

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTIETH DAY

(Friday, May 19, 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 Cody Whitfill, River Valley Christian Fellowship, Bastrop, offered the invocation as follows:

Dear Father, I'm so grateful to be a part of what you are doing in Texas. I love this state and I praise You that I get to be a part of it. The men and women who stand in front of me are charged with protecting the values that we hold dear in this land. Please give them clarity and wisdom to follow Your will. Give them courage and endurance to be diligent in their pursuit of righteousness. Father, we are thankful for the decisions that are made today, and we trust that they will be according to Your perfect will. Most of all, we are thankful for Jesus Christ. It's in Your perfect name, Jesus, that I pray. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 19, 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:

HCR 88

Raymond

Urging Congress to revise funding formulas for Targeted Infrastructure Capability grants to emphasize threat assessment rather than population.

HCR 129

Bailes

Expressing support for the creation of the Sam Houston Republic of Texas Presidential Library at Sam Houston State University.

HCR 131

Guillen

Designating June 30 as Vaquero Day for a 10-year period beginning in 2017.

HCR 136

Gutierrez

Convening a joint memorial session to honor Texans killed in combat while serving in the United States military.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 271 (139 Yeas, 0 Nays, 2 Present, not voting)

HB 2379 (138 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Zaffirini was recognized and presented Dr. Rayford Mitchell of Karnes City as the Physician of the Day.

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

ACKNOWLEDGMENTS

Senator Birdwell was recognized and acknowledged the work of his session staff and bid them farewell.

GUESTS PRESENTED

Senator Hughes was recognized and introduced to the Senate a delegation of the County and District Clerks' Association of Texas.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President 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.

CONCLUSION OF MORNING CALL

The President at 11:38 a.m. announced the conclusion of morning call.

HOUSE BILL 1771 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **HB 1771** at this time on its second reading:

HB 1771, Relating to the use of certain weapons in or on the beds or banks of the Canadian River in Potter County.

The motion prevailed.

Senators Bettencourt, Buckingham, Hall, Huffines, 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 third reading by the following vote: Yeas 25, Nays 6.

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

Nays: Bettencourt, Buckingham, Hall, Huffines, Schwertner, Taylor of Collin.

HOUSE BILL 1771 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1771** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Buckingham, Hall, Huffines, Schwertner, Taylor of Collin.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1939 ON SECOND READING**

Senator Hughes moved to suspend the regular order of business to take up for consideration **CSSB 1939** at this time on its second reading:

CSSB 1939, Relating to permits for the movement of intermodal shipping containers; authorizing a fee.

The motion prevailed.

Senators Burton and Lucio 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, Lucio.

**COMMITTEE SUBSTITUTE
SENATE BILL 1939 ON THIRD READING**

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1939** 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, Hall, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Lucio.

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

SENATE BILL 95 ON SECOND READING

Senator Hall moved to suspend the regular order of business to take up for consideration **SB 95** at this time on its second reading:

SB 95, Relating to the regulation of raw milk and raw milk products; adding a provision subject to a criminal penalty.

The motion prevailed.

Senators Nelson, Perry, Rodríguez, and Seliger asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Nelson, Perry, Rodríguez, Seliger.

SENATE BILL 95 ON THIRD READING

Senator Hall moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 95** 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, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nichols, Schwertner, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Nelson, Perry, Rodríguez, Seliger.

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

(Senator Taylor of Collin in Chair)

BILLS SIGNED

The Presiding Officer announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

SB 12, SB 203, SB 511, SB 667, SB 735, SB 752, SB 877, SB 1305, SB 1367, SB 1895, SB 1954, SB 2082, SB 46, SB 1107, SB 1300, SB 1476, SB 1488, SB 2027, SB 2053, HB 271, HB 999, HB 1101, HB 1501, HB 1586, HB 1606, HB 1619, HB 1774, HB 2126, HB 2379.

**COMMITTEE SUBSTITUTE
HOUSE BILL 66 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 66** at this time on its second reading:

CSHB 66, Relating to determining eligibility for a Texas Armed Services Scholarship and to the appointment by certain elected officials of students to receive that scholarship.

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.

**COMMITTEE SUBSTITUTE
HOUSE BILL 66 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 66** 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 Huffman in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 129 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **CSHB 129** at this time on its second reading:

CSHB 129, Relating to the manner in which a payor of proceeds derived from the sale of oil or gas production is required to provide certain information to a royalty interest owner.

The motion prevailed.

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

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

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

Nays: Huffines.

COMMITTEE SUBSTITUTE HOUSE BILL 129 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 **CSHB 129** be placed on its third reading and final passage.

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

Nays: Huffines.

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

HOUSE BILL 1779 ON SECOND READING

Senator Perry moved to suspend the regular order of business to take up for consideration **HB 1779** at this time on its second reading:

HB 1779, Relating to the authority of the Department of Public Safety to obtain and use criminal history record information for the purpose of performing certain departmental functions.

The motion prevailed.

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

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1779** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION ____ . Section 1702.163(g), Occupations Code, is amended to read as follows:

(g) Chapter 53 does not apply to a determination of whether an applicant is disqualified from owning or possessing a firearm as provided by Subsection (b)(1) and an [An] individual's eligibility under that subsection [this section] is not affected by a relationship or lack of relationship between the nature of a criminal charge or conviction and the regulated occupation.

SECTION ____ . Section 1702.1685(c), Occupations Code, is amended to read as follows:

(c) An applicant for a security officer commission must demonstrate the required proficiency not earlier than the 90th day [within the 90-day period] before the date the application for the security officer commission is submitted [issued].

SECTION ____ . Section 1702.301, Occupations Code, is amended by amending Subsections (b), (g), and (h) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1), a [A] security officer commission expires on the second anniversary of the date the commission is issued.

(b-1) A security officer commission issued to a person who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on the earlier of:

(1) the second anniversary of the date the commission is issued; or

(2) the expiration of the person's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law.

(g) A letter of authority[;] or a school approval [~~or school instructor approval~~] letter issued by the board[;] expires on the first anniversary of the date of issuance.

(h) A license, registration, instructor approval letter, or endorsement issued under this chapter, other than one specified in this section, expires on the date specified by this chapter or by board rule.

SECTION ____ . (a) Sections 1702.163(g) and 1702.1685(c), Occupations Code, as amended by this Act, apply only to an application for an original or renewal security officer commission that is submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

(b) Section 1702.301, Occupations Code, as amended by this Act, applies only to a security officer commission or an instructor approval letter issued or renewed on or after the effective date of this Act. A security officer commission or an instructor approval letter issued or renewed before the effective date of this Act is governed by the law in effect on the date the security officer commission or instructor approval letter was issued or renewed, and the former law is continued in effect for that purpose.

The amendment to **HB 1779** 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.

HB 1779 as amended was passed to third reading by a viva voce vote.

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

Nays: Creighton.

HOUSE BILL 1779 ON THIRD READING

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1779** be placed on its third reading and final passage.

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

Nays: Creighton.

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

(President in Chair)

HOUSE BILL 2359 ON SECOND READING

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **HB 2359** at this time on its second reading:

HB 2359, Relating to common nuisances.

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

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

Nays: Buckingham, Burton, Hall, Huffines, Nichols, Schwertner, Taylor of Collin.

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

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

Nays: Buckingham, Burton, Hall, Huffines, Nichols, Schwertner, Taylor of Collin.

HOUSE BILL 2359 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 **HB 2359** be placed on its third reading and final passage.

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

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

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

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

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

Nays: Buckingham, Burton, Hall, Huffines, Nichols, Schwertner, Taylor of Collin.

HOUSE BILL 3954 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **HB 3954** at this time on its second reading:

HB 3954, Relating to the creation and operations of health care provider participation programs in certain counties.

The motion prevailed.

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

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

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

Nays: Bettencourt, Burton.

HOUSE BILL 3954 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3954** be placed on its third reading and final passage.

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

Yeas: Birdwell, Buckingham, 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.

Nays: Bettencourt, Burton.

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

HOUSE BILL 2425 ON SECOND READING

Senator Taylor of Collin moved to suspend the regular order of business to take up for consideration **HB 2425** at this time on its second reading:

HB 2425, Relating to a requirement that a hospital allow a patient to designate a caregiver to receive aftercare instruction regarding the patient.

The motion prevailed.

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

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

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

Nays: Burton, Hall, Hughes.

HOUSE BILL 2425 ON THIRD READING

Senator Taylor of Collin moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2425** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

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

Nays: Burton, Hall, Hughes.

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

HOUSE BILL 3903 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3903** at this time on its second reading:

HB 3903, Relating to certain political contributions by judicial candidates and officeholders and certain political committees.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3903** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in amended Section 253.1611(e), Election Code, strike page 1, lines 28 through 30, and substitute the following:
that provides [:

~~[(1) is made in return for]~~ goods or services, including political advertising or a campaign communication, to or for the benefit of judicial candidates ~~[the~~

(2) In SECTION 1 of the bill, in added Section 253.1611(e-1), Election Code (page 1, line 38), between "made" and "to", insert ", for the purpose of sponsoring or attending an event,".

The amendment to **HB 3903** 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.

HB 3903 as amended 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 3903 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3903** 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.

REMARKS ORDERED PRINTED

On motion of Senator Garcia and by unanimous consent, the remarks by Senators Huffman and Garcia regarding **HB 3903** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Garcia: Thank you, Senator Huffman. I just wanted to be clear on your response to Senator West. You say that this is for party-affiliated groups?

Senator Huffman: Let me read it to you. It's for the parties, like the Republican Party—

Senator Garcia: Right, to the parties.

Senator Huffman: —the Democratic Party, or to groups that, I want to give you the specific language, like the Texas Federation of Republican Women, the Texas Democratic, Texas Democratic Women—

Senator Garcia: So, it's for party-affiliated groups. It wouldn't be for PACs like, just for a word, I mean, the TTL, trial lawyers PAC, or the TLR PAC—

Senator Huffman: No.

Senator Garcia: —or outside party PACs.

Senator Huffman: That is not the intention of the legislation, no.

Senator Garcia: It is strictly for party-affiliated or party auxiliary groups, as you know, we call them, like all the Democratic clubs, all the Republican clubs—

Senator Huffman: Yes, exactly.

Senator Garcia: —those that are affiliated with the parties.

Senator Huffman: And it's defined in the legislation. I can read it, but you can look at it, but it's, it's those that are like an organization that has been designated as an auxiliary coalition or county chair association of a political party as provided by political party rule or state executive committee bylaw or a local chapter of an organization described by subdivision one.

Senator Garcia: Great.

Senator Huffman: So, it's really, it's limited to those auxiliary, they have to be affiliated with the party as one of these auxiliary clubs or some—

Senator Garcia: I just want to be clear that it was not for the special interest PACs—

Senator Huffman: It's not for special interest, it's just—

Senator Garcia: —because the wording at the heading said for political action committees, and of course, when we see that, we think of a PAC, which is more than just party groups. But your intent is that it's just for party groups.

Senator Huffman: Yes.

Senator Garcia: Alright, thank you.

Senator Huffman: It's supposed to be pretty limited in scope.

Senator Garcia: Thank you.

Senator Huffman: It has a pretty big caption, but hopefully nothing gets tacked onto it.

Senator Garcia: Thank you, thank you so much, I plan to support your bill.

Senator Huffman: Thank you.

HOUSE BILL 239 ON SECOND READING

Senator Whitmire moved to suspend the regular order of business to take up for consideration **HB 239** at this time on its second reading:

HB 239, Relating to a report regarding the confinement of pregnant inmates by the Texas Department of Criminal Justice.

The motion prevailed.

Senators Bettencourt 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 third reading by a viva voce vote.

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

Nays: Bettencourt, Taylor of Collin.

HOUSE BILL 239 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 **HB 239** be placed on its third reading and final passage.

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

Yeas: 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, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Taylor of Collin.

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

HOUSE BILL 3488 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **HB 3488** at this time on its second reading:

HB 3488, Relating to authorizing public benefit corporations.

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

Yeas: Bettencourt, Birdwell, 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: Buckingham, Burton, Hall, Huffines, Taylor of Collin.

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

HOUSE BILL 3488 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 3488** be placed on its third reading and final passage.

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

Yeas: Bettencourt, Birdwell, 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: Buckingham, Burton, Hall, Huffines, Taylor of Collin.

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

COMMITTEE SUBSTITUTE HOUSE BILL 1891 ON SECOND READING

Senator Uresti moved to suspend the regular order of business to take up for consideration **CSHB 1891** at this time on its second reading:

CSHB 1891, Relating to a documented member of the Kickapoo Traditional Tribe of Texas hunting certain deer.

The motion prevailed.

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

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

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

Nays: Bettencourt, Creighton.

COMMITTEE SUBSTITUTE HOUSE BILL 1891 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 **CSHB 1891** be placed on its third reading and final passage.

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

Yeas: Birdwell, Buckingham, Burton, Campbell, 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.

Nays: Bettencourt, Creighton.

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

HOUSE BILL 1780 ON SECOND READING

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

HB 1780, Relating to requirements for membership in the reserve officer corps of the Department of Public Safety of the State of Texas.

The motion prevailed.

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

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

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

Nays: Garcia, Rodríguez.

HOUSE BILL 1780 ON THIRD READING

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

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

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

Nays: Garcia, Rodríguez.

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

HOUSE BILL 970 ON SECOND READING

Senator Uresti moved to suspend the regular order of business to take up for consideration **HB 970** at this time on its second reading:

HB 970, Relating to the establishment of a state plan for Streptococcus pneumoniae education and prevention.

The motion prevailed by the following vote: Yeas 23, Nays 8.

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

Nays: Bettencourt, Birdwell, Hall, Hancock, Hughes, Kolkhorst, Nelson, Taylor of Collin.

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

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

Nays: Bettencourt, Birdwell, Hall, Hancock, Huffines, Hughes, Kolkhorst, Nelson, Taylor of Collin.

HOUSE BILL 970 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 **HB 970** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Birdwell, Hancock, Hughes, Kolkhorst, Nelson.

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

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

Nays: Bettencourt, Birdwell, Hall, Hancock, Huffines, Hughes, Kolkhorst, Nelson, Taylor of Collin.

HOUSE BILL 3227 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **HB 3227** at this time on its second reading:

HB 3227, Relating to the administration and enforcement of produce safety standards by the Department of Agriculture; authorizing an administrative penalty.

The motion prevailed.

Senators Bettencourt, 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 third reading by a viva voce vote.

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

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

HOUSE BILL 3227 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 **HB 3227** be placed on its third reading and final passage.

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

Yeas: 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: Bettencourt, Burton, Hall, Huffines, Taylor of Collin.

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

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a San Benito High School delegation.

The Senate welcomed its guests.

HOUSE BILL 572 ON SECOND READING

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **HB 572** at this time on its second reading:

HB 572, Relating to the disposal of pesticides.

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

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

Nays: Bettencourt, Burton, Hall, Hancock, Huffines, Nichols, Taylor of Collin.

The bill was read second time and was passed to third reading by the following vote: Yeas 24, Nays 7. (Same as previous roll call)

HOUSE BILL 572 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 **HB 572** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Burton, Hall, Hancock, Huffines, Nichols.

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

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

Nays: Bettencourt, Burton, Hall, Hancock, Huffines, Nichols, Taylor of Collin.

**COMMITTEE SUBSTITUTE
HOUSE BILL 62 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSHB 62** at this time on its second reading:

CSHB 62, Relating to the use of a wireless communication device while operating a motor vehicle; creating a criminal offense; modifying existing criminal penalties.

The motion prevailed by the following vote: Yeas 23, Nays 8.

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

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

The bill was read second time.

Question: Shall **CSHB 62** be passed to third reading?

RECESS

On motion of Senator Hancock, the Senate at 1:49 p.m. recessed until 2:30 p.m. today.

AFTER RECESS

The Senate met at 3:00 p.m. and was called to order by the President.

**SENATE RULE 5.14(a) SUSPENDED
(Intent Calendar)
(Motion In Writing)**

Senator Kolkhorst submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 5.14 so that we may move the Intent Calendar deadline to 5:00 p.m. today.

KOLKHORST

The Motion In Writing was read and prevailed without objection.

Question: Shall **CSHB 62** be passed to third reading?

CSHB 62, Relating to the use of a wireless communication device while operating a motor vehicle; creating a criminal offense; modifying existing criminal penalties.

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

Floor Amendment No. 1

Amend **CSHB 62** (senate committee report) in SECTION 8 of the bill, adding Section 545.4251(b), Transportation Code (page 3, line 27), by striking "or established" and substituting "and established".

The amendment to **CSHB 62** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Creighton, Hall, Hancock, Hughes, Kolkhorst, Schwertner, Taylor of Galveston, Taylor of Collin.

Nays: Campbell, Estes, Garcia, Hinojosa, Huffines, Huffman, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Seliger, Uresti, Watson, West, Whitmire, Zaffirini.

CSHB 62 was passed to third reading by the following vote: Yeas 23, Nays 8.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 62 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 62** be placed on its third reading and final passage.

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

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

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

The bill was read third time and was passed by the following vote: Yeas 23, Nays 8.

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

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

REASON FOR VOTE

Senator Huffines submitted the following reason for vote on **HB 62**:

Despite government's best intentions, regulations are typically ineffective in their intended goals. To save more lives, HB 62 must be coupled with other private sector, innovative ideas and with increased personal responsibility, including direct, impactful conversations between parents and young drivers.

Texting while driving is an unquestionably dangerous and irresponsible behavior that must end. The many families who have been impacted by texting while driving deserve a fair day in the Texas Legislature, and they deserve a solution. We must share the roads with our fellow Texans, and it is within the role of government to mitigate hazards on the roads they build. Despite its shortcomings, I supported HB 62 for these reasons.

HUFFINES

STATEMENT REGARDING HOUSE BILL 62

Senator Taylor of Galveston submitted the following statement regarding **HB 62**:

Throughout my legislative career, I've always taken a pragmatic approach to legislation. I've sought to find practical solutions to complex problems. Texting while driving and enforcement of a ban on texting while driving is a complex problem. Finding a solution is extremely difficult, as this is an issue that is both emotional and polarizing.

My concern with House Bill 62 is that the bill will be very difficult to enforce because of the unintended and unanticipated consequences of the legislation. Fundamentally, adequate enforcement of the legislation remains an unanswered question. The bill provides for several exemptions, including GPS, music, and traffic applications, yet penalizes someone for simply having their phone out. This is inherently contradictory and will lead to problems with enforcement of the law. Under the bill, law abiding citizens will be issued a citation for simply holding their phone and will have to go to traffic court to prove that they were not writing, sending, or reading a text, but rather, looking at GPS or using one of the other applications allowed under the bill. This is unacceptable and places an undue burden on law-abiding citizens.

I believe House Bill 62 is a departure from legislating pragmatically. I fully support practical legislation that addresses the larger issue of distracted driving that results in reckless behavior and places innocent bystanders in danger, but this bill does not do that.

TAYLOR OF GALVESTON

HOUSE BILL 639 ON SECOND READING

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 639** at this time on its second reading:

HB 639, Relating to authorizing the purchase of certain insurance coverage by public schools for the benefit of businesses and students participating in career and technology programs and providing for immunity from liability of certain public school students participating in career and technology programs.

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 639 ON THIRD READING

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 639** 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 HOUSE BILL 2950 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2950** at this time on its second reading:

CSHB 2950, Relating to the continuation and functions of the Texas Board of Nursing and to the regulation of the practice of nursing.

The bill was read second time.

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

Floor Amendment No. 1

Amend **CSHB 2950** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in amended Section 301.059(b), Occupations Code (page 1, between lines 40 and 41), insert the following appropriately numbered subdivision:

() the types of board rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by persons engaged in a profession or business the board regulates, including rules, interpretations, and enforcement actions that:

(A) regulate the scope of practice of persons in a profession or business the board regulates;

(B) restrict advertising by persons in a profession or business the board regulates;

(C) affect the price of goods or services provided by persons in a profession or business the board regulates; and

(D) restrict participation in a profession or business the board regulates;

(2) Renumber subsequent subdivisions of amended Section 301.059(b), Occupations Code, appropriately.

The amendment to **CSHB 2950** was read and was adopted by a viva voce vote.

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

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

Floor Amendment No. 2

Amend **CSHB 2950** (senate committee printing) as follows:

(1) In SECTION 4 of the bill, strike added Section 301.1583, Occupations Code (page 3, lines 42-57), and substitute the following:

Sec. 301.1583. DISCIPLINARY ACTION. (a) The board shall remove a disciplinary action from the nurse licensure verification page on the board's Internet website if:

(1) the disciplinary action is the only disciplinary action taken against the nurse;

(2) the disciplinary action was taken by the board for a violation that is not related to the practice of nursing;

(3) the disciplinary action did not result in the suspension or revocation of, or the probation of the suspension or revocation of, the nurse's license;

(4) the disciplinary action does not provide any indication that continued practice by the nurse may risk harm to a patient; and

(5) the nurse has successfully completed the requirements imposed by the board in the disciplinary order related to the disciplinary action.

(b) A disciplinary action that is removed from the nurse licensure verification page on the board's Internet website under Subsection (a) shall be removed from the public portion of the coordinated licensure information system, as defined by Section 304.0015 in Article II of the Nurse Licensure Compact.

(2) In SECTION 18 of the bill (page 18, between lines 55 and 56), insert the following appropriately lettered subsection:

() Not later than March 1, 2019, the Texas Board of Nursing shall implement Section 301.1583, Occupations Code, as added by this Act, and remove any disciplinary actions from the nurse licensure verification page on the board's Internet website that meet the requirements of that section.

The amendment to **CSHB 2950** 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 Rodríguez offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 2950** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 193.005, Health and Safety Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (a-1) to read as follows:

(a) A person required to file a death certificate or fetal death certificate shall obtain the required medical certification from the decedent's ~~an~~ attending physician, or, subject to Subsection (a-1), an advanced practice registered nurse of the decedent, if the death occurred under ~~medical attendance for~~ the care of the person in connection with the ~~and~~ treatment of the condition or disease process that contributed to the death.

(a-1) An advanced practice registered nurse may only complete the medical certification for a death certificate or fetal death certificate under this section if:

(1) a patient who has executed a written certification of a terminal illness has elected to receive hospice care and is receiving hospice services, as defined under Chapter 142, from a qualified hospice provider; or

(2) a patient is receiving palliative care.

(b) The attending physician or advanced practice registered nurse shall complete the medical certification not later than five days after receiving the death certificate.

(c) An associate physician, the chief medical officer of the institution where the death occurred, or the physician who performed an autopsy on the decedent may complete the medical certification if:

(1) the attending physician and the advanced practice registered nurse described by Subsection (a) are [~~is~~] unavailable;

(2) the attending physician or the advanced practice registered nurse described by Subsection (a) approves; and

(3) the person completing the medical certification has access to the medical history of the case and the death is due to natural causes.

SECTION _____. Section 671.001(d), Health and Safety Code, is amended to read as follows:

(d) A registered nurse, including an advanced practice registered nurse, or physician assistant may determine and pronounce a person dead in situations other than those described by Subsection (b) if permitted by written policies of a licensed health care facility, institution, or entity providing services to that person. Those policies must include physician assistants who are credentialed or otherwise permitted to practice at the facility, institution, or entity. If the facility, institution, or entity has an organized nursing staff and an organized medical staff or medical consultant, the nursing staff and medical staff or consultant shall jointly develop and approve those policies. The executive commissioner of the Health and Human Services Commission shall adopt rules to govern policies for facilities, institutions, or entities that do not have organized nursing staffs and organized medical staffs or medical consultants.

SECTION _____. Section 671.002(a), Health and Safety Code, is amended to read as follows:

(a) A physician who determines death in accordance with Section 671.001(b) or a registered nurse, including an advanced practice registered nurse, or physician assistant who determines death in accordance with Section 671.001(d) is not liable for civil damages or subject to criminal prosecution for the physician's, registered nurse's, or physician assistant's actions or the actions of others based on the determination of death.

The amendment to **CSHB 2950** 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.

CSHB 2950 as amended was passed to third reading by a viva voce vote.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 2950 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2950** 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 Kolkhorst in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 3078 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3078** at this time on its second reading:

CSHB 3078, Relating to sunset review of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation and the transfer of the regulation of podiatry to the Texas Department of Licensing and Regulation; authorizing a reduction in fees.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 3078** (senate committee report) as follows:

(1) Strike SECTION 41 of the bill, adding Section 202.354, Occupations Code (page 12, lines 9 through 24).

(2) Strike SECTION 60 of the bill, adding Section 202.6025, Occupations Code (page 15, line 50, through page 16, line 8).

(3) Strike SECTION 69 of the bill, adding transition language for Section 202.354, Occupations Code (page 18, lines 40 through 44).

(4) Renumber the SECTIONS of the bill accordingly.

The amendment to **CSHB 3078** was read and was adopted by a viva voce vote.

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

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

Floor Amendment No. 2

Amend **CSHB 3078** (senate committee report) as follows:

(1) In SECTION 13 of the bill, in amended Section 202.061(b), Occupations Code (page 4, between lines 11 and 12), insert the following appropriately numbered subdivision:

() the types of rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by persons engaged in a profession or business regulated under this chapter, including rules, interpretations, and enforcement actions that:

(A) regulate the scope of practice of persons in a profession or business regulated under this chapter;

(B) restrict advertising by persons in a profession or business regulated under this chapter;

(C) affect the price of goods or services provided by persons in a profession or business regulated under this chapter; and

(D) restrict participation in a profession or business regulated under this chapter;

(2) Renumber the subdivisions of amended Section 202.061(b), Occupations Code, and cross-references to those subdivisions appropriately.

The amendment to **CSHB 3078** 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.

CSHB 3078 as amended was passed to third reading by a viva voce vote.

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

COMMITTEE SUBSTITUTE HOUSE BILL 3078 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3078** 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 HOUSE BILL 1178 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSHB 1178** at this time on its second reading:

CSHB 1178, Relating to the punishment for burglary and theft involving controlled substances.

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

Nays: Hall.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 1178 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1178** 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)

HOUSE BILL 1442 ON SECOND READING

On motion of Senator Burton and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1442** at this time on its second reading:

HB 1442, Relating to the release of certain defendants pending a motion for new trial or an appeal from a misdemeanor conviction.

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 1442 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 **HB 1442** be placed on its third reading and final passage.

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

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

HOUSE BILL 594 ON SECOND READING

On motion of Senator Hughes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 594** at this time on its second reading:

HB 594, Relating to procedures for the dissolution of a county hospital authority.

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 594 ON THIRD READING

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 594** be placed on its third reading and final passage.

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

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 19, 2017 - 2

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:

HCR 57

Wu

Encouraging Texans to donate bone marrow and blood and to register as organ donors.

SB 11

Schwertner

Sponsor: Frank

Relating to the administration of services provided by the Department of Family and Protective Services, including foster care, child protective services, and prevention and early intervention services.

(Committee Substitute/Amended)

SB 190

Uresti

Sponsor: Wu

Relating to the administrative closure of certain reported cases of child abuse or neglect made to the Department of Family and Protective Services.

(Amended)

SB 489

Lucio

Sponsor: Alvarado

Relating to recommendations regarding instruction in public schools to prevent the use of e-cigarettes.

SB 573

Estes

Sponsor: Frullo

Relating to the disposition of proceeds from the sale of freshwater fishing stamps issued by the Parks and Wildlife Department.

SB 693

Garcia

Sponsor: Phelan

Relating to three-point seat belts on buses that transport schoolchildren.

SB 720

Perry

Sponsor: Frullo

Relating to rules regarding the carcasses of certain birds or animals.

SB 754

Perry

Sponsor: King, Ken

Relating to the extension and modification of a public school district depository contract.

SB 957

Campbell

Sponsor: Laubenberg

Relating to the content and numbering of propositions on the ballot.

(Committee Substitute)

- SB 966** Watson Sponsor: Neave
Relating to criminal offenses regarding the consumption or possession of alcoholic beverages by a minor.
- SB 1051** Watson Sponsor: Dutton
Relating to the accommodation of a deaf or hard of hearing student in driver education; authorizing a fee.
(Amended)
- SB 1096** Zaffirini Sponsor: Smithee
Relating to guardianships; authorizing a fee.
- SB 1153** Menéndez Sponsor: Huberty
Relating to parental rights and information regarding certain intervention strategies used with public school students.
(Amended)
- SB 1329** Huffman Sponsor: Smithee
Relating to the operation and administration of and practice in courts in the judicial branch of state government; increasing a fee.
(Committee Substitute/Amended)
- SCR 48** Kolkhorst Sponsor: Schubert
Recognizing the Washington County Chamber of Commerce for 100 years of service to the community.
- SCR 49** Hughes Sponsor: Dean
In memory of the life of Robert Russell Barnett.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE BILL 1083 ON SECOND READING

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **HB 1083** at this time on its second reading:

HB 1083, Relating to authorizing a regulatory authority to establish reduced water utility rates funded by donations for the benefit of certain elderly customers.

The motion prevailed.

Senators Bettencourt 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.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1083** (senate committee printing) as follows:

(1) In SECTION 3 of the bill (page 1, line 48) strike "The changes in law made by this Act" and substitute "Sections 13.182 and 13.189, Water Code, as amended by this Act,".

(2) Add the following appropriately numbered SECTION to the bill and renumber the SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 552, Local Government Code, is amended by adding Section 552.916 to read as follows:

Sec. 552.916. CUSTOMER ASSISTANCE PROGRAM AUTHORITY FOR CERTAIN UTILITIES. (a) This section applies only to a board of trustees described by Section 1502.070(a)(2)(B), Government Code.

(b) A board of trustees may establish a bill payment assistance program for its utility system's customers:

(1) who received notice of disconnection of service for nonpayment of bills;

or

(2) who the utility determines are low-income customers.

The amendment to **HB 1083** was read.

POINT OF ORDER

Senator Taylor of Collin raised a point of order that Floor Amendment No. 1 to **HB 1083** was not germane to the body of the bill.

POINT OF ORDER WITHDRAWN

Senator Taylor of Collin withdrew the point of order.

Senator Rodríguez withdrew Floor Amendment No. 1.

HB 1083 was passed to third reading by a viva voce vote.

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

Nays: Bettencourt, Taylor of Collin.

HOUSE BILL 1083 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 **HB 1083** be placed on its third reading and final passage.

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

Yeas: 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, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Taylor of Collin.

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

HOUSE BILL 3237 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3237** at this time on its second reading:

HB 3237, Relating to the return of executed search warrants and the public availability of search warrant affidavits.

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 3237 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 **HB 3237** be placed on its third reading and final passage.

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

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

SENATE RULE 5.14(a) SUSPENDED

(Intent Calendar)

(Motion In Writing)

Senator Hancock submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 5.14, the Intent Calendar Rule, in order to move the Intent Calendar deadline to 6:30 p.m. today.

Thank you Mr. President.

HANCOCK

The Motion In Writing was read and prevailed without objection.

COMMITTEE SUBSTITUTE

HOUSE BILL 3177 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3177** at this time on its second reading:

CSHB 3177, Relating to the delegation of matters to the executive director of the Texas Commission on Environmental Quality.

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.

COMMITTEE SUBSTITUTE

HOUSE BILL 3177 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 **CSHB 3177** be placed on its third reading and final passage.

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

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

HOUSE JOINT RESOLUTION 37 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **HJR 37** at this time on its second reading:

HJR 37, Proposing a constitutional amendment relating to legislative authority to permit credit unions and other financial institutions to award prizes by lot to promote savings.

The motion prevailed.

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

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

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

Nays: Burton.

HOUSE JOINT RESOLUTION 37 ON THIRD READING

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HJR 37** be placed on its third reading and final passage.

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

Nays: Burton.

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

HOUSE BILL 471 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **HB 471** at this time on its second reading:

HB 471, Relating to permitting credit unions and other financial institutions to award prizes by lot to promote savings.

The motion prevailed.

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

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

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

Nays: Burton.

HOUSE BILL 471 ON THIRD READING

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 471** be placed on its third reading and final passage.

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

Nays: Burton.

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

HOUSE BILL 3051 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3051** at this time on its second reading:

HB 3051, Relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

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 3051 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3051** be placed on its third reading and final passage.

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

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

HOUSE BILL 2504 ON SECOND READING

Senator Garcia moved to suspend the regular order of business to take up for consideration **HB 2504** at this time on its second reading:

HB 2504, Relating to the compensation provided to the governing body of certain special districts.

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

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

Nays: Burton, Hall, Hancock, Kolkhorst, Nichols, Schwertner, Taylor of Collin.

The bill was read second time and was passed to third reading by the following vote: Yeas 24, Nays 7. (Same as previous roll call)

HOUSE BILL 2504 ON THIRD READING

Senator Garcia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2504** be placed on its third reading and final passage.

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

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

Nays: Burton, Hall, Hancock, Kolkhorst, Nichols, Schwertner.

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

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

Nays: Burton, Hall, Hancock, Kolkhorst, Nichols, Schwertner, Taylor of Collin.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 19, 2017 - 3

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 1603

Price

Relating to certain powers and duties of the Palo Duro River Authority of Texas.

HB 1800

Oliverson

Relating to the powers of the Harris County Improvement District No. 17.

HB 2881

Sanford

Relating to the board of directors of the Old Celina Municipal Management District No. 1.

HB 2987

Fallon

Relating to the powers and duties of the Denton County Municipal Utility Districts Nos. 4 and 5; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 3136

Wray

Relating to the creation of the Windsor Hills Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments.

HB 3783

Lang

Relating to the terms of the board of directors of the Palo Pinto County Hospital District.

HB 4268

Sanford

Relating to the creation of the Celina Municipal Management District No. 2; providing a limited authority of eminent domain; providing authority to issue bonds and impose assessments, fees, and taxes.

HB 4270

Isaac

Relating to the Anthem Municipal Utility District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4275

Lozano

Relating to the creation of the Ingleside Municipal Utility District No. 1; providing authority to issue bonds; granting limited power of eminent domain; providing authority to impose assessments, fees, and taxes.

HB 4281

Lambert

Relating to the 1st Multicounty County Court at Law.

HB 4287

Fallon

Relating to the powers and duties of the Smiley Road Water Control and Improvement District.

HB 4294

Holland

Relating to the creation of the North Celina Municipal Management District No. 3; providing a limited authority of eminent domain; providing authority to impose taxes, levy assessments, and issue bonds.

HB 4297

Miller

Relating to the creation of Telfair Tract 5 Commercial Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

HB 4298

Oliverson

Relating to the creation of the Harris County Municipal Utility District No. 553; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4301

Isaac

Relating to the creation of the Driftwood Conservation District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4303

Burns

Relating to the creation of the Prairie Ridge Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes; granting a limited power of eminent domain.

HB 4309 Isaac

Relating to the creation of the Driftwood Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4310 Isaac

Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 1; providing authority to impose an assessment.

HB 4311 Isaac

Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 2; providing authority to impose an assessment.

HB 4312 Isaac

Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 3; providing authority to impose an assessment.

HB 4313 Isaac

Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 4; providing authority to impose an assessment.

HB 4314 Isaac

Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 5; providing authority to impose an assessment.

HB 4321 Schofield

Relating to the creation of Harris County Improvement District No. 25; providing authority to levy an assessment, impose a tax, and issue bonds.

HB 4324 Schofield

Relating to the powers and duties of the Harris County Municipal Utility District No. 61; providing authority to issue bonds and impose fees and taxes.

HB 4325 King, Phil

Relating to the creation of the Wise County Municipal Utility District No. 4; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HB 4329 Workman

Relating to the authority of the Travis County Municipal Utility District No. 3 to enter into certain agreements relating to the ad valorem taxation of certain property located in the district.

HB 4331 King, Phil

Relating to the powers and duties of the Far North Fort Worth Municipal Utility District No. 1 of Tarrant and Wise Counties; providing authority to issue bonds and impose fees and taxes.

- HB 4333** Davis, Sarah
Relating to the creation of the Harris County Improvement District No. 24; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- HB 4334** Bailes
Relating to the creation of the Liberty County Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
- HB 4335** Guillen
Relating to the creation of the Willacy County Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- HB 4340** Wilson
Relating to the creation of the Williamson County Municipal Utility District No. 34; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- HB 4341** Bailes
Relating to the creation of the Liberty County Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
- HB 4343** Oliverson
Relating to the creation of Harris County Improvement District No. 26; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- HB 4344** Huberty
Relating to the creation of Harris County Improvement District No. 27; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- HB 4345** Rodriguez, Eddie
Relating to the creation of the Rio de Vida Municipal Utility District No. 1; providing authority to impose a tax and issue bonds.
- HB 4347** Wray
Relating to the creation of the Midlothian Municipal Management District No. 3; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
- HB 4349** Cortez
Relating to the creation of the Alamo Management District; providing authority to issue bonds.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE BILL 1355 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **HB 1355** at this time on its second reading:

HB 1355, Relating to the enforcement of commercial motor vehicle safety standards in certain municipalities.

The motion prevailed.

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

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

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

Nays: Burton.

HOUSE BILL 1355 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1355** be placed on its third reading and final passage.

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

Nays: Burton.

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

HOUSE BILL 1570 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **HB 1570** at this time on its second reading:

HB 1570, Relating to the enforcement of commercial motor vehicle safety standards in certain municipalities.

The motion prevailed.

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

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

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

Nays: Burton.

HOUSE BILL 1570 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1570** be placed on its third reading and final passage.

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

Nays: Burton.

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

GUEST PRESENTED

Senator Hinojosa was recognized and introduced to the Senate his son, Johnathan.

The Senate welcomed its guest.

COMMITTEE SUBSTITUTE HOUSE BILL 1291 ON SECOND READING

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1291** at this time on its second reading:

CSHB 1291, Relating to the instructional material list and supplemental instructional materials and the inclusion of American principles in those materials and the public school curriculum.

The bill was read second time.

Senator Campbell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1291** by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1102 to read as follows:

Sec. 12.1102. APPEAL OF APPLICATION SELECTION DETERMINATION.

(a) This section applies only if the charter application selection process includes:

(1) scoring criteria and procedures for use of the criteria by an external application review panel selected by the commissioner; and

(2) selection criteria that include the minimum score necessary for an applicant to be eligible for selection.

(b) The State Board of Education shall adopt procedures for the appeal of an application selection determination made based on the submission of an application under a process described by Subsection (a).

(c) The procedures adopted under this section must provide for an applicant who scores within five percentage points of the minimum score necessary for an applicant to be eligible for selection to appeal to the State Board of Education a score determined by the external application review panel. Under the procedures adopted under this section, the State Board of Education may not provide more than 15 days from the date the applicant receives notice that the applicant did not meet the minimum score for the applicant to submit a request for an appeal.

(d) The determination of the State Board of Education in an appeal under the procedures adopted under this section is final.

(e) If the charter applicant prevails in an appeal to the State Board of Education, the commissioner shall consider the applicant's application.

(f) If the State Board of Education fails to issue a determination in an appeal on or before the 90th day after the date the applicant submits a request for an appeal, the decision of the external application review panel is affirmed.

SECTION _____. Section 12.101(b-0), Education Code, is repealed.

SECTION _____. As soon as practicable after the effective date of this Act, the State Board of Education shall adopt procedures for the appeal of an application selection determination as provided by Section 12.1102, Education Code, as added by this Act.

SECTION _____. Section 12.1102, Education Code, as added by this Act, applies only to an application submitted on or after the effective date of this Act.

The amendment to **CSHB 1291** was read and was adopted by the following vote: Yeas 22, Nays 9.

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

Nays: Creighton, Garcia, Hinojosa, Menéndez, Nelson, Rodríguez, West, Whitmire, Zaffirini.

Senator Huffines offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 1291** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 28), before "adding", insert "amending Subsection (b-3) and".

(2) In SECTION 1 of the bill, immediately following the recital (page 1, between lines 28 and 29), insert the following:

(b-3) A school district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels under Subsection (c). The State Board of Education shall adopt rules necessary to implement this subsection.

The amendment to **CSHB 1291** 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.

CSHB 1291 as amended was passed to third reading by the following vote: Yeas 23, Nays 8.

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

Nays: Creighton, Garcia, Menéndez, Nelson, Rodríguez, West, Whitmire, Zaffirini.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1291 ON THIRD READING**

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1291** 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, Estes, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Miles, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson.

Nays: Creighton, Menéndez, Nelson, West, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10.

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

Nays: Creighton, Garcia, Hinojosa, Menéndez, Miles, Nelson, Rodríguez, West, Whitmire, Zaffirini.

SENATE BILL 533 WITH HOUSE AMENDMENTS

Senator Huffman, on behalf of Senator Nelson, called **SB 533** 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 533** (house committee printing) on page 5, line 13, (in added Sec. 2155.205 in SECTION 6 of the bill) by striking the word "Notwithstanding" and replacing with the words "Subject to".

Floor Amendment No. 2

Amend **SB 533** (house committee report) as follows:

(1) On page 6, line 15, strike "and (e)" and substitute ", (e), and (f)".

(2) On page 6, between lines 26 and 27, insert the following:

(f) Section 51.923, Education Code, governs the conflicts of interest of the members of the governing board of an institution of higher education, as those terms are defined by Section 61.003, Education Code, and this section does not apply to those members.

(3) On page 7, strike lines 1 through 6 and substitute the following:
adding Subsections (e), (f), (g), and (h) to read as follows:

(4) On page 7, between lines 13 and 14, insert the following:

(f) The redaction of information under Subsection (e) does not exempt the information from the requirements of Section 552.021 or 552.221.

(g) Subsection (a) does not apply to:

(1) a contract posted on the major contracts database established under Section 322.020; or

(2) a contract of an institution of higher education that is valued at less than \$15,000 and paid with money other than funds appropriated to the institution by this state.

(h) In this section, "institution of higher education" has the meaning assigned by Section 61.003, Education Code, except that the term does not include a public junior college.

(5) Add the following appropriately numbered SECTIONS to the bill and renumber the SECTIONS of the bill accordingly:

SECTION ____. Section 51.923(e), Education Code, is amended to read as follows:

(e) For purposes of this section, a member of a governing board has a substantial interest in a business entity if:

(1) the member owns one [~~10~~] percent or more of the voting stock or shares of the business entity or owns either one [~~10~~] percent or more or \$15,000 or more of the fair market value of the business entity;

(2) funds received by the member from the business entity exceed one [~~10~~] percent of the member's gross income for the previous year;

(3) the member is an officer of the business entity or a member of the governing board of the business entity; or

(4) an individual related to the member in the first degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has an interest in the business entity as described by Subdivision (1), (2), or (3).

SECTION ____. The change in law made by this Act to Section 51.923, Education Code, applies only to a contract or other transaction entered into on or after the effective date of this Act. A contract or other transaction entered into before the effective date of this Act is governed by the law in effect on the date on which the contract or other transaction was entered into, and the former law is continued in effect for that purpose.

Floor Amendment No. 3

Amend **SB 533** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION ____. Section 572.069, Government Code, is amended to read as follows:

Sec. 572.069. CERTAIN EMPLOYMENT FOR FORMER STATE OFFICER OR EMPLOYEE RESTRICTED. A former state officer or employee of a state agency who during the period of state service or employment participated on behalf of a state agency in a procurement or contract negotiation involving a person may not accept employment from that person before the second anniversary of the date the contract is signed or the procurement is terminated or withdrawn [~~officer's or employee's service or employment with the state agency ceased~~].

Floor Amendment No. 4

Amend **SB 533** (house committee report) as follows:

(1) Strike page 6, line 27, through page 7, line 13, and substitute the following appropriately numbered SECTION:

SECTION _____. Section 2261.253, Government Code, is amended to read as follows:

Sec. 2261.253. REQUIRED POSTING OF [CERTAIN CONTRACTS; ENHANCED] CONTRACT INFORMATION AND PERFORMANCE MONITORING. (a) Each [For each contract for the purchase of goods or services from a private vendor, each] state agency shall post on its Internet website's home page a link to the Legislative Budget Board's contracts database established under Section 322.020. [website:

[~~(1) each contract the agency enters into, including contracts entered into without inviting, advertising for, or otherwise requiring competitive bidding before selection of the contractor, until the contract expires or is completed;~~

[~~(2) the statutory or other authority under which a contract that is not competitively bid under Subdivision (1) is entered into without compliance with competitive bidding procedures; and~~

[~~(3) the request for proposals related to a competitively bid contract included under Subdivision (1) until the contract expires or is completed.]~~

(b) For each contract in an amount of \$15,000 or more for the purchase of goods or services from a private vendor that is paid for solely with institutional funds or hospital and clinic fees, as described by Section 51.009, Education Code, an institution of higher education, as defined by Section 61.003, Education Code, shall post on the institution's Internet website:

(1) the contract, including a contract that does not require competitive bidding before selection of the contractor, until the contract expires or is completed;

(2) for a contract that does not require competitive bidding, the statutory or other authority that allows the contract to be entered into without compliance with competitive bidding procedures; and

(3) the request for proposals related to a competitively bid contract posted under Subdivision (1), until the contract is completed [A state agency monthly may post contracts described by Subsection (a) that are valued at less than \$15,000].

(c) Each state agency by rule shall establish a procedure to identify each contract that requires enhanced contract or performance monitoring and submit information on the contract to the agency's governing body or, if the agency is not governed by a multimember governing body, the officer who governs the agency. The agency's contract management office or procurement director shall immediately notify the agency's governing body or governing official, as appropriate, of any serious issue or risk that is identified with respect to a contract monitored under this subsection.

[~~(d) This section does not apply to a memorandum of understanding, interagency contract, interlocal agreement, or contract for which there is not a cost.]~~

(2) On page 7, strike lines 14 and 15 and substitute the following:

SECTION _____. Section 2262.101, Government Code, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(3) On page 8, between lines 15 and 16, insert the following:

(g) The team shall provide to the Legislative Budget Board a copy of:

(1) each recommendation made under Subsection (a)(1) on a solicitation or contract document not later than the 10th calendar day after the date the team makes the recommendation; and

(2) any written explanation submitted by a state agency under Subsection (d)(2) stating the reason a recommendation is not applicable to the contract under review not later than the 10th calendar day after the date the team receives the explanation.

(4) On page 9, strike lines 16 through 19, and substitute the following:

(c) The changes in law made by this Act apply only to a contract for which a state agency first advertises or otherwise solicits bids, proposals, offers, or qualifications on or after the effective date of this Act or that is amended, modified, renewed, or extended on or after the effective date of this Act.

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

SECTION _____. The heading to Section 322.020, Government Code, is amended to read as follows:

Sec. 322.020. ~~[MAJOR]~~ CONTRACTS DATABASE.

SECTION _____. Section 322.020, Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (b-1), (b-2), (b-3), and (b-4) to read as follows:

(a) In this section ~~["major contract" means]:~~

(1) "Contract" means a contract, grant, or agreement for the purchase or sale of goods or services that is entered into or paid for, wholly or partly, by a state agency or an amendment, modification, renewal, or extension of the contract, grant, or agreement. The term includes a revenue generating contract, an interagency or interlocal grant or agreement, a purchase order, or other written expression of terms of agreement. ~~[a contract for which notice is required under one of the following sections:~~

~~[(A) Section 2054.008;~~

~~[(B) Section 2166.2551;~~

~~[(C) Section 2254.006; or~~

~~[(D) Section 2254.0301; or]~~

(2) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(3) "State agency" has the meaning assigned by Section 2054.003 ~~[a contract, including an amendment, modification, renewal, or extension:~~

~~[(A) for which notice is not required under a section listed in Subdivision (1);~~

~~[(B) that is not a purchase order, an interagency contract, or a contract paid only with funds not appropriated by the General Appropriations Act; and~~

~~[(C) with a value that exceeds \$50,000].~~

(b) This section applies only to:

(1) a major consulting services contract, as defined by Section 2254.021;
and

(2) a contract, including any amendment, modification, renewal, or extension of the contract, that has a value that exceeds or is reasonably expected to exceed \$50,000, other than a contract of an institution of higher education that:

(A) is paid for solely with institutional funds or hospital and clinic fees, as described by Section 51.009, Education Code; or

(B) is for sponsored research.

(b-1) Not later than the 30th calendar day after the date a contract is awarded, amended, modified, renewed, or extended, a [Each] state agency shall provide written notice of the contract to the Legislative Budget Board. The written notice must include copies of the following documents:

(1) each [major] contract entered into by the agency, including each amendment, modification, renewal, or extension of the contract; and

(2) each request for proposal, invitation to bid, or comparable solicitation related to the [major] contract.

(b-2) The requirement to provide copies of documents under Subsection (b-1) does not apply to:

(1) an enrollment contract described by 1 T.A.C. Section 391.183 as that section existed on September 1, 2015; or

(2) a contract of the Texas Department of Transportation that:

(A) relates to highway construction or engineering; or

(B) is subject to Section 201.112, Transportation Code.

(b-3) A state agency may redact from the written notice provided under Subsection (b-1) information excepted from disclosure under Chapter 552, including information that may be used to perpetrate fraud on the agency, such as:

(1) certain commercial or financial information;

(2) credit card, debit card, charge card, and access device numbers; and

(3) government information related to security or infrastructure issues for computers.

(b-4) An institution of higher education shall report to the board a contract paid with appropriated funds for:

(1) a purchase of a major information system, as defined by Section 2054.0965, in an amount that exceeds \$1 million;

(2) a construction project in an amount, including an amount included in any amendment, modification, renewal, or extension of the contract, that exceeds \$50,000; and

(3) professional services, other than a physician or optometric services, in an amount, including an amount included in any amendment, modification, renewal, or extension of the contract, that exceeds \$50,000.

(c) The Legislative Budget Board shall post on the Internet a copy of:

(1) each [major] contract, including each amendment, modification, renewal, or extension of the contract [of a state agency]; and

(2) each request for proposal, invitation to bid, or comparable solicitation related to the [major] contract.

SECTION _____. Chapter 322, Government Code, is amended by adding Sections 322.021, 322.0211, and 322.0212 to read as follows:

Sec. 322.021. STATE AGENCY CONTRACT OVERSIGHT. (a) In this section:

(1) "Board" means the Legislative Budget Board.

(2) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(3) "State agency" has the meaning assigned by Section 2054.003.

(b) Subject to Subsection (c), the board may review state agency contracts to determine compliance with the contract management guide developed under Section 2054.554, the comptroller's procurement policy manuals, and each applicable state contracting law, rule, policy, and procedure. The authority to review a state agency contract under this subsection applies regardless of the source of funds or method of financing for the contract.

(c) This section does not apply to a contract of an institution of higher education that is paid for solely with institutional funds or hospital and clinic fees, as described by Section 51.009, Education Code. The board shall review the contract management handbook developed by an institution of higher education as required by Section 51.9337(b)(3), Education Code, when determining the institution's compliance with contracting rules and procedures.

(d) Board staff may request, and are entitled to obtain, any document related to a contract reviewed under this section or to a purchase under the contract.

(e) Each state agency shall cooperate with the board in conducting a contract review under this section and in resolving any issue resulting from the contract review.

Sec. 322.0211. NOTICE OF VIOLATION OF STATE CONTRACTING LAW; CORRECTIVE ACTION PLAN. (a) If the Legislative Budget Board determines under Section 322.021 that a state agency contract violates the contract management guide, the comptroller's procurement policy manuals, or a state contracting law, rule, policy, or procedure, the board's director shall provide notice of the violation to the agency.

(b) A state agency shall provide a written response to the notice provided under Subsection (a) not later than the 10th business day after the date the agency receives the notice.

(c) If the board determines that the response provided by a state agency under Subsection (b) does not adequately address or resolve the violation determined under Subsection (a), the board's director may provide to the board and the state agency, comptroller, and governor written notice of the violation. A violation notice provided under this subsection must:

(1) detail the specific provision violated by the contract;

(2) recommend actions to be taken to address the violation and any identified risks related to the contract;

(3) list potential remedies for the violation; and

(4) state any enforcement mechanism that may be assessed under Section 322.0212 for the violation.

(d) A state agency that receives notice of a violation under Subsection (c) shall develop a written corrective action plan consistent with the board's recommendations and provide the plan to the board not later than the 30th calendar day after the date the agency receives the notice.

(e) The board may monitor a state agency's implementation of the corrective action plan.

Sec. 322.0212. ENFORCEMENT. (a) The Legislative Budget Board may assess an enforcement mechanism against a state agency that the board determines under Section 322.021 is in violation of the contract management guide, the comptroller's procurement policy manuals, or a state contracting law, rule, policy, or procedure. The enforcement mechanism must be assessed in accordance with the schedule developed under Subsection (b).

(b) The board may establish a schedule of enforcement mechanisms that may be assessed against a state agency for a violation described by Subsection (a). The enforcement mechanisms may include:

(1) enhanced monitoring of the state agency's contracts by board personnel;
(2) required consultation with the Contract Advisory Team established under Section 2262.101 or the quality assurance team established under Section 2054.158 before issuance of a contract by the state agency;

(3) targeted audits by the State Auditor's Office at the request of the board;
and

(4) recommended cancellation of a contract determined to contain a violation described by Section 322.0211(a).

(c) The board's director may recommend to the board an enforcement mechanism to be assessed against a state agency for a contract violation.

(d) The board may increase the severity of an enforcement mechanism assessed against a state agency for repeated contract violations described by Section 322.0211(a).

(e) The board may dismiss an enforcement mechanism assessed against a state agency by the board for a contract violation described by Section 322.0211(a) on successful implementation of a corrective action plan by the agency under Section 322.0211(d).

SECTION ____. Section 2054.0965, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Except as otherwise modified by rules adopted by the department, the review must include:

(1) an inventory of the agency's major information systems[~~as defined by Section 2054.008,~~] and other operational or logistical components related to deployment of information resources as prescribed by the department;

(2) an inventory of the agency's major databases and applications;

(3) a description of the agency's existing and planned telecommunications network configuration;

(4) an analysis of how information systems, components, databases, applications, and other information resources have been deployed by the agency in support of:

(A) applicable achievement goals established under Section 2056.006 and the state strategic plan adopted under Section 2056.009;

(B) the state strategic plan for information resources; and

(C) the agency's business objectives, mission, and goals;

(5) agency information necessary to support the state goals for interoperability and reuse; and

(6) confirmation by the agency of compliance with state statutes, rules, and standards relating to information resources.

(c) In this section, "major information system" includes:

(1) one or more computers that in the aggregate cost more than \$100,000;

(2) a service related to computers, including computer software, that costs more than \$100,000; and

(3) a telecommunications apparatus or device that serves as a voice, data, or video communications network for transmitting, switching, routing, multiplexing, modulating, amplifying, or receiving signals on the network and costs more than \$100,000.

SECTION _____. The following sections of the Government Code are repealed:

(1) Section 322.020(f);

(2) Section 2054.008;

(3) Section 2166.2551;

(4) Section 2254.006; and

(5) Section 2254.0301.

(6) Renumber the SECTIONS of the bill appropriately.

Floor Amendment No. 5

Amend **SB 533** (house committee report) as follows:

(1) On page 9, strike lines 16-19.

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 316, Government Code, is amended by adding Section 316.025 to read as follows:

Sec. 316.025. CONTRACTS TO CONFORM WITH LIMITATIONS OF GENERAL APPROPRIATIONS ACT. Notwithstanding any other law, a contract obligation of a state agency, as defined by Section 2103.001, including an institution of higher education, as defined by Section 61.003, Education Code, may be limited or amended by the General Appropriations Act.

SECTION _____. Section 321.013, Government Code, is amended by adding Subsections (m) and (n) to read as follows:

(m) In devising the audit plan under Subsection (c), the State Auditor shall consider the performance of audits of programs operated by health and human services agencies that:

(1) have not recently received audit coverage; and

(2) have expenditures of less than \$100 million per year.

(n) In devising the audit plan under Subsection (c), the State Auditor shall consider the performance of audits of programs operated by the Texas Alcoholic Beverage Commission that have not recently received audit coverage.

SECTION _____. Chapter 2115, Government Code, is amended by adding Section 2115.006 to read as follows:

Sec. 2115.006. OVERPAYMENTS BY STATE AGENCY. (a) If a state agency makes an overpayment to a vendor, the vendor must return the amount overpaid by the agency before the 121st calendar day after the date the vendor receives written notice of the overpayment. If the amount overpaid by the state agency is not returned

before the 121st calendar day, the vendor is subject to late payment interest of 10 percent per year on the amount of the overpayment that has not been returned, which begins to accrue on the date the overpayment becomes overdue.

(b) If the vendor disputes that an overpayment has been made by a state agency, the vendor shall provide the state agency written notice of the dispute not later than the 30th day after the receipt of the notice required in Subsection (a). On resolution of the dispute, if the vendor is required to return an overpayment to the state agency, the vendor shall return the agreed overpayment before the 121st calendar day after the date the parties resolve the dispute. If the agreed overpayment is not returned before the 121st calendar day, the vendor is subject to late payment interest of 10 percent per year on the amount of the agreed overpayment that has not been returned, which begins to accrue on the date the agreed overpayment becomes overdue.

(c) This section does not apply to the return of any amount overpaid by a state agency to a vendor because of an incorrect contract, invoice, or other documentation.

SECTION _____. Section 2155.074(c), Government Code, is amended to read as follows:

(c) A state agency shall consult with and receive approval from the comptroller in an open meeting [commission] before considering factors other than price and meeting specifications when the agency procures through competitive bidding goods or services with a value that exceeds \$100 million [~~\$100,000~~]. The state agency shall retain in the agency's records a copy of the meeting minutes with the final executed contract.

SECTION _____. Subchapter B, Chapter 2251, Government Code, is amended by adding Section 2251.031 to read as follows:

Sec. 2251.031. PAYMENT TO VENDOR. (a) A state agency may not:

(1) pay an invoice from a vendor unless the invoice directly correlates to a corresponding contract with the vendor; or

(2) make a payment to a vendor more than once per month under a contract, unless the contract specifically requires more than one payment per month.

(b) A payment by a state agency to a vendor under a contract must receive:

(1) the approval and signature of two employees of the state agency; or

(2) if a contract manager, as defined by Section 2262.001, has been assigned to the contract by the state agency, the approval and signature of the contract manager and one other employee of the state agency.

(c) If a finding is made that a payment was made without the signatures required under Subsection (b), the state agency may revoke the payment at any time but remains obligated to pay the vendor all amounts due under and as required by the contract regardless of whether the state agency complied with Subsection (b).

SECTION _____. Subchapter C, Chapter 2261, Government Code, is amended by adding Section 2261.103 to read as follows:

Sec. 2261.103. REQUIRED CONTRACT PROVISIONS. (a) An attorney representing a state agency shall assist in the drafting of a contract to be entered into by the agency in order to include at a minimum the provisions listed in Subsection (b) and other applicable provisions recommended in the contract management guide developed under Section 2262.051.

(b) The following are required provisions in each contract to which the provisions are applicable:

- (1) amendments;
- (2) antitrust;
- (3) applicable law and venue;
- (4) applicable law and conforming amendments;
- (5) assignments;
- (6) confidentiality and public information act;
- (7) equal opportunity;
- (8) federal, state, and local law requirements;
- (9) felony criminal convictions;
- (10) financial interests and gifts;
- (11) immigration;
- (12) no conflicts; and
- (13) right to audit.

SECTION _____. Subchapter D, Chapter 2261, Government Code, is amended by adding Section 2261.152 to read as follows:

Sec. 2261.152. DOCUMENTATION REQUIRED FOR PAYMENT. (a) A state agency may not make a payment to a vendor without a contract, invoice, or other documentation that clearly demonstrates the agency's obligation to make a payment.

(b) This section does not apply to the return of any amount overpaid by a state agency to a vendor because of an incorrect contract, invoice, or other documentation.

SECTION _____. Subchapter B, Chapter 2262, Government Code, is amended by adding Section 2262.056 to read as follows:

Sec. 2262.056. CONTRACT MANAGERS REQUIRED FOR MAJOR CONTRACTS. A state agency, at a minimum, shall assign a contract manager for each major contract of the agency to manage the oversight of the contract.

SECTION _____. Chapter 2262, Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. CONTRACT OUTSIDE TACTICAL TEAM

Sec. 2262.201. DEFINITIONS. In this subchapter:

- (1) "Information resources" has the meaning assigned by Section 2054.003.
- (2) "Team" means a contract outside tactical team established under

authority provided by this subchapter.

Sec. 2262.202. CONTRACT OUTSIDE TACTICAL TEAM. (a) From appropriated funds, a state agency shall enter into a contract with a team for assistance in improving information resources contract management practices for contracts that have a value of at least \$100 million. The team shall review and make recommendations on the solicitation documents, contract documents, scope of work, project timeline and management, documentation requirements, audit schedule and audit scope, and technical issues for the contract.

(b) A team consists of the following members selected by the state agency:

- (1) outside legal counsel; or

(2) providers of professional consulting services with expertise in the subject matter of the contract.

(c) A state agency may not select a provider of professional consulting services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award:

(1) on the basis of demonstrated competence and qualifications to perform the services; and

(2) for a fair and reasonable price.

(d) A state agency shall:

(1) comply with a recommendation made under Subsection (a); or

(2) submit a written explanation regarding why the recommendation is not applicable to the contract under review.

SECTION _____. (a) The comptroller of public accounts shall conduct an interim study on the effectiveness of the process of barring vendors from participation in state contracts under Section 2155.077, Government Code. The study must include an evaluation of the risk to the state posed by vendors who receive low performance grades under Section 2262.055, Government Code, but who are not barred under Section 2155.077, Government Code.

(b) Not later than December 1, 2018, the comptroller of public accounts shall submit a report on the findings of the study to the governor, lieutenant governor, and members of the legislature.

SECTION _____. Except as otherwise provided by this Act, this Act applies only in relation to a contract for which a state agency first advertises or otherwise solicits bids, proposals, offers, or qualifications on or after the effective date of this Act, and to a payment made under a contract described by this section.

Floor Amendment No. 6

Amend **SB 533** (house committee report) as follows:

(1) On page 9, between lines 19 and 20, insert the following appropriately lettered subsection:

() Notwithstanding the other provisions of this Act, Section 269.361(a), Government Code, as amended by this Act, applies to a contract entered into on or after the effective date of this Act and for which a bid or other solicitation was submitted after June 21, 2017.

(2) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Section 2269.361(a), Government Code, is amended to read as follows:

(a) A governmental entity shall request proposals from design-build firms identified under Section 2269.359(c). A response to a request for detailed proposals must be submitted on or before the earlier of the time for submission requested by the governmental entity or [firm must submit a proposal not later than] the 180th day after the date the governmental entity makes a public request for the proposals from the selected firms. The request for proposals must include:

(1) a design criteria package;

(2) if the project site is identified, a geotechnical baseline report or other information that provides the design-build firm minimum geotechnical design parameters to submit a proposal;

(3) detailed instructions for preparing the technical proposal and the items to be included, including a description of the form and level of completeness of drawings expected; and

(4) the relative weighting of the technical and price proposals and the formula by which the proposals will be evaluated and ranked.

(3) Renumber the SECTIONS of the bill appropriately.

Floor Amendment No. 7

Amend **SB 533** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumber the SECTIONS of the bill accordingly:

SECTION _____. Section 114.001, Civil Practice and Remedies Code, is amended by amending Subsection (2) to read as follows:

Sec. 114.001. DEFINITIONS. In this chapter: (2) "Contract subject to this chapter" means a written contract stating the essential terms of the agreement for providing goods or services to the state agency that is properly executed on behalf of the state agency. The term does not include a contract ~~[that is subject to Section 201.112, Transportation Code]~~ to which the Texas Department of Transportation is a party.

SECTION _____. Section 114.004, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 114.004. LIMITATIONS ON ADJUDICATION AWARDS. (a) The total amount of money awarded in an adjudication brought against a state agency for breach of an express provision of a contract subject to this chapter is limited to the following:

(1) the balance due and owed by the state agency under the contract as it may have been amended, including any amount owed as compensation for the increased cost to perform the work as a direct result of owner-caused delays or acceleration if the contract expressly provides for that compensation;

(2) the amount owed for written change orders;

(3) reasonable and necessary attorney's fees that are equitable and just ~~[based on an hourly rate that are equitable and just if the contract expressly provides that recovery of attorney's fees is available to all parties to the contract];~~ and

(4) interest at the rate specified by the contract or, if a rate is not specified, the rate for postjudgment interest under Section 304.003 (c), Finance Code, but not to exceed 10 percent.

(b) Damages awarded in an adjudication brought against a state agency arising under a contract subject to this chapter may not include:

(1) consequential damages, except as expressly allowed under Subsection (a)(1);

(2) exemplary damages; or

(3) damages for unabsorbed home office overhead.

SECTION _____. Chapter 114, Civil Practice and Remedies Code, as amended by this Act, applies only to a claim arising under a contract executed on or after the effective date of this Act. A claim that arises under a contract executed before the

effective date of this Act is governed by the law applicable to the claim immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION _____. Section 2260.003, Government Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Subsection (c), an award of damages under this chapter may include attorney's fees if:

(1) the claim is for breach of a written contract for:

(A) engineering, architectural, or construction services; or

(B) materials related to the services described by Paragraph (A); and

(2) the amount in controversy is less than \$250,000, excluding penalties, costs, expenses, prejudgment interest, and attorney's fees.

SECTION _____. Section 2260.003, Government Code, as amended by this Act, applies only to an action filed on or after the effective date of this Act. An action filed before the effective date of this Act is governed by the law applicable to the action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Floor Amendment No. 8

Amend **SB 533** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Sections 2262.102(a) and (d), Government Code, are amended to read as follows:

(a) The team consists of the following [~~six~~] members:

(1) one member from the Health and Human Services Commission;

(2) one member from the comptroller's office;

(3) one member from the Department of Information Resources;

(4) one member from the Texas Facilities Commission;

(5) one member from the governor's office; and

(6) one or more members [~~member~~] from any other [~~a small~~] state agencies, as designated by the comptroller as the comptroller considers necessary [~~agency~~].

(d) The comptroller may adopt rules regarding the membership of the team, as appropriate, to implement this section [~~In this section, "small state agency" means a state agency with fewer than 100 employees~~].

(b) As soon as practicable after the effective date of this Act, the comptroller shall designate one or more members to the Contract Advisory Team as provided by Section 2262.102, Government Code, as amended by this Act.

Floor Amendment No. 2 on Third Reading

Amend **SB 533** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Chapter 122, Human Resources Code, is amended by adding Sections 122.0075 and 122.0076 to read as follows:

Sec. 122.0075. INCREASE IN WAGES; PLAN. (a) This section applies to a state contract with a community rehabilitation program in which that program:

(1) is participating in the program administered under this chapter; and

(2) pays workers with disabilities employed by the program wages that are less than the federal minimum wage under Section 6, Fair Labor Standards Act of 1938 (29 U.S.C. Section 206).

(b) Each state contract with a community rehabilitation program must include terms that allow the community rehabilitation program to obtain from the workforce commission:

(1) assistance in developing a plan to increase the wages paid to the program's workers with disabilities to the federal minimum wage not later than September 1, 2019, for work relating to any products or services purchased from the community rehabilitation program under the state contract; and

(2) on request of the community rehabilitation program or any worker with a disability, assistance to ensure the increase in wages paid to a worker with a disability under the state contract does not affect the worker's eligibility to receive any federal benefits the worker received or was eligible to receive before the wage increase.

(c) Each state contract with a community rehabilitation program must require that the program, to the maximum extent possible, ensure that each worker with a disability remains employed by the program after the program increases the wages paid to those employees as required by the state contract in accordance with the plan developed under Subsection (b).

(d) Each state contract with a community rehabilitation program must require a community rehabilitation program that is unable to employ all workers with a disability after the program increases the wages paid to those employees to the federal minimum wage, to work with the workforce commission and any other governmental entity to seek and obtain any job training that may be suitable for those former employees to find other employment that pays at least the federal minimum wage.

(e) In addition to the assistance described by Subsection (d), the term of the state contract must allow a worker of the community rehabilitation program to request the workforce commission to assist a worker with a disability not retained by a community rehabilitation program to secure employment in a position that pays at least the federal minimum wage.

(f) On request of a community rehabilitation program, the workforce commission may extend the period for compliance with the program participation requirements of Section 122.0076 for not more than 12 months if the community rehabilitation program:

(1) requests the extension not later than July 1, 2019;

(2) has demonstrated to the commission that an extension would be in the best interest of the program's employees with disabilities;

(3) has worked with the commission to develop a transition plan and made meaningful progress towards meeting the program participation requirements of Section 122.0076; and

(4) submits a revised transition plan to the commission detailing how an extension will allow the program to meet the program participation requirements of Section 122.0076.

(g) The workforce commission shall make a decision on a request for an extension under Subsection (f) not later than September 1, 2019. The commission may not grant more than one extension to a community rehabilitation program.

(h) Not later than January 31, 2019, the workforce commission shall report to the legislature regarding the implementation of this section. The report must include any recommendations for legislative or agency rule changes necessary to assist the commission and community rehabilitation program in performing their duties under this section.

(i) This section expires September 1, 2021.

Sec. 122.0076. WAGE REQUIREMENTS. (a) Each state contract with a community rehabilitation program participating in the program administered under this chapter must require the community rehabilitation program to pay each worker with a disability employed by the program at least the federal minimum wage under Section 6, Fair Labor Standards Act of 1938 (29 U.S.C. Section 206), for any work relating to any products or services purchased from the community rehabilitation program through the program administered under this chapter.

(b) Each state contract with a community rehabilitation program participating in the program administered under this chapter must allow the workforce commission, at the request of a community rehabilitation program or any worker with a disability, to exempt the community rehabilitation program from the requirements of this section with respect to a worker with a disability if the workforce commission determines, based on the program's circumstances, that requiring the program to pay the worker at the federal minimum wage would result in the program not being able to hire or retain the worker with a disability and the worker, based on the worker's circumstances, such as commuting to a particular job site, would not be able to obtain employment at a higher wage than the program would be able to pay the worker notwithstanding the requirements of this section.

(c) To the extent of a conflict between this section and Chapter 62, Labor Code, this section controls.

(d) This section does not apply to a state contract with a community rehabilitation program participating in the program administered under this chapter before the later of:

(1) September 1, 2019; or

(2) the date an extension granted under Section 122.0075(f) expires.

(e) This subsection and Subsection (d) expire September 1, 2021.

Floor Amendment No. 3 on Third Reading

Amend **SB 533** (house committee report), on page 9 between line 19 and 20 by inserting the following properly lettered subsection and relettering subsequent subsections of the section accordingly.

SECTION 3. Section 2269.056(b), Government Code, is amended to read as follows:

(b) The governmental entity shall base its selection among offerors on applicable criteria listed for the particular method used. The governmental entity shall publish in the request for proposals or qualifications the:

(1) criteria that will be used to evaluate the offerors;

(2) [~~and the~~] applicable weighted value for each criterion; and

(3) , and for state agencies, a detailed methodology for scoring each criterion.

The amendments were read.

Senator Huffman 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 533** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Nelson, Chair; Huffman, Hinojosa, Nichols, and Schwertner.

SENATE BILL 312 WITH HOUSE AMENDMENTS

Senator Nichols called **SB 312** 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 312** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the continuation and functions of the Texas Department of Transportation; authorizing an increase in rates charged for the use of state aircraft to provide for the acquisition of replacement aircraft.

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

SECTION 1. Section 21.069(a), Transportation Code, is amended to read as follows:

(a) The department~~[, in consultation with the State Aircraft Pooling Board,]~~ shall establish a state airport in Central Texas that is open to the general public.

SECTION 2. Section 201.059, Transportation Code, is amended to read as follows:

Sec. 201.059. COMMISSION MEMBER TRAINING [~~ON DEPARTMENT AND CERTAIN LAWS RELATING TO DEPARTMENT~~]. (a) A [To be eligible to take office as a member of the commission, a] person who is appointed to and qualifies for office as a member of the commission may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission until the person completes [must complete at least one course of] a training program that complies with this section.

(b) The training program must provide the person with information [~~to the person~~] regarding:

(1) the law governing department operations [this subchapter];

(2) the programs, functions, rules, and budget of ~~operated by~~ the department;

(3) the scope of and limitations on the rulemaking authority of the commission ~~role and functions of the department~~;

(4) ~~the rules of the department with an emphasis on the rules that relate to disciplinary and investigatory authority;~~

~~(5) the current budget for the department;~~

~~(6)~~ the results of the most recent formal audit of the department;

(5) ~~(7)~~ the requirements of ~~the~~:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest ~~law, Chapter 551, Government Code~~; and

(B) other laws applicable to members of the commission in performing their duties ~~open records law, Chapter 552, Government Code; and~~

~~(C) administrative procedure law, Chapter 2001, Government Code;~~

~~(8) the requirements of the conflict of interest laws and other laws relating to public officials~~; and

(6) ~~(9)~~ any applicable ethics policies adopted by the department ~~commission~~ or the Texas Ethics Commission.

(c) A person appointed to the commission is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program, regardless of whether the attendance at the program occurs before or after ~~as provided by the General Appropriations Act and as if~~ the person qualifies for office ~~were a member of the commission~~.

(d) The director shall create a training manual that includes the information required by Subsection (b). The director shall distribute a copy of the training manual annually to each member of the commission. On receipt of the training manual, each member of the commission shall sign and submit to the director a statement acknowledging receipt of the training manual.

SECTION 3. Section 201.204, Transportation Code, is amended to read as follows:

Sec. 201.204. SUNSET PROVISION. The Texas Department of Transportation is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished September 1, 2029 ~~2017~~.

SECTION 4. Sections 201.601(a-1) and (d), Transportation Code, are amended to read as follows:

(a-1) The plan must:

(1) contain specific and clearly defined transportation system strategies, long-term transportation goals for the state and measurable targets for each goal, and other related performance measures;

(2) identify priority corridors, projects, or areas of the state that are of particular concern to the department in meeting the goals established under Subdivision (1); and

(3) contain a participation plan specifying methods for obtaining formal input on the goals and priorities identified under this subsection from:

- (A) other state agencies;
- (B) political subdivisions;
- (C) local transportation entities; and
- (D) the general public.

(d) In selecting transportation projects, the [The] department shall consider the transportation system strategies, goals and measurable targets, and other related performance measures established under Subsection (a-1)(1) [in selecting transportation projects].

SECTION 5. Section 201.6013, Transportation Code, is amended to read as follows:

Sec. 201.6013. LONG-TERM PLAN FOR STATEWIDE PASSENGER RAIL SYSTEM. (a) The department shall:

(1) prepare [and update annually] a long-term plan for a statewide passenger rail system; and

(2) update the plan at least once every five years.

(b) Information contained in the plan must include:

(1) a description of existing and proposed passenger rail systems;

(2) information regarding the status of passenger rail systems under construction;

(3) an analysis of potential interconnectivity difficulties;

(4) an analysis of short-term and long-term effects of each proposed passenger rail system on state and local road connectivity, including effects on oversize or overweight vehicles and other commercial traffic;

(5) an analysis of the effect of each proposed passenger rail system on statewide transportation planning, including the effect on future state and local road construction and road maintenance needs;

(6) ridership projections for proposed passenger rail projects; and

(7) [~~5~~] ridership statistics for existing passenger rail systems.

SECTION 6. Section 201.6015, Transportation Code, is amended to read as follows:

Sec. 201.6015. INTEGRATION OF PLANS AND POLICY EFFORTS. In developing each of its transportation plans and policy efforts, the department must:

(1) clearly reference the statewide transportation plan under Section 201.601;

(2) include in the plan or policy effort the transportation system strategies, goals and measurable targets, and other related performance measures established under Section 201.601(a-1)(1); and

(3) [and] specify how the plan or policy effort supports [or otherwise relates to] the specific goals established under Section 201.601(a-1)(1) [that section].

SECTION 7. Section 201.806(a), Transportation Code, is amended to read as follows:

(a) The department shall:

(1) tabulate and analyze the vehicle accident reports it receives; and

(2) annually or more frequently publish on the department's Internet website statistical information derived from the accident reports as to the number, cause, and location of highway accidents, including information regarding the number of:

(A) accidents involving injury to, death of, or property damage to a bicyclist or pedestrian; and

(B) fatalities caused by a bridge collapse, as defined by Section 550.081.

SECTION 8. Section 201.807, Transportation Code, is amended by amending Subsection (a) and adding Subsections (g) and (h) to read as follows:

(a) In this section, "department project" means a highway project under the jurisdiction of the department, including a grouped rehabilitation and preventive maintenance project, that:

(1) is being developed or is under construction; and

(2) is identified in the district project portfolio [~~work program~~] required under Section 201.998.

(g) The department shall:

(1) conduct a comprehensive review of the project information reporting system;

(2) in conducting the review required by Subdivision (1), incorporate feedback from internal and external users of the system and advice from the department office responsible for public involvement; and

(3) develop a plan for implementing any needed improvements to the system.

(h) The department shall conduct the review required by Subsection (g)(1) on a regular basis, as specified by commission rule.

SECTION 9. Subchapter J, Chapter 201, Transportation Code, is amended by adding Section 201.8075 to read as follows:

Sec. 201.8075. STATEWIDE TRANSPORTATION PLAN DASHBOARD.

(a) In this section, "dashboard" means a web-based data visualization tool that provides an analysis and visual representation of key performance measures relevant to a particular objective.

(b) The department shall develop and prominently display on the department's Internet website a dashboard that clearly communicates to the public:

(1) the transportation system strategies, goals and measurable targets, and other related performance measures established under Section 201.601(a-1)(1); and

(2) the department's progress, including trends over time, in meeting the strategies, goals and targets, and other related performance measures described by Subdivision (1).

(c) The dashboard must be in a format that is easy to navigate.

(d) The department shall:

(1) regularly update the information displayed on the dashboard; and

(2) publish on the department's Internet website the methodology and data used to determine the department's progress under Subsection (b)(2).

SECTION 10. Section 201.808, Transportation Code, is amended by adding Subsection (i) to read as follows:

(i) The department shall:

(1) conduct a comprehensive analysis regarding the effect of funding allocations made to funding categories described by Section 201.991(b) and project selection decisions on accomplishing the goals described in the statewide transportation plan under Section 201.601;

(2) provide the analysis to metropolitan planning organizations, the public, and each member of the commission for the purpose of informing deliberations on funding decisions for the unified transportation program under Section 201.991;

(3) update the analysis as part of:

(A) the department's annual update to the unified transportation program under Section 201.992 and any other formal update to that program; and

(B) the evaluation and report required by Section 201.809;

(4) promptly publish the analysis on the department's Internet website in its entirety and in summary form; and

(5) publish the methodology and data used to create the analysis on the department's Internet website and make the methodology and data available to the metropolitan planning organizations, the public, and the commission under Subdivision (2).

SECTION 11. Section 201.809(a), Transportation Code, is amended to read as follows:

(a) The department annually shall evaluate and publish a report about the status of each transportation goal for this state. The department shall also promptly publish the report on the department's Internet website in summary form. The report must include:

(1) information about the progress of each long-term transportation goal that is identified by the statewide transportation plan;

(2) the status of each project identified as a major priority;

(3) a summary of the number of statewide project implementation benchmarks that have been completed; ~~and~~

(4) information about the accuracy of previous department financial forecasts; and

(5) the analysis required by Section 201.808(i).

SECTION 12. Section 201.991, Transportation Code, is amended by adding Subsections (b-1) and (e) and amending Subsection (d) to read as follows:

(b-1) The commission by rule shall:

(1) adopt a policy comprehensively explaining the department's approach to public involvement and transparency related to the unified transportation program; and

(2) require the department to, at a minimum, make a report on any change to the unified transportation program available on the department's Internet website and provide the report to the commission in a public meeting, regardless of any rules adopted for public hearings and approvals.

(d) In developing the rules required by Subsection (b) ~~[this section]~~, the commission shall collaborate with local transportation entities.

(e) In developing the policy required by Subsection (b-1)(1), the commission shall collaborate with stakeholders.

SECTION 13. Section 201.992(b), Transportation Code, is amended to read as follows:

(b) The annual update must include:

(1) the annual funding forecast required by Section 201.993;

(2) the list of major transportation projects required by Section 201.994(b);

~~and~~

(3) the category to which the project has been assigned and the priority of the project in the category under Section 201.995; and

(4) the analysis required by Section 201.808(i).

SECTION 14. Sections 201.993(a) and (c), Transportation Code, are amended to read as follows:

(a) The department annually shall:

(1) develop and publish on the department's Internet website a forecast of all funds the department expects to receive, including funds from this state and the federal government; and

(2) use that forecast to guide planning for the unified transportation program.

(c) Not later than September 1 of each year, the department shall prepare and publish on the department's Internet website a cash flow forecast for a period of 20 years.

SECTION 15. Section 201.995, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) In prioritizing and approving projects under Section 201.9991 that are included in the unified transportation program, the commission must first evaluate projects on strategic need and potential contribution toward meeting the transportation goals established under Section 201.601(a-1)(1). After conducting that initial evaluation, the commission may conduct a secondary evaluation based on other factors such as funding availability and project readiness.

SECTION 16. Section 201.998, Transportation Code, is amended to read as follows:

Sec. 201.998. DISTRICT PROJECT PORTFOLIOS ~~[WORK PROGRAM]~~.

(a) Each department district shall develop a consistently formatted project portfolio ~~[work program]~~ based on the unified transportation program covering a period of at least four years that contains all projects that the district proposes to implement during that period.

(b) The department shall develop comprehensive performance measures for key steps in the project development process for projects included in each district's project portfolio. The department shall use the performance measures developed under this subsection to track and report whether each district is:

(1) developing an appropriate mix of projects; and

(2) on track to meet letting targets that are consistent with applicable department policy governing when a project should be bid on for a contract awarded by the department ~~[work program must contain:~~

~~(1) information regarding the progress of projects designated as major transportation projects, according to project implementation benchmarks and timelines established under Section 201.994; and~~

~~[(2) a summary of the progress on other district projects].~~

(c) The department shall conduct a review of project development activities in each district's project portfolio on a regular basis and use the review ~~[use the work program]~~ to ~~to~~:

~~[(1) monitor and evaluate the performance of each [the] district; and~~
~~[(2) evaluate the performance of district employees].~~

(d) In conducting the review required by Subsection (c), the ~~[The]~~ department shall, when appropriate, seek input from key stakeholders such as local government project sponsors or metropolitan planning organizations ~~[publish the work program in appropriate media and on the department's Internet website].~~

(e) The commission shall adopt rules as necessary to administer this section.

(f) The commission shall adopt and regularly update rules:

(1) governing the overall planning, review, and monitoring process created by this section;

(2) specifying how planning and project stakeholders can become involved in the process described by Subdivision (1); and

(3) requiring the department to regularly report results under this section to the commission and the public and specifying the method for reporting those results.

(g) The commission shall consult a stakeholder group before adopting or updating rules under Subsection (f).

SECTION 17. Section 201.9991(a), Transportation Code, is amended to read as follows:

(a) The commission by rule shall prioritize and approve projects included in the statewide transportation plan under Section 201.601 or in the unified transportation program under Section 201.991 in order to provide financial assistance under this chapter.

SECTION 18. Subchapter P, Chapter 201, Transportation Code, is amended by adding Section 201.9992 to read as follows:

Sec. 201.9992. ROLES AND RESPONSIBILITIES OF DEPARTMENT AND METROPOLITAN PLANNING ORGANIZATIONS. (a) The commission shall adopt rules governing:

(1) the alignment of the department's state and federal funding forecasts, including the annual funding forecast required by Section 201.993, with the funding forecasts of metropolitan planning organizations, including:

(A) the funding forecasts used for long-term planning as described in Sections 201.620 and 472.035; and

(B) the 10-year transportation plan required by Section 201.9911;

(2) the alignment of the statewide project recommendation criteria developed by the department with the project recommendation criteria developed by metropolitan planning organizations that relate to statewide transportation goals, particularly for major mobility projects using a mix of several funding sources and selected by different entities;

(3) the department's timelines and review process for the 10-year transportation plans required by Section 201.9911;

(4) the department's process for allowing metropolitan planning organizations direct access to the department's information systems, software, and technical assistance for the purpose of accomplishing statewide transportation goals; and

(5) the department's process for collaborating with metropolitan planning organizations to regularly evaluate the availability, consistency, and quality of data and other information needed to fully develop a more performance-based transportation planning and project selection system.

(b) A rule adopted under Subsection (a)(3) must take into consideration a metropolitan planning organization's other deadlines and requirements in federal law.

(c) The commission shall consult a stakeholder group before developing the rules required by Subsection (a).

SECTION 19. Subchapter B, Chapter 203, Transportation Code, is amended by adding Section 203.023 to read as follows:

Sec. 203.023. SUBSTANTIAL CHANGE IN LAYOUT OR FUNCTION. The commission by rule shall require a hearing for projects that substantially change the layout or function of a connecting roadway or an existing facility, including the addition of managed lanes, high-occupancy vehicle lanes, bicycle lanes, bus lanes, and transit lanes.

SECTION 20. Section 223.012, Transportation Code, is amended to read as follows:

Sec. 223.012. CONTRACTOR PERFORMANCE. (a) The commission [~~department~~] shall adopt rules to:

(1) establish a range of contract remedies to be included in all low-bid highway improvement contracts, including enforceable corrective action plans and criteria for prohibiting contractors with significant project completion delays from bidding on new projects, and develop a process and criteria for when to apply each contract remedy;

(2) develop and implement a schedule for liquidated damages that accurately reflects the costs associated with project completion delays, including administrative and travel delays; and

(3) develop a contractor performance evaluation process and an evaluation tool that:

(A) allows for the [(2)] review of contractor bidding capacity to ensure that contractors meet each quality, safety, and timeliness standard established by the commission; and

(B) contains criteria for modifying a contractor's bidding capacity for competitively bid highway improvement contracts when appropriate [(3) conduct a review to determine whether commission rules or state law should be changed to realize significant cost and time savings on state highway construction and maintenance projects].

(b) In developing the rules required by Subsection (a)(1), the commission must:

(1) consult with industry contractors; and

(2) consider contract remedies used by:

(A) other state agencies; and

(B) departments of transportation in other states ~~[Not later than December 1, 1998, the department shall file a report with the governor, the lieutenant governor, and the speaker of the house of representatives containing:~~

~~[(1) the results of the review conducted under Subsection (a)(2); and~~

~~[(2) recommendations on legislation the commission determines is necessary to realize significant cost and time savings on state highway construction and maintenance].~~

(c) The rules adopted under Subsection (a)(2) must:

(1) include criteria for identifying projects that have a significant impact on the traveling public; and

(2) require the department to calculate project-specific liquidated damages for projects described by Subdivision (1) that reflect the true cost of travel delays.

(d) In developing the evaluation tool required by Subsection (a)(3), the commission must consult with industry contractors.

(e) The rules adopted under Subsection (a)(3) must:

(1) provide for a process for contractors to appeal the contractors' evaluations; and

(2) include criteria for the use of the evaluations by the department to address contractor performance problems.

(f) Rules adopted under this section must require:

(1) contractual provisions providing for the consideration of sufficient time; and

(2) the department to consider any events outside a contractor's control before assessing a penalty against the contractor.

SECTION 21. Section 550.025(a), Transportation Code, is amended to read as follows:

(a) The operator of a vehicle involved in an accident resulting only in damage to a structure adjacent to a highway or a fixture or landscaping legally on or adjacent to a highway shall:

(1) take reasonable steps to locate and notify the owner or person in charge of the property of the accident and of the operator's name and address and the registration number of the vehicle the operator was driving; and

(2) if requested and available, show the operator's driver's license to the owner or person in charge of the property; ~~and~~

~~[(3) report the accident if required by Section 550.064].~~

SECTION 22. Effective September 1, 2019, Section 550.062(b), Transportation Code, is amended to read as follows:

(b) The report required by Subsection (a) must be filed electronically with the department not later than the 10th day after the date of the accident.

SECTION 23. Section 550.064(b), Transportation Code, is amended to read as follows:

(b) An accident report form prepared by the department must:

(1) require sufficiently detailed information to disclose the cause and conditions of and the persons and vehicles involved in an accident if the form is for the report to be made by a person ~~[involved in or]~~ investigating the accident;

(2) include a way to designate and identify a peace officer, firefighter, or emergency medical services employee who is involved in an accident while driving a law enforcement vehicle, fire department vehicle, or emergency medical services vehicle while performing the person's duties;

(3) require a statement by a person described by Subdivision (2) as to the nature of the accident; and

(4) include a way to designate whether an individual involved in an accident wants to be contacted by a person seeking to obtain employment as a professional described by Section 38.01(12), Penal Code.

SECTION 24. Section 550.065(a), Transportation Code, is amended to read as follows:

(a) This section applies only to the following information that is held by the department or another governmental entity:

(1) a written report of an accident required under:

(A) Section ~~[550.061,]~~ 550.062; ~~;~~ or

(B) former Section 550.061 or 601.004 before September 1, 2017; or

(2) accident report information compiled under Section 201.806.

SECTION 25. Section 550.067(c), Transportation Code, is amended to read as follows:

(c) A municipality by ordinance may require the person in charge of a garage or repair shop where a motor vehicle is brought if the vehicle shows evidence of having been involved in an accident described by ~~[requiring a report to be filed under]~~ Section 550.062(a) ~~[550.061 or 550.062]~~ or shows evidence of having been struck by a bullet to report to a department of the municipality within 24 hours after the garage or repair shop receives the motor vehicle, giving the engine number, registration number, and the name and address of the owner or operator of the vehicle.

SECTION 26. Section 550.068, Transportation Code, is amended to read as follows:

Sec. 550.068. CHANGING ACCIDENT REPORT. (a) Except as provided by Subsection (b), a change in or a modification of a written report of a motor vehicle accident prepared by a peace officer ~~[or the operator of a vehicle involved in an accident]~~ that alters a material fact in the report may be made only by the peace officer ~~[or person]~~ who prepared the report.

(b) A change in or a modification of the written report of the accident may be made by a person other than the peace officer ~~[or the operator of the vehicle]~~ if:

(1) the change is made by a written supplement to the report; and

(2) the written supplement clearly indicates the name of the person who originated the change.

SECTION 27. Section 601.005, Transportation Code, is amended to read as follows:

Sec. 601.005. EVIDENCE IN CIVIL SUIT. A ~~[On the filing of a report under Section 601.004, a]~~ person at a trial for damages may not refer to or offer as evidence of the negligence or due care of a party:

(1) an action taken by the department under this chapter;

(2) the findings on which that action is based; or

(3) the security or evidence of financial responsibility filed under this chapter.

SECTION 28. Sections 601.007(b) and (c), Transportation Code, are amended to read as follows:

(b) The provisions of this chapter~~[, other than Section 601.004,]~~ do not apply to an officer, agent, or employee of the United States, this state, or a political subdivision of this state while operating a government vehicle in the course of that person's employment.

(c) The provisions of this chapter, other than Section [Sections 601.004 and] 601.054, do not apply to a motor vehicle that is subject to Chapter 643.

SECTION 29. Section 601.154(c), Transportation Code, is amended to read as follows:

(c) In determining whether there is a reasonable probability that a judgment will be rendered against the person as a result of an accident and the amount of security that is sufficient under Subsection (a), the department may consider:

- (1) a report of an investigating officer; and
- (2) ~~[an accident report of a party involved; and~~
- ~~[(3)]~~ an affidavit of a person who has knowledge of the facts.

SECTION 30. Section 707.004(f), Transportation Code, is amended to read as follows:

(f) Not later than December 1 of each year, the department shall publish on the department's Internet website the information submitted by a local authority under Subsection (d).

SECTION 31. Sections 730.003(4) and (6), Transportation Code, are amended to read as follows:

(4) "Motor vehicle record" means a record that pertains to a motor vehicle operator's or driver's license or permit, motor vehicle registration, motor vehicle title, or identification document issued by an agency of this state or a local agency authorized to issue an identification document. The term does not include:

- (A) a record that pertains to a motor carrier; or
- (B) an accident report prepared under:
 - (i) Chapter 550; or
 - (ii) former Section 601.004 before September 1, 2017 [604].

(6) "Personal information" means information that identifies a person, including an individual's photograph or computerized image, social security number, driver identification number, name, address, but not the zip code, telephone number, and medical or disability information. The term does not include:

- (A) information on vehicle accidents, driving or equipment-related violations, or driver's license or registration status; or
- (B) information contained in an accident report prepared under:
 - (i) Chapter 550; or
 - (ii) former Section 601.004 before September 1, 2017 [604].

SECTION 32. Section 2167.001(a), Government Code, is amended to read as follows:

- (a) This chapter applies to:
 - (1) office space;

- (2) warehouse space;
- (3) laboratory space;
- (4) storage space exceeding 1,000 gross square feet;
- (5) boat storage space;

(6) aircraft hangar space other than hangar space and adjacent space leased by the Texas Department of Transportation [~~State Aircraft Pooling Board~~] at Austin-Bergstrom International Airport and operated for the purpose of providing air transportation services for the State of Texas;

- (7) vehicle parking space; and
- (8) a combination of those kinds of space.

SECTION 33. Section 2175.191(c), Government Code, is amended to read as follows:

(c) Proceeds from the sale of surplus and salvage property of the Texas Department of Transportation relating to the department's duties under Chapter 2205 [~~State Aircraft Pooling Board~~] shall be deposited to the credit of the department [~~board~~].

SECTION 34. The heading to Subchapter A, Chapter 2205, Government Code, is amended to read as follows:

SUBCHAPTER A. [~~STATE AIRCRAFT POOLING BOARD;~~] GENERAL PROVISIONS

SECTION 35. Section 2205.002(1), Government Code, is amended to read as follows:

(1) "Department [~~Board~~]" means the Texas Department of Transportation [~~State Aircraft Pooling Board~~].

SECTION 36. Section 2205.012, Government Code, is amended to read as follows:

Sec. 2205.012. STAFF. [~~(a)~~] The department [~~board~~] may employ and compensate staff as provided by legislative appropriation or may use staff provided by the comptroller or the state auditor's office.

~~[(b) The board shall develop and implement policies that clearly define the respective responsibilities of the board and the staff the board uses.]~~

SECTION 37. Section 2205.032, Government Code, is amended to read as follows:

Sec. 2205.032. CUSTODY, CONTROL, OPERATION, AND MAINTENANCE. (a) The department [~~board~~] shall operate a pool for the custody, control, operation, and maintenance of all aircraft owned or leased by the state.

(b) The department [~~board~~] may purchase aircraft with funds appropriated for that purpose.

(c) As part of the strategic plan that the department [~~board~~] develops and submits under Chapter 2056, the department [~~board~~] shall develop a long-range plan for its pool of aircraft. The department [~~board~~] shall include [~~appropriate portions of~~] the long-range plan in the department's [~~its~~] legislative appropriations request if the department identifies the need for additional appropriations and the additional appropriations are related to the department's duties under this chapter. The long-range plan must include:

(1) estimates of future aircraft replacement needs and other fleet management needs, including:

(A) any projected need to increase or decrease the number of aircraft in the pool;

(B) estimates of the remaining useful life for each aircraft in the pool;
and

(C) a proposed schedule for replacing aircraft in the pool;

(2) a range of alternatives and scenarios for the number and types of aircraft in the pool;

(3) an analysis of current usage of aircraft in the pool, including customer base and documented rationale for use;

(4) the status of maintenance time and costs and projected future trends regarding maintenance time and costs;

(5) any documented high-risk mechanical issues with aircraft in the pool;

(6) an analysis of the costs and benefits of different methods for meeting air transportation currently provided by the department under Section 2205.036, including:

(A) the potential use of statewide contracts for private charter aircraft services;

(B) increased reliance on commercial carriers for routine travel;

(C) decreasing the number of aircraft in the pool and increasing the use of contracted flight services; and

(D) any other method the department considers feasible; and

(7) an analysis of the impact of including capital recovery costs in the rates the department charges under Section 2205.040 that, at a minimum, includes the impact of those included costs on customer utilization and the department's schedule for replacing aircraft in the pool.

(d) In developing the long-range plan, the department [~~board~~] shall consider at a minimum for each aircraft in the pool:

(1) how much the aircraft is used and the purposes for which the aircraft [~~it~~] is used;

(2) the cost of operating the aircraft and the revenue generated by the aircraft; and

(3) the demand for the aircraft or for that type of aircraft.

(e) The department shall update the long-range plan annually and make the plan available on the department's Internet website.

SECTION 38. Section 2205.034, Government Code, is amended to read as follows:

Sec. 2205.034. FACILITIES. (a) The department [~~board~~] may acquire appropriate facilities for the accommodation of all aircraft owned or leased by the state. The facilities may be purchased or leased as determined by the department [~~board~~] to be most economical for the state and as provided by legislative appropriations. The facilities may include adequate hangar space, an indoor passenger waiting area, a flight-planning area, communications facilities, and other related and necessary facilities.

(b) A state agency that operates an aircraft may not use a facility in Austin other than a facility operated by the department [~~board~~] for the storage, parking, fueling, or maintenance of the aircraft, whether or not the aircraft is based in Austin. In a situation the department [~~board~~] determines to be an emergency, the department [~~board~~] may authorize a state agency to use a facility in Austin other than a department [~~board~~] facility for the storage, parking, fueling, or maintenance of an aircraft.

SECTION 39. Section 2205.035, Government Code, is amended to read as follows:

Sec. 2205.035. AIRCRAFT LEASES. (a) The department [~~board~~] by interagency contract may lease state-owned aircraft to a state agency.

(b) A state agency that is the prior owner or lessee of an aircraft has the first option to lease that aircraft from the department [~~board~~].

(c) The lease may provide for operation or maintenance by the department [~~board~~] or the state agency.

(d) A state agency may not expend appropriated funds for the lease of an aircraft unless the department [~~board~~] executes the lease or approves the lease [~~by board order~~].

(e) A state agency may not use money appropriated by the legislature to rent or lease aircraft except from the department [~~board~~] or as provided by Subsection (f). For purposes of this subsection and Subsection (f), payments of mileage reimbursements provided for by the General Appropriations Act are not rentals or leases of aircraft.

(f) If the department [~~board~~] determines that no state-owned aircraft is available to meet a transportation need that has arisen or that a rental or lease of aircraft would reduce the state's transportation costs, the department [~~board~~] shall authorize a state agency to expend funds for the rental or lease of aircraft, which may include a helicopter.

SECTION 40. Section 2205.036, Government Code, is amended to read as follows:

Sec. 2205.036. PASSENGER TRANSPORTATION. (a) The department [~~board~~] shall provide aircraft transportation, to the extent that its aircraft are available, to:

(1) state officers and employees who are traveling on official business according to the coordinated passenger scheduling system and the priority scheduling system developed as part of the aircraft operations manual under Section 2205.038;

(2) persons in the care or custody of state officers or employees described by Subdivision (1); and

(3) persons whose transportation furthers official state business.

(b) The department [~~board~~] may not provide aircraft transportation to a passenger if the passenger is to be transported to or from a place where the passenger:

(1) will make or has made a speech not related to official state business;

(2) will attend or has attended an event sponsored by a political party;

(3) will perform a service or has performed a service for which the passenger is to receive an honorarium, unless the passenger reimburses the department [~~board~~] for the cost of transportation;

(4) will attend or has attended an event at which money is raised for private or political purposes; or

(5) will attend or has attended an event at which an audience was charged an admission fee to see or hear the passenger.

(c) The department [~~board~~] may not provide aircraft transportation to a destination unless:

(1) the destination is not served by a commercial carrier;

(2) the aircraft transportation is the most cost-effective travel arrangement in accordance with Section 660.007(a) [~~time required to use a commercial carrier interferes with passenger obligations~~]; [~~or~~]

(3) the number of passengers traveling makes the use of a state aircraft cost-effective; or

(4) emergency circumstances necessitate the use of a state aircraft.

(d) Before the executive director of the department or the director's designee may authorize a person to use a state-operated aircraft, the person must sign an affidavit stating that the person is traveling on official state business. On filing of the affidavit, the person may be authorized to use state-operated aircraft for official state business for a period of one year. A member of the legislature is not required to receive any other additional authorization to use a state-operated aircraft.

(e) Before the executive director of the department or the director's designee may authorize an employee of a state agency to use a state-operated aircraft, the administrative head of the state agency must certify that the employee's transportation complies with the requirements of this section.

SECTION 41. Section 2205.038, Government Code, is amended to read as follows:

Sec. 2205.038. AIRCRAFT OPERATIONS MANUAL. (a) The department [~~board~~] shall:

(1) prepare a manual that establishes minimum standards for the operation of aircraft by state agencies; and

(2) adopt procedures for the distribution of the manual to state agencies.

(b) The manual must include provisions for:

(1) pilot certification standards, including medical requirements for pilots;

(2) recurring training programs for pilots;

(3) general operating and flight rules;

(4) coordinated passenger scheduling; and

(5) other issues the department [~~board~~] determines are necessary to ensure the efficient and safe operation of aircraft by a state agency.

(c) The department [~~board~~] shall confer with and solicit the written advice of state agencies the department [~~board~~] determines are principal users of aircraft operated by the department [~~board~~] and, to the extent practicable, incorporate that advice in the development of the manual and subsequent changes to the manual.

(d) The department [~~board~~] shall give an officer normally elected by statewide election priority in the scheduling of aircraft. The department [~~board~~] by rule may require a 12-hour notice by the officer to obtain the priority in scheduling.

SECTION 42. Section 2205.039, Government Code, is amended to read as follows:

Sec. 2205.039. TRAVEL LOG. (a) The Legislative Budget Board, in cooperation with the department [board], shall prescribe:

(1) a travel log form for gathering information about the use of state-operated aircraft;

(2) procedures to ensure that individuals who travel as passengers on or operate state-operated aircraft provide in a legible manner the information requested of them by the form; and

(3) procedures for each state agency that operates an aircraft for sending the form to the department [board] and the Legislative Budget Board.

(b) The travel log form must request the following information about a state-operated aircraft each time the aircraft is flown:

(1) a mission statement, which may appear as a selection to be identified from general categories appearing on the form;

(2) the name, state agency represented, destination, and signature of each person who is a passenger or crew member of the aircraft;

(3) the date of each flight;

(4) a detailed and specific description of the official business purpose of each flight; and

(5) other information determined by the Legislative Budget Board and the department [board] to be necessary to monitor the proper use of the aircraft.

(c) A state agency other than the department [Texas Department of Transportation] shall send the agency's travel logs to the department on an annual basis. An agency is not required to file a travel log with the department if the agency did not operate an aircraft during the period covered by the travel log.

SECTION 43. Section 2205.040, Government Code, is amended to read as follows:

Sec. 2205.040. RATES AND BILLING PROCEDURES; ACCOUNT FOR CAPITAL REPLACEMENT COSTS. (a) Subject to Subsection (b), the department [The board] shall adopt rates for interagency aircraft services that are sufficient to recover, in the aggregate and to the extent possible, all direct costs for the services provided, including a state agency's pro rata share of major maintenance, overhauls of equipment and facilities, and pilots' salaries.

(b) If the department's most recent long-term plan contains an analysis under Section 2205.032(c)(7) that finds that including capital recovery costs in the rates the department charges under this section is a practicable fleet replacement strategy, the department may adopt rates for interagency aircraft services provided by the department that are sufficient to recover, in the aggregate and to the extent possible:

(1) all direct costs for services provided, as provided by Subsection (a); and

(2) the capital costs of replacing aircraft in the pool.

(c) The Legislative Budget Board, in cooperation with the department [board] and the state auditor, shall prescribe a billing procedure for passenger travel on state-operated aircraft.

(d) If the department adopts rates under Subsection (b), the portion of the rates collected for the capital costs of replacing aircraft in the pool shall be deposited in a separate account in the state highway fund. Money in the account may be used only for the acquisition of aircraft for the pool operated by the department under Section 2205.032.

SECTION 44. Section 2205.041, Government Code, is amended to read as follows:

Sec. 2205.041. AIRCRAFT USE FORM. (a) The department [~~Texas Department of Transportation~~] shall prescribe:

(1) an annual aircraft use form for gathering information about the use of state-operated aircraft, including the extent to which and the methods by which the goal provided by Section 2205.031(b) is being met; and

(2) procedures for each state agency that operates an aircraft for sending the form to the department.

(b) The aircraft use form must request the following information about each aircraft a state agency operates:

(1) a description of the aircraft;

(2) the date purchased or leased and the purchase price or lease cost;

(3) the number of annual hours flown;

(4) the annual operating costs;

(5) the number of flights and the destinations;

(6) the travel logs prepared under Section 2205.039; and

(7) any other information the department [~~Texas Department of Transportation~~] requires to document the proper or cost-efficient use of the aircraft.

SECTION 45. Section 2205.042, Government Code, is amended to read as follows:

Sec. 2205.042. PILOTS. An individual who is not a pilot employed by the department [~~board~~] may not operate a state-operated aircraft unless the department [~~board~~] grants the individual a specific exemption from that requirement.

SECTION 46. Section 2205.043(b), Government Code, is amended to read as follows:

(b) The department [~~board~~] shall adopt rules, consistent with federal regulations and Section 3101.001, governing the color, size, and location of marks of identification required by this section.

SECTION 47. Section 2205.044, Government Code, is amended to read as follows:

Sec. 2205.044. FUEL AND MAINTENANCE CONTRACTS. The department [~~board~~] may contract with a state or federal governmental agency or a political subdivision to provide aircraft fuel or to provide aircraft maintenance services.

SECTION 48. Section 2205.045(a), Government Code, is amended to read as follows:

(a) The department [~~board~~] may purchase insurance to protect the department [~~board~~] from loss caused by damage, loss, theft, or destruction of aircraft owned or leased by the state and shall purchase liability insurance to protect the officers and employees of each state agency from loss arising from the operation of state-owned aircraft.

SECTION 49. Section 2205.046, Government Code, is amended to read as follows:

Sec. 2205.046. AIRCRAFT FOR FLIGHT TRAINING PROGRAMS. (a) The department [board] may transfer aircraft to a public technical institute or other public postsecondary educational institution for use in the institution's flight training program. Except as provided by this section, the department [board] has no responsibility for continued maintenance of aircraft transferred under this section.

(b) As a condition to the transfer of the aircraft, the institution must certify in writing to the department [board] that the institution will accept full responsibility for maintenance of the aircraft and that it will be properly maintained while in the custody and control of the institution. The department [board] is entitled to inspect the aircraft without notice for the purpose of ensuring [insuring] that the aircraft is is [are] properly maintained.

(c) The department [board] may immediately reassume custody and control of a transferred aircraft on a finding by the department [board] that:

- (1) the aircraft is not being properly maintained;
- (2) the aircraft is being used for a purpose other than flight training; or
- (3) the institution has discontinued its flight training program.

SECTION 50. Section 2205.047, Government Code, is amended to read as follows:

Sec. 2205.047. INFORMATION POSTED ON THE INTERNET. The department [board] shall post information related to travel and other services provided by the department [board] on an Internet website [site] maintained by or for the department [board]. The site must be generally accessible to state agencies, persons who use the department's [board's] services, and, to the extent appropriate, the general public.

SECTION 51. The following provisions are repealed:

(1) Sections 2205.003, 2205.004, 2205.005, 2205.006, 2205.007, 2205.008, 2205.009, 2205.010, 2205.011, 2205.013, 2205.014, 2205.015, and 2205.017, Government Code; and

(2) Sections 201.404(b-2), 550.061, and 601.004, Transportation Code.

SECTION 52. (a) Except as provided by Subsection (b) of this section, Section 201.059, Transportation Code, as amended by this Act, applies to a member of the Texas Transportation Commission appointed before, on, or after the effective date of this Act.

(b) A member of the Texas Transportation Commission who, before the effective date of this Act, completed the training program required by Section 201.059, Transportation Code, as that law existed before the effective date of this Act, is only required to complete additional training on the subjects added by this Act to the training program as required by Section 201.059, Transportation Code, as amended by this Act. A member of the commission described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission held on or after December 1, 2017, until the member completes the additional training.

SECTION 53. (a) Not later than March 1, 2018, the Texas Department of Transportation shall:

(1) complete a review and update of the long-term transportation goals contained in the statewide transportation plan under Section 201.601, Transportation Code, and make any changes to the statewide transportation plan that are necessary to implement the change in law made by this Act to Section 201.601, Transportation Code, including adopting specific and clearly defined transportation system strategies, long-term transportation goals for the state and measurable targets for each goal, and other related performance measures, to ensure that the department uses a single set of transportation goals in all of the department's transportation plans and policy efforts;

(2) make any changes to each of the department's transportation plans and policy efforts that are necessary to implement the change in law made by this Act to Section 201.6015, Transportation Code;

(3) develop the plan required by Section 201.807(g)(3), Transportation Code, as added by this Act; and

(4) develop and publish on the department's Internet website the dashboard required by Section 201.8075, Transportation Code, as added by this Act.

(b) Not later than September 1, 2018, the Texas Department of Transportation shall adopt the first long-range plan containing the information required by Section 2205.032(c), Government Code, as amended by this Act.

(c) Not later than September 1, 2018, the Texas Transportation Commission shall:

(1) adopt the rules required by Sections 201.807(h), 201.991(b-1), 201.998(f), and 201.9992, Transportation Code, as added by this Act, and Section 223.012, Transportation Code, as amended by this Act; and

(2) adopt or modify any rules necessary to implement the changes in law made by this Act to Sections 201.807, 201.991, and 201.998, Transportation Code.

SECTION 54. This Act takes effect September 1, 2017.

Floor Amendment No. 6

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Subchapter J, Chapter 201, Transportation Code, is amended by adding Section 201.812 to read as follows:

Sec. 201.812. STATUS REPORT ON HIGHWAY CONSTRUCTION PROJECTS. (a) The department shall semiannually publish on the department's Internet website a status report on all highway construction projects, listed by department district, that have been completed.

(b) The status report required by Subsection (a) must, for each project listed in the report:

(1) specify whether the project is:

(A) on schedule, ahead of schedule, or behind schedule; and

(B) on budget, under budget, or over budget; and

(2) include any pending change orders.

Floor Amendment No. 12

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 222.103(a), Transportation Code, is amended to read as follows:

(a) The department may participate, by spending money from any available source, in the cost of the acquisition, construction, maintenance, or operation of a toll facility of a public or private entity on terms and conditions established by the commission. The commission[+]

~~(1) may require the repayment of any money spent by the department for the cost of a toll facility of a public entity; and~~

~~(2) shall require the repayment of any money spent [by the department for the cost of a toll facility of a private entity].~~

(b) Section 366.301(c), Transportation Code, is amended to read as follows:

(c) An obligation or expense incurred by the commission or department under this section is a part of the cost of the turnpike project for which the obligation or expense was incurred. The commission or department shall ~~may~~ require money contributed by the commission or department under this section to be repaid. The commission or department may require the money to be repaid from tolls or other revenue of the turnpike project or system on which the money was spent. Money repaid as required by the commission or department shall be deposited to the credit of the fund from which the contribution was made. Money deposited as required by this section is exempt from the application of Section 403.095, Government Code.

(c) Section 370.033(m), Transportation Code, is amended to read as follows:

(m) If an authority receives money from the general revenue fund, the Texas Mobility Fund, or the state highway fund, it:

(1) may use the money only to acquire, design, finance, construct, operate, or maintain a turnpike project under Section 370.003(14)(A) or (D) or a transit system under Section 370.351; and

(2) must repay the money.

(d) Sections 370.301(c) and (f), Transportation Code, are amended to read as follows:

(c) An obligation or expense incurred by the commission or department under this section is a part of the cost of the turnpike project for which the obligation or expense was incurred. The commission or department shall ~~may~~ require money contributed by the commission or department under this section to be repaid. The commission or department may require the money to be repaid from tolls or other revenue of the turnpike project on which the money was spent. Money repaid as required by the commission or department shall be deposited to the credit of the fund from which the contribution was made. Money deposited as required by this section is exempt from the application of Section 403.095, Government Code.

(f) The commission may ~~[grant or]~~ loan department money to an authority for the acquisition of land for or the construction, maintenance, or operation of a turnpike project. The commission shall ~~[may]~~ require the authority to repay money loaned ~~[provided]~~ under this section. The commission may require the money to be repaid from toll revenue or other sources on terms established by the commission.

(e) Subchapter A, Chapter 372, Transportation Code, is amended by adding Section 372.002 to read as follows:

Sec. 372.002. REPAYMENT OF MONEY CONTRIBUTED BY DEPARTMENT. A toll project entity shall repay to the department any money contributed by the department as participation in the cost of the entity's toll projects, including money from the state highway fund, the Texas Mobility Fund, or other sources available to the department.

(f) The changes in law made by this section apply only to a loan, grant, or other contribution made by the Texas Department of Transportation or the Texas Transportation Commission on or after the effective date of this Act. A loan, grant, or other contribution made before the effective date of this Act is governed by the law in effect on the date the loan, grant, or other contribution is made, and the former law is continued in effect for that purpose.

Floor Amendment No. 13

Amend Amendment No. 12 by Pickett to **CSSB 312** (prefiled amendment packet page 35) on page 3 as follows:

- (1) On lines 3 and 4, between the underlined period and "A", insert "(a)".
- (2) Between lines 7 and 8, insert the following:
 - (b) Each year, the department shall:

(1) for each department district, determine the amount of money repaid to the department under Subsection (a) in the previous year that is attributable to projects located in the district; and

(2) in addition to other amounts, allocate to each department district an amount of money equal to the amount determined for the district under Subdivision (1) to be used for transportation projects located in that district.

(c) If a transportation project that was the subject of repayment of department contributions is located in more than one department district, the department may reasonably allocate the repayments from that project between the districts in which the project is located.

Floor Amendment No. 14

Amend Amendment No. 12 by Pickett to **CSSB 312** (page 35 of the pre-filed amendment packet) by inserting the following at the end of the amendment:

Notwithstanding the foregoing, a toll project entity shall not be required to repay:

(1) funds held in a subaccount created under Section 228.012, Transportation Code; or

(2) funds approved by the Texas Transportation Commission without the requirement for repayment after the department and the entity negotiate an agreement on the terms of the contribution.

Floor Amendment No. 16

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 223, Transportation Code, is amended by adding Section 223.051 to read as follows:

Sec. 223.051. VERIFICATION BY CONTRACTORS. (a) In this section, "E-verify program" has the meaning assigned by Section 673.001, Government Code.

(b) The department may not award a contract for the construction, maintenance, or improvement of a highway in this state to a contractor unless the contractor and any subcontractor register with and participate in the E-verify program to verify employee information. The contractor and any subcontractor must continue to participate in the program during the term of the contract.

(c) Each contract with the department must include the following statement:
"_____ (name of contractor) certifies that _____ (name of contractor) is not ineligible to receive this contract under Section 223.051, Transportation Code, and acknowledges that if this certification is inaccurate or becomes inaccurate during the term of the contract, the contractor may be barred from participating in contracts with the Texas Department of Transportation."

(d) If the department determines that a contractor was ineligible to have the contract awarded under Subsection (b), that a contractor has ceased participation in the E-verify program during the term of the contract, or that a subcontractor is not registered with or is not participating in the E-verify program, the department shall refer the matter to the comptroller for action.

(e) The department shall develop procedures for the administration of this section.

(f) Using procedures prescribed under Section 2155.077, Government Code, the comptroller shall bar a contractor from participating in contracts with the department if the department determines that the contractor:

(1) was awarded a contract in violation of this section;
(2) has ceased participation in the E-verify program during the term of the contract; or

(3) hired a subcontractor to perform work under the contract who is not registered with or is not participating in the E-verify program.

(g) Debarment under this section is for a period of up to five years.

(h) A contractor who registers with and participates in the E-verify program as provided by Subsection (b) may not be barred under this section if, as a result of receiving inaccurate verification information from the E-verify program, the contractor hires or employs a person in violation of 8 U.S.C. Section 1324a.

(i) It is an affirmative defense to a civil action for damages or the imposition of a civil penalty for an employer's refusal to hire or employ a person based on the employer's participation in the E-verify program as required by this section that the employer participated in the E-verify program in accordance with the rules and guidelines of the program and received inaccurate information.

(j) Nothing in this section may be construed to allow intentional discrimination of any class protected by law.

SECTION _____. The Texas Department of Transportation shall develop the procedures required under Section 223.051, Transportation Code, as added by this Act, not later than October 1, 2017.

SECTION _____. Section 223.051, Transportation Code, as added by this Act, applies only in relation to a contract for which the request for bids or proposals or other applicable expression of interest is made public on or after the effective date of this Act.

Floor Amendment No. 17

Amend Amendment No. 16 by Rinaldi (bar code no. 851989) as follows:

- (1) Strike page 1, line 16 through page 2, line 2.
- (2) On page 2, line 3, strike "(e)" and substitute "(c)".
- (3) On page 2, line 4, between "administration" and "of" insert "and enforcement".
- (4) Strike page 2, lines 5 through 31.

Floor Amendment No. 18

Amend **CSSB 312** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 224, Transportation Code, is amended by adding Section 224.034 to read as follows:

Sec. 224.034. HIGHWAY CLOSURES DURING CERTAIN PERIODS. (a) If a proposed improvement of the state highway system requires the closing of a highway, the department shall, before entering into a contract for the proposed improvement, coordinate the highway closure by communicating in person or by telephone call, e-mail, or other direct method of communication with public officials from municipalities affected by the closure to avoid any adverse economic impact on the municipalities during:

(1) periods of increased travel on the state highway system, including major state and federal holidays and school holidays; and

(2) other periods of high commercial activity in the state, including limited periods in which certain items are exempted from the sales tax imposed by Chapter 151, Tax Code.

(b) A contract for the proposed improvement of the state highway system that requires the closing of a highway as described by Subsection (a) must include a provision identifying the days on which the highway may not be closed.

(c) The department shall submit an annual report to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature detailing all highway closures during periods listed in Subsection (a) and the estimated economic impact of those closures.

Floor Amendment No. 19

Amend **CSSB 312** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.123 to read as follows:

Sec. 225.123. ROSA PARKS MEMORIAL PARKWAY. (a) The portion of State Highway 360 from the municipal limits of Mansfield in Tarrant County to its intersection with East Sublett Road/West Camp Wisdom Road in Tarrant County is designated as the Rosa Parks Memorial Parkway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Rosa Parks Memorial Parkway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.124 to read as follows:

Sec. 225.124. SENATOR CHRIS HARRIS MEMORIAL HIGHWAY. (a) The portion of State Highway 360 from its intersection with U.S. Highway 287 in Ellis County to the municipal limits of Mansfield in Tarrant County is designated as the Senator Chris Harris Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Senator Chris Harris Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Floor Amendment No. 20

Amend Amendment No. 19 to **CSSB 312** by Turner (page 48, prefiled amendment packet) on page 1, line 20, immediately following the underlined period, by inserting the following:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.123 to read as follows:

Sec. 225.123. STATE TROOPER BILL DAVIDSON MEMORIAL HIGHWAY. (a) The portion of U.S. Highway 59 in Jackson County between mile marker 618 and mile marker 620 on the southbound side is designated as the State Trooper Bill Davidson Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the highway number, the designation as the State Trooper Bill Davidson Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Floor Amendment No. 21

Amend Amendment No. 19 to **CSSB 312** by Turner (page 48, prefiled amendment packet) on page 1, line 29, immediately following the underlined period, by inserting the following:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.125 to read as follows:

Sec. 225.125. VETERANS MEMORIAL HIGHWAY. (a) The portion of U.S. Highway 271 in Camp County is designated as the Veterans Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Veterans Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Floor Amendment No. 22

Amend Amendment No. 19 by Turner to **CSSB 312** (prefiled amendments packet page 48) by adding the following on page 1, immediately following line 29:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.125 to read as follows:

Sec. 225.125. TITUS COUNTY VIETNAM VETERANS MEMORIAL HIGHWAY. (a) The portion of Farm-to-Market Road 4000 in Titus County between its intersection with Farm-to-Market Road 1735 and the eastern municipal boundary of Mount Pleasant is designated as the Titus County Vietnam Veterans Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Titus County Vietnam Veterans Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Floor Amendment No. 23

Amend Amendment No. 19 to **CSSB 312** by Turner (page 48, prefiled amendment packet) on page 1, line 20, immediately following the underlined period, by inserting the following:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.123 to read as follows:

Sec. 225.123. TEXAS GAME WARDEN TEYRAN "TY" PATTERSON MEMORIAL HIGHWAY. (a) Business State Highway 123-B in Guadalupe County is designated as the Texas Game Warden Teyran "Ty" Patterson Memorial Highway. This designation is in addition to any other designation.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Texas Game Warden Teyran "Ty" Patterson Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Floor Amendment No. 24

Amend Amendment No. 19 to **CSSB 312** by Turner (page 48, prefiled amendment packet) on page 1, line 29, immediately following the underlined period, by inserting the following:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.125 to read as follows:

Sec. 225.125. DEPUTY CLIFTON TAYLOR MEMORIAL HIGHWAY. (a) The portion of Interstate Highway 35W in Johnson County between its intersection with U.S. Highway 67 and East Hidden Creek Parkway is designated as the Deputy Clifton Taylor Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Deputy Clifton Taylor Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Floor Amendment No. 25

Amend Amendment No. 19 by Turner to **CSSB 312** (prefiled amendment packet page 48) on page 1, immediately following line 29, by adding the following:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.125 to read as follows:

Sec. 225.125. KOLLYN BARTON MEMORIAL HIGHWAY. (a) The portion of Farm-to-Market Road 666 in Nueces County between its intersection with State Highway 44 and Farm-to-Market Road 624 is designated as the Kollyn Barton Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Kollyn Barton Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Floor Amendment No. 26

Amend Amendment No. 19 by Turner to **CSSB 312** (page 48 of the prefiled amendment packet) immediately following line 29, by adding the following:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.126 to read as follows:

Sec. 225.126. BEDFORD-CARMICHAEL BRIDGE. (a) The structure on State Highway 6 located in Eastland County adjacent to Lake Cisco connecting the north and south banks of Sandy Creek is designated as the Bedford-Carmichael Bridge.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Bedford-Carmichael Bridge and any other appropriate information; and

(2) erect a marker at each end of the structure.

Floor Amendment No. 28

Amend Amendment No. 19 by Turner to **CSSB 312** by adding the following SECTION to the amendment:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.123 to read as follows:

Sec. 225.123. EL FRANCO LEE MEMORIAL HIGHWAY. (a) The portion of U.S. Highway 59 between State Highway 288 and Interstate Highway 610 is designated as the El Franco Lee Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the El Franco Lee Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Floor Amendment No. 29

Amend Amendment No. 19 to **CSSB 312** by Turner (prefiled amendments packet page 48) on page 1, immediately after line 29, by adding the following:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.125 to read as follows:

Sec. 225.125. SHERIFF RONNIE DODDS MEMORIAL HIGHWAY. (a) The portion of Alternate United States Highway 90 in Lavaca County from the eastern municipal limits of Shiner to the western municipal limits of Hallettsville is designated as the Sheriff Ronnie Dodds Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Sheriff Ronnie Dodds Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Floor Amendment No. 30

Amend Amendment No. 19 to **CSSB 312** by Turner (prefiled amendments packet page 48) on page 1, immediately after line 29, by adding the following:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.125 to read as follows:

Sec. 225.125. SERGEANT DAVID M. FURRH MEMORIAL HIGHWAY. (a) The portion of State Highway 95 in Lavaca County from the northern municipal limits of Shiner to the southern municipal limits of Moulton is designated as the Sergeant David M. Furrh Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Sergeant David M. Furrh Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Floor Amendment No. 31

Amend Amendment No. 19 to **CSSB 312** by Turner (page 48, prefiled amendment packet) on page 1, line 29, immediately following the underlined period, by inserting the following:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.128 to read as follows:

Sec. 225.128. STAFF SERGEANT JEREMIE S. BORDER MEMORIAL HIGHWAY. (a) The portion of State Highway 352 in the municipal limits of Mesquite is designated as the Staff Sergeant Jeremie S. Border Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Staff Sergeant Jeremie S. Border Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Floor Amendment No. 33

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

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**

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.

Floor Amendment No. 37

Amend **CSSB 312** (house committee report) by deleting the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 228.201, Transportation Code, is amended to read as follows:

Sec. 228.201. LIMITATION ON TOLL FACILITY DESIGNATION. ~~[(*)]~~ The department may not operate a nontolled state highway or a segment of a nontolled state highway as a toll project, and may not transfer a highway or segment to another entity for operation as a toll project, unless:

(1) the commission by order designated the highway or segment as a toll project before the contract to construct the highway or segment was awarded;

(2) the project was designated as a toll project in a plan or program of a metropolitan planning organization on or before September 1, 2005;

(3) the highway or segment is reconstructed so that the number of nontolled lanes on the highway or segment is greater than or equal to the number in existence before the reconstruction; or

(4) a facility is constructed adjacent to the highway or segment so that the number of nontolled lanes on the converted highway or segment and the adjacent facility together is greater than or equal to the number in existence on the converted highway or segment before the conversion ~~[(*)]~~

~~[(5) subject to Subsection (b), the highway or segment was open to traffic as a high occupancy vehicle lane on May 1, 2005].~~

~~[(b) The department may operate or transfer a high-occupancy vehicle lane under Subsection (a)(5) as a tolled lane only if the department or other entity operating the lane allows vehicles occupied by a specified number of passengers to use the lane without paying a toll.]~~

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Floor Amendment No. 38

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

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

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

(1) may consider only a general-purpose lane that is part of the highway; and
(2) may not consider a lane of a frontage road to be a nontolled lane before or after reconstruction of the highway.

SECTION 2. Section 228.201(c), Transportation Code, as added by this Act, applies only to a highway reconstruction in accordance with Section 228.201(a)(3), Transportation Code, that is begun on or after the effective date of this Act. A reconstruction begun before the effective date of this Act is governed by the law in effect when the reconstruction began, and the former law is continued in effect for that purpose.

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

Floor Amendment No. 39

Amend **CSSB 312** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 228.054, Transportation Code, is amended to read as follows:

Sec. 228.054. TOLL PAYMENT REQUIRED ~~[FAILURE OR REFUSAL TO PAY TOLL];~~ EMERGENCY VEHICLES EXEMPT ~~[OFFENSE]~~.

SECTION _____. Section 228.054(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Subsection (e) ~~[or Section 228.0545]~~, the operator of a vehicle, other than an authorized emergency vehicle, as defined by Section 541.201, that is driven or towed through a toll collection facility shall pay the proper toll. The exemption from payment of a toll for an authorized emergency vehicle applies regardless of whether the vehicle is:

- (1) responding to an emergency;
- (2) displaying a flashing light; or
- (3) marked as an emergency vehicle.

SECTION _____. The heading to Section 228.0545, Transportation Code, is amended to read as follows:

Sec. 228.0545. TOLL NOT PAID AT TIME OF USE; INVOICE [ALTERNATIVE TOLLING METHODS].

SECTION _____. Sections 228.0545(c) and (d), Transportation Code, are amended to read as follows:

(c) The department shall send by first class mail to the registered owner of a ~~the~~ vehicle a written invoice containing an assessment for tolls incurred by the vehicle [notice of the total amount due. The notice must specify the date, which may not be earlier than the 30th day after the date the notice is mailed, by which the amount due must be paid. The registered owner shall pay the amount due on or before the date specified in the notice].

(d) The department shall send the invoice [notice] required under Subsection (c) and related communications [subsequent notices] to:

(1) the registered owner's address as shown in the vehicle registration records of the Texas Department of Motor Vehicles or the analogous department or agency of another state or country; or

(2) an alternate address provided by the owner or derived through other reliable means.

SECTION _____. Subchapter B, Chapter 228, Transportation Code, is amended by adding Sections 228.0546 and 228.0547 to read as follows:

Sec. 228.0546. INVOICE REQUIREMENTS; PAYMENT DUE DATE. An invoice containing an assessment for the use of a toll project must:

(1) require payment not later than the 30th day after the date the invoice is mailed; and

(2) conspicuously state:

(A) the amount due;

(B) the date by which the amount due must be paid; and

(C) that failure to pay the amount due in the required period:

(i) will result in the assessment of an administrative fee; and

(ii) may result in liability for a civil penalty.

Sec. 228.0547. PAYMENT OF TOLL INVOICE; CIVIL PENALTY FOR FAILURE TO PAY AMOUNT OF INVOICE WITHIN 30 DAYS. (a) A person who receives an invoice from the department for the use of a toll project shall, not later than the due date specified in the invoice:

(1) pay the amount owed as stated in the invoice; or

(2) send a written request to the entity for a review of the toll assessments contained in the invoice.

(b) If a person fails to comply with Subsection (a), the department may add an administrative fee, not to exceed \$6, to the amount the person owes. The department:

(1) must set the administrative fee by rule in an amount that does not exceed the cost of collecting the toll; and

(2) may not charge a person more than \$48 in administrative fees in a 12-month period.

(c) A person who receives two or more invoices for unpaid tolls and who has not paid the amount due within 30 days of the date of the invoice is subject to a civil penalty of \$25. Only one civil penalty may be assessed in a six-month period. An appropriate district or county attorney may sue to collect the civil penalty and the underlying toll and administrative fee.

(d) The court in which a person is found liable for a civil penalty under Subsection (c) shall collect the civil penalty, unpaid tolls, administrative fees, and any additional court costs and forward the amounts to the department.

SECTION _____. The heading to Section 228.055, Transportation Code, is amended to read as follows:

Sec. 228.055. EXCEPTIONS FOR LEASED OR TRANSFERRED VEHICLE [ADMINISTRATIVE FEE; NOTICE; OFFENSE].

SECTION _____. Sections 228.055(d), (d-1), (e), and (i), Transportation Code, are amended to read as follows:

(d) It is an exception to liability of a vehicle's registered owner for a toll incurred by the vehicle [the application of Subsection (a) or (e)] if the registered owner of the vehicle is a lessor of the vehicle and not later than the 30th day after the date the invoice containing an assessment of the toll [notice of nonpayment] is mailed provides to the department:

(1) a copy of the rental, lease, or other contract document covering the vehicle on the date the toll was incurred [of the nonpayment under Section 228.054 or the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545], with the name and address of the lessee clearly legible; or

(2) electronic data, in a format agreed on by the department and the lessor, other than a photocopy or scan of a rental or lease contract, that contains the information required under Sections 521.460(c)(1), (2), and (3) covering the vehicle on the date the toll was incurred [of the nonpayment under Section 228.054 or the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545].

(d-1) If the lessor provides the required information within the period prescribed under Subsection (d), the department may send an invoice [a notice of nonpayment] to the lessee at the address provided under Subsection (d) by first class mail before the 30th day after the date of receipt of the required information from the lessor. [The lessee of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The lessee shall pay a separate toll and administrative fee for each event of nonpayment. Each failure to pay a toll or administrative fee under this subsection is a separate offense.]

(e) It is an exception to liability of a vehicle's registered owner for a toll incurred by the vehicle [the application of Subsection (a) or (e)] if the registered owner of the vehicle transferred ownership of the vehicle to another person before the toll was incurred [event of nonpayment under Section 228.054 occurred or before the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545], submitted written notice of the transfer to the

department in accordance with Section 501.147, and, before the 30th day after the date the invoice ~~[notice of nonpayment]~~ is mailed, provides to the department the name and address of the person to whom the vehicle was transferred. If the former owner of the vehicle provides the required information within the period prescribed, the department may send an invoice ~~[a notice of nonpayment]~~ to the person to whom ownership of the vehicle was transferred at the address provided by the former owner by first class mail before the 30th day after the date of receipt of the required information from the former owner. The department may send all subsequent invoices ~~[notices of nonpayment]~~ associated with the vehicle to the person to whom ownership of the vehicle was transferred at the address provided by the former owner or an alternate address provided by the subsequent owner or derived through other reliable means. ~~[The subsequent owner of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The subsequent owner shall pay a separate toll and administrative fee for each event of nonpayment under Section 228.054 or 228.0545. Each failure to pay a toll or administrative fee under this subsection is a separate offense.]~~

(i) The department may contract, in accordance with Section 2107.003, Government Code, with a person to collect the unpaid toll and any applicable administrative fee before referring the matter to a court for collection of a civil penalty under Section 228.0547 ~~[with jurisdiction over the offense]~~.

SECTION _____. Section 228.056, Transportation Code, is amended to read as follows:

Sec. 228.056. PROOF OF LIABILITY FOR TOLL; DEFENSE FOR STOLEN VEHICLE ~~[PRESUMPTIONS; PRIMA FACIE EVIDENCE; DEFENSES]~~. (a) Proof ~~[In the prosecution of an offense under Section 228.054 or 228.055, proof]~~ that a [the] vehicle was driven or towed through a [the] toll collection facility without payment of the proper toll may be shown by a video recording, photograph, electronic recording, or other appropriate evidence, including evidence obtained by automated enforcement technology.

(b) In determining liability for an incurred toll ~~[the prosecution of an offense under Section 228.055(c), (d-1), or (e)]~~:

(1) it is presumed that the invoice containing the assessment for the toll ~~[notice of nonpayment]~~ was received on the fifth day after the date of mailing;

(2) a computer record of the Texas Department of Motor Vehicles of the registered owner of the vehicle is prima facie evidence of its contents and that the person identified in the record as the vehicle's registered owner ~~[defendant]~~ was the registered owner of the vehicle when the toll was incurred ~~[underlying event of nonpayment under Section 228.054 occurred or on the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545]~~; and

(3) a copy of a [the] rental, lease, or other contract document, or the electronic data provided to the department under Section 228.055(d), covering the vehicle on the date the toll was incurred ~~[of the underlying event of nonpayment under Section 228.054 or on the date the vehicle was driven or towed through a toll~~

~~collection facility that results in a notice issued under Section 228.0545] is prima facie evidence of its contents and that the person identified in the document [defendant] was the lessee of the vehicle when the toll was incurred [underlying event of nonpayment under Section 228.054 occurred or when the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545].~~

(c) It is a defense to liability of a vehicle's registered owner for a toll incurred by the vehicle [prosecution under Section 228.055(e), (d 1), or (e)] that the [motor] vehicle [in question] was stolen before the toll was incurred [failure to pay the proper toll occurred] and had not been recovered before the toll was incurred [failure to pay occurred], but only if the theft was reported to the appropriate law enforcement authority before the earlier of:

- (1) the time the toll was incurred [the occurrence of the failure to pay]; or
- (2) eight hours after the discovery of the theft.

SECTION _____. Section 228.059, Transportation Code, is amended to read as follows:

Sec. 228.059. TOLL COLLECTION AND ENFORCEMENT BY OTHER ENTITY[; OFFENSE]. An entity operating a toll lane pursuant to Section 228.007(b) has, with regard to toll collection and enforcement for that toll lane, the same powers and duties as the department under this chapter. [A person who fails to pay a toll or administrative fee imposed by the entity commits an offense. Each failure to pay a toll or administrative fee imposed by the entity is a separate offense. An offense under this section is a misdemeanor punishable by a fine not to exceed \$250, and the provisions of Section 228.056 apply to the prosecution of the offense under this section.] The entity may use revenues for improvement, extension, expansion, or maintenance of the toll lane.

SECTION _____. Section 372.101, Transportation Code, is amended to read as follows:

Sec. 372.101. APPLICABILITY. This subchapter does not apply to:

- (1) a county acting under Chapter 284; or
- (2) the department.

SECTION _____. The following sections of the Transportation Code are repealed:

- (1) Sections 228.054(b) and (c); and
- (2) Sections 228.055(a), (b), (c), (f), (g), and (h).

SECTION _____. The changes in law made by this Act to the law regarding toll collection procedures and billing apply only to a toll incurred on or after the effective date of this Act. A toll incurred before the effective date of this Act is governed by the law in effect on the date the toll was incurred, and the former law is continued in effect for that purpose.

Floor Amendment No. 40

Amend Amendment No. 39 by Minjarez to **CSSB 312** (page 55, prefiled amendments packet) on page 1 of the amendment by inserting the following between lines 18 and 19:

SECTION _____. Subchapter B, Chapter 228, Transportation Code, is amended by adding Section 228.0541 to read as follows:

Sec. 228.0541. PUBLIC SCHOOL BUSES. The department may not require a school bus exempt from registration fees under Section 502.453 to pay a toll for use of a toll project.

Floor Amendment No. 42

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 228, Transportation Code, is amended by adding Section 228.207 to read as follows:

(a) Should the Camino Real Regional Mobility Authority vote to remove the portion of Loop 375 in El Paso County between Interstate Highway 10 and Santa Fe Street as a toll project, also known as Cesar Chavez Freeway,

(b) Any outstanding balances of funds owed to the Department for Cesar Chavez Freeway shall be transferred and added to the obligation on the Loop 375 Border Highway West Project in El Paso County from Race Track Drive to U.S. Highway 54, or any other terms agreeable to the Department.

(c) The Department shall maintain the highway described by Subsection (a) as part of the state highway system without tolls.

SECTION 2. This Act takes effect September 1, 2017.

Floor Amendment No. 43

Amend **CSSB 312** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 391, Transportation Code, is amended by adding Section 391.038 to read as follows:

Sec. 391.038. SIGN HEIGHT. A sign may not be higher than 85 feet, excluding a cutout that extends above the rectangular border of the sign, measured:

(1) from the grade level of the centerline of the main-traveled way, not including a frontage road of a controlled access highway, closest to the sign at a point perpendicular to the sign location; or

(2) if the main-traveled way is below grade, from the base of the sign structure.

SECTION _____. Section 391.038, Transportation Code, as added by this Act, applies to a sign erected before, on, or after the effective date of this Act.

Floor Amendment No. 44

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 391, Transportation Code, is amended by adding Section 391.038 to read as follows:

Sec. 391.038. SPACING REQUIREMENTS IN CERTAIN MUNICIPALITIES.

(a) In this section, "electronic sign" means a sign that changes its message or copy by programmable electronic or mechanical processes.

(b) The department, in regulating outdoor advertising located in the corporate boundaries of a municipality with a population of more than 200,000 located in a county on the Texas-Mexico border with a population of less than 300,000, may not require an electronic sign owned by the municipality to be more than 500 feet from another sign.

Floor Amendment No. 45

Amend **CSSB 312**, committee report printing to include the appropriately numbered SECTION below:

SECTION _____. The Texas Department of Transportation may enter into agreements with local governments, convention and visitors bureaus, chambers of commerce, or other governmental or non-governmental entities for the purpose of purchasing supplies and materials to be used for aesthetic entrances to cities or census designated places along interstate or highway corridors and ornamental decorations along overpasses, however the Department of Transportation shall not expend appropriated funds to plan, design, or construct solely aesthetic entrances to cities or census designated places along interstate or highway corridors and ornamental decorations along overpasses.

Floor Amendment No. 47

Amend **CSSB 312** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Not later than March 1, 2018, the Texas Department of Transportation shall implement the recommended management actions contained in Issue 4 of the Sunset Advisory Commission Staff Report for the Texas Department of Transportation, 85th Legislature, that were approved by the Sunset Advisory Commission.

Floor Amendment No. 49

Amend **CSSB 312** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Chapter 455, Transportation Code, is amended to read as follows:

CHAPTER 455. [~~GENERAL~~] POWERS AND DUTIES OF DEPARTMENT OF TRANSPORTATION REGARDING MASS TRANSPORTATION

SECTION _____. Chapter 455, Transportation Code, is amended by designating Sections 455.001 through 455.004 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. GENERAL POWERS AND DUTIES

SECTION _____. Section 455.002, Transportation Code, is amended to read as follows:

Sec. 455.002. DEPARTMENT POWERS REGARDING MASS TRANSPORTATION. The Texas Department of Transportation may:

(1) purchase, construct, lease, and contract for public transportation systems;

(2) use the expertise of recognized private authorities or consultants to plan and design public and mass transportation systems;

(3) represent this state in each public and mass transportation matter before a state or federal agency;

(4) subject to Section 455.052, apply for and receive a gift or grant from a governmental or private source for use in performing the department's functions under this chapter;

(5) contract as necessary to perform a function under this chapter; and

(6) recommend legislation necessary to advance this state's interest in public and mass transportation.

SECTION _____. Chapter 455, Transportation Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. STATE SAFETY OVERSIGHT PROGRAM

Sec. 455.051. DEFINITION. In this subchapter, "rail fixed guideway public transportation system" has the meaning assigned by 49 C.F.R. Section 674.7.

Sec. 455.052. DESIGNATION OF STATE SAFETY OVERSIGHT AGENCY; REQUIREMENTS AND PROHIBITIONS. (a) The department is designated as the agency responsible for implementing a state safety oversight program that satisfies the requirements of 49 U.S.C. Section 5329(e).

(b) Unless waived under 49 U.S.C Section 5329(e), the department:

(1) shall be financially and legally independent from any rail fixed guideway public transportation system under the oversight of the department; and

(2) may not employ an individual who is also employed by a rail fixed guideway public transportation system under the oversight of the department.

(c) The department may not directly provide public transportation services in an area with a rail fixed guideway public transportation system under the oversight of the department.

(d) A public transportation entity may not provide funds to the department.

Sec. 455.053. OVERSIGHT. The department shall oversee all safety aspects of rail fixed guideway public transportation systems in accordance with 49 U.S.C. Section 5329, including the development, implementation, and application of the public transportation agency safety plan.

Sec. 455.054. ENFORCEMENT. The department shall:

(1) enforce federal and state laws on rail fixed guideway public transportation safety;

(2) review, revise, approve, oversee, and enforce the public transportation agency safety plan required under 49 U.S.C. Section 5329(d), including the implementation by a rail fixed guideway public transportation system of the system's plan;

(3) investigate and enforce the safety of rail fixed guideway public transportation systems; and

(4) coordinate all enforcement responsibilities with other governmental entities as needed.

Sec. 455.055. STAFFING LEVELS; TRAINING. (a) The department, in consultation with the Federal Transit Administration, shall determine an appropriate staffing level for the state safety oversight program that is commensurate with the number, size, and complexity of rail fixed guideway public transportation systems in this state.

(b) The department shall ensure that the personnel who are responsible for rail fixed guideway public transportation safety oversight are qualified to perform oversight functions through appropriate training, including the successful completion of the public transportation safety certification training program established under 49 U.S.C. Section 5329(c).

Sec. 455.056. AUDIT OF COMPLIANCE WITH PUBLIC TRANSPORTATION AGENCY SAFETY PLAN. At least once every three years, the department shall audit the compliance of the rail fixed guideway public transportation systems in this state with the public transportation agency safety plan required by 49 U.S.C. Section 5329(d).

Sec. 455.057. ANNUAL STATUS REPORT. The department shall provide an annual status report on the safety of the state's rail fixed guideway public transportation systems to the governor, the lieutenant governor, the speaker of the house of representatives, the Federal Transit Administration, and the governing body of each rail fixed guideway public transportation system under the oversight of the department.

Sec. 455.058. USE OF CONTRACTOR. (a) The department may enter into an agreement with a contractor to act on behalf of the department in carrying out the duties of the department under this subchapter.

(b) A contractor may not provide services to both the department and a rail fixed guideway public transportation system under the oversight of the department unless the provision of those services is authorized by a waiver issued by the Federal Transit Administrator or the administrator's designee.

Sec. 455.059. CONFIDENTIAL INFORMATION. The data collected for and the report of an investigation conducted under this subchapter by the department or a contractor acting on behalf of the department and any part of a rail fixed guideway public transportation system safety plan that concerns security for the system are confidential and not subject to disclosure under Chapter 552, Government Code.

Sec. 455.060. RULES. The commission shall adopt rules necessary to implement this subchapter.

SECTION ____. Section 455.005, Transportation Code, is repealed.

SECTION ____. Not later than March 1, 2019, the Texas Transportation Commission shall adopt rules to implement Subchapter B, Chapter 455, Transportation Code, as added by this Act.

The amendments were read.

Senator Nichols 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 312** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Nichols, Chair; Hinojosa, Watson, Hancock, and Taylor of Collin.

HOUSE BILL 2115 ON SECOND READING

On motion of Senator Watson, on behalf of Senator Hancock, and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2115** at this time on its second reading:

HB 2115, Relating to the issuance of specialty license plates for persons who serve or have served in the Third United States Infantry Regiment as a guard for the Tomb of the Unknown Soldier.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2115** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 504.320, Transportation Code, as added by Chapter 708 (H.B. 1128), Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 504.320. RECIPIENTS OF CERTAIN COMBAT BADGES, MEDALS, OR RIBBONS [~~ACTION BADGE, MEDAL, OR RIBBON RECIPIENTS~~].

SECTION _____. Section 504.320, Transportation Code, as added by Chapter 708 (H.B. 1128), Acts of the 84th Legislature, Regular Session, 2015, is amended by adding Subsection (c-1) and amending Subsection (d) to read as follows:

(c-1) The department shall issue specialty license plates for recipients of the Combat Medical Badge. License plates issued under this subsection must include the Combat Medical Badge emblem and must include the words "Combat Medical Badge" at the bottom of each plate.

(d) A specialty license plate issued under this section for a badge or ribbon that may be awarded more than once shall [~~For purposes of Subsections (a) and (c), if a branch of the United States armed forces awards a Combat Action Badge or Ribbon with a unique emblem for each award of the Combat Action Badge or Ribbon to a recipient, the department shall only issue specialty license plates that~~] include only the [unique] emblem of the first award badge or ribbon.

The amendment to **HB 2115** 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.

HB 2115 as amended 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 2115 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 2115** be placed on its third reading and final passage.

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

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

HOUSE BILLS ON FIRST READING

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

- HB 18** to Committee on Finance.
- HB 357** to Committee on State Affairs.
- HB 511** to Committee on Health and Human Services.
- HB 553** to Committee on Administration.
- HB 836** to Committee on Higher Education.
- HB 926** to Committee on Natural Resources and Economic Development.
- HB 1022** to Committee on State Affairs.
- HB 1558** to Committee on Transportation.
- HB 1603** to Committee on Administration.
- HB 1800** to Committee on Administration.
- HB 2176** to Committee on Business and Commerce.
- HB 2492** to Committee on Administration.
- HB 2634** to Committee on State Affairs.
- HB 2881** to Committee on Administration.
- HB 2987** to Committee on Administration.
- HB 3136** to Committee on Intergovernmental Relations.
- HB 3349** to Committee on Education.
- HB 3783** to Committee on Administration.
- HB 4268** to Committee on Administration.
- HB 4270** to Committee on Administration.
- HB 4275** to Committee on Administration.
- HB 4281** to Committee on Administration.
- HB 4287** to Committee on Administration.
- HB 4294** to Committee on Intergovernmental Relations.
- HB 4297** to Committee on Administration.
- HB 4298** to Committee on Administration.
- HB 4301** to Committee on Administration.
- HB 4303** to Committee on Intergovernmental Relations.
- HB 4309** to Committee on Administration.
- HB 4310** to Committee on Administration.
- HB 4311** to Committee on Administration.
- HB 4312** to Committee on Administration.
- HB 4313** to Committee on Administration.
- HB 4314** to Committee on Administration.

HB 4321 to Committee on Administration.
HB 4324 to Committee on Administration.
HB 4325 to Committee on Administration.
HB 4329 to Committee on Administration.
HB 4331 to Committee on Administration.
HB 4333 to Committee on Administration.
HB 4334 to Committee on Intergovernmental Relations.
HB 4335 to Committee on Administration.
HB 4340 to Committee on Administration.
HB 4341 to Committee on Administration.
HB 4343 to Committee on Intergovernmental Relations.
HB 4344 to Committee on Intergovernmental Relations.
HB 4345 to Committee on Intergovernmental Relations.
HB 4347 to Committee on Intergovernmental Relations.
HB 4349 to Committee on Administration.

(Senator Watson in Chair)

**HOUSE BILL 1290 REREFERRED
(Motion In Writing)**

Senator Kolkhorst submitted a Motion In Writing requesting that **HB 1290** be withdrawn from the Committee on Business and Commerce and rereferred to the Committee on Administration.

The Motion In Writing was read and prevailed without objection.

HOUSE BILL 561 ON SECOND READING

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 561** at this time on its second reading:

HB 561, Relating to the operation of certain vehicles used for package delivery; authorizing a fee.

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 561 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 **HB 561** be placed on its third reading and final passage.

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

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

HOUSE BILL 1860 ON SECOND READING

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1860** at this time on its second reading:

HB 1860, Relating to access to criminal history record information by the adjutant general.

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 1860 ON THIRD READING

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1860** be placed on its third reading and final passage.

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

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

**SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)**

On motion of Senator Rodríguez and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was meeting today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Rodríguez and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Agriculture, Water, and Rural Affairs might meet upon recess today.

**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 at Senator Nelson's desk upon recess today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Schwertner and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet at Senator Whitmire's desk upon recess today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Estes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources and Economic Development might meet at his desk upon recess today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet at his desk and consider **HB 1574** upon recess today.

RECESS

On motion of Senator Whitmire, the Senate at 6:48 p.m. recessed until 7:30 p.m. today.

AFTER RECESS

The Senate met at 8:13 p.m. and was called to order by the President.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Birdwell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Judge, 451st Judicial District Court, Kendall County: William Raymond Palmer, Kendall County.

Presiding Judge, Fifth Administrative Judicial Region: Mary Koehler McDonald Medary, Nueces County.

Presiding Judge, Ninth Administrative Judicial Region: Kelly Glen Moore, Lubbock County.

Presiding Judge, Sixth Administrative Judicial Region: Stephen Bruce Ables, Kerr County.

Members, Automobile Burglary and Theft Prevention Authority: Thomas Joseph Hansen, Galveston County; Armin R. Mizani, Tarrant County.

Justice, Court of Appeals, Fifth Court of Appeals District: Jason Everett Boatright, Dallas County.

Justice, Court of Appeals, Second Court of Appeals District: Mark Timothy Pittman, Tarrant County.

Members, Credit Union Commission: Yusuf Elias Farran, El Paso County; Wesley Steven Gilman, Fort Bend County; Sherri Kay Brannon Merket, Midland County; James Lee Minge, Tarrant County; Julia Rebecca Stockstill Cobb, Harris County; Ricky Esquivel Ybarra, Travis County.

Members, Governing Board, Texas School for the Deaf: Ryan Daniel Hutchison, Travis County; David Alexander Saunders, Ellis County.

Members, Judicial Compensation Commission: Isaac M. Castro, Jones County; Alejandro Cestero, Harris County; Conrith Warren Davis, Fort Bend County; Scott Jon Salmans, McLennan County; William M. Strawn, Travis County; Frederick Carl Tate, Tarrant County.

Public Counsel, Office of Injured Employee Counsel: Jessica Corna Barta, Travis County.

Members, State Commission on Judicial Conduct: David Hall, Nolan County; David Patronella, Harris County; Tramer J. Woytek, Lavaca County; Catherine N. Wylie, Harris County.

Members, State Soil and Water Conservation Board: Christine Russ Yturria Buford, Cameron County; Carl Ray Polk, Angelina County.

Members, Texas Board of Architectural Examiners: Corbett Bearden, Travis County; Jennifer Nicole Walker, Lampasas County; Robert Scott Wetmore, Travis County.

Members, Texas Commission of Licensing and Regulation: Mike Arismendez, Lamb County; Helen L. Callier, Harris County; Richard Figueroa, Austin County.

Members, Texas Commission on Fire Protection: Carl Thomas Anderson, Galveston County; Carlos Cortez, Cameron County; Kelly Edward Doster, Collin County; Michael Paul Jones, Johnson County; Robert Lamar Moore, Brazos County; Steven C. Tull, Bosque County.

Members, Governing Board, Texas Department of Housing and Community Affairs: Paul Andrew Braden, Dallas County; James B. Goodwin, Travis County; Maria Asusena Reséndiz, Bexar County; Sharon Carlanne Thomason, Lubbock County; Leopoldo R. Vasquez, Harris County.

Members, Texas Farm and Ranch Lands Conservation Council: Leslie L. W. Kinsel, La Salle County; Natalie Cobb Koehler, Bosque County.

Members, Texas Historical Commission: Earl Paul Broussard, Travis County; Monica P. Burdette, Aransas County; Catherine Marie McKnight, Dallas County; Frank Thomas Perini, Taylor County; Daisy Sloan White, Brazos County.

Members, Texas Medical Board: Michael E. Cokinos, Harris County; Kandace B. Farmer, Denton County; Jeffrey Lee Luna, Polk County; LuAnn Roberts Morgan, Midland County; Jayaram B. Naidu, Midland County; Sherif Zaafran, Harris County.

Member, Board of Directors, Texas Mutual Insurance Company: Linda Foster-Smith, Williamson County.

Members, Texas Physician Assistant Board: Clayton Patrick Bulls, Taylor County; Jennifer Lynn Clamer, Travis County; Karrie Lynn Crosby, McLennan County; Maribel De Ponce, Hidalgo County; Melinda Ann Moore Gottschalk, Williamson County; Victor Shen-Pou Ho, Harris County; Jorge Martinez, Hidalgo County.

Member, Texas Private Security Board: Debra Gale Ulmer, Harris County.

Members, Board of Directors, Texas Public Finance Authority: Ramon Manning, Harris County; Rodney Keith Moore, Angelina County.

Members, Texas Real Estate Commission: Robert Howard Leonard, Bexar County; Rayito Odom Stephens, Brazoria County; Thomas John Turner, Travis County.

Members, Board of Directors, Texas School Safety Center: Jason Michael Burdine, Fort Bend County; Dewey Michael Cox, Hays County; Daniel Fraine Gilliam, Victoria County; Allison Elizabeth Hymel, Collin County; Andrew B. Kim, Comal County; Robert L. Long, Harris County; Cecilia Reynolds-Perez, Nueces County; Paul Allen Robbins, Nacogdoches County; Jill Michelle Tate, Tarrant County.

Member, Texas State Board of Acupuncture Examiners: Jeremy Douglas Wiseman, Travis County.

Members, Texas State Board of Pharmacy: Isaac Lee Thornsburg, Bexar County; Rebecca Tijerina, Bexar County; Jennifer Downing Yoakum, Gregg County.

Members, Texas State Board of Podiatric Medical Examiners: Leslie Campbell, Collin County; Renee Kukla Pietzsch, Williamson County; Chakilla Robinson, Fort Bend County.

Members, Texas Water Development Board: Kathleen Thea Jackson, Jefferson County; Peter Minton Lake, Travis County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Birdwell gave notice that he would Sunday, May 21, 2017, submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

HOUSE BILL 357 REREFERRED (Motion In Writing)

Senator Huffman submitted a Motion In Writing requesting that **HB 357** be withdrawn from the Committee on State Affairs and rereferred to the Committee on Intergovernmental Relations.

The Motion In Writing was read and prevailed without objection.

SENATE RULE 8.02 SUSPENDED (Referral to Committee)

On motion of Senator Hall and by unanimous consent, Senate Rule 8.02 was suspended to take up for consideration **SCR 55** at this time.

SENATE CONCURRENT RESOLUTION 55

The President laid before the Senate the following resolution:

WHEREAS, Our food and water supplies, communications, banking, hospitals, law enforcement, and countless critical functions depend on the electric grid, and its protection is vital to homeland security; and

WHEREAS, Numerous national publications have reported on the great danger to the electric grid from an electromagnetic pulse, or EMP; national experts regard a potential attack on our electric grid system, whether natural or manmade, as a grave threat to our American way of life; and

WHEREAS, The risk of an EMP attack has been acknowledged since the 1960s, and the congressional EMP Commission warned in its 2004 and 2008 reports that terrorists or state actors using relatively unsophisticated missiles armed with nuclear weapons could stage such an attack; in 2009, the congressional Commission on the Strategic Posture of the United States, led by former Secretaries of Defense William Perry and James Schlesinger, urged immediate action to protect the electric grid; and

WHEREAS, Although the federal government has thus far neglected to take action, Texas is fortunate to have its own power grid; the state is thus capable of hardening its own electric system to ensure reliable electricity in a hostile environment for residents, businesses, and state and local government, as well as for U.S. military bases; and

WHEREAS, Even if an EMP threat never materializes, protecting the grid would provide substantial economic benefits; as the federal government closes military bases around the country, Texas bases would likely survive closure, due to their enhanced energy security; moreover, companies considering relocation or expansion would clearly find the assurance of secure power immensely valuable and look to the Lone Star State; and

WHEREAS, The protection of the electric grid is essential to the security and continued prosperity of our state and nation, and Texas is prepared to do its part to ensure that citizens can rely completely on the power system that sustains our society; now, therefore, be it

RESOLVED, That the 85th Legislature of the State of Texas hereby request the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to study the security of the Texas electric grid, including critical infrastructure and its vulnerability to electromagnetic pulse, geomagnetic disturbance, and cybersecurity threats; and, be it further

RESOLVED, That the committee include members of the Electric Reliability Council of Texas and other relevant stakeholder groups; and, be it further

RESOLVED, That the committee coordinate with the Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack, the United States Department of Defense, the United States Department of Energy, and the United States Department of Homeland Security to apply research and information on electromagnetic, geomagnetic, physical, and cyber-attack threats; and, be it further

RESOLVED, That the committee submit a full report, including findings and recommendations, to the 86th Texas Legislature in January 2019; and, be it further

RESOLVED, That the committee's proceedings and operations be governed by such general rules and policies for interim committees as the 85th Texas Legislature may adopt.

SCR 55 was read.

On motion of Senator Hall, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

(Senator Taylor of Galveston in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 3484 ON SECOND READING**

Senator Hughes moved to suspend the regular order of business to take up for consideration **CSHB 3484** at this time on its second reading:

CSHB 3484, Relating to the use of municipal hotel occupancy tax revenue by certain municipalities.

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

Yeas: 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: Bettencourt, Burton, Hall, Huffines, Taylor of Collin.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 3484 ON THIRD READING**

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3484** be placed on its third reading and final passage.

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

Yeas: 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: Bettencourt, Burton, Hall, Huffines, Taylor of Collin.

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

(Senator Watson in Chair)

HOUSE BILL 2285 ON SECOND READING

Senator Taylor of Galveston moved to suspend the regular order of business to take up for consideration **HB 2285** at this time on its second reading:

HB 2285, Relating to the establishment of the Texas Institute for Coastal Prairie Research and Education at the University of Houston.

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 third reading by a viva voce vote.

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

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

HOUSE BILL 2285 ON THIRD READING

Senator Taylor of Galveston moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2285** 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)

HOUSE BILL 4181 ON SECOND READING

On motion of Senator Taylor of Galveston and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4181** at this time on its second reading:

HB 4181, Relating to the electronic transmission of certain notice required for air quality permits.

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 4181 ON THIRD READING

Senator Taylor of Galveston moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4181** be placed on its third reading and final passage.

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

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

SENATE RULE 11.13 SUSPENDED (Consideration of Bills in Committees)

On motion of Senator Taylor of Galveston and by unanimous consent, Senate Rule 11.13 was suspended to grant committees permission to meet while the Senate was meeting today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Taylor of Galveston and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet at 9:00 p.m. in the Betty King Committee Room and consider the following bills today: **HB 3349**, **HB 3526**, **HB 3767**.

HOUSE BILL 3167 ON SECOND READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **HB 3167** at this time on its second reading:

HB 3167, Relating to the program for improvement of collection of court costs, fees, and fines imposed in criminal cases.

The motion prevailed.

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

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

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

Nays: Zaffirini.

HOUSE BILL 3167 ON THIRD READING

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3167** be placed on its third reading and final passage.

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

Nays: Zaffirini.

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

HOUSE BILL 2008 ON SECOND READING

Senator Buckingham moved to suspend the regular order of business to take up for consideration **HB 2008** at this time on its second reading:

HB 2008, Relating to deferred presentment transactions made to military borrowers.

The motion prevailed.

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

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

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

Nays: Burton, Hughes.

HOUSE BILL 2008 ON THIRD READING

Senator Buckingham moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2008** 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, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Hughes.

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

HOUSE BILL ON FIRST READING

The following bill received from the House was read first time and referred to the committee indicated:

HB 3193 to Committee on Intergovernmental Relations.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 301

Senator Watson submitted the following Conference Committee Report:

Austin, Texas
May 19, 2017

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 301** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

WATSON
HINOJOSA
SCHWERTNER
HUGHES
TAYLOR OF COLLIN
On the part of the Senate

FLYNN
ALONZO
PAUL
CAPRIGLIONE
GONZALES
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the operations and functions of the Employees Retirement System of Texas and the sunset review date for, financial management of, and programs administered by the agency.

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

SECTION 1. Section 815.005, Government Code, is amended to read as follows:

Sec. 815.005. SUNSET PROVISION. The board of trustees of the Employees Retirement System of Texas is subject to review under Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The board shall be reviewed during the period in which state agencies abolished in 2029 [~~2017~~], and every 12th year after that year, are reviewed.

SECTION 2. Subchapter A, Chapter 815, Government Code, is amended by adding Section 815.009 to read as follows:

Sec. 815.009. BOARD MEMBER TRAINING. (a) A person who is appointed to and qualifies for office as a member of the board of trustees may not vote, deliberate, or be counted as a member in attendance at a meeting of the board of trustees until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the law governing the retirement system's operations;

(2) the programs, functions, rules, and budget of the retirement system;

(3) the scope of and limitations on the rulemaking authority of the board of trustees;

(4) the results of the most recent formal audit of the retirement system;

(5) the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and

(B) other laws applicable to members of the board of trustees in performing their duties; and

(6) any applicable ethics policies adopted by the retirement system or the Texas Ethics Commission.

(c) A person appointed to the board of trustees is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(d) The executive director shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each member of the board of trustees. On receipt of the training manual, each member of the board of trustees shall sign and submit to the executive director a statement acknowledging receipt of the training manual.

SECTION 3. Subchapter B, Chapter 815, Government Code, is amended by adding Section 815.1025 to read as follows:

Sec. 815.1025. USE OF ALTERNATIVE RULEMAKING AND DISPUTE RESOLUTION. (a) The board of trustees shall develop a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008 for the adoption of the retirement system's rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009 to assist in the resolution of internal and external disputes under the retirement system's jurisdiction.

(b) The retirement system's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The retirement system shall:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) provide training as needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures.

(d) The board of trustees shall ensure that the implementation of this section and the negotiated rulemaking procedures and alternative dispute resolution procedures adopted under this section are consistent with the fiduciary responsibility imposed on the board by law.

SECTION 4. Section 815.105, Government Code, is amended to read as follows:

Sec. 815.105. ADOPTING TABLES. At least once every four years, the ~~The~~ board of trustees shall adopt mortality, service, and other tables the board considers necessary for the retirement system after considering the results of the actuary's investigation of the mortality, service, and compensation experience of the system's members and beneficiaries under Section 815.206.

SECTION 5. Section 815.202(f), Government Code, is amended to read as follows:

(f) Subject to Section 815.3016, the ~~The~~ board of trustees may specifically delegate any right, power, or duty imposed or conferred on the executive director by law to another employee of the retirement system. If not so specifically delegated and subject to Section 815.3016, the executive director may delegate to another employee of the retirement system any right, power, or duty assigned to the executive director.

SECTION 6. Section 815.206(c), Government Code, is amended to read as follows:

(c) At least once every four ~~five~~ years, the actuary, under the direction of the board of trustees, shall:

(1) make an actuarial investigation of the mortality, service, and compensation experience of the members and beneficiaries of the retirement system; and

(2) make a valuation of the assets and liabilities of the retirement system's funds.

SECTION 7. Sections 815.301(b) and (c), Government Code, are amended to read as follows:

(b) Except as provided by Section 815.3016, the [The] board of trustees may delegate its authority under Subsection (a) to the executive director. Subject to Section 815.3016, the [The] board of trustees or the executive director may, under the standard of care provided by Section 815.307, invest and reinvest any of the retirement system's assets and may commingle assets of the trust fund and the law enforcement and custodial officer supplemental retirement fund with the assets of the Judicial Retirement System of Texas Plan Two for investment purposes, as long as proportionate ownership records are maintained and credited. Investments may include home office facilities, including land, equipment, and office building, used in administering the retirement system.

(c) Subject to Section 815.3016, the [The] board of trustees may contract with private professional investment managers to assist the board in investing the assets of the retirement system.

SECTION 8. Subchapter D, Chapter 815, Government Code, is amended by adding Sections 815.3015 and 815.3016 to read as follows:

Sec. 815.3015. TRACKING AND REPORTING OF PROFIT SHARE. (a) In this section:

(1) "Alternative investment" means an investment in a private equity fund, private real estate fund, hedge fund, infrastructure fund, or another asset as further defined by rule of the board of trustees.

(2) "Profit share" means an amount received by a private professional investment manager either in consideration for achieving certain investment returns or as part of the negotiated division of investment returns between the private professional investment manager and an investor. The term includes a performance fee, incentive fee, and carried interest.

(b) The board of trustees shall develop a consistent method, guided by best industry practices and standards, to collect or calculate profit share data in connection with alternative investments of the retirement system.

(c) The board of trustees shall consistently track profit share data collected or calculated in accordance with Subsection (b) and the amount of realized gains for the retirement system from the associated alternative investments.

(d) The board of trustees shall report, at a minimum, the aggregate amount of profit shares received by private professional investment managers in connection with alternative investments of the retirement system, categorized by asset class, in the annual financial report required under Section 2101.011 and in other appropriate investment reports and board presentations.

(e) The board of trustees may adopt rules necessary to implement this section.

Sec. 815.3016. APPROVAL OF CERTAIN ALTERNATIVE INVESTMENTS.

(a) In this section, "alternative investment" has the meaning assigned by Section 815.3015.

(b) The executive director, a private professional investment manager, or any other person delegated authority to invest or reinvest retirement system assets under Section 815.202(f) or 815.301 may not invest retirement system assets in a single alternative investment that exceeds 0.6 percent of the total market value of the trust

fund established by Section 815.310 as reported in the most recent annual financial report required under Section 2101.011 unless the board of trustees votes to approve the investment.

(c) The board of trustees may hold a closed meeting by telephone conference call or video conference call to consider and discuss an alternative investment or a potential alternative investment under this section, regardless of whether a quorum is physically present at one location of the meeting.

(d) Chapter 551 does not require the board of trustees to confer with one or more employees, consultants, or legal counsel of the retirement system or with a third party in an open meeting if the only purpose of the conference is to receive information from or question the employees, consultants, or legal counsel of the retirement system or the third party relating to an alternative investment or a potential alternative investment under this section.

(e) During a closed meeting held under this section, members of the board of trustees may not deliberate public business or agency policy that affects public business.

(f) A final action, decision, or vote on a matter considered or discussed in a closed meeting held under this section may only be made in an open meeting that is held in compliance with the notice provisions of Chapter 551.

(g) The board of trustees may adopt rules necessary to implement this section.

SECTION 9. Section 840.005, Government Code, is amended to read as follows:

Sec. 840.005. ADOPTING TABLES AND RATES. At least once every four years, the [The] board of trustees by rule shall adopt interest rates and mortality, service, and other tables the board considers necessary for the retirement system after considering the results of the actuary's investigation of the mortality, service, and compensation experience of the system's members and beneficiaries under Section 815.206.

SECTION 10. Section 1551.061, Insurance Code, is amended to read as follows:

Sec. 1551.061. ANNUAL REPORT. The board of trustees shall submit a written report not later than February [January] 1 of each year to the governor, lieutenant governor, speaker of the house of representatives, and Legislative Budget Board concerning the coverages provided and the benefits and services being received by all participants under this chapter. The report must include:

(1) information about the effectiveness and efficiency of:

(A) [~~(+)~~] managed care cost containment practices; and

(B) [~~(-)~~] fraud detection and prevention procedures;

(2) basic information about each group coverage plan provided under this chapter, including the number of participants in each plan and the claims amounts and administrative expenses incurred under each plan;

(3) a summary of recent changes to the benefits provided under this chapter that highlights any key benefits the board of trustees evaluated but did not implement;

(4) a discussion of trends in claims under group coverage plans as well as other areas of interest identified by the board of trustees;

(5) recommendations for any statutory changes the board of trustees determines necessary to achieve its goals for the group benefits program; and
(6) any other information the board of trustees determines appropriate.

SECTION 11. Section 1551.355, Insurance Code, is amended by adding Subsection (d) to read as follows:

(d) The board of trustees shall develop and implement a process to allow an employee, participant, annuitant, or covered dependent affected by a determination described by Section 1551.352 to participate directly in the process of appealing the determination.

SECTION 12. Subchapter H, Chapter 1551, Insurance Code, is amended by adding Section 1551.363 to read as follows:

Sec. 1551.363. PRECEDENT MANUAL. (a) The board of trustees shall develop and maintain a precedent manual relating to the enrollment and claims determinations under Section 1551.352 and appeals of those determinations. The precedent manual:

(1) must be composed of precedent-establishing determinations made by the board, executive director, or other staff, initially and on appeal, and include examples of previous determinations that are consistent with the identified precedent; and

(2) may include other information identified by the board.

(b) The board of trustees shall make the precedent manual available to appropriate staff and to employees, participants, annuitants, and covered dependents.

(c) The board of trustees and staff involved in the claims appeal process are not bound by a decision in the manual.

SECTION 13. Notwithstanding Section 815.009(a), Government Code, as added by this Act, a member of the board of trustees of the Employees Retirement System of Texas who has not completed the training required by Section 815.009, Government Code, as added by this Act, may vote, deliberate, and be counted as a member in attendance at a meeting of the board of trustees until December 31, 2017.

SECTION 14. The board of trustees of the Employees Retirement System of Texas, and the actuary designated by the board, are not required to complete an actuarial investigation in the period prescribed by Section 815.206(c), Government Code, as amended by this Act, or adopt interest rates or mortality, service, or other tables based on that investigation in the period prescribed by Sections 815.105 and 840.005, Government Code, as amended by this Act, until the later of December 31, 2022, or the fourth anniversary of the date the board of trustees adopts actuarial assumptions and tables under those sections for the first time after the effective date of this Act.

SECTION 15. The Employees Retirement System of Texas shall, in a contract between the retirement system and a private professional investment manager or other person under authority of Sections 815.202(f) and 815.301, Government Code, as amended by this Act, that is entered into or renewed on or after the effective date of this Act, require that the private professional investment manager or other person comply with Section 815.3016, Government Code, as added by this Act.

SECTION 16. This Act takes effect September 1, 2017.

The Conference Committee Report on **SB 301** was filed with the Secretary of the Senate.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 55

On motion of Senator Hall, Senator Bettencourt will be shown as Co-author of **SCR 55**.

CO-SPONSOR OF HOUSE BILL 10

On motion of Senator Zaffirini, Senator Rodríguez will be shown as Co-sponsor of **HB 10**.

CO-SPONSOR OF HOUSE BILL 45

On motion of Senator Huffman, Senator Campbell will be shown as Co-sponsor of **HB 45**.

CO-SPONSOR OF HOUSE BILL 66

On motion of Senator Zaffirini, Senator Rodríguez will be shown as Co-sponsor of **HB 66**.

CO-SPONSOR OF HOUSE BILL 108

On motion of Senator Taylor of Galveston, Senator Garcia will be shown as Co-sponsor of **HB 108**.

CO-SPONSOR OF HOUSE BILL 257

On motion of Senator Buckingham, Senator Menéndez will be shown as Co-sponsor of **HB 257**.

CO-SPONSOR OF HOUSE BILL 283

On motion of Senator Hinojosa, Senator Menéndez will be shown as Co-sponsor of **HB 283**.

CO-SPONSOR OF HOUSE BILL 471

On motion of Senator Hancock, Senator Rodríguez will be shown as Co-sponsor of **HB 471**.

CO-SPONSOR OF HOUSE BILL 658

On motion of Senator Hughes, Senator Menéndez will be shown as Co-sponsor of **HB 658**.

CO-SPONSORS OF HOUSE BILL 674

On motion of Senator Garcia, Senators Campbell and Seliger will be shown as Co-sponsors of **HB 674**.

CO-SPONSOR OF HOUSE BILL 998

On motion of Senator Miles, Senator Garcia will be shown as Co-sponsor of **HB 998**.

CO-SPONSOR OF HOUSE BILL 1249

On motion of Senator Hinojosa, Senator Garcia will be shown as Co-sponsor of **HB 1249**.

CO-SPONSOR OF HOUSE BILL 1645

On motion of Senator Zaffirini, Senator Garcia will be shown as Co-sponsor of **HB 1645**.

CO-SPONSOR OF HOUSE BILL 2008

On motion of Senator Buckingham, Senator Menéndez will be shown as Co-sponsor of **HB 2008**.

CO-SPONSOR OF HOUSE BILL 2130

On motion of Senator Menéndez, Senator Garcia will be shown as Co-sponsor of **HB 2130**.

CO-SPONSOR OF HOUSE BILL 2252

On motion of Senator Taylor of Galveston, Senator Hinojosa will be shown as Co-sponsor of **HB 2252**.

CO-SPONSORS OF HOUSE BILL 2466

On motion of Senator Huffman, Senators Rodríguez and Uresti will be shown as Co-sponsors of **HB 2466**.

CO-SPONSOR OF HOUSE BILL 2552

On motion of Senator Huffman, Senator Garcia will be shown as Co-sponsor of **HB 2552**.

CO-SPONSOR OF HOUSE BILL 2654

On motion of Senator Lucio, Senator Nelson will be shown as Co-sponsor of **HB 2654**.

CO-SPONSOR OF HOUSE BILL 2783

On motion of Senator Watson, Senator Garcia will be shown as Co-sponsor of **HB 2783**.

CO-SPONSOR OF HOUSE BILL 3283

On motion of Senator Zaffirini, Senator Garcia will be shown as Co-sponsor of **HB 3283**.

CO-SPONSOR OF HOUSE BILL 3582

On motion of Senator Buckingham, Senator Perry will be shown as Co-sponsor of **HB 3582**.

CO-SPONSOR OF HOUSE BILL 3629

On motion of Senator Seliger, Senator Huffman will be shown as Co-sponsor of **HB 3629**.

CO-SPONSORS OF HOUSE BILL 3903

On motion of Senator Huffman, Senators Garcia and West will be shown as Co-sponsors of **HB 3903**.

CO-SPONSOR OF HOUSE BILL 4181

On motion of Senator Taylor of Galveston, Senator Garcia will be shown as Co-sponsor of **HB 4181**.

(President in Chair)

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 819 by Hughes, In memory of Shirley Chadwick.

Congratulatory Resolutions

SR 813 by Lucio, Recognizing the members of the Rising Scholars Academy of South Texas Lady Rockets soccer team for winning a state championship.

SR 814 by Schwertner, Recognizing the Brazos Valley Council of Governments on the occasion of its 50th anniversary.

SR 815 by Schwertner, Recognizing F. Ellsworth Peterson for his contributions to the Georgetown community.

SR 816 by Hinojosa, Recognizing Carlos J. Cardenas for his election as president of the Texas Medical Association.

SR 817 by Hancock, Recognizing Andre Caracciolo for his heroism.

SR 818 by Campbell, Recognizing Michael E. Thornton for his service to the nation.

SR 820 by Hughes, Recognizing the 100th anniversary of the first landing at Mineola-Wisener Field Airport.

RECESS AND MOTION TO RECESS

On motion of Senator Whitmire and by unanimous consent, the Senate at 9:25 p.m. agreed to recess until 9:30 p.m. today for the Local and Uncontested Calendar Session.

The Senate further agreed to recess, upon conclusion of the Local and Uncontested Calendar Session, until 7:00 p.m. Sunday, May 21, 2017.

APPENDIX

COMMITTEE REPORTS

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

May 19, 2017

TRANSPORTATION — **CSHB 1162, CSHB 1764, CSHB 2174, CSHB 3050**

FINANCE — **CSHB 2**

HEALTH AND HUMAN SERVICES — **CSHB 1608, CSHB 2025, CSHB 1629**

CRIMINAL JUSTICE — **CSHB 3647, CSHB 2671, CSHB 3165, CSHB 1808, CSHB 1426**

HIGHER EDUCATION — **CSHB 16**

BUSINESS AND COMMERCE — **CSHB 1954, CSHB 3342, CSHB 3215, CSHB 1003, CSHB 8, CSHB 2279**

FINANCE — **CSHB 3849**

INTERGOVERNMENTAL RELATIONS — **CSHB 2792, CSHB 3919, CSHB 4290**

AGRICULTURE, WATER, AND RURAL AFFAIRS — **CSHB 1207, CSHB 1208, CSHB 2817, CSHB 2004**

EDUCATION — **HB 1934 (Amended), HB 523, HB 1553, HB 1075, HB 2087, HB 4064, HB 136**

CRIMINAL JUSTICE — **CSHB 3016**

TRANSPORTATION — **CSHB 1959**

FINANCE — **HB 1492, HB 2182, HB 3045, HB 3046, HB 3103, HB 3765, HB 3992, HB 2790**

STATE AFFAIRS — **CSHB 3158, CSHB 1974, CSHB 2776**

AGRICULTURE, WATER, AND RURAL AFFAIRS — **CSHB 2825**

STATE AFFAIRS — **CSHB 2691**

FINANCE — **CSHB 3198**

AGRICULTURE, WATER, AND RURAL AFFAIRS — **CSHB 2938, CSHB 3735, CSHB 1920**

STATE AFFAIRS — **CSHB 1595, CSHB 501, CSHB 1823**

AGRICULTURE, WATER, AND RURAL AFFAIRS — **CSHB 31**

STATE AFFAIRS — **CSHB 4035, CSHB 478, HB 2121, HB 3391, HB 3356, HB 3321, HB 3055, HB 2837, HB 2015, HB 2465**

BUSINESS AND COMMERCE — **CSHB 3287**

STATE AFFAIRS — **HB 1378, HB 1661, HB 1904, HB 1379, HB 1151, HB 658, HB 59, HB 2471, HCR 59**

CRIMINAL JUSTICE — **HB 297, HB 281, HB 4147, HB 683, HB 913, HB 1204, HB 1266, HB 1424, HB 1503, HB 1727, HB 1884, HB 1935, HB 1507, HB 9**

STATE AFFAIRS — **CSHB 4034**

AGRICULTURE, WATER, AND RURAL AFFAIRS — **CSHB 922, CSHB 3582, CSHB 2771, HB 3781, HB 550, HB 2009, HB 1510, CSHB 2358, HB 3535**

CRIMINAL JUSTICE — **HB 978, HB 2804, HB 2888, HB 2908, HB 3019, HB 3069, HB 3402, HB 681, HB 3705, HB 2911, HB 2306, HB 2529, HB 1545, HB 2059, CSHB 1643**

STATE AFFAIRS — **CSHB 2875, CSHB 1234**

HEALTH AND HUMAN SERVICES — **HB 3296, HB 3576, HB 4094, HB 3564, HB 2962, HB 3295, HB 3771, HB 928, HB 2904, HB 1794, HB 1148, HB 1542**

STATE AFFAIRS — **CSHB 929, HB 3845**

CRIMINAL JUSTICE — **HB 104, CSHB 240, CSHB 245, HB 2812, HB 2880, HB 865, CSHB 4102**

BILLS ENGROSSED

May 18, 2017

SB 2149, SB 2196

BILLS AND RESOLUTIONS ENROLLED

May 18, 2017

SB 12, SB 46, SB 203, SB 511, SB 667, SB 735, SB 752, SB 877, SB 1107, SB 1300, SB 1305, SB 1367, SB 1476, SB 1488, SB 1895, SB 1954, SB 2027, SB 2053, SB 2082, SR 768, SR 784, SR 791, SR 804, SR 805, SR 806, SR 807, SR 808, SR 809, SR 810, SR 811, SR 812

SENT TO GOVERNOR

May 19, 2017

SB 12, SB 46, SB 203, SB 511, SB 667, SB 735, SB 752, SB 877, SB 1107, SB 1300, SB 1305, SB 1367, SB 1476, SB 1488, SB 1895, SB 1954, SB 2027, SB 2053, SB 2082

SIGNED BY GOVERNOR

May 19, 2017

SB 24, SB 77, SB 256, SB 561, SB 1012, SB 1459, SB 1533, SB 1871, SB 1955, SB 1976, SB 2105