 1849 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1849** at this time on its second reading:

CSSB 1849, Relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1849** (senate committee report) by striking all below the enacting clause and substituting the following:

ARTICLE 1. SHORT TITLE

SECTION 1.01. SHORT TITLE. This Act shall be known as the Sandra Bland Act, in memory of Sandra Bland.

**ARTICLE 2. IDENTIFICATION AND DIVERSION OF AND SERVICES FOR
PERSONS SUSPECTED OF HAVING A MENTAL ILLNESS, AN
INTELLECTUAL DISABILITY, OR A SUBSTANCE ABUSE ISSUE**

SECTION 2.01. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. **EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [~~MENTAL RETARDATION~~].** (a)(1) Not later than 12 [~~72~~] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability [~~mental retardation~~], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [~~mental retardation~~], the magistrate, except as provided by Subdivision (2), shall order the local mental health or intellectual and developmental disability [~~mental retardation~~] authority or another qualified mental health or intellectual disability [~~mental retardation~~] expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003, Health and Safety Code, or is a person with an intellectual disability ~~[mental retardation]~~ as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and

(B) provide to the magistrate a written assessment of the information collected under Paragraph (A).

(2) The magistrate is not required to order the collection of information under Subdivision (1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability ~~[mental retardation]~~ by the local mental health or intellectual and developmental disability ~~[mental retardation]~~ authority or another mental health or intellectual disability ~~[mental retardation]~~ expert described by Subdivision (1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be appropriate by the local mental health or intellectual and developmental disability ~~[mental retardation]~~ authority for a reasonable period not to exceed 21 days. The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission ~~[Department of Aging and Disability Services]~~ for examination only on request of the local mental health or intellectual and developmental disability ~~[mental retardation]~~ authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Health and Human Services Commission ~~[Department of Aging and Disability Services]~~ for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.

(b) A written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate not later than the 30th day after the date of any order issued under Subsection (a) in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, and the magistrate shall provide copies of the written assessment to the defense counsel, the prosecuting attorney, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability ~~[mental retardation]~~;

(2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

(1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [~~mental retardation~~] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

(3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.

(d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article:

(1) releasing a defendant who has a mental illness [~~mentally ill~~] or is a person with an intellectual disability [~~mentally retarded defendant~~] from custody on personal or surety bond; or

(2) ordering an examination regarding the defendant's competency to stand trial.

SECTION 2.02. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:

Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE. (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

(1) there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;

(2) it is reasonable to divert the person;

(3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

(4) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

(b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

SECTION 2.03. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLABORATIVES. (a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based

community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or [and] mental illness. [~~The department may make a maximum of five grants, which must be made in the most populous municipalities in this state that are located in counties with a population of more than one million.~~] In awarding grants, the department shall give special consideration to entities:

(1) establishing [a] new collaboratives; or
(2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000 [collaborative].

(b) The department shall require each entity awarded a grant under this section to:

(1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; ~~and]~~

(2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2.04. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY COLLABORATIVES. (a) The governing body of a county shall develop and make public a plan detailing:

(1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;

(2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and

(3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.

(b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).

(c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

ARTICLE 3. BAIL, PRETRIAL RELEASE, AND COUNTY JAIL STANDARDS

SECTION 3.01. The heading to Article 17.032, Code of Criminal Procedure, is amended to read as follows:

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN ~~[MENTALLY ILL]~~ DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

SECTION 3.02. Articles 17.032(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) A magistrate shall release a defendant on personal bond unless good cause is shown otherwise if the:

(1) defendant is not charged with and has not been previously convicted of a violent offense;

(2) defendant is examined by the local mental health or intellectual and developmental disability ~~[mental retardation]~~ authority or another mental health expert under Article 16.22 ~~[of this code]~~;

(3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with an intellectual disability ~~[mental retardation]~~ and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or intellectual disability treatment for the defendant, as applicable; and

(4) magistrate determines, in consultation with the local mental health or intellectual and developmental disability ~~[mental retardation]~~ authority, that appropriate community-based mental health or intellectual disability ~~[mental retardation]~~ services for the defendant are available through the ~~[Texas]~~ Department of State ~~[Mental]~~ Health Services ~~[and Mental Retardation]~~ under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability ~~[mental retardation]~~ services provider.

(c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or intellectual disability ~~[mental retardation]~~ treatment as recommended by the local mental health or intellectual and developmental disability ~~[mental retardation]~~ authority if the defendant's:

(1) mental illness or intellectual disability ~~[mental retardation]~~ is chronic in nature; or

(2) ability to function independently will continue to deteriorate if the defendant is not treated.

SECTION 3.03. Article 25.03, Code of Criminal Procedure, is amended to read as follows:

Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case of felony, is on bail at the time the indictment is presented, ~~[it is not necessary to serve him with a copy, but]~~ the clerk shall ~~[on request]~~ deliver a copy of the indictment ~~[same]~~ to the accused or the accused's ~~[his]~~ counsel~~[s]~~ at the earliest possible time.

SECTION 3.04. Article 25.04, Code of Criminal Procedure, is amended to read as follows:

Art. 25.04. IN MISDEMEANOR. In misdemeanors, the clerk shall deliver a copy of the indictment or information to the accused or the accused's counsel at the earliest possible time before trial [~~it shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible~~].

SECTION 3.05. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(a) The commission shall:

(1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;

(2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;

(3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;

(4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;

(5) revise, amend, or change rules and procedures if necessary;

(6) provide to local government officials consultation on and technical assistance for county jails;

(7) review and comment on plans for the construction and major modification or renovation of county jails;

(8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;

(9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;

(10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;

(11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;

(12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;

(13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;

(14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;

(15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;

(16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:

(A) common issues concerning jail administration;

(B) examples of successful strategies for maintaining compliance with state law and the rules, standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

(A) determine if a prisoner is pregnant; and

(B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; ~~and~~

(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(21) ~~(20)~~ require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) ~~(20)~~ adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner;

(23) adopt reasonable rules and procedures establishing minimum standards regarding the management of an intoxicated prisoner; and

(24) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

(A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;

(B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and

(C) install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.

SECTION 3.06. Section 511.009, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

SECTION 3.07. Chapter 511, Government Code, is amended by adding Sections 511.019, 511.020, and 511.021 to read as follows:

Sec. 511.019. PRISONER SAFETY FUND. (a) The prisoner safety fund is a dedicated account in the general revenue fund.

(b) The prisoner safety fund consists of:

(1) appropriations of money to the fund by the legislature; and

(2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) Money in the fund may be appropriated only to the commission to pay for capital improvements that are required under Section 511.009(a)(24).

(d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a grant to a county for capital improvements to a county jail with a capacity of not more than 96 prisoners.

Sec. 511.020. SERIOUS INCIDENTS REPORT. (a) On or before the fifth day of each month, the sheriff of each county shall report to the commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:

(1) a suicide;

(2) an attempted suicide;

(3) a death;

(4) a serious bodily injury, as that term is defined by Section 1.07, Penal

Code;

(5) an assault;

(6) an escape;

(7) a sexual assault; and

(8) any use of force resulting in bodily injury, as that term is defined by

Section 1.07, Penal Code.

(b) The commission shall prescribe a form for the report required by Subsection
(a).

(c) The information required to be reported under Subsection (a)(8) may not
include the name or other identifying information of a county jailer or jail employee.

(d) The information reported under Subsection (a) is public information subject
to an open records request under Chapter 552.

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING
IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission
shall appoint a law enforcement agency, other than the local law enforcement agency
that operates the county jail, to investigate the death as soon as possible.

(b) The commission shall adopt any rules necessary relating to the appointment
of a law enforcement agency under Subsection (a), including rules relating to
cooperation between law enforcement agencies and to procedures for handling
evidence.

SECTION 3.08. The changes in law made by this article to Article 17.032, Code of Criminal Procedure, apply only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of this Act is governed by the law in effect when the personal bond was executed, and the former law is continued in effect for that purpose.

SECTION 3.09. Not later than January 1, 2018, the Commission on Jail Standards shall:

(1) adopt the rules and procedures required by Sections 511.009(a)(23) and (d), Government Code, as added by this article, and the rules required by Section 511.021(b), Government Code, as added by this article; and

(2) prescribe the form required by Section 511.020(b), Government Code, as added by this article.

SECTION 3.10. Not later than September 1, 2018, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a)(24), Government Code, as added by this article. On and after September 1, 2020, a county jail shall comply with any rule or procedure adopted by the Commission on Jail Standards under that subdivision.

SECTION 3.11. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

SECTION 4.01. Chapter 511, Government Code, is amended by adding Section 511.00905 to read as follows:

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION REQUIRED. (a) The Texas Commission on Law Enforcement shall develop and the commission shall approve an examination for a person assigned to the jail administrator position overseeing a county jail.

(b) The commission shall adopt rules requiring a person, other than a sheriff, assigned to the jail administrator position overseeing a county jail to pass the examination not later than the 180th day after the date the person is assigned to that position. The rules must provide that a person who fails the examination may be immediately removed from the position and may not be reinstated until the person passes the examination.

(c) The sheriff of a county shall perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this section.

(d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.

SECTION 4.02. Section 1701.253, Occupations Code, is amended by amending Subsection (j) and adding Subsection (n) to read as follows:

(j) As part of the minimum curriculum requirements, the commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this subsection [~~section~~] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

SECTION 4.04. Section 1701.352(b), Occupations Code, is amended to read as follows:

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

- (1) topics selected by the agency; and

(2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:

(A) civil rights, racial sensitivity, and cultural diversity;

(B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; ~~and~~

(C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and

(D) unless determined by the agency head to be inconsistent with the officer's assigned duties:

(i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and

(ii) issues concerning sex offender characteristics.

SECTION 4.05. Section 1701.402, Occupations Code, is amended by adding Subsection (n) to read as follows:

(n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).

SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop and the Commission on Jail Standards shall approve the examination required by Section 511.00905, Government Code, as added by this article.

SECTION 4.07. (a) Not later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.

(b) The minimum curriculum requirements under Section 1701.253(j), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.

SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.

(b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, not later than August 31, 2021.

ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

SECTION 5.01. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (b) and (d) and adding Subsection (h) to read as follows:

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to the search; ~~and~~

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

(D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;

(E) the location of the stop; and

(F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Texas Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; ~~and~~

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure, is amended to read as follows:

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; ~~and~~

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras ~~[as described by Article 2.135(a)(1)(A)]~~, including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras ~~[as described by Article 2.135(a)(1)(A)]~~. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras ~~[as described by Article 2.135(a)(1)(A)]~~, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras ~~[as described by Article 2.135(a)(1)(A)]~~, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using ~~[installed]~~ video and audio equipment and body worn cameras for those purposes ~~[as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1)]~~.

SECTION 5.05. Article 2.1385(a), Code of Criminal Procedure, is amended to read as follows:

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an [the] amount not to exceed \$5,000 [of \$1,000] for each violation. The attorney general may sue to collect a civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is repealed.

SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

(1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the guidelines to better withstand academic scrutiny; and

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and

(B) a glossary of terms relating to the information to make the information readily understandable to the public.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2017.

The amendment to **CSSB 1849** was read.

Senator Birdwell offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend the proposed Floor Amendment No. 1 by Whitmire to **CSSB 1849** in SECTION 3.05 of the proposed floor substitute, in added Section 511.009(a)(24)(C), Government Code, between "(C)" and "install", by inserting "if funding is available under Section 511.019,".

The amendment to Floor Amendment No. 1 to **CSSB 1849** 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 Bettencourt offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 3

Amend Floor Amendment No. 1 by Whitmire (85R30106) to **CSSB 1849** as follows:

(1) On page 12, strike lines 26 through 28, and renumber the sections accordingly.

The amendment to Floor Amendment No. 1 to **CSSB 1849** 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.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 1849**, the amendment as amended was adopted by a viva voce vote.

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

CSSB 1849 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 1849 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1849** 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 Campbell in Chair)

SENATE RESOLUTION 767

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Edith Royal and welcome her to the Capitol; and

WHEREAS, Edith Royal is a much beloved and respected Texan whose many contributions to the Texas Longhorn football program and countless philanthropic efforts have made her a legendary figure in the Lone Star State; and

WHEREAS, Mrs. Royal played a vital role in the success of her husband, the late Darrell Royal; she provided him steadfast and loyal support as he built the Longhorns into one of the most successful programs in the history of college football; and

WHEREAS, Despite the many demands placed on her as a coach's wife, she made the time to participate in a wide variety of philanthropic activities, notably in support of education on drug and alcohol abuse and recovery; she was a founder of the Children's Advocacy Center and a founding board member of the Austin chapter of the Palmer Drug Abuse Program; and

WHEREAS, Following the death of her husband from Alzheimer's disease, she devoted her charitable efforts to fighting the illness; she established the Darrell K Royal Research Fund for Alzheimer's Disease, which has raised well in excess of \$1 million to fund research toward finding a cure; it is truly fitting that she receive special recognition for her outstanding philanthropic efforts; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 85th Legislature, hereby commend Edith Royal on her many contributions to our state and extend to her best wishes for the continued success of the Darrell K Royal Research Fund for Alzheimer's Disease; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her as an expression of high regard from the Texas Senate.

ZAFFIRINI
NELSON
WATSON

SR 767 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini, joined by Senator Lucio, was recognized and introduced to the Senate Edith Royal, accompanied by Debbie Hanna, Texas Council on Alzheimer's Disease and Related Disorders.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 47 ON SECOND READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **SCR 47** at this time on its second reading:

SCR 47, Urging Congress to propose and submit to the states for ratification a regulation freedom amendment to the U.S. Constitution.

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

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

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

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

COMMITTEE SUBSTITUTE SENATE BILL 1695 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 1695** at this time on its second reading:

CSSB 1695, Relating to mosquito control districts established for an urgent public health purpose.

The motion prevailed.

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

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

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

Nays: Hall, Huffines.

**COMMITTEE SUBSTITUTE
SENATE BILL 1695 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 1695** 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, Garcia, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Hall, Huffines.

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

SENATE BILL 1786 ON SECOND READING

Senator Hall moved to suspend the regular order of business to take up for consideration **SB 1786** at this time on its second reading:

SB 1786, Relating to the applicability of certain laws to open-enrollment charter schools.

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 1151 ON SECOND READING**

Senator Buckingham moved to suspend the regular order of business to take up for consideration **CSSB 1151** at this time on its second reading:

CSSB 1151, Relating to the protection of expressive activities at public institutions of higher education.

The motion prevailed 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, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Taylor of Galveston, Taylor of Collin.

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

Present-not voting: Seliger.

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1151** (senate committee printing) in SECTION 1 of the bill, in added Section 51.9315, Education Code (page 1, between lines 33 and 34), by inserting the following subsections and relettering subsequent subsections and cross-references to those subsections accordingly:

(b) An institution of higher education may not designate any area on campus as a free speech zone or otherwise create policies implying that its students expressive activities are restricted to particular areas of campus. An institution of higher education may not, except to provide time, place, or manner restrictions as provided by Subsection (c), restrict the right of students to engage in expression in a student forum.

(c) Notwithstanding Subsection (b), an institution of higher education by rule may maintain and enforce reasonable restrictions on the time, place, and manner of expressive activities on the common outdoor areas of the institution's campus if those restrictions:

- (1) are narrowly tailored to serve a significant institutional interest;
- (2) employ clear, published, content-neutral, and viewpoint-neutral criteria;

and

- (3) provide for ample alternative means of expression.

The amendment to **CSSB 1151** was read and was adopted by the following vote: Yeas 21, Nays 10.

Yeas: 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.

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

CSSB 1151 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, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Taylor of Galveston, Taylor of Collin.

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

Present-not voting: Seliger.

SENATE BILL 1185 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **SB 1185** at this time on its second reading:

SB 1185, Relating to criminal history record information obtained or disseminated by certain private entities; providing a civil penalty.

The motion prevailed.

Senators Hughes, Schwertner, 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: Hughes, Schwertner, Taylor of Collin.

SENATE BILL 1185 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 1185** 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, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Seliger, Taylor of Galveston, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Hughes, Schwertner, Taylor of Collin.

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

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 2026 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 2026** at this time on its second reading:

CSSB 2026, Relating to a biennial report on stormwater infrastructure in this state.

The motion prevailed.

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

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

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 2026 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 2026** be placed on its third reading and final passage.

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

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

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1670 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 1670** at this time on its second reading:

CSSB 1670, Relating to a historic structure assistance program operated by a municipally owned utility in certain municipalities; authorizing a fee.

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

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

Nays: Bettencourt, Campbell, Hall, Hancock, Nelson, Schwertner, Taylor of Collin.

The bill was read second time.

Senator Hancock offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1670** (senate committee report) as follows:

In SECTION 1 of the bill, in added Section 552.158, Local Government Code (page 2 line 34) is amended by inserting between shall and establish the following: "notify all utility customers of the election results and inform them of the opt out process with an explanation of how the fees are to be used, and

The amendment to **CSSB 1670** 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 1670 as amended was passed to engrossment by the following vote: Yeas 25, Nays 6.

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

Nays: Bettencourt, Burton, Campbell, Hall, Nelson, Taylor of Collin.

**COMMITTEE SUBSTITUTE
SENATE BILL 1670 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 1670** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Campbell, Hall, Nelson, Taylor of Collin.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6.

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

Nays: Bettencourt, Burton, Campbell, Hall, Nelson, Taylor of Collin.

HOUSE BILL 2328 ON SECOND READING

The President laid before the Senate **HB 2328** by Senator Watson on its second reading. The bill had been read second time, an amendment offered, and further consideration postponed:

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

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

The amendment to **HB 2328** 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: Taylor of Galveston.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 2

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 552.002, Government Code, is amended by adding Subsection (d) to read as follows:

(d) Information maintained by a governmental body described by Section 552.003(1)(A)(xii) is public information and subject to this chapter only to the extent the information relates to the part, section, or portion of an entity that receives or spends public funds or uses real or personal property owned or leased by the state or a political subdivision of the state as established in Section 552.003(1)(A)(xii)(a), (b), or (c).

SECTION __. Section 552.003(1), Government Code, is amended to read as follows:

(1) "Governmental body":

(A) means:

(i) a board, commission, department, committee, institution, agency, or office that is within or is created by the executive or legislative branch of state government and that is directed by one or more elected or appointed members;

(ii) a county commissioners court in the state;

(iii) a municipal governing body in the state;

(iv) a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county or municipality;

(v) a school district board of trustees;

(vi) a county board of school trustees;

(vii) a county board of education;

(viii) the governing board of a special district;

(ix) the governing body of a nonprofit corporation organized under Chapter 67, Water Code, that provides a water supply or wastewater service, or both, and is exempt from ad valorem taxation under Section 11.30, Tax Code;

(x) a local workforce development board created under Section 2308.253;

(xi) a nonprofit corporation that is eligible to receive funds under the federal community services block grant program and that is authorized by this state to serve a geographic area of the state; and

(xii) the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that:

(a) receives or spends public funds, if the receipt or expenditure does not impose a specific and definite obligation on the entity to provide a measurable amount of goods, services, benefits, or insurance in exchange for the public funds as would be expected in an arms-length transaction or quid pro quo agreement for goods, services, benefits, or insurance between a vendor and purchaser;

(b) receives or spends [or that is supported in whole or in part by] public funds under an agreement to provide a traditional governmental service, which does not include a utility service, that the state or the political subdivision providing the funds will not provide under the agreement; or

(c) uses real or personal property owned or leased by the state or a political subdivision of the state that is not generally available to the public under an agreement that provides for no or nominal consideration in return for the use; and

(B) does not include the judiciary.

The amendment to **HB 2328** was read and was adopted by a viva voce vote.

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

Nays: Creighton, Taylor of Galveston.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 3

Amend **HB 2328** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, in amended Section 552.302, Government Code (page 1, line 38), between the period and "If", insert "(a)".

(2) In SECTION 3 of the bill, in amended Section 552.302, Government Code (page 1, between lines 45 and 46), insert the following:

(b) Sections 552.103, 552.104, 552.105, 552.106, 552.108, 552.111, 552.112, 552.116, 552.122, 552.125, 552.144, 552.146, 552.153, and 552.154 do not constitute compelling reasons to withhold information under Subsection (a) for a governmental body that fails to comply with the requirements of Section 552.301.

(3) Add the following appropriately numbered SECTIONS to the bill:

SECTION ____ . Section 552.101, Government Code, is amended to read as follows:

Sec. 552.101. EXCEPTION: CONFIDENTIAL INFORMATION. (a) Information is excepted from the requirements of Section 552.021 if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision.

(b) The exception to disclosure provided by Subsection (a) does not apply to information considered to be:

(1) privileged under an evidentiary privilege created by the Texas Rules of Civil Procedure, the Texas Rules of Evidence, the Texas Disciplinary Rules of Professional Conduct, the Federal Rules of Evidence, or the Federal Rules of Civil Procedure, including the attorney-client privilege, the attorney work product privilege, or any other state or federal discovery privilege; or

(2) excepted from required disclosure under another provision of this chapter.

SECTION ____ . Section 552.305, Government Code, is amended by adding Subsection (f) to read as follows:

(f) A governmental body's failure to comply with the requirements of Section 552.301 does not affect another person's privacy or property interests or the person's ability under this section to submit a letter, memorandum, or brief in support of each reason why the information should be withheld.

(4) Renumber the SECTIONS of the bill accordingly.

The amendment to **HB 2328** 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 Watson offered the following amendment to the bill:

Floor Amendment No. 4

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

SECTION _____. Section 552.003, Government Code, is amended by adding Subdivision (7) to read as follows:

(7) "Temporary custodian" means an officer or employee of a governmental body who, in the transaction of official business, creates or receives public information that the officer or employee has not provided to the officer for public information of the governmental body or the officer's agent. The term includes a former officer or employee of a governmental body who created or received public information in the officer's or employee's official capacity that has not been provided to the officer for public information of the governmental body or the officer's agent.

SECTION _____. Section 552.004, Government Code, is amended to read as follows:

Sec. 552.004. PRESERVATION OF INFORMATION. (a) A governmental body or, for information of an elective county office, the elected county officer, may determine a time for which information that is not currently in use will be preserved, subject to Subsection (b) and to any applicable rule or law governing the destruction and other disposition of state and local government records or public information.

(b) A current or former officer or employee of a governmental body who maintains public information on a privately owned device shall:

(1) forward or transfer the public information to the governmental body or a governmental body server to be preserved as provided by Subsection (a); or

(2) preserve the public information in its original form on the privately owned device for the time required under Subsection (a).

(c) The provisions of Chapter 441 of this code and Title 6, Local Government Code, governing the preservation, destruction, or other disposition of records or public information apply to records and public information held by a temporary custodian.

SECTION _____. Subchapter B, Chapter 552, Government Code, is amended by adding Section 552.0222 to read as follows:

Sec. 552.0222. DATES OF BIRTH. This chapter does not authorize a governmental body to withhold a date of birth except as:

(1) permitted by Section 552.102(a) or 552.108; or

(2) otherwise provided by constitutional or statutory law.

SECTION _____. Section 552.101, Government Code, is amended to read as follows:

Sec. 552.101. EXCEPTION: CONFIDENTIAL INFORMATION. (a) Except as provided by Subsection (b), information [Information] is excepted from the requirements of Section 552.021 if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision.

(b) The exception to disclosure provided by Subsection (a) does not apply to a date of birth considered to be confidential by judicial decision.

SECTION _____. Section 552.203, Government Code, is amended to read as follows:

Sec. 552.203. GENERAL DUTIES OF OFFICER FOR PUBLIC INFORMATION. Each officer for public information, subject to penalties provided in this chapter, shall:

(1) make public information available for public inspection and copying;
(2) carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal; ~~and~~
(3) repair, renovate, or rebind public information as necessary to maintain it properly; and

(4) make reasonable efforts to obtain public information from a temporary custodian if:

(A) the information has been requested from the governmental body;

(B) the officer for public information is aware of facts sufficient to warrant a reasonable belief that the temporary custodian has possession, custody, or control of the information;

(C) the officer for public information is unable to comply with the duties imposed by this chapter without obtaining the information from the temporary custodian; and

(D) the temporary custodian has not provided the information to the officer for public information of the governmental body or the officer's agent.

SECTION _____. Section 552.221, Government Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) If the governmental body determines it has no information responsive to a request for information, the officer for public information shall notify the requestor in writing not later than the 10th business day after the date the request is received.

(g) If a governmental body determines the requested information is subject to a previous determination that permits or requires the governmental body to withhold the requested information, the officer for public information shall, not later than the 10th business day after the date the request is received:

(1) notify the requestor in writing that the information is being withheld;
and

(2) identify in the notice the specific previous determination the governmental body is relying on to withhold the requested information.

SECTION _____. Section 552.228(b), Government Code, is amended to read as follows:

(b) If public information exists in an electronic or magnetic medium, the requestor may request a copy in an electronic medium, such as on diskette, ~~or~~ on magnetic tape, or on a portable computer drive. A governmental body shall provide a copy in the requested medium if:

(1) the governmental body has the technological ability to produce a copy of the requested information in the requested medium;

(2) the governmental body is not required to purchase any software or hardware to accommodate the request; and

(3) provision of a copy of the information in the requested medium will not violate the terms of any copyright agreement between the governmental body and a third party.

SECTION _____. Subchapter E, Chapter 552, Government Code, is amended by adding Section 552.234 to read as follows:

Sec. 552.234. OWNERSHIP OF PUBLIC INFORMATION. (a) A current or former officer or employee of a governmental body does not have, by virtue of the officer's or employee's position or former position, a personal or property right to public information the officer or employee created or received while acting in an official capacity.

(b) A temporary custodian with possession, custody, or control of public information shall surrender or return the information to the governmental body not later than the 10th day after the date the officer for public information of the governmental body or the officer's agent requests the temporary custodian to surrender or return the information.

(c) A temporary custodian's failure to surrender or return public information as required by Subsection (b) is grounds for disciplinary action by the governmental body that employs the temporary custodian or any other applicable penalties provided by this chapter or other law.

(d) For purposes of the application of Subchapter G to information surrendered or returned to a governmental body by a temporary custodian under Subsection (b), the governmental body is considered to receive the request for that information on the date the information is surrendered or returned to the governmental body.

SECTION _____. Section 552.301(b), Government Code, is amended to read as follows:

(b) The governmental body must ask for the attorney general's decision and state the specific exceptions that apply within a reasonable time but not later than the 10th business day after the date of receiving the written request.

SECTION _____. Subchapter H, Chapter 552, Government Code, is amended by adding Section 552.328 to read as follows:

Sec. 552.328. FAILURE TO RESPOND TO REQUESTOR. (a) If a governmental body fails to respond to a requestor as required by Section 552.221, the requestor may send a written complaint to the attorney general.

(b) The complaint must include:

(1) the original request for information; and

(2) any correspondence received from the governmental body in response to the request.

(c) If the attorney general determines the governmental body improperly failed to comply with Section 552.221 in connection with a request for which a complaint is made under this section:

(1) the attorney general shall notify the governmental body and the complainant requestor in writing of the governmental body's failure to comply, including the total number of previous complaints made under Subsection (a) against the governmental body that the attorney general within the current calendar year has determined to be founded;

(2) the governmental body may assess costs to the complainant requestor for producing information in response to the request for which the complaint was made in an amount not to exceed:

(A) 75 percent of the amount of the allowable costs otherwise authorized under this chapter for producing the information, if the notice under Subdivision (1) indicates that fewer than 11 complaints have been determined to be founded; or

(B) 50 percent of the amount of the allowable costs otherwise authorized under this chapter for producing the information, if the notice under Subdivision (1) indicates that 11 or more complaints have been determined to be founded; and

(3) if the governmental body seeks to withhold information in response to the request for which the complaint was made, the governmental body must:

(A) request an attorney general decision under Section 552.301 not later than the fifth business day after the date the governmental body receives the notice under Subdivision (1); and

(B) release the requested information unless there is a compelling reason to withhold the information.

(d) The attorney general shall, in response to a second complaint made under Subsection (a) against a governmental body in a calendar year that the attorney general determines to be founded, require the public official, public information officer, or other official or employee responsible for the governmental body's failure to comply to complete open records training under Section 552.012 not later than six months after the date the governmental body receives the notice and shall notify the governmental body of that requirement.

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

Senator Watson offered the following amendment to Floor Amendment No. 4:

Floor Amendment No. 5

Amend Floor Amendment 4 by Watson to **HB 2328** (draft 17.131.294 BEF) on page 2, lines 15-17 by striking subsections 552.0222(1) and (2) and substituting them with the following:

"(1) permitted by Section 552.102(a) or 552.108;

(2) listed on voter registration rolls; or

(3) otherwise provided by constitutional or statutory law."

The amendment to Floor Amendment No. 4 to **HB 2328** 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. 5.

Question recurring on the adoption of Floor Amendment No. 4 to **HB 2328**, the amendment as amended was adopted by a viva voce vote.

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

HB 2328 as amended was passed to third reading by the following vote: Yeas 30, Nays 1.

Nays: Hall.

HOUSE BILL 2328 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 **HB 2328** 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)

REMARKS ORDERED PRINTED

On motion of Senator Birdwell and by unanimous consent, the remarks by Senators Watson and Taylor of Collin regarding Floor Amendment No. 2 to **HB 2328** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Taylor of Collin: Thank you, Senator Watson. I appreciate you indulging me on this. I just wanted to be sure that I understood two particular aspects of this. The first was on page, page 2, line 18 of your bill, receives or spends public funds, if the receipt or expenditure does not impose a specific and definite obligation on the entity. And just so I'm clear, and I'll use the, I'll use the TEXAS education grants as an example, right. So, so, in Texas we provide scholarships to needy children that are going to private universities such as Rice or Baylor or SMU. And so, my, my understanding is those institutions, by taking TEXAS education grants, would not come under, under this, under this piece of legislation.

Senator Watson: Correct, and in those instances even more so because that money is actually going to the student.

Senator Taylor of Collin: Got it. And so, I just wanted to be clear on that, and that also applies, I think, if you think about education savings accounts or, or something like that for private schools, they would have a similar question. But I think, I think the TEXAS education grants is, I think is—

Senator Watson: It's a good example.

Senator Taylor of Collin: —is, is a better example because it's real life, and I think it's near and dear to one particular Baylor Bear's heart.

Senator Watson: Yes, thank you very much.

Senator Taylor of Collin: And the second question I had for you is on line 30, uses real or personal property owned or leased by the state or a political subdivision. I just want to make sure that, that an entity that leased the convention center in the City of Dallas or Houston or Austin or wherever, that somehow that entity, by leasing a piece of city property, didn't all of a sudden become subject to this particular piece of legislation.

Senator Watson: That's a, that's a legitimate question. I'm glad you ask it, because this section of the bill that, again, we passed out of here overwhelmingly previously, it had this in it. But, but what we're attempting to do is make sure that if, for example, a private enterprise leased a specific building and they operated out of that, and it wasn't, and as you'll go on to page 3, line 1, where it is not generally available to the public, so your example of a convention center, that is something generally available to the public and not a specific lease where the private entity is getting the, the governmental benefit.

Senator Taylor of Collin: Okay, and I appreciate that. And I, in, in, for what it's worth, I have had some questions—

Senator Watson: Sure.

Senator Taylor of Collin: —different organizations that are like, hey, wait a minute, does this mean, you know, well, those, those two examples I gave you, so, I just wanted to check on that.

Senator Watson: And, and we, we specifically dealt with that, I believe, pretty clearly with it's not generally available to the public.

Senator Taylor of Collin: Sure. Thank you.

Senator Watson: Thank you.

Senator Taylor of Collin: I look forward to voting for your amendment.

Senator Watson: I appreciate that. Thank you.

Senator Taylor of Collin: Thank you, Senator Watson. Thank you, Mr. President.

Senator Watson: You voted well the first time it went through.

REMARKS ORDERED PRINTED

On motion of Senator Bettencourt and by unanimous consent, the remarks by Senators Watson and Bettencourt regarding the amendment to Floor Amendment No. 4 to **HB 2328** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Watson: Thank you. This is, Members, this is an amendment that I just worked out with the Secretary of State's office. If you'll look, as I pointed out to Senator Bettencourt when he was asking questions, it says the chapter cannot authorize a, does not authorize a governmental body to withhold a date of birth except, in the original amendment, permitted by section, the sections that deal with personnel or otherwise provided by constitutional or statutory law. This amendment now adds an exception and it's number 2, says they can withhold information listed, phone numbers listed on voter registration rolls. So, I think that satisfies the concern that Senator Bettencourt and the Secretary of State's office had. So, I move adoption of amendment number 5 which amends amendment number 4.

President: Senator Bettencourt, for what purpose?

Senator Bettencourt: To ask a question of the amendment author.

President: Do you yield?

Senator Watson: I do.

Senator Bettencourt: Senator Watson, just to make sure we put that into the record of the, the problem is that in the prior law, under the prior law, voter registration rolls could be displayed with birthdates on it. I do remember when then-Commissioner Garcia complained to then-Tax Assessor, you know, Bettencourt, that the, that this information was public. And then, so therefore, there was a change in the law so that we could prevent that massive public display of data because, obviously, birthdates, you're in, in that type of situations, are very sensitive. So, I appreciate you, you know, stopping the train long enough to get Secretary of State on board with it because that was a major concern, because I can remember taking massive amount of complaints when the birthdates went up on the, on the voter registration site.

Senator Watson: I'm, I'm happy we've been able to, to fix it.

Senator Bettencourt: Okay, so, so the intent of this amendment is to make sure that displays of voter registration—

Senator Watson: Displays of voter registration rolls may, they may exclude birthdates from the voter registration rolls.

Senator Bettencourt: Okay. And by "may," I was hoping that this is a must exclude, okay, because we were going back to the prior law, so this keeps the exemption in place. I believe that's—

Senator Watson: That's, that's right. So, so, Members, here's the situation. What the amendment that I originally offered did was took us back to prior law before the Paxton case.

Senator Bettencourt: Right.

Senator Watson: Senator Bettencourt would like an aspect of that case, it's, it's that case to stay in effect—

Senator Bettencourt: Right.

Senator Watson: —as it applies to voter registration rolls. And that's what this does.

Senator Bettencourt: Okay. Thank you for your time—

Senator Watson: Sure.

Senator Bettencourt: —and on the amendment. Thanks for Secretary of State to come over short notice, and, Mr. President, I move that the remarks between Senator Watson and I be reduced to writing and placed in the Journal.

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 160, SB 253, SB 345, SB 417, SB 579, SB 617, SB 622, SB 671, SB 712, SB 945, SB 1002, SB 1049, SB 1073, SB 1083, SB 1203, SB 1229, SB 1246, SB 1365, SB 1402, SB 1422, SB 1494, SB 1517, SB 1518, SJR 2, HB 2194.

(Senator Perry in Chair)**SENATE BILL 459 ON SECOND READING**

Senator Huffines moved to suspend the regular order of business to take up for consideration **SB 459** at this time on its second reading:

SB 459, Relating to the regulation or taxation of firearms, air guns, knives, or ammunition by a municipality or county.

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

Yeas: 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, Uresti.

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

The bill was read second time and was passed to engrossment by the following vote: Yeas 22, Nays 9. (Same as previous roll call)

SENATE BILL 459 ON THIRD READING

Senator Huffines moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 459** 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, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, West, Whitmire.

Nays: Garcia, Rodríguez, Watson, Zaffirini.

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

Yeas: 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, Uresti.

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

SENATE BILL 507 WITH HOUSE AMENDMENT

Senator Hancock called **SB 507** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 507** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to mediation of the settlement of certain out-of-network health benefit claims involving balance billing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1467.001, Insurance Code, is amended by amending Subdivisions (1), (3), (4), (5), and (7) and adding Subdivisions (2-a), (2-b), (3-a), and (4-a) to read as follows:

(1) "Administrator" means:

(A) an administering firm for a health benefit plan providing coverage under Chapter 1551, 1575, or 1579; and

(B) if applicable, the claims administrator for the health benefit plan.

(2-a) "Emergency care" has the meaning assigned by Section 1301.155.

(2-b) "Emergency care provider" means a physician, health care practitioner, facility, or other health care provider who provides and bills an enrollee, administrator, or health benefit plan for emergency care.

(3) "Enrollee" means an individual who is eligible to receive benefits through a preferred provider benefit plan or a health benefit plan under Chapter 1551, 1575, or 1579.

(3-a) "Facility" has the meaning assigned by Section 324.001, Health and Safety Code.

(4) "Facility-based provider ~~[physician]~~" means a physician, health care practitioner, or other health care provider ~~[radiologist, an anesthesiologist, a pathologist, an emergency department physician, a neonatologist, or an assistant surgeon;~~

~~[(A) to whom the facility has granted clinical privileges; and~~

~~[(B) who provides health care or medical services to patients of a [the] facility [under those clinical privileges].~~

(4-a) "Health care practitioner" means an individual who is licensed to provide health care services.

(5) "Mediation" means a process in which an impartial mediator facilitates and promotes agreement between the insurer offering a preferred provider benefit plan or the administrator and a facility-based provider or emergency care provider ~~[physician]~~ or the provider's ~~[physician's]~~ representative to settle a health benefit claim of an enrollee.

(7) "Party" means an insurer offering a preferred provider benefit plan, an administrator, or a facility-based provider or emergency care provider ~~[physician]~~ or the provider's ~~[physician's]~~ representative who participates in a mediation conducted under this chapter. The enrollee is also considered a party to the mediation.

SECTION 2. Section 1467.002, Insurance Code, is amended to read as follows:

Sec. 1467.002. APPLICABILITY OF CHAPTER. This chapter applies to:

(1) a preferred provider benefit plan offered by an insurer under Chapter 1301; and

(2) an administrator of a health benefit plan, other than a health maintenance organization plan, under Chapter 1551, 1575, or 1579.

SECTION 3. Section 1467.003, Insurance Code, is amended to read as follows:

Sec. 1467.003. RULES. The commissioner, the Texas Medical Board, any other appropriate regulatory agency, and the chief administrative law judge shall adopt rules as necessary to implement their respective powers and duties under this chapter.

SECTION 4. Section 1467.005, Insurance Code, is amended to read as follows:

Sec. 1467.005. REFORM. This chapter may not be construed to prohibit:

(1) an insurer offering a preferred provider benefit plan or administrator from, at any time, offering a reformed claim settlement; or

(2) a facility-based provider or emergency care provider [~~physician~~] from, at any time, offering a reformed charge for health care or medical services or supplies.

SECTION 5. Section 1467.051, Insurance Code, is amended to read as follows:

Sec. 1467.051. AVAILABILITY OF MANDATORY MEDIATION; EXCEPTION. (a) An enrollee may request mediation of a settlement of an out-of-network health benefit claim if:

(1) the amount for which the enrollee is responsible to a facility-based provider or emergency care provider [~~physician~~], after copayments, deductibles, and coinsurance, including the amount unpaid by the administrator or insurer, is greater than \$500; and

(2) the health benefit claim is for:

(A) emergency care; or

(B) a health care or medical service or supply provided by a facility-based provider [~~physician~~] in a facility [~~hospital~~] that is a preferred provider or that has a contract with the administrator.

(b) Except as provided by Subsections (c) and (d), if an enrollee requests mediation under this subchapter, the facility-based provider or emergency care provider, [~~physician~~] or the provider's [~~physician's~~] representative, and the insurer or the administrator, as appropriate, shall participate in the mediation.

(c) Except in the case of an emergency and if requested by the enrollee, a facility-based provider [~~physician~~] shall, before providing a health care or medical service or supply, provide a complete disclosure to an enrollee that:

(1) explains that the facility-based provider [~~physician~~] does not have a contract with the enrollee's health benefit plan;

(2) discloses projected amounts for which the enrollee may be responsible; and

(3) discloses the circumstances under which the enrollee would be responsible for those amounts.

(d) A facility-based provider [~~physician~~] who makes a disclosure under Subsection (c) and obtains the enrollee's written acknowledgment of that disclosure may not be required to mediate a billed charge under this subchapter if the amount billed is less than or equal to the maximum amount projected in the disclosure.

SECTION 6. Subchapter B, Chapter 1467, Insurance Code, is amended by adding Section 1467.0511 to read as follows:

Sec. 1467.0511. NOTICE AND INFORMATION PROVIDED TO ENROLLEE. (a) A bill sent to an enrollee by a facility-based provider or emergency care provider or an explanation of benefits sent to an enrollee by an insurer or administrator for an out-of-network health benefit claim eligible for mediation under this chapter must contain, in not less than 10-point boldface type, a conspicuous, plain-language explanation of the mediation process available under this chapter, including information on how to request mediation and a statement that is substantially similar to the following:

"You may be able to reduce some of your out-of-pocket costs for an out-of-network medical or health care claim that is eligible for mediation by contacting the Texas Department of Insurance at (website) and (phone number)."

(b) If an enrollee contacts an insurer, administrator, facility-based provider, or emergency care provider about a bill that may be eligible for mediation under this chapter, the insurer, administrator, facility-based provider, or emergency care provider is encouraged to:

(1) inform the enrollee about mediation under this chapter; and

(2) provide the enrollee with the department's toll-free telephone number

and Internet website address.

SECTION 7. Section 1467.052(c), Insurance Code, is amended to read as follows:

(c) A person may not act as mediator for a claim settlement dispute if the person has been employed by, consulted for, or otherwise had a business relationship with an insurer offering the preferred provider benefit plan or a physician, health care practitioner, or other health care provider during the three years immediately preceding the request for mediation.

SECTION 8. Section 1467.053(d), Insurance Code, is amended to read as follows:

(d) The mediator's fees shall be split evenly and paid by the insurer or administrator and the facility-based provider or emergency care provider ~~physician~~.

SECTION 9. Sections 1467.054(b), (c), and (e), Insurance Code, are amended to read as follows:

(b) A request for mandatory mediation must be provided to the department on a form prescribed by the commissioner and must include:

(1) the name of the enrollee requesting mediation;

(2) a brief description of the claim to be mediated;

(3) contact information, including a telephone number, for the requesting enrollee and the enrollee's counsel, if the enrollee retains counsel;

(4) the name of the facility-based provider or emergency care provider ~~physician~~ and name of the insurer or administrator; and

(5) any other information the commissioner may require by rule.

(c) On receipt of a request for mediation, the department shall notify the facility-based provider or emergency care provider ~~physician~~ and insurer or administrator of the request.

(e) A dispute to be mediated under this chapter that does not settle as a result of a teleconference conducted under Subsection (d) must be conducted in the county in which the health care or medical services were rendered.

SECTION 10. Sections 1467.055(d), (h), and (i), Insurance Code, are amended to read as follows:

(d) If the enrollee is participating in the mediation in person, at the beginning of the mediation the mediator shall inform the enrollee that if the enrollee is not satisfied with the mediated agreement, the enrollee may file a complaint with:

(1) the Texas Medical Board or other appropriate regulatory agency against the facility-based provider or emergency care provider [~~physician~~] for improper billing; and

(2) the department for unfair claim settlement practices.

(h) On receipt of notice from the department that an enrollee has made a request for mediation that meets the requirements of this chapter, the facility-based provider or emergency care provider [~~physician~~] may not pursue any collection effort against the enrollee who has requested mediation for amounts other than copayments, deductibles, and coinsurance before the earlier of:

(1) the date the mediation is completed; or

(2) the date the request to mediate is withdrawn.

(i) A health care or medical service or supply provided by a facility-based provider or emergency care provider [~~physician~~] may not be summarily disallowed. This subsection does not require an insurer or administrator to pay for an uncovered service or supply.

SECTION 11. Sections 1467.056(a), (b), and (d), Insurance Code, are amended to read as follows:

(a) In a mediation under this chapter, the parties shall:

(1) evaluate whether:

(A) the amount charged by the facility-based provider or emergency care provider [~~physician~~] for the health care or medical service or supply is excessive; and

(B) the amount paid by the insurer or administrator represents the usual and customary rate for the health care or medical service or supply or is unreasonably low; and

(2) as a result of the amounts described by Subdivision (1), determine the amount, after copayments, deductibles, and coinsurance are applied, for which an enrollee is responsible to the facility-based provider or emergency care provider [~~physician~~].

(b) The facility-based provider or emergency care provider [~~physician~~] may present information regarding the amount charged for the health care or medical service or supply. The insurer or administrator may present information regarding the amount paid by the insurer or administrator.

(d) The goal of the mediation is to reach an agreement among the enrollee, the facility-based provider or emergency care provider [~~physician~~], and the insurer or administrator, as applicable, as to the amount paid by the insurer or administrator to the facility-based provider or emergency care provider [~~physician~~], the amount charged by the facility-based provider or emergency care provider [~~physician~~], and the amount paid to the facility-based provider or emergency care provider [~~physician~~] by the enrollee.

SECTION 12. Section 1467.057(a), Insurance Code, is amended to read as follows:

(a) The mediator of an unsuccessful mediation under this chapter shall report the outcome of the mediation to the department, the Texas Medical Board or other appropriate regulatory agency, and the chief administrative law judge.

SECTION 13. Section 1467.058, Insurance Code, is amended to read as follows:

Sec. 1467.058. CONTINUATION OF MEDIATION. After a referral is made under Section 1467.057, the facility-based provider or emergency care provider [~~physician~~] and the insurer or administrator may elect to continue the mediation to further determine their responsibilities. Continuation of mediation under this section does not affect the amount of the billed charge to the enrollee.

SECTION 14. Section 1467.059, Insurance Code, is amended to read as follows:

Sec. 1467.059. MEDIATION AGREEMENT. The mediator shall prepare a confidential mediation agreement and order that states:

(1) the total amount for which the enrollee will be responsible to the facility-based provider or emergency care provider [~~physician~~], after copayments, deductibles, and coinsurance; and

(2) any agreement reached by the parties under Section 1467.058.

SECTION 15. Section 1467.060, Insurance Code, is amended to read as follows:

Sec. 1467.060. REPORT OF MEDIATOR. The mediator shall report to the commissioner and the Texas Medical Board or other appropriate regulatory agency:

(1) the names of the parties to the mediation; and

(2) whether the parties reached an agreement or the mediator made a referral under Section 1467.057.

SECTION 16. Section 1467.151, Insurance Code, is amended to read as follows:

Sec. 1467.151. CONSUMER PROTECTION; RULES. (a) The commissioner and the Texas Medical Board or other regulatory agency, as appropriate, shall adopt rules regulating the investigation and review of a complaint filed that relates to the settlement of an out-of-network health benefit claim that is subject to this chapter. The rules adopted under this section must:

(1) distinguish among complaints for out-of-network coverage or payment and give priority to investigating allegations of delayed health care or medical care;

(2) develop a form for filing a complaint and establish an outreach effort to inform enrollees of the availability of the claims dispute resolution process under this chapter;

(3) ensure that a complaint is not dismissed without appropriate consideration;

(4) ensure that enrollees are informed of the availability of mandatory mediation; and

(5) require the administrator to include a notice of the claims dispute resolution process available under this chapter with the explanation of benefits sent to an enrollee.

(b) The department and the Texas Medical Board or other appropriate regulatory agency shall maintain information:

(1) on each complaint filed that concerns a claim or mediation subject to this chapter; and

(2) related to a claim that is the basis of an enrollee complaint, including:

(A) the type of services that gave rise to the dispute;

(B) the type and specialty, if any, of the facility-based provider or emergency care provider [~~physician~~] who provided the out-of-network service;

(C) the county and metropolitan area in which the health care or medical service or supply was provided;

(D) whether the health care or medical service or supply was for emergency care; and

(E) any other information about:

(i) the insurer or administrator that the commissioner by rule requires; or

(ii) the facility-based provider or emergency care provider [~~physician~~] that the Texas Medical Board or other appropriate regulatory agency by rule requires.

(c) The information collected and maintained by the department and the Texas Medical Board and other appropriate regulatory agencies under Subsection (b)(2) is public information as defined by Section 552.002, Government Code, and may not include personally identifiable information or health care or medical information.

(d) A facility-based provider or emergency care provider [~~physician~~] who fails to provide a disclosure under Section 1467.051 or 1467.0511 is not subject to discipline by the Texas Medical Board or other appropriate regulatory agency for that failure and a cause of action is not created by a failure to disclose as required by Section 1467.051 or 1467.0511.

SECTION 17. Section 1467.101(c), Insurance Code, is repealed.

SECTION 18. The changes in law made by this Act apply only to a claim for health care or medical services or supplies provided on or after January 1, 2018. A claim for health care or medical services or supplies provided before January 1, 2018, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 19. This Act takes effect September 1, 2017.

The amendment was read.

Senator Hancock moved to concur in the House amendment to **SB 507**.

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

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Creighton, Estes, Garcia, 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.

Nays: Campbell, Hall.

SENATE BILL 16 WITH HOUSE AMENDMENT

Senator Nichols called **SB 16** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 16** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:
SECTION _____. Section 411.1991(c), Government Code, is amended to read as follows:

(c) ~~The department shall waive any fee required [An applicant under this section shall pay a fee of \$25] for a license issued under this subchapter to an applicant under this section.~~

The amendment was read.

Senator Nichols moved to concur in the House amendment to **SB 16**.

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, Miles, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Whitmire, Zaffirini.

Nays: Garcia, Menéndez, Rodríguez, Watson, West.

SENATE BILL 1070 WITH HOUSE AMENDMENTS

Senator Hancock called **SB 1070** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 1070** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to authorized reinsurance and financial statement credit and accounting for reinsurance.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. AUTHORIZED REINSURANCE; CREDIT AND ACCOUNTING
FOR REINSURANCE

SECTION 1.01. The chapter heading to Chapter 493, Insurance Code, is amended to read as follows:

CHAPTER 493. AUTHORIZED REINSURANCE; CREDIT AND ACCOUNTING
~~[FOR PROPERTY AND CASUALTY INSURERS]~~

SECTION 1.02. Section 493.002, Insurance Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1) ~~[(a)]~~, this chapter applies to all insurers, including:

- (1) a stock or mutual property and casualty insurance company;
- (2) a Mexican casualty insurance company;
- (3) a Lloyd's plan;
- (4) a reciprocal or interinsurance exchange;
- (5) a nonprofit legal service corporation;
- (6) a county mutual insurance company;
- (7) a farm mutual insurance company;
- (8) a risk retention group; ~~and~~
- (9) any insurer writing a line of insurance regulated by Title 10;
- (10) all life, health, and accident insurance companies regulated by the

department, including:

(A) a stock or mutual life, health, or accident insurance company;

(B) a fraternal benefit society; and

(C) a nonprofit hospital, medical, or dental service corporation, including a group hospital service corporation operating under Chapter 842; and

(11) a health maintenance organization operating under Chapter 843.

(a-1) A county mutual insurance company operating under Section 912.056(d) that does not directly or indirectly write or assume insurance in any manner in another state may not be allowed credit under Section 493.1033 for reinsurance ceded to a reinsurer qualifying under Sections 493.1033 and 493.1034 and is not subject to Section 493.1039. This subsection does not prohibit a county mutual insurance company described by this subsection from ceding reinsurance to reinsurers qualifying under Sections 493.1033 and 493.1034 under other provisions of this chapter.

SECTION 1.03. Section 493.051(b), Insurance Code, is amended to read as follows:

(b) An insurer authorized to engage in business in this state ~~[that writes any line of insurance regulated by Title 10]~~ may provide reinsurance under this chapter on any line of insurance in which the insurer is authorized to engage in this state ~~[while the insurer is in compliance with law].~~

SECTION 1.04. Section 493.102(a), Insurance Code, is amended to read as follows:

(a) A ceding insurer may be allowed credit for reinsurance ceded, as an asset or as a deduction from liability, only if the reinsurance is ceded to an assuming insurer that:

(1) is authorized to engage in the business of insurance or reinsurance in this state;

(2) is accredited as a reinsurer in this state, as provided by Section 493.103; ~~[or]~~

(3) subject to Subchapter D, maintains, in a qualified United States financial institution that has been granted the authority to operate with fiduciary powers, a trust fund to pay valid claims of:

(A) the assuming insurer's United States policyholders and ceding insurers; and

(B) the policyholders' and ceding insurers' assigns and successors in interest; or

(4) is certified as a reinsurer in this state under Section 493.1033 and maintains adequate collateral as determined by the commissioner.

SECTION 1.05. Subchapter C, Chapter 493, Insurance Code, is amended by adding Sections 493.1033, 493.1034, 493.1035, 493.1036, 493.1037, 493.1038, and 493.1039 to read as follows:

Sec. 493.1033. CREDIT ALLOWED FOR CERTAIN CERTIFIED REINSURERS. (a) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that:

(1) is certified by the commissioner as a reinsurer in this state; and
(2) secures its obligations in accordance with the requirements of this section and Sections 493.1034-493.1038.

(b) To be eligible for certification, the assuming insurer must:

(1) be domiciled and licensed to transact insurance or reinsurance in a jurisdiction listed as qualified on the list published by the commissioner under Section 493.1035;

(2) maintain minimum capital and surplus in an amount required by the commissioner by rule;

(3) maintain a financial strength rating from not fewer than two rating agencies determined to be acceptable in accordance with rules adopted by the commissioner;

(4) agree to submit to the jurisdiction of any court of competent jurisdiction in any state of the United States;

(5) appoint the commissioner as its agent for service of process in this state;

(6) provide security for 100 percent of the assuming insurer's liabilities for reinsurance ceded by United States ceding insurers if the assuming insurer resists enforcement of a final judgment of a court of the United States;

(7) meet application information filing requirements as established by the commissioner by rule, for the initial application for certification and on an ongoing basis; and

(8) satisfy any other requirements for certification required by the commissioner by rule.

(c) In determining eligibility for certification under Subsection (b), the commissioner may defer to the certification granted and financial strength rating assigned by a National Association of Insurance Commissioners accredited jurisdiction.

(d) Credit for reinsurance under this section applies only to a reinsurance contract entered into or renewed on or after the effective date of the certification of the assuming insurer.

Sec. 493.1034. CERTAIN ASSOCIATIONS MAY BE CERTIFIED REINSURERS. (a) An association that includes incorporated and individual unincorporated underwriters may be a certified reinsurer under Section 493.1033. To be eligible for certification the association must satisfy the requirements of Section 493.1033 and this section.

(b) The association must satisfy minimum capital and surplus requirements through the capital and surplus equivalents, net of liabilities, of the association and its members that must include a joint central fund in an amount determined by the commissioner to provide adequate protection that may be applied to any unsatisfied obligation of the association or any of its members.

(c) The incorporated members of the association may not be engaged in any business other than underwriting and are subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members.

(d) Not later than the 90th day after the date the association's financial statements are due to be filed with the association's domiciliary regulator, the association shall provide to the commissioner:

(1) an annual certification by the association's domiciliary regulator of the solvency of each underwriter member; or

(2) if a certification described by Subdivision (1) is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the association.

Sec. 493.1035. QUALIFIED JURISDICTIONS. (a) The commissioner shall develop and publish a list of qualified jurisdictions in one of which an assuming insurer must be licensed and domiciled in order to be considered for certification by the commissioner under Section 493.1033 as a certified reinsurer. In developing the list, the commissioner shall consider the list of qualified jurisdictions published through the National Association of Insurance Commissioners committee process.

(b) In order to determine whether a jurisdiction of an assuming insurer located outside of the United States is eligible to be recognized as a qualified jurisdiction under Subsection (a), the commissioner shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction, both initially and on an ongoing basis, and consider the rights, benefits, and extent of reciprocal recognition afforded by the jurisdiction to reinsurers licensed and domiciled in the United States.

(c) In order to be qualified a jurisdiction must agree in writing to share information and cooperate with the commissioner with respect to all certified reinsurers doing business in the jurisdiction.

(d) A jurisdiction may not be recognized as a qualified jurisdiction if the commissioner has determined that the jurisdiction does not adequately and promptly enforce final United States judgments and arbitration awards. Additional factors may be considered in the discretion of the commissioner.

(e) If the commissioner approves under this section a jurisdiction as qualified that does not appear on the list of qualified jurisdictions published through the National Association of Insurance Commissioners committee process, the commissioner shall provide documentation in accordance with rules adopted by the commissioner. The rules must include a requirement for a thoroughly documented justification of the approval.

(f) The commissioner shall include as a qualified jurisdiction under this section a United States jurisdiction that meets the requirements for accreditation under the National Association of Insurance Commissioners financial standards and accreditation program.

(g) If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the commissioner may suspend the reinsurer's certification indefinitely, instead of revoking the certification.

Sec. 493.1036. REQUIREMENTS FOR CERTIFIED REINSURER. (a) The commissioner shall assign a rating to each certified reinsurer after giving due consideration to the financial strength ratings assigned by rating agencies recognized by the commissioner by rule.

(b) The commissioner shall publish a list of the ratings assigned under this section for all certified reinsurers.

(c) A certified reinsurer shall secure obligations assumed from ceding insurers domiciled in the United States in accordance with the rating assigned by the commissioner under Subsection (a) and with the amount of security required by the commissioner by rule.

(d) For a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer must maintain security:

(1) in a form acceptable to the commissioner and consistent with the insurance laws of this state; or

(2) in a multibeneficiary trust in accordance with Subchapter D, except as otherwise provided.

(e) If a certified reinsurer maintains a trust under Subchapter D to secure its obligations, and chooses to secure its obligations incurred as a certified reinsurer with a multibeneficiary trust, the certified reinsurer shall maintain separate trust accounts for the obligations incurred under reinsurance agreements the certified reinsurer issued or renewed with reduced security as permitted by this section or comparable laws of other United States jurisdictions and for its obligations subject to Subchapter D. It is a condition to the grant of certification under Section 493.1033 that the certified reinsurer has bound itself, by the language of the trust agreement and agreement with the insurance commissioner or other chief insurance regulatory official with principal regulatory oversight over each trust account, to fund, on termination of the trust account, out of the remaining surplus of the trust any deficiency of any other trust account described by this subsection.

(f) The minimum trustee surplus requirements provided in Subchapter D do not apply to a multibeneficiary trust described by this section, except that the trust shall maintain a minimum trustee surplus of \$10 million.

(g) With respect to obligations incurred by a certified reinsurer under this section, if the security is insufficient, the commissioner:

(1) shall reduce the allowable credit by an amount proportionate to the deficiency; and

(2) may impose further reductions in allowable credit on finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due.

(h) For purposes of this section, a reinsurer whose certification has been revoked, suspended, or voluntarily surrendered or whose certification status has become inactive for any reason shall be treated as a reinsurer required to secure 100 percent of its obligations, except that if the commissioner continues to assign to the reinsurer a higher financial strength rating as permitted by this section, the security requirement does not apply to a reinsurer whose certification has been suspended or whose certification status has become inactive.

Sec. 493.1037. CERTIFICATION BY NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS. If an applicant for certification has been certified as a reinsurer in a National Association of Insurance Commissioners accredited jurisdiction:

(1) the commissioner may make a determination to defer to the accredited jurisdiction's certification and the financial strength rating assigned by that jurisdiction; and

(2) if the commissioner makes the determination authorized by Subdivision (1), the applicant shall be considered to be a certified reinsurer in this state.

Sec. 493.1038. SUSPENSION OR REVOCATION OF ACCREDITATION OR CERTIFICATION; INACTIVE STATUS. (a) A certified reinsurer that ceases to assume new business in this state may request to maintain its certification in inactive status to continue to qualify for a reduction in security for in-force business. An inactive certified reinsurer shall continue to comply with all applicable requirements of this section, and the commissioner shall assign a financial strength rating that takes into account, if relevant, the reasons the reinsurer is not assuming new business.

(b) If an accredited or certified reinsurer ceases to meet the requirements for accreditation or certification, the commissioner may, after notice and opportunity for hearing, suspend or revoke the reinsurer's accreditation or certification. A suspension or revocation may not take effect until after the date of the commissioner's order on the hearing, unless:

(1) the reinsurer waives its right to hearing;

(2) the commissioner's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer under this section; or

(3) the commissioner finds that an emergency requires immediate action and a court of competent jurisdiction has not stayed the commissioner's action.

(c) While a reinsurer's accreditation or certification is suspended, a reinsurance contract issued or renewed after the effective date of the suspension does not qualify for credit except to the extent that the reinsurer's obligations under the contract are secured in accordance with Subchapter D.

(d) If a reinsurer's accreditation or certification is revoked, credit for reinsurance may not be granted after the effective date of the revocation except to the extent that the reinsurer's obligations under the contract are secured in accordance with Section 493.1036 or Subchapter D.

Sec. 493.1039. CONCENTRATION RISK. (a) A ceding insurer shall manage its reinsurance recoverable proportionate to its book of business. A domestic ceding insurer shall notify the commissioner not later than the 30th day after the date

reinsurance recoverable from any single assuming insurer, or group of affiliated assuming insurers, exceeds or is likely to exceed 50 percent of the domestic ceding insurer's last reported surplus to policyholders. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

(b) A ceding insurer shall diversify its reinsurance program. A domestic ceding insurer shall notify the commissioner not later than the 30th day after the date the insurer cedes to any single assuming insurer, or group of affiliated assuming insurers, an amount that exceeds or is likely to exceed 20 percent of the ceding insurer's gross written premium in the prior calendar year. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

SECTION 1.06. Section 493.151, Insurance Code, is amended to read as follows:

Sec. 493.151. APPLICABILITY OF SUBCHAPTER. This subchapter applies to:

(1) a trust that is used to qualify for a reinsurance credit under Section 493.102(a)(3) and as described by Sections 493.1036(e) and (f); and

(2) ~~to~~ the assuming insurer that maintains the trust fund.

SECTION 1.07. Section 493.152, Insurance Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) If the assuming insurer is a single insurer, the trust must:

(1) consist of a trusteed account representing the assuming insurer's liabilities attributable to business written in the United States; and

(2) include a trusteed surplus of at least \$20 million, except after the assuming insurer has permanently discontinued underwriting new business secured by the trust for not less than three calendar years, the insurance commissioner or other chief insurance regulatory official with principal regulatory oversight over the trust may authorize a reduction in the required trusteed surplus, but only after a finding, based on an assessment of the risk, that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders, and claimants in light of reasonably foreseeable adverse loss development.

(a-1) The risk assessment described by Subsection (a)(2) may involve an actuarial review, including an independent analysis of reserves and cash flows, and must consider all material risk factors, including when applicable, the lines of business involved, the stability of the incurred loss estimates, and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trusteed surplus may not be reduced to an amount less than 30 percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers.

SECTION 1.08. Section 493.153, Insurance Code, is amended to read as follows:

Sec. 493.153. FORM OF TRUST. (a) The trust must be established in a form approved by the commissioner or an insurance commissioner or other chief insurance regulatory official of another state who, under the trust instrument, has principal regulatory oversight over the trust.

(b) A copy of the trust instrument and any amendment to the trust instrument must be filed with the insurance commissioner or other chief insurance regulatory official of each state in which the ceding insurer beneficiaries of the trust are domiciled.

SECTION 1.09. Section 493.155, Insurance Code, is amended by amending Subsection (b) and adding Subsections (c), (d), (e), and (f) to read as follows:

(b) To enable the commissioner to determine the sufficiency of the trust fund under Section 493.102(a)(3) and for purposes of Sections 493.1036(e) and (f), the assuming insurer shall report to the department not later than March 1 of each year information substantially the same as the information required to be reported by an authorized insurer on the National Association of Insurance Commissioners' Annual Statement form.

(c) Not later than February 28 of each year, if requested by a beneficiary of the trust fund, an assuming insurer that maintains a trust fund shall provide or make available to the assuming insurer's United States ceding insurers or those ceding insurers' assigns and successors in interest the following information:

(1) a copy of the trust instrument and any amendments to the trust instrument relating to the trust fund;

(2) a copy of the assuming insurer's annual and quarterly financial information, and the insurer's most recent audited financial statement provided to the commissioner, including any exhibits and schedules;

(3) any financial information provided to the department or commissioner by the assuming insurer, including any exhibits and schedules;

(4) a copy of any annual and quarterly financial information provided to the department or commissioner by the trustee of the trust fund maintained by the assuming insurer, including any exhibits and schedules; and

(5) a copy of the information required to be reported by the trustee under Subsection (a).

(d) If requested by a ceding insurer, the assuming insurer shall provide, in addition to the information under Subsection (c), a certification that:

(1) discloses the financial information provided to the commissioner relating to reinsurance liabilities attributable to the ceding insurer; and

(2) certifies that the amount of security held in trust on behalf of the ceding insurer is at least equal to those amounts as reflected in the report to the department under Subsection (a).

(e) The assuming insurer shall also provide, if requested by the ceding insurer, a certification that the trust, in aggregate:

(1) consists of sufficient assets to support the assuming insurer's trust obligations under applicable state laws and regulations; and

(2) includes a trusteed surplus of at least \$20 million.

(f) An assuming insurer may decline to release trade secrets or commercially sensitive information to a ceding insurer.

SECTION 1.10. Section 493.156(a), Insurance Code, is amended to read as follows:

(a) A ceding insurer may not be allowed credit under Section 493.102(a)(3) for reinsurance ceded to an assuming insurer that is not authorized, ~~or~~ accredited, or certified to engage in the business of insurance or reinsurance in this state unless the assuming insurer agrees in the reinsurance contract:

(1) that, if the assuming insurer fails to perform the assuming insurer's obligations under the reinsurance contract, the assuming insurer, at the request of the ceding insurer, will:

(A) submit to the jurisdiction of a court in any state of the United States;

(B) comply with all requirements necessary to give the court jurisdiction; and

(C) abide by the final decision of that court or, if the court's decision is appealed, of the appellate court; and

(2) to designate the commissioner or an attorney as an agent for service of process in any action, suit, or proceeding instituted by or on behalf of the ceding insurer.

SECTION 1.11. Subchapter D, Chapter 493, Insurance Code, is amended by adding Section 493.1561 to read as follows:

Sec. 493.1561. CERTAIN TRUSTEED ASSUMING REINSURERS; REQUIREMENTS FOR TRUST AGREEMENT. (a) In this section, "commissioner" means the insurance commissioner or other chief insurance regulatory official with principal regulatory oversight over the trust.

(b) If the assuming insurer does not meet the requirements of Section 493.102(a)(1) or (2), the credit permitted by Section 493.102(a)(3) or (4) may not be allowed unless the assuming insurer agrees in the trust agreement that:

(1) notwithstanding any other provisions in the trust agreement, the trustee shall comply with an order of the commissioner or a court ordering the trustee to transfer to the commissioner all assets of the trust fund if:

(A) the trust fund is inadequate because the trust fund contains an amount that is less than the amount required by this subchapter; or

(B) the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, or liquidation or a similar proceeding under the laws of the grantor's domiciliary state or country;

(2) claims in a proceeding described by Subdivision (1)(B) must be filed with the commissioner;

(3) the commissioner shall value the claims described by Subdivision (2) and distribute the assets of the trust under the laws of the trust's domiciliary state applicable to the liquidation of a domestic insurance company;

(4) if the commissioner determines that all or part of the trust assets are unnecessary to satisfy the claims of the grantor's ceding insurers domiciled in the United States, the commissioner shall return those unnecessary assets to the trustee for distribution in accordance with the trust agreement; and

(5) the grantor waives any right available under federal or state law that is inconsistent with this section.

SECTION 1.12. The following provisions are repealed:

(1) Chapter 492, Insurance Code; and

(2) Section 493.002(b), Insurance Code.

SECTION 1.13. The commissioner of insurance shall adopt rules to implement Chapter 493, Insurance Code, as amended by this article. Rules adopted under this section apply only to a reinsurance contract that is entered into or renewed on or after January 1, 2018.

ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.01. Section 36.002, Insurance Code, is amended to read as follows:

Sec. 36.002. ADDITIONAL RULEMAKING AUTHORITY. The commissioner may adopt reasonable rules that are:

- (1) necessary to effect the purposes of a provision of:
 - (A) Subchapter B, Chapter 5;
 - (B) Subchapter C, Chapter 1806;
 - (C) Subchapter A, Chapter 2301;
 - (D) Chapter 251, as that chapter relates to casualty insurance and fidelity, guaranty, and surety bond insurance;
 - (E) Chapter 253;
 - (F) Chapter 2008, 2251, or 2252; or
 - (G) Subtitle B, Title 10; or
- (2) appropriate to accomplish the purposes of a provision of:
 - (A) Section 37.051(a), 403.002, [~~492.051(b) or (c)~~], 501.159, 941.003(b)(1) or (c), or 942.003(b)(1) or (c);
 - (B) Subchapter H, Chapter 544;
 - (C) Chapter 251, as that chapter relates to:
 - (i) automobile insurance;
 - (ii) casualty insurance and fidelity, guaranty, and surety bond insurance;
 - (iii) fire insurance and allied lines;
 - (iv) workers' compensation insurance; or
 - (v) aircraft insurance;
 - (D) Chapter 5, 252, 253, 254, 255, 256, 426, 493, 494, 1804, 1805, 1806, 2171, 6001, 6002, or 6003;
 - (E) Subtitle B, C, D, E, F, H, or I, Title 10;
 - (F) Section 417.008, Government Code; or
 - (G) Chapter 2154, Occupations Code.

SECTION 2.02. Section 422.005(a), Insurance Code, is amended to read as follows:

- (a) This chapter does not apply to:
 - (1) variable contracts for which separate accounts are required to be maintained;
 - (2) a reinsurance agreement or any trust account related to the reinsurance agreement if the agreement and trust account meet the requirements of Chapter [~~492~~ ~~or~~] 493;
 - (3) an assessment-as-needed company or insurance coverage written by an assessment-as-needed company;
 - (4) an insurer while:

(A) the insurer is subject to a conservatorship order issued by the commissioner; or

(B) a court-appointed receiver is in charge of the insurer's affairs; or

(5) an insurer's reserve assets that are held, deposited, pledged, or otherwise encumbered to secure, offset, protect, or meet the insurer's reserve liabilities established in a reinsurance agreement under which the insurer reinsures the insurance policy liabilities of a ceding insurer if:

(A) the ceding insurer and the reinsurer are authorized to engage in business in this state; and

(B) in accordance with a written agreement between the ceding insurer and the reinsurer, reserve assets substantially equal to the reserve liabilities the reinsurer must establish on the reinsured business are:

(i) deposited by or withheld from the reinsurer and held in the custody of the ceding insurer, or deposited and held in a trust account with a state or national bank domiciled in this state, as security for the payment of the reinsurer's obligations under the reinsurance agreement;

(ii) held subject to withdrawal by the ceding insurer; and

(iii) held under the separate or joint control of the ceding insurer.

SECTION 2.03. Section 841.002, Insurance Code, is amended to read as follows:

Sec. 841.002. APPLICABILITY OF CHAPTER AND OTHER LAW. Except as otherwise expressly provided by this code, each insurance company incorporated or engaging in business in this state as a life insurance company, an accident insurance company, a life and accident insurance company, a health and accident insurance company, or a life, health, and accident insurance company is subject to:

(1) this chapter;

(2) Chapter 3;

(3) Chapters 425 and 493 [~~492~~];

(4) Title 7;

(5) Sections 1202.051, 1204.151, 1204.153, and 1204.154;

(6) Subchapter A, Chapter 1202, Subchapters A and F, Chapter 1204, Subchapter A, Chapter 1273, Subchapters A, B, and D, Chapter 1355, and Subchapter A, Chapter 1366;

(7) Subchapter A, Chapter 1507;

(8) Chapters 1203, 1210, 1251-1254, 1301, 1351, 1354, 1359, 1364, 1368, 1505, [~~1506~~] 1651, 1652, and 1701; and

(9) Chapter 177, Local Government Code.

SECTION 2.04. Section 841.257, Insurance Code, is amended to read as follows:

Sec. 841.257. KINDS OF BUSINESS LIMITED. An insurance company authorized to engage in the business of insurance under this chapter or in accordance with Section 982.051 may not accept a risk or write an insurance policy in this state or any other state or country other than:

(1) a life, accident, or health insurance policy;

(2) reinsurance under [~~Sections 492.051(b) and (c) or~~] Chapter 493 by a life insurance company authorized to engage in the business of insurance in this state; or

(3) reinsurance under Chapter 494 by a domestic insurance company.

SECTION 2.05. Section 841.402(10), Insurance Code, is amended to read as follows:

(10) "Letter of credit" means a clean, unconditional, irrevocable letter of credit issued or confirmed by a qualified United States financial institution, as defined by Section 493.104(b)(2)(C) [~~492.104(b)(2)(C)~~].

SECTION 2.06. Section 841.409(c), Insurance Code, is amended to read as follows:

(c) A limited purpose subsidiary life insurance company organized under this subchapter is considered to be licensed to transact the business of reinsurance for the purposes of Section 493.051 [~~492.051~~], but may only reinsure risks of the company's affiliated companies.

SECTION 2.07. Section 841.412(b), Insurance Code, is amended to read as follows:

(b) Subject to compliance with Subsection (a) and notwithstanding Chapter 425, a limited purpose subsidiary life insurance company may reduce the amount of the company's excess reserves on account of:

(1) reinsurance that complies with Chapter 493 [~~492~~];

(2) a letter of credit that complies with Section 493.104(b)(2)(C) [~~492.104(b)(2)(C)~~]; or

(3) guaranties from a holding company or an affiliated company as provided by Section 841.417.

SECTION 2.08. Sections 841.413(b) and (c), Insurance Code, are amended to read as follows:

(b) Unless otherwise approved in advance by the commissioner, a limited purpose subsidiary life insurance company may not assume or retain exposure to reinsurance losses for the company's own account that are not funded by:

(1) premium and other amounts payable by the ceding insurer to the limited purpose subsidiary life insurance company under the reinsurance contract, or any return on the investment of the premiums or other amounts;

(2) letters of credit that qualify under Section 493.104(b)(2)(C) [~~492.104(b)(2)(C)~~]; or

(3) guaranties of a holding company or an affiliated company as provided by Section 841.417.

(c) A limited purpose subsidiary life insurance company may cede risks assumed under a reinsurance contract to one or more reinsurers through the purchase of reinsurance, subject to the prior approval of the commissioner. The commissioner may approve a reinsurance contract under this subsection if the commissioner finds that:

(1) the proposed reinsurance complies with Chapter 493 [~~492~~];

(2) the proposed reinsurer has sufficient liquidity, admitted assets, and policyholder surplus to support the liabilities assumed under the reinsurance contract; and

(3) the proposed reinsurance contract would not result in a hazardous financial condition for the limited purpose subsidiary life insurance company.

SECTION 2.09. Section 862.101(f), Insurance Code, is amended to read as follows:

- (f) Reinsurance that is required or permitted by this section must comply with:
- (1) Subchapter A, Chapter 491; and
 - (2) ~~Sections 492.051(b) and (c); and~~
~~(3)~~ Chapter 493.

SECTION 2.10. Section 884.002(c), Insurance Code, is amended to read as follows:

(c) The following provisions of this code apply to a stipulated premium company:

- (1) Article 21.47;
- (2) Section 38.001;
- (3) Chapter 86;
- (4) Subchapter A, Chapter 401;
- (5) Sections 401.051, 401.052, 401.054-401.062, 401.151, 401.152, 401.155, and 401.156;
- (6) Sections 403.001, 403.052, and 403.102;
- (7) Subchapter A, Chapter 404;
- (8) Section 421.001;
- (9) Subchapter D, Chapter 425;
- (10) Chapter 443;
- (11) Chapter 493 ~~[492]~~, other than Section 493.051(b) ~~[Sections 492.051(b) and (c)]~~;
- (12) Chapter 541;
- (13) Sections 801.001-801.002;
- (14) Sections 801.051-801.055;
- (15) Section 801.057;
- (16) Sections 801.101-801.102;
- (17) Subchapter A, Chapter 821;
- (18) Chapter 824;
- (19) Chapter 828;
- (20) Section 841.251;
- (21) Section 841.259;
- (22) Section 841.261;
- (23) Section 841.703; and
- (24) Chapter 4152.

SECTION 2.11. Section 884.402, Insurance Code, is amended to read as follows:

Sec. 884.402. ADDITIONAL COVERAGE. A stipulated premium company that, at the time it begins to issue coverages under this subchapter, possesses the amounts of capital and unencumbered surplus equal to or greater than the corresponding amounts required for organization of a life and health company under Sections 841.052, 841.054, 841.204, 841.205, 841.301, and 841.302 may, subject to Section 884.403:

- (1) issue any kind of life insurance coverage authorized by Chapter 3, 841, or 1701 or Title 7;

- (2) issue any kind of health or accident insurance coverage authorized by:
- (A) Title 7;
 - (B) Chapter 3, 704, 841, 846, 982, 1201, 1202, 1203, 1210, 1251, 1252, 1253, 1254, 1301, 1351, 1354, 1359, 1364, 1368, 1501, 1504, 1505, ~~[1506,~~ 1552, 1575, 1576, 1579, 1581, 1625, 1651, 1652, or 1701;
 - (C) Chapter 493 ~~[492]~~, other than Section 493.051(b) ~~[Sections 492.051(b) and (c)]~~;
 - (D) Subchapter B, Chapter 38, Subchapter D, Chapter 425, Subchapter A or F, Chapter 1204, Subchapter A, Chapter 1273, Subchapter A, B, or D, Chapter 1355, Subchapter A, Chapter 1366, or Subchapter A, Chapter 1507;
 - (E) Section 1204.151, 1204.153, 1204.154, or 1451.051; or
 - (F) Chapter 177, Local Government Code; or
- (3) issue life insurance coverage through policies without cash surrender values or nonforfeiture values and that exceed \$10,000 on one life.

SECTION 2.12. Section 964.052(d), Insurance Code, is amended to read as follows:

(d) A captive insurance company may take credit for reserves on risks or portions of risks ceded to reinsurers under ~~[Subchapter C, Chapter 492, and]~~ Subchapter C, Chapter 493.

SECTION 2.13. Section 1807.002(a), Insurance Code, is amended to read as follows:

- (a) The following provisions do not apply to marine insurance:
- (1) Sections 36.002, 37.051, 403.002, ~~[492.051,~~ and 501.159;
 - (2) Subchapter H, Chapter 544;
 - (3) Chapters 5, 252, 253, 493, 494, 1804, 1805, 1806, and 2171; and
 - (4) Subtitles B, C, D, E, F, H, and I.

SECTION 2.14. Section 4152.152, Insurance Code, is amended to read as follows:

Sec. 4152.152. PLACEMENT OF REINSURANCE WITH UNAUTHORIZED REINSURER. Unless the ceding insurer releases the broker in writing from the broker's obligations under this section, a broker who places reinsurance on behalf of an authorized ceding insurer with a reinsurer that is not authorized, accredited, or trusted in this state under Chapter ~~[492 or]~~ 493 shall:

- (1) exercise due diligence in inquiring into the financial condition of the reinsurer;
- (2) disclose to the ceding insurer the broker's findings in connection with the inquiry under Subdivision (1); and
- (3) make available to the ceding insurer a copy of the current financial statement of the reinsurer.

SECTION 2.15. Section 4152.214(a), Insurance Code, is amended to read as follows:

(a) Unless the ceding insurer releases the manager in writing from the manager's obligations under this section, a manager who places reinsurance on behalf of an authorized ceding insurer with a reinsurer that is not authorized, accredited, or trusted in this state under Chapter ~~[492 or]~~ 493 shall:

- (1) exercise due diligence in inquiring into the financial condition of the reinsurer;
- (2) disclose to the ceding insurer the manager's findings in connection with the inquiry under Subdivision (1); and
- (3) make available to the ceding insurer a copy of the current financial statement of the reinsurer.

ARTICLE 3. TRANSITION; EFFECTIVE DATE

SECTION 3.01. The changes in law made by this Act apply only to a reinsurance contract that is entered into or renewed on or after January 1, 2018. A reinsurance contract that is entered into or renewed before January 1, 2018, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3.02. This Act takes effect September 1, 2017.

Floor Amendment No. 1

Amend **CSSB 1070** (house committee printing) as follows:

(1) On page 1, between lines 4 and 5, insert the following appropriately numbered ARTICLE and renumber ARTICLES and SECTIONS in the bill accordingly:

ARTICLE ____ . SHORT TITLE

SECTION ____ .01. This Act shall be known as The Mattax Act.

(2) On page 17, line 26, between "SECTION 1.13." and "The commissioner", insert "(a)".

(3) On page 18, between lines 3 and 4, insert the following:

(b) It is the intent of the legislature that the commissioner of insurance ensure by rule that no duplicative reporting requirements are created in the implementation of this Act.

The amendments were read.

Senator Hancock moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1070** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hancock, Chair; Taylor of Galveston, Creighton, Whitmire, and Nichols.

SENATE BILL 301 WITH HOUSE AMENDMENTS

Senator Watson called **SB 301** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 301** (house committee report) by striking SECTION 16 of the bill (page 11, lines 9-14) and renumbering subsequent SECTIONS of the bill accordingly.

Floor Amendment No. 2

Amend **SB 301** (house committee report) as follows:

(1) On page 7, line 2, strike "two" and substitute "one".

(2) On page 7, line 3, strike "alternative investments" and substitute "the trust fund established by Section 815.310".

The amendments were read.

Senator Watson moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 301** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Watson, Chair; Taylor of Collin, Hughes, Schwertner, and Hinojosa.

(President in Chair)**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 22 to Committee on Education.

HB 53 to Committee on State Affairs.

HB 280 to Committee on Health and Human Services.

HB 349 to Committee on Business and Commerce.

HB 486 to Committee on Education.

HB 515 to Committee on Education.

HB 674 to Committee on Education.

HB 827 to Committee on Veteran Affairs and Border Security.

HB 867 to Committee on Education.

HB 967 to Committee on Administration.

HB 1238 to Committee on Intergovernmental Relations.

HB 1317 to Committee on Transportation.

HB 1342 to Committee on Education.

HB 1355 to Committee on Transportation.

HB 1377 to Committee on State Affairs.

HB 1507 to Committee on Criminal Justice.

HB 1570 to Committee on Transportation.

HB 1693 to Committee on Transportation.

HB 1794 to Committee on Health and Human Services.

HB 1920 to Committee on Agriculture, Water, and Rural Affairs.
HB 1921 to Committee on Agriculture, Water, and Rural Affairs.
HB 1930 to Committee on State Affairs.
HB 1980 to Committee on Education.
HB 2025 to Committee on Health and Human Services.
HB 2039 to Committee on Education.
HB 2111 to Committee on Business and Commerce.
HB 2112 to Committee on Business and Commerce.
HB 2119 to Committee on Business and Commerce.
HB 2239 to Committee on Health and Human Services.
HB 2263 to Committee on Education.
HB 2283 to Committee on Criminal Justice.
HB 2388 to Committee on Transportation.
HB 2442 to Committee on Education.
HB 2465 to Committee on State Affairs.
HB 2523 to Committee on Health and Human Services.
HB 2565 to Committee on Intergovernmental Relations.
HB 2566 to Committee on Intergovernmental Relations.
HB 2586 to Committee on Criminal Justice.
HB 2590 to Committee on Health and Human Services.
HB 2612 to Committee on State Affairs.
HB 2818 to Committee on Business and Commerce.
HB 2875 to Committee on State Affairs.
HB 2912 to Committee on Intergovernmental Relations.
HB 2948 to Committee on Agriculture, Water, and Rural Affairs.
HB 3008 to Committee on Business and Commerce.
HB 3045 to Committee on Finance.
HB 3046 to Committee on Finance.
HB 3107 to Committee on Business and Commerce.
HB 3150 to Committee on Criminal Justice.
HB 3294 to Committee on Natural Resources and Economic Development.
HB 3859 to Committee on Health and Human Services.
HB 3919 to Committee on Intergovernmental Relations.
HB 4187 to Committee on Natural Resources and Economic Development.
HB 4276 to Committee on Administration.
HB 4292 to Committee on Administration.
HCR 102 to Committee on Higher Education.
HCR 137 to Committee on Administration.

SENATE RULES SUSPENDED
(Posting Rules)

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

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Hancock and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Higher Education might meet and consider **HB 1913** at his desk today.

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

Senator Kolkhorst submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rule 11.13 to permit committees to meet during the Local and Uncontested Calendar.

KOLKHORST

The Motion In Writing was read and prevailed without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate the fifth-grade class of Covenant Christian Academy.

The Senate welcomed its guests.

Senator Lucio was again recognized and offered the following prayer for Mother's Day:

Mr. President and Members, as Mother's Day approaches, let's all remember a quote of Saint Teresa, The loveliest masterpiece of the heart of God is the heart of a mother. Let us pray. All-loving God, we give You thanks and praise for mothers young and old. We pray for young mothers, who give life and count toes and tend to our every need. May they be blessed with patience and tenderness to care for their families and themselves with great joy. We pray for our own mothers who have nurtured and cared for us. May they continue to guide us in strong and gentle ways. We remember mothers who are separated from their children because of war, poverty, or conflict. May they feel the loving embrace of our God who wipes every tear away. We pray for women who are not mothers but still love and shape us with motherly care and compassion. We remember mothers, grandmothers, and great-grandmothers who are no longer with us but who live forever in our memory and nourish us with their love. Thank You, Lord, for Your presence with us this day. As we depart from the Capitol this coming weekend to celebrate Mother's Day, we ask You to bless us throughout the remainder of the day and guide us safely home. We ask this in the name of Jesus, who was nourished by the blessed mother, Mary, and in the power of the Holy Spirit. Amen.

CO-AUTHOR OF SENATE BILL 459

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

CO-AUTHOR OF SENATE BILL 1151

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

CO-AUTHOR OF SENATE BILL 1443

On motion of Senator Creighton, Senator Schwertner will be shown as Co-author of **SB 1443**.

CO-AUTHOR OF SENATE BILL 1553

On motion of Senator Menéndez, Senator West will be shown as Co-author of **SB 1553**.

CO-AUTHOR OF SENATE BILL 1695

On motion of Senator Lucio, Senator Hinojosa will be shown as Co-author of **SB 1695**.

CO-AUTHORS OF SENATE BILL 1849

On motion of Senator Whitmire, Senators Birdwell, Hinojosa, Lucio, Menéndez, Rodríguez, and West will be shown as Co-authors of **SB 1849**.

CO-SPONSOR OF HOUSE BILL 21

On motion of Senator Taylor of Galveston, Senator Bettencourt will be shown as Co-sponsor of **HB 21**.

CO-SPONSOR OF HOUSE BILL 29

On motion of Senator Huffman, Senator Perry will be shown as Co-sponsor of **HB 29**.

CO-SPONSOR OF HOUSE BILL 2999

On motion of Senator Huffman, Senator Bettencourt will be shown as Co-sponsor of **HB 2999**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 764 by Lucio, In memory of Robert Gene Brashear.

Congratulatory Resolutions

SR 765 by Estes and Nelson, Recognizing Frenchy and Teri Rheault for their contributions to the Denton community.

SR 769 by Uresti, Recognizing Nanette Valdez-Yzaguirre for her selection as the South Texas Counseling Association 2015-2016 Middle School Counselor of the Year.

SR 771 by West, Recognizing Lee F. Jackson on the occasion of his retirement.

Official Designation Resolution

SR 766 by Seliger, Recognizing May 18, 2017, as Texas Cattle Feeders Association Day.

RECESS AND MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:56 p.m. agreed to recess until 11:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, in memory of Marisol Rodriguez and Vilma Jean Goeb, upon conclusion of the Local and Uncontested Calendar Session, until 2:00 p.m. Monday, May 15, 2017.

APPENDIX

COMMITTEE REPORTS

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

May 11, 2017

TRANSPORTATION — **CSHB 1691**

BUSINESS AND COMMERCE — **HB 1774, HB 25**

VETERAN AFFAIRS AND BORDER SECURITY — **HB 1117, HB 1655, HB 2007, HB 2933, SB 2292, SB 2291**

BUSINESS AND COMMERCE — **CSSB 1405, HB 3921, HB 3329, HB 1586**

STATE AFFAIRS — **SB 2149**

INTERGOVERNMENTAL RELATIONS — **SB 2280, HB 2788, CSHB 2995**

BUSINESS AND COMMERCE — **CSHB 1468, CSHB 3101, CSSB 2210**

FINANCE — **HB 626, HB 448, HB 1101, HB 1186, HB 1472, HB 2126, HB 2228, HB 2989, HB 4002**

CRIMINAL JUSTICE — **HB 268, HB 355, HB 932, HB 1177, HB 1257, HB 1264, HB 1729**

BILLS ENGROSSED

May 10, 2017

SB 200, SB 315, SB 585, SB 830, SB 904, SB 905, SB 1018, SB 1061, SB 1101, SB 1278, SB 1360, SB 1407, SB 1625, SB 1649, SB 1659, SB 2078, SB 2079, SB 2086, SB 2095, SB 2122, SB 2179

BILLS AND RESOLUTIONS ENROLLEDMay 10, 2017

SB 160, SB 253, SB 345, SB 417, SB 579, SB 617, SB 622, SB 671, SB 712, SB 945, SB 1002, SB 1049, SB 1073, SB 1083, SB 1203, SB 1229, SB 1246, SB 1365, SB 1402, SB 1422, SB 1494, SB 1517, SB 1518, SJR 2, SR 721, SR 755, SR 756, SR 757, SR 758, SR 759, SR 760, SR 761, SR 762, SR 763

SENT TO SECRETARY OF STATEMay 11, 2017**SJR 2****SENT TO GOVERNOR**May 11, 2017

SB 160, SB 253, SB 345, SB 417, SB 579, SB 617, SB 622, SB 671, SB 712, SB 945, SB 1002, SB 1049, SB 1073, SB 1083, SB 1203, SB 1229, SB 1246, SB 1365, SB 1402, SB 1422, SB 1494, SB 1517, SB 1518