

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-SECOND DAY

(Monday, May 22, 2017)

The Senate met at 11:15 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 Eddie Jenkins, Good Street Baptist Church, Dallas, offered the invocation as follows:

Our Father in heaven, we pray for these elected to serve in this great state and legislative body of government at both local and the national levels. We pray for these men and women of integrity who will make decisions in the best interest of all in the State of Texas, regardless of race, creed, religion, gender, or ethnicity. We pray for a government of accountability, vision, commitment, and compassion, lifting from a personal and ethical knowledge coupled with experience who will seek the resources and resolve to meet the needs of those who are depending upon them to serve the greater good. We pray for a unified effort to mend the brokenness, heal the hurt, calm the fears of all the constituents across this great State of Texas based upon the roles and responsibility as legislators. We pray all that is done in word or in deed be done to Your glory. In God's great name we 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.

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Ann Messer of Austin, accompanied by Madeline Hyde, as the Physician of the Day.

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

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate students from Mount Sacred Heart Catholic School.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Buckingham was recognized and introduced to the Senate Matt Briscoe of Hill Country Tribune Media and his son, Michael Martin.

The Senate welcomed its guests.

(Senator Taylor of Collin in Chair)

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Bob Massey and his wife, Gloria, and daughter, Danielle.

The Senate welcomed its guests.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

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

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:43 a.m. announced the conclusion of morning call.

HOUSE BILL 45 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **HB 45** at this time on its second reading:

HB 45, Relating to requiring the Texas Supreme Court to adopt rules and provide judicial instruction regarding the application of foreign laws in certain family law cases.

The motion prevailed by the following vote: Yeas 25, Nays 5.

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

Nays: Garcia, Lucio, Miles, Rodríguez, Zaffirini.

Absent: Menéndez.

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, Lucio, Miles, Rodríguez, Zaffirini.

Absent: Menéndez.

HOUSE BILL 45 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 45** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

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

Nays: Garcia, Lucio, Miles, Rodríguez, Zaffirini.

Absent: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 5. (Same as previous roll call)

GUESTS PRESENTED

Senator Schwertner was recognized and introduced to the Senate Sam Houston State Austin Internship Program participants.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE HOUSE BILL 3016 ON SECOND READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **CSHB 3016** at this time on its second reading:

CSHB 3016, Relating to the eligibility of a criminal defendant for an order of nondisclosure of criminal history record information.

The motion prevailed.

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

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 3016** (senate committee printing) in SECTION 5 of the bill, in added Section 411.0735(c-1), Government Code (page 4, lines 14-16), by striking "the offense for which the order is sought is a misdemeanor punishable by fine only and the court determines that the offense" and substituting "the court determines that the offense for which the order is sought, other than an offense under Section 22.01, Penal Code,".

The amendment to **CSHB 3016** 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.

CSHB 3016 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: Huffman, Nelson, Schwertner.

COMMITTEE SUBSTITUTE HOUSE BILL 3016 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 3016** be placed on its third reading and final passage.

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

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

Nays: Huffman, Nelson, Schwertner.

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

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a delegation from Austin's Sister City, Koblenz, Germany.

The Senate welcomed its guests.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Menéndez was granted leave of absence on account of an illness in the family.

HOUSE JOINT RESOLUTION 100 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **HJR 100** at this time on its second reading:

HJR 100, Proposing a constitutional amendment on professional sports team charitable foundations conducting charitable raffles.

The motion prevailed by the following vote: Yeas 24, Nays 6.

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

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

Absent-excused: Menéndez.

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: Birdwell, Burton, Hall, Hancock, Huffines, Taylor of Collin.

Absent-excused: Menéndez.

HOUSE JOINT RESOLUTION 100 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 **HJR 100** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

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

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

Absent-excused: Menéndez.

The resolution was read third time and was passed by the following vote: Yeas 24, Nays 6. (Same as previous roll call)

HOUSE BILL 3125 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **HB 3125** at this time on its second reading:

HB 3125, Relating to charitable raffles conducted by the charitable foundations of certain professional sports teams.

The motion prevailed by the following vote: Yeas 24, Nays 6.

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

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

Absent-excused: Menéndez.

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: Birdwell, Burton, Hall, Hancock, Huffines, Taylor of Collin.

Absent-excused: Menéndez.

HOUSE BILL 3125 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 3125** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

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

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

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 2004 ON SECOND READING**

Senator Perry moved to suspend the regular order of business to take up for consideration **CSHB 2004** at this time on its second reading:

CSHB 2004, Relating to the Texas economic development fund for the Department of Agriculture.

The motion prevailed.

Senators Burton, Hall, Hancock, 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 a viva voce vote.

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

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

Absent-excused: Menéndez.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2004 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 **CSHB 2004** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

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

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

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 5. (Same as previous roll call)

HOUSE BILL 1075 ON SECOND READING

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1075** at this time on its second reading:

HB 1075, Relating to the frequency of criminal background checks for sports officials registered with the University Interscholastic League.

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:

Absent-excused: Menéndez.

HOUSE BILL 1075 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 1075** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 2559 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 2559** at this time on its second reading:

HB 2559, Relating to public inspection of mail ballot applications.

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:

Absent-excused: Menéndez.

HOUSE BILL 2559 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 2559** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 2533 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **CSHB 2533** at this time on its second reading:

CSHB 2533, Relating to civil suits brought by local governments or certain other persons for violations of certain laws under the jurisdiction of, or rules adopted or orders or permits issued by, the Texas Commission on Environmental Quality.

The motion prevailed.

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

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

The bill was read second time.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2533** (senate committee printing) in SECTION 2 of the bill as follows:

(1) In added Section 7.3511(b), Water Code (page 2, line 4), between "only to" and "a civil", insert "a claim for a civil penalty in".

(2) In added Section 7.3511(b), Water Code (page 2, line 5), strike "that seeks a civil penalty".

(3) In added Section 7.3511(c), Water Code (page 2, line 7), strike "in a suit".

(4) In added Section 7.3511(d), Water Code (page 2, line 14), strike "suit" and substitute "claim".

(5) In added Section 7.3511(e), Water Code (page 2, line 26), strike "suit" and substitute "claim".

The amendment to **CSHB 2533** was read and was adopted by a viva voce vote.

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

Present-not voting: Uresti.

Absent-excused: Menéndez.

CSHB 2533 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: Garcia, Hinojosa, Lucio, Miles, Watson, Zaffirini.

Present-not voting: Uresti.

Absent-excused: Menéndez.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2533 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 2533** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5, Present-not voting 1.

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

Nays: Garcia, Lucio, Miles, Watson, Zaffirini.

Present-not voting: Uresti.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 6, Present-not voting 1.

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

Nays: Garcia, Hinojosa, Lucio, Miles, Watson, Zaffirini.

Present-not voting: Uresti.

Absent-excused: Menéndez.

HOUSE BILL 273 ON SECOND READING

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 273** at this time on its second reading:

HB 273, Relating to the content of local and state propositions on the ballot.

The bill was read second time.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 273** (Senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 52.072, Election Code, is amended by adding Subsection (f) to read as follows:

(f) A ballot proposition proposing an amendment to a home-rule city charter or a voter-initiated initiative or referendum as requested by petition must substantially submit the question with such definiteness and certainty in identifying the proposition's chief features that the voters are not misled.

SECTION _____. Chapter 233, Election Code, is amended by adding Section 233.0115 to read as follows:

Sec. 233.0115. BALLOT LANGUAGE MANDAMUS ACTION. If a court orders a new election under Section 233.011, a person may seek from the court a writ of mandamus to compel the governing body of a city to comply with the requirement that a ballot proposition must substantially submit the question with such definiteness and certainty that the voters are not misled, as provided by Section 273.102.

SECTION _____. Section 253.094(b), Election Code, is amended to read as follows:

(b) A corporation or labor organization may not make a political contribution in connection with a recall election, including the circulation and submission of a petition to call an election. This subsection does not prohibit a religious organization from circulating or submitting a petition in connection with a recall election.

SECTION _____. Chapter 273, Election Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. BALLOT PROPOSITION LANGUAGE ENFORCEMENT
PROVISIONS

Sec. 273.101. REVIEW BY SECRETARY OF STATE. (a) Not later than the seventh day after the date on which a home-rule city publishes in the election order or by other means ballot proposition language proposing an amendment to the city charter or a voter-initiated initiative or referendum as requested by petition, a registered voter eligible to vote in the election may submit the proposition for review by the secretary of state.

(b) The secretary of state shall review the proposition not later than the seventh day after the date the secretary receives the submission to determine whether the proposition substantially submits the question with such definiteness and certainty that the voters are not misled.

(c) If the secretary of state determines that the proposition fails to substantially submit the question with such definiteness and certainty that the voters are not misled, the city shall draft a proposition to cure the defects and give notice of the new proposition using the method of giving notice prescribed for notice of an election under Section 4.003.

(d) A proposition drafted by a city under Subsection (c) to cure the defects may be submitted to the secretary of state under Subsection (a). If the secretary of state determines that the city has on its third attempt drafted a proposition that fails to substantially submit the question with such definiteness and certainty that the voters are not misled, the secretary of state shall draft the ballot proposition.

Sec. 273.102. MANDAMUS ACTIONS. (a) In an action in a court of competent jurisdiction seeking a writ of mandamus to compel the city's governing body to comply with the requirement that a ballot proposition must substantially submit the question with such definiteness and certainty that the voters are not misled, the court shall make its determination without delay and may order the city to use ballot proposition language drafted by the court.

(b) The court may award a plaintiff or relator who substantially prevails in a mandamus action described by Subsection (a) the party's reasonable attorney's fees, expenses, and court costs.

(c) Governmental immunity to suit is waived and abolished only to the extent of the liability created by Subsection (b).

Sec. 273.103. MANDATORY SUBMISSION TO SECRETARY OF STATE. Following a final nonappealable judgment containing a finding by a court that a ballot proposition drafted by a city failed to substantially submit the question with such definiteness and certainty that the voters are not misled, the city shall submit to the secretary of state for approval any proposition to be voted on at an election held by the city before the fourth anniversary of the court's finding.

Sec. 273.104. CITY REQUIRED TO PAY FOR LEGAL SERVICES. Notwithstanding a home-rule city charter provision to the contrary, a city may not accept legal services relating to a proceeding under this subchapter without paying fair market value for those services.

Sec. 273.105. RULES. The secretary of state may adopt rules as necessary to implement this subchapter.

SECTION _____. Sections 277.001, 277.002, 277.0021, 277.0022, 277.0023, 277.0024, and 277.003, Election Code, are designated as Subchapter A, Chapter 277, Election Code, and a heading is added to Subchapter A to read as follows:

SUBCHAPTER A. PROVISIONS RELATING TO SIGNATURES, VALIDITY,
AND VERIFICATION OF PETITIONS

SECTION _____. Section 277.001, Election Code, is amended to read as follows:

Sec. 277.001. APPLICABILITY OF SUBCHAPTER [~~CHAPTER~~]. This subchapter [~~chapter~~] applies to a petition authorized or required to be filed under a law outside this code in connection with an election.

SECTION _____. Section 277.002, Election Code, is amended by adding Subsection (f) to read as follows:

(f) The illegibility of a signature on a petition submitted to a home-rule city is not a valid basis for invalidating the signature if the information provided with the signature as required by this section and other applicable law legibly provides enough information to demonstrate that the signer:

(1) is eligible to have signed the petition; and

(2) signed the petition on or after the 180th day before the date the petition was filed.

SECTION _____. Subchapter A, Chapter 277, Election Code, as added by this Act, is amended by adding Sections 277.005 and 277.006 to read as follows:

Sec. 277.005. PETITION FORM; USE BY CITY AND OTHER PERSONS. (a) The secretary of state shall prescribe the form and content for a petition related to a city charter amendment or city initiative or referendum election.

(b) A home-rule city that uses a form that is different from the official form prescribed under Subsection (a) may not invalidate a petition because the petition does not contain information that the petition form failed to provide for or to require to be provided.

(c) A person who circulates or submits a petition is not required to use a petition form prescribed by the secretary of state or a home-rule city. A petition that does not use a prescribed form must contain the substantial elements required to be provided on the prescribed form.

Sec. 277.006. RULES. The secretary of state may adopt rules as necessary to implement this subchapter.

SECTION _____. Chapter 277, Election Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. SUBMISSION OF CERTAIN CITY PETITIONS

Sec. 277.031. APPLICABILITY OF SUBCHAPTER. This subchapter applies to a home-rule city that has a procedure requiring the governing body of the city to hold an election on receipt of a petition requesting the election that complies with the applicable requirements.

Sec. 277.032. CONFLICTS WITH CITY CHARTER OR OTHER LAW. The provisions of this subchapter apply notwithstanding any city charter provision or other law.

Sec. 277.033. DETERMINATION OF VALIDITY. The city secretary shall determine the validity of a petition submitted under this subchapter, including by verifying the petition signatures, not later than the 30th day after the date the city receives the petition.

Sec. 277.034. COLLECTOR REQUIREMENTS PROHIBITED. (a) Except as provided by Subsection (b), a city may not restrict who may collect petition signatures.

(b) A city may require a person who collects petition signatures to be a resident of the city. This subsection does not authorize a city to require a person who collects petition signatures to be a registered voter. A city requirement authorized under this subsection does not apply to a petition relating to a local option election under Chapter 501.

SECTION _____. Sections 9.004(a) and (c), Local Government Code, are amended to read as follows:

(a) The governing body of a municipality on its own motion may submit a proposed charter amendment to the municipality's qualified voters for their approval at an election. The governing body shall submit a proposed charter amendment to the voters for their approval at an election if the submission is supported by a petition signed by a number of registered ~~[qualified]~~ voters of the municipality equal to at least five percent of the number of registered ~~[qualified]~~ voters of the municipality on the date of the most recent election held throughout the municipality or 20,000, whichever number is the smaller.

(c) Notice of the election shall be published in a newspaper of general circulation published in the municipality. The notice must:

(1) include a substantial copy of the proposed amendment in which language sought to be deleted by the amendment is bracketed and stricken through and language sought to be added by the amendment is underlined;

(2) include an estimate of the anticipated fiscal impact to the municipality if the proposed amendment is approved at the election; and

(3) be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election.

SECTION _____. Subchapter E, Chapter 51, Local Government Code, is amended by adding Section 51.080 to read as follows:

Sec. 51.080. PUBLICATION OF INITIATIVE OR REFERENDUM BALLOT PROPOSALS. (a) This section applies to a municipality for which a petition may be submitted requesting an election on an amendment to the municipality's charter or a voter-initiated initiative or referendum.

(b) In addition to any other notice or publication requirements, a municipality shall publish the ballot proposition language to be voted on at an election described by Subsection (a) not later than the 109th day before the date of the election.

(c) The municipality must provide on its website in an easily accessible location a clear and concise explanation of the process used to submit a petition requesting an election on an amendment to the municipality's charter or a voter-initiated initiative or referendum.

SECTION _____. Section 277.004, Election Code, is repealed.

SECTION _____. Not later than January 1, 2018, the secretary of state shall adopt a petition form as required by Section 277.005, Election Code, as added by this Act.

SECTION _____. The changes in law made by this Act relating to a petition requesting an election apply only to a petition submitted on or after January 1, 2018.

The amendment to **HB 273** was read and was adopted by a viva voce vote.

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

Nays: Garcia, Watson, Zaffirini.

Absent-excused: Menéndez.

HB 273 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: Garcia, Watson, Zaffirini.

Absent-excused: Menéndez.

HOUSE BILL 273 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 **HB 273** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

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

Nays: Garcia, Watson, Zaffirini.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3. (Same as previous roll call)

HOUSE BILL 3921 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **HB 3921** at this time on its second reading:

HB 3921, Relating to the financial exploitation of certain vulnerable adults.

The motion prevailed.

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

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

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

Nays: Hall, Huffines.

Absent-excused: Menéndez.

HOUSE BILL 3921 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 3921** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

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

Nays: Hall, Huffines.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

(Senator Hancock in Chair)

HOUSE BILL 4147 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4147** at this time on its second reading:

HB 4147, Relating to a defendant's right to appeal from a judgment or conviction in a municipal court of record.

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:

Absent-excused: Menéndez.

HOUSE BILL 4147 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 4147** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 1455 ON SECOND READING

Senator Whitmire moved to suspend the regular order of business to take up for consideration **HB 1455** at this time on its second reading:

HB 1455, Relating to the creation of the Harris County Municipal Utility District No. 552; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

The motion prevailed.

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

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

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

Nays: Hall.

Absent-excused: Menéndez.

HOUSE BILL 1455 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 1455** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Hall.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 4 ON SECOND READING**

Senator Schwertner moved to suspend the regular order of business to take up for consideration **CSHB 4** at this time on its second reading:

CSHB 4, Relating to monetary assistance provided by the Department of Family and Protective Services to certain relative or designated caregivers; creating a criminal offense; creating a civil penalty.

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.

Senator Burton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 4** (senate committee printing) in SECTION 2 of the bill, by striking added Section 264.7551(b), Family Code (page 2, lines 44-47), and substituting the following:

(b) An offense under this section is:

(1) a Class C misdemeanor if the person entered into a fraudulent caregiver assistance agreement and received no monetary assistance under the agreement or received monetary assistance under the agreement for less than 7 days;

(2) a Class B misdemeanor if the person entered into a fraudulent caregiver assistance agreement and received monetary assistance under the agreement for 7 days or more but less than 31 days;

(3) a Class A misdemeanor if the person entered into a fraudulent caregiver assistance agreement and received monetary assistance under the agreement for 31 days or more but less than 91 days; or

(4) a state jail felony if the person entered into a fraudulent caregiver assistance agreement and received monetary assistance under the agreement for 91 days or more.

BURTON
WATSON

The amendment to **CSHB 4** was read and was adopted by a viva voce vote.

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

Absent-excused: Menéndez.

Senator West offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 4** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter I, Chapter 264, Family Code, is amended by adding Section 264.762 to read as follows:

Sec. 264.762. ANNUAL REPORT. Not later than September 1 of each year, the department shall publish a report on the relative and other designated caregiver placement program created under this subchapter. The report must include data on permanency outcomes for children placed with relative or other designated caregivers, including:

(1) the number of disruptions in a relative or other designated caregiver placement;

(2) the reasons for any disruption in a relative or other designated caregiver placement; and

(3) the length of time before a relative or other designated caregiver who receives monetary assistance from the department under this subchapter obtains permanent managing conservatorship of a child.

SECTION _____. Not later than September 1, 2018, the Department of Family and Protective Services shall publish the first report required under Section 264.762, Family Code, as added by this Act.

The amendment to **CSHB 4** was read and was adopted by a viva voce vote.

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

Absent-excused: Menéndez.

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

Floor Amendment No. 3

Amend **CSHB 4** (senate committee printing) in SECTION 1 of the bill, in added Section 264.755(b-1), Family Code (page 1, line 54), following "parent." by inserting:

The department may not provide monetary assistance to an eligible caregiver under Subsection (b) after the first anniversary of the date the caregiver receives the first monetary assistance payment from the department under this section.

The amendment to **CSHB 4** was read.

Question: Shall Floor Amendment No. 3 to **CSHB 4** be adopted?

AT EASE

The Presiding Officer at 1:45 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

Senator Hancock at 1:54 p.m. called the Senate to order as In Legislative Session.

Question: Shall Floor Amendment No. 3 to **CSHB 4** be adopted?

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

Floor Amendment No. 4

Amend Floor Amendment No. 3 by Taylor, to **CSHB 4**, on page 1, line 8, by inserting the following after "section.":

"The department, at its discretion and for good cause, may extend the monetary assistance payments for an additional 6 months."

The amendment to Floor Amendment No. 3 to **CSHB 4** was read and was adopted by a viva voce vote.

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

Absent-excused: Menéndez.

Question recurring on the adoption of Floor Amendment No. 3 to **CSHB 4**, the amendment as amended was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Menéndez.

CSHB 4 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:

Absent-excused: Menéndez.

COMMITTEE SUBSTITUTE HOUSE BILL 4 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 4** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

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, the Intent Calendar Rule, in order to move the Intent Calendar deadline to 7:00 p.m. today.

Thank you Mr. President.

KOLKHORST

The Motion In Writing was read and prevailed without objection.

HOUSE BILL 2220 ON SECOND READING

Senator Whitmire moved to suspend the regular order of business to take up for consideration **HB 2220** at this time on its second reading:

HB 2220, Relating to the powers and duties of the West Harris County Municipal Utility District No. 21; providing authority to issue bonds; providing authority to impose fees and taxes.

The motion prevailed.

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

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

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

Nays: Hall.

Absent-excused: Menéndez.

HOUSE BILL 2220 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 2220** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Hall.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

HOUSE BILL 2578 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 2578** at this time on its second reading:

HB 2578, Relating to the elimination of certain fees for licensure and the disposition of certain fees collected by the Texas Lottery Commission under the Bingo Enabling Act.

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.

Absent-excused: Menéndez.

HOUSE BILL 2578 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 **HB 2578** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Burton.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1003 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1003** at this time on its second reading:

CSHB 1003, Relating to investment of public funds.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1003** (senate committee report) as follows:

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

SECTION _____. Section 171.901(4), Tax Code, is amended to read as follows:

(4) "Eligible costs and expenses" means qualified rehabilitation expenditures as defined by Section 47(c)(2), Internal Revenue Code, except that the depreciation and tax-exempt use provisions of that section do not apply to costs and expenses incurred by an entity exempt from the tax imposed under this chapter by Section 171.063 or by an institution of higher education or university system as defined by Section 61.003, Education Code, and those costs and expenses are eligible costs and expenses if the other provisions of Section 47(c)(2), Internal Revenue Code, are satisfied.

SECTION _____. Section 171.901(4), Tax Code, as amended by this Act, applies only to costs and expenses incurred on or after the effective date of this Act.

The amendment to **CSHB 1003** was read and was adopted by a viva voce vote.

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

Absent-excused: Menéndez.

CSHB 1003 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:

Absent-excused: Menéndez.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1003 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1003** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 136 ON SECOND READING

Senator Uresti moved to suspend the regular order of business to take up for consideration **HB 136** at this time on its second reading:

HB 136, Relating to inclusion of career and technology education and workforce training in the mission of public education.

The motion prevailed.

Senators Bettencourt, Burton, Campbell, Creighton, Hancock, Huffines, and Kolkhorst asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 136** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in amended Section 4.001(b), Education Code (page 1, line 37), strike "workforce training".

(2) In SECTION 1 of the bill, in amended Section 4.001(b), Education Code (page 1, lines 59-60), strike "and effective workforce training opportunities".

HUGHES
HALL

The amendment to **HB 136** was read and was adopted by a viva voce vote.

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

Absent-excused: Menéndez.

HB 136 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: Bettencourt, Burton, Campbell, Creighton, Hancock, Huffines, Kolkhorst.

Absent-excused: Menéndez.

HOUSE BILL 136 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 136** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

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

Nays: Bettencourt, Campbell, Creighton, Hancock, Huffines, Kolkhorst.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 7.

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

Nays: Bettencourt, Burton, Campbell, Creighton, Hancock, Huffines, Kolkhorst.

Absent-excused: Menéndez.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3647 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3647** at this time on its second reading:

CSHB 3647, Relating to the Texas Peace Officers' Memorial Monument and Ceremony.

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:

Absent-excused: Menéndez.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3647 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 **CSHB 3647** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 2825 ON SECOND READING**

On motion of Senator Hall and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2825** at this time on its second reading:

CSHB 2825, Relating to the dissolution of a levee improvement district by a commissioners court.

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:

Absent-excused: Menéndez.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2825 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 **CSHB 2825** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 1724 ON SECOND READING

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **HB 1724** at this time on its second reading:

HB 1724, Relating to the establishment of the commercial license buyback account managed by the Parks and Wildlife Department.

The motion prevailed.

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

The bill was read second time and was passed to 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: Taylor of Collin.

Absent-excused: Menéndez.

HOUSE BILL 1724 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 1724** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Taylor of Collin.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

HOUSE BILL 1884 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 1884** at this time on its second reading:

HB 1884, Relating to the penalties for certain littering offenses.

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1884** (senate committee printing) in SECTION 1 of the bill, in amended Article 42A.304(e), Code of Criminal Procedure (page 1, line 32), following "is located.", by adding the following:

A court may credit the amount of community service performed by a defendant under this subsection toward any amount of community service the defendant is ordered to perform under another provision of this code as a result of the defendant's inability to pay a fine or cost imposed in the judgment for the applicable offense.

The amendment to **HB 1884** was read and was adopted by a viva voce vote.

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

Absent-excused: Menéndez.

HB 1884 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:

Absent-excused: Menéndez.

HOUSE BILL 1884 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 1884** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 3055 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3055** at this time on its second reading:

HB 3055, Relating to the restrictions on political activities for a county elections administrator.

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:

Absent-excused: Menéndez.

HOUSE BILL 3055 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 3055** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 1217 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **HB 1217** at this time on its second reading:

HB 1217, Relating to appointment of and performance of notarial acts by an online notary public and online acknowledgment and proof of written instruments; authorizing a fee and creating a criminal offense.

The motion prevailed.

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

The bill was read second time and was passed to 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, Kolkhorst.

Absent-excused: Menéndez.

HOUSE BILL 1217 ON THIRD READING

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1217** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

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

Nays: Burton, Hughes, Kolkhorst.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3. (Same as previous roll call)

(President in Chair)

(Senator Watson in Chair)

HOUSE BILL 2552 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 2552** at this time on its second reading:

HB 2552, Relating to measures to address and deter certain criminal or other unlawful activity, including trafficking of persons, sexual offenses, prostitution, and activity that may constitute a public nuisance; increasing criminal penalties; creating a criminal offense.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2552** (senate committee report) by striking SECTION 18 of the bill (page 10, lines 15 through 39) and SECTION 25 of the bill (page 11, lines 47 through 54) and renumbering the SECTIONS of the bill accordingly.

The amendment to **HB 2552** was read and was adopted by a viva voce vote.

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

Absent-excused: Menéndez.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 2552** (senate committee printing) as follows:

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

SECTION _____. Subchapter A, Chapter 125, Civil Practice and Remedies Code, is amended by adding Section 125.0017 to read as follows:

Sec. 125.0017. NOTICE OF ARREST FOR CERTAIN ACTIVITIES. If a law enforcement agency makes an arrest related to an activity described by Section 125.0015(a)(6), (7), or (18) that occurs at property leased to a person operating a massage establishment as defined by Section 455.001, Occupations Code, not later

than the seventh day after the date of the arrest, the law enforcement agency shall provide written notice by certified mail to each person maintaining the property of the arrest.

SECTION _____. Section 125.004, Civil Practice and Remedies Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law applicable to the cause of action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(2) In the recital to SECTION 7 of the bill amending Section 125.004, Civil Practice and Remedies Code (page 5, line 30), between the comma and "and", insert "(a-3),".

(3) In the recital to SECTION 7 of the bill amending Section 125.004, Civil Practice and Remedies Code (page 5, line 30), between "(e)" and "to", insert "and amending Subsection (d)".

(4) In SECTION 7 of the bill, in added Section 125.004(a-1), Civil Practice and Remedies Code (page 5, line 36), between "services" and "is", insert "after notice of an arrest was provided to the defendant in accordance with Section 125.0017".

(5) In SECTION 7 of the bill, in added Section 125.004(a-2), Civil Practice and Remedies Code (page 5, lines 39-40), between "defendant" and "is", insert "after notice of an arrest was provided to the defendant in accordance with Section 125.0017".

(6) In SECTION 7 of the bill, between added Sections 125.004(a-2) and (e), Civil Practice and Remedies Code (page 5, between lines 43 and 44), insert the following:

(a-3) For purposes of Subsections (a-1) and (a-2), notice is considered to be provided to the defendant seven days after the postmark date of the notice provided under Section 125.0017.

(d) Notwithstanding ~~Subsection~~ Subsections (a), (a-1), or (a-2), evidence that the defendant, the defendant's authorized representative, or another person acting at the direction of the defendant or the defendant's authorized representative requested law enforcement or emergency assistance with respect to an activity at the place where the common nuisance is allegedly maintained is not admissible for the purpose of showing the defendant tolerated the activity or failed to make reasonable attempts to abate the activity alleged to constitute the nuisance but may be admitted for other purposes, such as showing that a crime listed in Section 125.0015 occurred. Evidence that the defendant refused to cooperate with law enforcement or emergency services with respect to the activity is admissible. The posting of a sign prohibiting the activity alleged is not conclusive evidence that the owner did not tolerate the activity.

(7) Renumber SECTIONS of the bill appropriately.

The amendment to **HB 2552** was read and was adopted by a viva voce vote.

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

Absent-excused: Menéndez.

HB 2552 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:

Absent-excused: Menéndez.

HOUSE BILL 2552 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 2552** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(President in Chair)

COMMITTEE SUBSTITUTE HOUSE BILL 501 ON SECOND READING

On motion of Senator Taylor of Collin and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 501** at this time on its second reading:

CSHB 501, Relating to the disclosure of certain contracts, services, and compensation in personal financial statements filed by public officers and candidates.

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:

Absent-excused: Menéndez.

COMMITTEE SUBSTITUTE HOUSE BILL 501 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 **CSHB 501** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

BILLS AND RESOLUTIONS SIGNED

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

SB 489, SB 573, SB 693, SB 720, SB 754, SB 966, SB 1096, SCR 48, SCR 49, HB 239, HB 257, HB 1106, HB 1257, HB 1571, HB 1648, HB 1771, HB 2097, HB 2324, HB 2359, HB 2425, HB 2615, HB 2783, HB 2933, HB 2989, HB 3276,

HB 3488, HB 3954, HB 4032, HB 471, HB 561, HB 572, HB 594, HB 639, HB 920, HB 970, HB 1083, HB 1128, HB 1355, HB 1442, HB 1570, HB 1697, HB 1761, HB 1780, HB 1819, HB 1860, HB 2437, HB 2504, HB 2964, HB 3051, HB 3227, HB 3237, HCR 42, HCR 133, HCR 134, HJR 37.

(Senator Creighton in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 2848 ON SECOND READING**

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2848** at this time on its second reading:

CSHB 2848, Relating to consultations with contracted physician networks and physician systems during certain investigations of child abuse and neglect.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2848** (senate committee printing) by striking SECTION 3 of the bill (page 2, lines 6-10) and renumbering subsequent SECTIONS of the bill accordingly.

The amendment to **CSHB 2848** was read and was adopted by a viva voce vote.

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

Absent-excused: Menéndez.

CSHB 2848 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:

Absent-excused: Menéndez.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2848 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 **CSHB 2848** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 284 ON SECOND READING

Senator Buckingham moved to suspend the regular order of business to take up for consideration **HB 284** at this time on its second reading:

HB 284, Relating to authorization for certain health care facilities to secure residents with wheelchair self-release seat belts.

The motion prevailed.

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

The bill was read second time.

Senator Buckingham offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 284** (senate committee report) in SECTION 1 of the bill as follows:

(1) In the heading for added Section 322.0515, Health and Safety Code (page 1, line 25), between "BELT" and the underlined period, insert "; EXCEPTION".

(2) In added Section 322.0515, Health and Safety Code (page 1, line 25), strike "Notwithstanding" and substitute "(a) Except as provided by Subsection (b) and notwithstanding".

(3) Immediately after added Section 322.0515, Health and Safety Code (page 1, between lines 34 and 35), insert the following:

(b) A facility that advertises as a restraint-free facility is not required to comply with Subsection (a) if the facility:

(1) provides to current and prospective residents a written disclosure stating the facility is restraint-free and is not required to comply with a request under Subsection (a); and

(2) makes all reasonable efforts to accommodate the concerns of a resident who requests a seat belt under Subsection (a).

The amendment to **HB 284** was read and was adopted by a viva voce vote.

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

Absent-excused: Menéndez.

HB 284 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:

Absent-excused: Menéndez.

HOUSE BILL 284 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 284** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 3056 ON SECOND READING

On motion of Senator Huffines and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3056** at this time on its second reading:

HB 3056, Relating to the participation in the Texas Municipal Retirement System of certain employees of certain municipalities subject to the Texas Local Fire Fighters Retirement Act.

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:

Absent-excused: Menéndez.

HOUSE BILL 3056 ON THIRD READING

Senator Huffines moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3056** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 658 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 658** at this time on its second reading:

HB 658, Relating to priority voting for voters with certain disabilities substantially impairing mobility.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 658** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION __. Section 86.003, Election Code, is amended by amending Subsections (a) and (b) and adding Subsection (e) to read as follows:

(a) The balloting materials for voting by mail shall be provided to the voter by mail, unless the ballot is delivered to a voter for early voting under Chapter 107. A ballot provided by any other method may not be counted.

(b) Subject to Subsection (c), the balloting materials shall be addressed to the applicable address specified in the voter's application. The election officer providing the ballot may not knowingly deliver ~~mail~~ the materials to an address other than that prescribed by this section.

(e) A voter who makes an application to vote early by mail on the grounds of age or disability requesting that the ballot be sent to the address of a residential care facility, as defined by Chapter 107, is required to vote as provided by that chapter if five or more applications for ballots to be voted by mail are made by residents of the same facility who request that the ballots be sent to that facility.

SECTION __. Section 86.004, Election Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (b) or (c), the balloting materials for voting by mail shall be mailed to a voter entitled to vote by mail not later than the seventh calendar day after the later of the date the clerk accepts the voter's application for a ballot to be voted by mail or the date the ballots become available for mailing, except that if that mailing date is earlier than the 45th day before election day, the balloting materials shall be mailed not later than the 38th day before election day.

(c) An application to vote early by mail on the grounds of age or disability requesting that the ballot be sent to the address of a residential care facility, as defined by Chapter 107, shall be held until the earlier of:

(1) the date on which five or more applications for ballots to be voted by mail made by residents of the same facility who request that the ballots be sent to that facility have been received, in which case ballots may not be mailed to the voters and voting shall be conducted under Chapter 107; or

(2) the last day on which an application for a ballot to be voted by mail may be received, after which the ballot shall promptly be mailed to the voter.

SECTION __. Subtitle B, Title 7, Election Code, is amended by adding Chapter 107 to read as follows:

CHAPTER 107. EARLY VOTING AT A RESIDENTIAL CARE FACILITY

Sec. 107.001. PURPOSE. This chapter is enacted to facilitate voting in a nursing home, other long-term care facility, or retirement center in which a significant number of occupants, patients, or residents lack adequate transportation to an appropriate polling place, need assistance in voting, are 65 years of age or older or are disabled, or are indefinitely confined.

Sec. 107.002. DEFINITION. In this chapter, "residential care facility" means a facility licensed and regulated under Chapter 242 or 247, Health and Safety Code, with more than 10 beds.

Sec. 107.003. APPLICABILITY OF EARLY VOTING BY PERSONAL APPEARANCE PROVISIONS. To the extent applicable and not in conflict with this chapter, Chapter 85 applies to voting at a residential care facility under this chapter.

Sec. 107.004. EARLY VOTING AT RESIDENTIAL CARE FACILITY REQUIRED. (a) A voter residing in a residential care facility who has applied to vote early by mail on the grounds of age or disability and who requested that the ballot be sent to the address of the facility, must vote as provided by this chapter if five or more applications for ballots to be voted by mail were made by residents of the same facility who requested that the ballots be sent to the facility.

(b) If a residential care facility has fewer than five residents qualified to vote under this chapter on January 1 of each calendar year, the secretary of state may exempt a residential care facility from the requirements of this chapter. For this exemption to apply, the Department of State Health Services and the facility director must provide written confirmation that the exemption applies to the residential care facility. The secretary of state shall adopt rules to implement this subsection.

Sec. 107.005. ELECTION JUDGES; QUALIFICATIONS; OATH.

(a) Additional election judges shall be selected to serve at a residential care facility in the same manner as election judges are selected to serve at a polling place for early voting by personal appearance under Chapter 32. The county chair of a political party shall indicate on the list of names of persons whether a person is willing to serve as an election judge under this chapter.

(b) An election judge serving at a residential care facility may be a volunteer, an employee of the authority conducting the election, or compensated by the authority conducting the election in the same manner as an election judge for a polling place for early voting by personal appearance.

(c) A person may not serve as an election judge for a residential care facility if at any time during the two years preceding the election, the person has been employed at a residential care facility in the county where the person seeks to serve as an election judge.

(d) Before beginning the duties of an election judge under this chapter, each individual appointed to serve as an election judge at a residential care facility shall sign and date this oath:

I swear (or affirm) that I will not in any manner request or seek to persuade or induce any voter to vote for or against any candidate or measure to be voted on, and that I will faithfully perform my duty as an officer of the election and guard the purity of the election.

I have read the statutes and training materials provided and will conduct this election accordingly.

I understand that failing to follow procedures exactly may result in invalidation of the voter's ballot.

I will not unduly influence or pressure a person to participate or cast a ballot in the election.

I will not influence the choice of a voter to choose a particular primary ballot, vote in a particular race or election, or vote on a particular proposition.

Signed this _____ day of _____, 20__.

Date: _____

(e) The secretary of state shall provide training for an election judge serving under this section.

Sec. 107.006. VOTING LOCATION. (a) The administrator of the residential care facility shall make available an area located in a common area of the facility for the purposes of voting under this chapter. The area shall allow a voter to cast a secret ballot.

(b) The facility administrator shall allow posting of required notices during the period that voting is conducted under this chapter.

(c) An election judge may enter the private room of a voter who requests that balloting materials be brought to the voter.

Sec. 107.007. NOTICE OF ELECTION IN RESIDENTIAL CARE FACILITY; DETERMINATION OF TIME FOR VOTING. (a) If early voting at a residential care facility is required under this chapter, the early voting clerk shall give notice that early voting will occur at the facility and appoint election judges for the purpose of conducting voting under this chapter.

(b) Not later than 5 p.m. on the sixth business day before election day, the election judges shall, with the input of the administrator of the residential care facility, designate one or more times for voting to be conducted. Voting may be conducted not earlier than the 29th day before election day and not later than the fourth day preceding election day.

(c) Notice of the time or times for conducting the election shall be posted at the residential care facility by the election judge and on the appropriate county's Internet website as soon as practicable after determining the time and not later than the fifth day before the first day on which voting will be conducted at the facility.

(d) The early voting clerk shall maintain a public list of all residential care facilities in the clerk's jurisdiction at which voting is conducted under this chapter. The list must be available on the website of the authority conducting the election or posted at the location where public notices are posted in the county courthouse or authority public building, as applicable, and for each facility state:

- (1) the name of the facility;
- (2) the address of the facility;
- (3) the dates and times for voting at the facility; and
- (4) the names of the election judges for the facility.

(e) The secretary of state with the assistance of the Department of State Health Services shall create a list of all residential care facilities eligible under this chapter on January 1 of each calendar year in an early voting clerk's jurisdiction. The secretary of state shall provide the list to the early voting clerk.

(f) At any time during the year and regardless of whether five or more voters at a residential care facility have requested ballots to be voted by mail, the early voting clerk may post notice of the dates on which voting will be conducted at the facility under this chapter for each election. If the early voting clerk posts notice under this subsection, the names of the election judges and the hours during which voting will be conducted must be posted at least 48 hours before voting is conducted at the facility, notwithstanding Subsection (c).

Sec. 107.008. CONDUCT OF ELECTION. (a) In an election conducted under this chapter, the early voting clerk shall deliver to the election judges for a residential care facility the balloting materials for any qualified voters who have requested a mail ballot for an election that would have been otherwise mailed to the voter at the facility under Chapter 86.

(b) The election judges for a residential care facility shall deliver the balloting materials to the voter at the facility.

(c) The voter shall mark and seal the ballot in the same manner as a voter voting under Chapter 86.

(d) Both election judges for the residential care facility shall sign the carrier envelope as witnesses. In the space for the address of the witness, each election judge shall write in "Residential Care Facility Election Judge."

(e) The election judges shall accept the carrier envelope and place the envelope in a secure bag or ballot container for transport to the early voting clerk's office.

(f) Ballots voted at a residential care facility shall be processed for counting in the manner provided by Chapter 86 for a ballot voted by mail.

Sec. 107.009. VOTING BY ADDITIONAL QUALIFIED VOTERS. (a) The early voting clerk shall produce a list of all additional qualified voters who reside and are registered to vote at a residential care facility where voting is conducted under this chapter.

(b) The clerk shall supply the election judges for the residential care facility with sufficient additional ballots and voting materials to allow any additional qualified voter who resides at the facility to vote under this chapter. During the voting period, any registered voter who resides at the facility may complete an application to request a mail ballot as if they were voting by mail. An election judge for the facility shall serve as a witness for any person who is unable to sign their name and may witness multiple applications.

(c) An election judge for the residential care facility must accept a properly completed application for a ballot made under this section, and shall provide a ballot to the voter. The election judge shall make a notation on an application that it was made under this section.

(d) A voter who applies for a ballot under this section shall vote in the manner provided by Section 107.008, except that the voter's ballot must be stored with the voter's application, and the voter's ballot may not be counted if the voter was not a qualified voter for the election as demonstrated from the information contained in the voter's application.

(e) An election judge at the residential care facility may assist and witness a ballot received by a voter who resides at the facility and is not registered to vote at the facility while the election judge is present at the facility.

(f) The secretary of state may prescribe an application for a voter to request a ballot under Subsection (b).

Sec. 107.010. RETENTION OF RECORDS. (a) The election judges for the residential care facility shall record the number of ballots voted. Both of the election judges for each facility and the early voting clerk shall sign and attest to the number of ballots issued.

(b) On completion of voting under this chapter, the election judges must record the number of:

- (1) completed ballots;
- (2) spoiled ballots; and
- (3) unused returned ballots.

Sec. 107.011. PROOF OF IDENTIFICATION PRESENTED AT RESIDENTIAL CARE FACILITY. (a) Notwithstanding Section 63.0101 or any other law, a voter voting under this chapter may submit a statement as proof of identification signed by both election judges for the residential care facility that:

- (1) contains the name and address of the voter; and

(2) verifies that the voter is a resident of the facility and appears on the list of registered voters.

(b) The election judges shall enclose the statement in the carrier envelope.

Sec. 107.012. ASSISTING VOTER; NOTICE. (a) On written request to the early voting clerk by a relative of a registered voter in a residential care facility, the clerk may notify the relative of the time or times at which election judges will conduct voting at the facility. The relative may be present at the facility while voting is conducted.

(b) A voter may receive assistance in the same manner as provided by Subchapter B, Chapter 64.

(c) An election judge shall seal a ballot if the voter receives assistance from a person who is not an election judge.

Sec. 107.013. SECURITY OF BALLOTS AND MATERIALS. (a) On completion of the voting each day on which voting is conducted at a residential care facility under this chapter, the election judges for the facility shall seal the ballot envelopes and any absentee ballot applications inside a secure envelope and shall seal the envelope and sign the seal. The election judges shall place the envelope inside a ballot bag or container.

(b) As soon as possible after conducting voting at a residential care facility, but not later than 18 hours after leaving the facility, the election judges shall deliver the ballot bag or container to the early voting clerk.

Sec. 107.014. PROVISION OF MAIL BALLOT TO CERTAIN VOTERS.

(a) If a qualified voter residing at a residential care facility and seeking to vote at the facility under this chapter is not able to cast a ballot during any time when voting is conducted at the facility, the election judges for the facility shall inform the early voting clerk not later than the fourth day before election day. The clerk shall mail the ballot to the voter not later than the fourth day before election day.

(b) Any registered voter who did not cast a ballot at the residential care facility may cast a ballot by:

(1) voting in person on election day; or

(2) voting by mail.

(c) An election judge shall leave a ballot package for a voter who:

(1) requested a ballot to be voted by mail and was not present during the scheduled time for early voting at the residential care facility; and

(2) is expected to return to the residential care facility before the deadline for returning a ballot by mail.

(d) If a voter who requested a ballot to be voted by mail under this chapter is temporarily located at another location, including by hospitalization:

(1) the early voting clerk may mail the ballot to the voter's temporary address, if known; or

(2) the election judge may personally deliver the ballot package to the voter's temporary address, if known.

(e) If an election judge personally delivers a ballot package under Subsection (d), the election judge may:

(1) allow the ballot to be returned by mail; or

(2) accept the marked ballot personally.

Sec. 107.015. WATCHERS. (a) In an election held under this chapter, a watcher may observe the process of ballot distribution in the common areas of a residential care facility in a manner consistent with Chapter 33.

(b) A political party entitled to have the names of its nominees placed on the general election ballot may appoint a watcher to accompany the election judges to a residential care facility.

(c) A political party seeking to appoint a watcher to serve at a residential care facility shall submit the name of the watcher to the county election officer of the county in which the facility is located, not later than the close of business on the last business day before the date the watcher seeks to observe the conduct of the election under this chapter.

(d) A watcher must present the watcher's certificate of appointment to an election judge for the residential care facility on arrival at the facility.

(e) A watcher has access to the same areas of the residential care facility as an election judge.

Sec. 107.016. LIMITATIONS ON APPLICABILITY OF CHAPTER. (a) The early voting clerk is not required to send election judges to conduct an election at a residential care facility unless there are at least five registered voters who are residents of the facility.

(b) This chapter does not prevent a registered voter from:

(1) voting early by personal appearance;

(2) voting on election day; or

(3) voting by mail from an address other than the residential care facility,

including from the address of a family member designated under Section 84.002.

Sec. 107.017. RULES. The secretary of state shall adopt rules and prescribe procedures for voting at a residential care facility in accordance with this chapter.

SECTION __. Subchapter A, Chapter 242, Health and Safety Code, is amended by adding Section 242.0181 to read as follows:

Sec. 242.0181. COMPLIANCE WITH CERTAIN REQUIREMENTS REGARDING EARLY VOTING. An institution must comply with Chapter 107, Election Code.

SECTION __. Subchapter A, Chapter 247, Health and Safety Code, is amended by adding Section 247.008 to read as follows:

Sec. 247.008. COMPLIANCE WITH CERTAIN REQUIREMENTS REGARDING EARLY VOTING. An assisted living facility must comply with Chapter 107, Election Code.

SECTION __. Sections 242.0181 and 247.008, Health and Safety Code, as added by this Act, apply only to a license issued or renewed on or after the effective date of this Act. A license issued or renewed before that date is governed by the law in effect on the date the license was issued or renewed, and the former law is continued in effect for that purpose.

The amendment to **HB 658** was read and was adopted by a viva voce vote.

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

Absent-excused: Menéndez.

HB 658 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:

Absent-excused: Menéndez.

HOUSE BILL 658 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 658** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATOR ANNOUNCED PRESENT

Senator Menéndez, who had previously been recorded as "Absent-excused," was announced "Present."

COMMITTEE SUBSTITUTE

HOUSE BILL 3198 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **CSHB 3198** at this time on its second reading:

CSHB 3198, Relating to the eligibility of land to continue to be appraised for ad valorem tax purposes as qualified open-space land if the land begins to be used for oil and gas operations.

The motion prevailed.

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

The bill was read second time and was passed to 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, Watson.

COMMITTEE SUBSTITUTE

HOUSE BILL 3198 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 3198** be placed on its third reading and final passage.

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

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

Nays: Garcia, Rodríguez, Watson.

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

HOUSE BILL 2015 ON SECOND READING

Senator Taylor of Galveston moved to suspend the regular order of business to take up for consideration **HB 2015** at this time on its second reading:

HB 2015, Relating to the disclosure of certain registration information by the voter registrar.

The motion prevailed.

Senator Birdwell 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: Birdwell.

HOUSE BILL 2015 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 2015** be placed on its third reading and final passage.

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

Nays: Birdwell.

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)

COMMITTEE SUBSTITUTE HOUSE BILL 3287 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSHB 3287** at this time on its second reading:

CSHB 3287, Relating to the sale of ale and beer by certain brewers and manufacturers.

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

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

Nays: Birdwell, Buckingham, Burton, Hall, Miles, Nichols, Perry, Schwertner, Taylor of Collin, Watson.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 3287** (senate committee report) as follows:

In SECTION 6 of the bill, strike the word "purchased" (page 4, line 17).

The amendment to **CSHB 3287** 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.

CSHB 3287 as amended was passed to third reading by the following vote: Yeas 20, Nays 10, Present-not voting 1.

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

Nays: Birdwell, Buckingham, Burton, Hall, Miles, Nichols, Perry, Schwertner, Taylor of Collin, Watson.

Present-not voting: Huffines.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3287 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 **CSHB 3287** 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, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Nelson, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Buckingham, Burton, Hall, Miles, Nichols.

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

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

Nays: Birdwell, Buckingham, Burton, Hall, Miles, Nichols, Perry, Schwertner, Taylor of Collin, Watson.

Present-not voting: Huffines.

HOUSE BILL 1877 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1877** at this time on its second reading:

HB 1877, Relating to a penalty for independent executors who misrepresent in an affidavit in lieu of the inventory, appraisalment, and list of claims that certain beneficiaries received the inventory and appraisalment.

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 1877 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 **HB 1877** 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 1207 ON SECOND READING**

Senator Hall moved to suspend the regular order of business to take up for consideration **CSHB 1207** at this time on its second reading:

CSHB 1207, Relating to the powers and duties of the Kaufman County Fresh Water Supply District No. 1-A; providing authority to issue bonds and levy assessments.

The motion prevailed.

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

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

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

Present-not voting: Huffines.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1207 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 **CSHB 1207** be placed on its third reading and final passage.

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

Present-not voting: Huffines.

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

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate Mike Velasquez.

The Senate welcomed its guest.

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 1278** today.

RECESS

On motion of Senator Whitmire, the Senate at 3:36 p.m. recessed until 4:15 p.m. today.

AFTER RECESS

The Senate met at 4:58 p.m. and was called to order by Senator Bettencourt.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, May 22, 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:

SB 78 Nelson Sponsor: Price
Relating to the disposition of state surplus or salvage data processing equipment by the Texas Department of Criminal Justice.

SB 295 Hinojosa Sponsor: Flynn
Relating to the issuance of certain capital appreciation bonds by political subdivisions.

SB 298 Hinojosa Sponsor: Geren
Relating to the creation and funding of the Texas Forensic Science Commission operating account.

SB 331 West Sponsor: Rose
Relating to the temporary approval of a private or independent college or university to continue to participate in the tuition equalization grant program.

- SB 524** Birdwell Sponsor: Geren
Relating to increasing the punishment for the offense of abuse of a corpse.
- SB 654** Seliger Sponsor: Smithee
Relating to the participation of an advanced practice registered nurse as a primary care or network provider for certain governmental and other health benefit plans.
- SB 705** Birdwell Sponsor: Price
Relating to an exception from disclosure under the public information law for certain personal information of an applicant for an appointment by the governor.
- SB 1062** Perry Sponsor: Dean
Relating to documentation for the transfer of a motor vehicle title.
- SB 1105** Hinojosa Sponsor: Phelan
Relating to the abolishment of the used oil recycling account, deposits of used oil recycling fees, and use of the water resource management account.
- SB 1131** Hinojosa Sponsor: Herrero
Relating to the powers and duties of a designated officer of a navigation district.
- SB 1196** Kolkhorst Sponsor: Smithee
Relating to the declaration of a common nuisance involving a computer network or web address.
- SB 1221** Watson Sponsor: Hinojosa, Gina
Relating to an annual report submitted to the comptroller by a municipality that imposes certain hotel occupancy taxes.
- SB 1253** West Sponsor: Smithee
Relating to the electronic recording and admissibility of certain custodial interrogations.
- SB 1748** Hinojosa Sponsor: Canales
Relating to use of tax revenue by certain development corporations for job-related skills training.
- SB 1873** Hinojosa Sponsor: Wilson
Relating to a report regarding certain health and safety information prepared by the Texas Education Agency.
- SB 2080** Taylor, Larry Sponsor: Guillen
Relating to a requirement that school districts and open-enrollment charter schools report certain information regarding children with disabilities who reside in residential facilities.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, May 22, 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:

SB 36 Zaffirini Sponsor: Thompson, Senfronia

Relating to the regulation of certain guardianship programs.
 (Amended)

SB 39 Zaffirini Sponsor: Farrar
 Relating to guardianships, substitutes for guardianships, and durable powers of attorney for persons with disabilities or who are incapacitated.
 (Amended)

SB 73 Nelson Sponsor: Geren
 Relating to leave policy and procedures for state employees.
 (Committee Substitute/Amended)

SB 317 Nichols Sponsor: Burkett
 Relating to the continuation and functions of the Executive Council of Physical Therapy and Occupational Therapy Examiners, the Texas Board of Physical Therapy Examiners, and the Texas Board of Occupational Therapy Examiners; authorizing a fee.
 (Amended)

SB 715 Campbell Sponsor: Huberty
 Relating to municipal annexation.
 (Committee Substitute/Amended)

SB 1172 Perry Sponsor: Geren
 Relating to the regulation of seed by a political subdivision.
 (Committee Substitute/Amended)

SB 1326 Zaffirini Sponsor: Price
 Relating to procedures regarding criminal defendants who are or may be persons with a mental illness or an intellectual disability and to certain duties of the Office of Court Administration of the Texas Judicial System related to persons with mental illness.
 (Committee Substitute/Amended)

SB 1383 Perry Sponsor: King, Ken
 Relating to the operation of vehicles transporting fluid milk; authorizing a fee.
 (Committee Substitute)

SB 1444 West Sponsor: Davis, Sarah
 Relating to de novo hearings in child protection cases.
 (Committee Substitute)

SB 1462 Hinojosa Sponsor: Lucio III
Relating to local health care provider participation programs in certain counties and municipalities.
(Amended)

SB 1784 Taylor, Larry Sponsor: Huberty
Relating to state-developed open-source instructional material for public schools.
(Amended)

SB 1831 Buckingham Sponsor: Capriglione
Relating to an annual report on state programs not funded by appropriations.
(Amended)

SB 1842 Lucio Sponsor: Phelan
Relating to an application for the amendment of a certificate of public convenience and necessity in an area within the boundaries of a political subdivision.
(Committee Substitute)

SB 1893 Birdwell Sponsor: Smithee
Relating to the administrative judicial regions in this state.
(Amended)

SB 1910 Zaffirini Sponsor: Capriglione
Relating to state agency information security plans, information technology employees, and online and mobile applications.
(Amended)

SB 2078 Taylor, Larry Sponsor: Bonnen, Dennis
Relating to the duties of school districts, open-enrollment charter schools, the Texas Education Agency, and the Texas School Safety Center regarding multihazard emergency operations plans and other school safety measures.
(Amended)

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 1291

Pursuant to Rule 13, Section 5A of the Rules of the Texas House, 85th Legislature, the house hereby returns house bill 1291 to the senate for further consideration due to non germane amendments.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE BILL 3442 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **HB 3442** at this time on its second reading:

HB 3442, Relating to the Fairfield Hospital District.

The motion prevailed.

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

The bill was read second time and was passed to 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: Taylor of Collin.

HOUSE BILL 3442 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 3442** be placed on its third reading and final passage.

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

Nays: Taylor of Collin.

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

HOUSE BILL 3391 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **HB 3391** at this time on its second reading:

HB 3391, Relating to the creation of a specialty court for certain public safety employees who commit a criminal offense; imposing fees for participation and testing, counseling, and treatment.

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

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

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

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

HOUSE BILL 3391 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 3391** 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, Hancock, Hinojosa, Huffman, Hughes, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Burton, Hall, Huffines, Kolkhorst, 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)

STATEMENT REGARDING HOUSE BILL 3391

Senator Burton submitted the following statement regarding **HB 3391**:

HB 3391 allows for the creation of a public safety employee specialty court at the discretion of a county commissioners court. However, due to the wording of the bill, the program is not merely limited to law enforcement and first responders, but any public safety employee of a political subdivision—a phrase which captures a wide range of vocations from court reporters to prosecutors. Also, the existence of what amounts to a 'catch-all' provision (Sec. 129.003(a)(2)) within the bill leaves the specialty court open to any individual that a district attorney or judge deems would benefit from rehabilitation, even if the individual does not suffer from a job-related disability. Finally, the bill places no restrictions on which misdemeanors or felonies may qualify for diversion through this new specialty court, meaning all 3G offenses, including murder, would technically be eligible. These significant issues with the bill ultimately prevent me from supporting an otherwise welcome innovation in our criminal justice system.

BURTON

HOUSE BILL 3952 ON SECOND READING

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3952** at this time on its second reading:

HB 3952, Relating to suspension of the activities of the Texas Grain Producer Indemnity Board.

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 3952 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 3952** 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 2610 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2610** at this time on its second reading:

HB 2610, Relating to the term for a lease of land owned by certain navigation districts.

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 2610 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 2610** 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 1608 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1608** at this time on its second reading:

CSHB 1608, Relating to creating a pilot program to provide summer internships for foster youth.

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 1608 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 1608** 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 3294 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **HB 3294** at this time on its second reading:

HB 3294, Relating to the eligibility of certain NASCAR events to receive funding through the Major Events Reimbursement Program.

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

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

Nays: Bettencourt, Birdwell, Burton, Campbell, Hall, Hancock, Huffines, Kolkhorst, Nichols, Schwertner, Taylor of Collin.

The bill was read second time.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3294** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 5A, Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is amended by amending Subsection (a-1) and adding Subsection (a-4) to read as follows:

(a-1) An event not listed in Subsection (a)(4) of this section is ineligible for funding under this section. A listed event may receive funding through the Major Events Reimbursement Program under this section only if:

(1) a site selection organization selects a site located in this state for the event to be held one time or, for an event scheduled to be held each year for a period of years under an event contract, or an event support contract, one time each year for the period of years, after considering, through a highly competitive selection process, one or more sites that are not located in this state;

(2) a site selection organization selects a site in this state as:

(A) the sole site for the event; or

(B) the sole site for the event in a region composed of this state and one or more adjoining states;

(3) the event is held not more than one time in any year; ~~and~~

(4) the amount of the incremental increase in tax receipts determined by the department under Subsection (b) of this section equals or exceeds \$1 million, provided that for an event scheduled to be held each year for a period of years under an event contract or event support contract, the incremental increase in tax receipts shall be calculated as if the event did not occur in the prior year; and

(5) not later than the 30th day before the first day of the event, a site selection organization submits a plan to prevent the trafficking of persons in connection with the event to the office of the attorney general and the chief of the Texas Division of Emergency Management.

(a-4) The office of the attorney general may:

(1) distribute the plan required under Subsection (a-1)(5) of this section to appropriate law enforcement agencies and to the office of the governor; and

(2) publish the plan on the office's Internet website.

The amendment to **HB 3294** 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 3294 as amended was passed to third reading by the following vote: Yeas 20, Nays 11.

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

Nays: Bettencourt, Birdwell, Burton, Campbell, Hall, Hancock, Huffines, Kolkhorst, Nichols, Schwertner, Taylor of Collin.

HOUSE BILL 3294 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 3294** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Burton, Hancock, Huffines, Kolkhorst, Taylor of Collin.

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

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

Nays: Bettencourt, Birdwell, Burton, Campbell, Hall, Hancock, Huffines, Kolkhorst, Nichols, Schwertner, Taylor of Collin.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate representatives of the McAllen Memorial High School golf team: C. W. Phillips, Ross Gonzales, and Coach Celso Gonzalez.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE HOUSE BILL 2774 ON SECOND READING

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSHB 2774** at this time on its second reading:

CSHB 2774, Relating to the installation of unsafe motor vehicle tires; creating a criminal offense.

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

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

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 2774 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 **CSHB 2774** 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, Huffman, Hughes, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Hall, Hancock, Huffines, Kolkhorst, 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)

HOUSE BILL 2762 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **HB 2762** at this time on its second reading:

HB 2762, Relating to broker agreements for the sale of certain surplus property by a county.

The motion prevailed.

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

The bill was read second time.

Senator Campbell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2762** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In the heading to added Section 263.1545, Local Government Code (page 1, line 23), between "PROPERTY" and the underlined period, insert "BY CERTAIN COUNTIES".

(2) In added Section 263.1545(a)(1), Local Government Code (page 1, line 25), between "county" and the underlined semicolon, insert "with a population of more than 1 million and less than 1.5 million".

The amendment to **HB 2762** 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 Campbell offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 2762** (senate committee printing) in SECTION 1 of the bill, between added Sections 263.1545(b) and (c), Local Government Code (page 1, between lines 36 and 37), by adding the following appropriately lettered subsection and relettering subsections of that section accordingly:

() Notwithstanding any other law, including Section 262.024, a broker agreement under this section is subject to the competitive procurement procedures for services under Subchapter C, Chapter 262, regardless of the amount of the proposed broker's fee.

The amendment to **HB 2762** 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.

HB 2762 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 2762 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 **HB 2762** 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 3178 ON SECOND READING

Senator Huffines moved to suspend the regular order of business to take up for consideration **CSHB 3178** at this time on its second reading:

CSHB 3178, Relating to the use of a broker for the sale or lease of real property by the Dallas County Hospital District.

The motion prevailed.

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

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

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

Present-not voting: West.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3178 ON THIRD READING**

Senator Huffines moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3178** be placed on its third reading and final passage.

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

Present-not voting: West.

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

HOUSE BILL 3066 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 3066** at this time on its second reading:

HB 3066, Relating to certain benefits and protections for service members of the Texas military forces ordered to state active duty or to state training and other duty.

The bill was read second time.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3066** (senate committee report) in SECTION 1 of the bill, in amended Section 437.213, Government Code (page 1, lines 33 and 34), by striking "and 4011-4026" and substituting "4011-4026, and 4041-4043".

The amendment to **HB 3066** was read.

On motion of Senator Menéndez, further consideration of Floor Amendment No. 1 was temporarily postponed.

Question: Shall Floor Amendment No. 1 to **HB 3066** be adopted?

HOUSE BILL 3496 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 3496** at this time on its second reading:

HB 3496, Relating to voting procedures for policyholders of farm mutual insurance companies.

The bill was read second time.

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

Floor Amendment No. 1

Amend **HB 3496** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 221.001, Insurance Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) This chapter does not apply to:

(1) a fraternal benefit society, including a fraternal benefit society operating under Chapter 885;

(2) a group hospital service corporation operating under Chapter 842;

(3) a stipulated premium company operating under Chapter 884;

(4) a mutual assessment association, company, or corporation regulated under Chapter 887; ~~or~~

(5) a purely cooperative or mutual fire insurance company carried on by its members solely for the protection of their own property and not for profit, except as provided by Section 221.002(b)(13); or

(6) a farm mutual insurance company operating under Chapter 911, unless the company is acting as a fronting insurer.

(c) In this section, "fronting insurer" means a farm mutual insurance company:

(1) issuing an insurance policy that is the result of:

(A) marketing by an insurer not affiliated with the farm mutual insurance company;

(B) an application submitted by a consumer to an insurer not affiliated with the farm mutual insurance company; or

(C) an agreement with an insurer that is not a farm mutual insurance company solely for the purpose of being regulated under Chapter 911; or

(2) that cedes 85 percent or more of the farm mutual insurance company's direct written premium to one or more nonaffiliated reinsurers.

SECTION _____. Section 252.005, Insurance Code, is amended to read as follows:

Sec. 252.005. EXCEPTION. This chapter does not apply to:

(1) a farm mutual insurance company operating under Chapter 911, unless the company is acting as a fronting insurer as defined by Section 221.001(c); or

(2) a mutual insurance company engaged in business under Chapter 12, Title 78, Revised Statutes, before that chapter's repeal by Section 18, Chapter 40, Acts of the 41st Legislature, 1st Called Session, 1929, as amended by Section 1, Chapter 60, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, that retains the rights and privileges under the repealed law to the extent provided by those sections.

SECTION _____. Section 2210.006(b), Insurance Code, is amended to read as follows:

(b) This chapter does not apply to:

(1) a farm mutual insurance company operating under Chapter 911, unless the company is acting as a fronting insurer, as defined by Section 221.001(c);

(2) a nonaffiliated county mutual fire insurance company described by Section 912.310 that is writing exclusively industrial fire insurance policies as described by Section 912.310(a)(2); or

(3) a mutual insurance company or a statewide mutual assessment company engaged in business under Chapter 12 or 13, Title 78, Revised Statutes, respectively, before those chapters' repeal by Section 18, Chapter 40, Acts of the 41st Legislature,

1st Called Session, 1929, as amended by Section 1, Chapter 60, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, that retains the rights and privileges under the repealed law to the extent provided by those sections.

SECTION _____. (a) Sections 221.001 and 252.005, Insurance Code, as amended by this Act, do not affect tax liability accruing before the 2017 calendar year. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

(b) Section 2210.006(b), Insurance Code, as amended by this Act, applies only to participation in the Texas Windstorm Insurance Association on or after the effective date of this Act, including the payment of assessments the liability for which accrues on or after that date. Participation in the Texas Windstorm Insurance Association before the effective date of this Act, including the payment of assessments the liability for which accrued before that date, is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

The amendment to **HB 3496** 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 3496 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 3496 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 3496** 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 2098 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **CSHB 2098** at this time on its second reading:

CSHB 2098, Relating to allowing certain wholesalers and distributors to purchase beer, ale, and malt liquor from the holder of a brewpub license.

The motion prevailed.

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

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2098** (senate committee printing) as follows:

(1) In SECTION 4 of the bill, in amended Section 74.10(a), Alcoholic Beverage Code (page 2, line 26), between "permit" and the period, insert "or to qualified wholesalers or other similarly situated entities outside the state".

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

SECTION _____. Section 74.09(a), Alcoholic Beverage Code, is amended to read as follows:

(a) In addition to the activities authorized by Section 74.01, the holder of a brewpub license may sell beer produced under the license to the holder of a general, local, or branch distributor's license or to qualified distributors or other similarly situated entities outside the state.

The amendment to **CSHB 2098** 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.

CSHB 2098 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: Bettencourt, Perry.

COMMITTEE SUBSTITUTE HOUSE BILL 2098 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 **CSHB 2098** 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, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Perry.

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

(President in Chair)

HOUSE BILL 3784 ON SECOND READING

Senator Taylor of Collin moved to suspend the regular order of business to take up for consideration **HB 3784** at this time on its second reading:

HB 3784, Relating to persons approved by the Department of Public Safety to administer online the classroom instruction part of the handgun proficiency course.

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, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Garcia, Perry.

The bill was read second time.

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

Floor Amendment No. 1

Amend **HB 3784** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 411.1881(a), Government Code, is amended to read as follows:

(a) Notwithstanding any other provision of this subchapter, a person may not be required to complete the range instruction portion of a handgun proficiency course to obtain a license issued under this subchapter if the person:

(1) is currently serving in or is honorably discharged from:

(A) the army, navy, air force, coast guard, or marine corps of the United States or an auxiliary service or reserve unit of one of those branches of the armed forces; or

(B) the Texas military forces, as defined by Section 437.001; and

(2) has, within the 10 [~~five~~] years preceding the date of the person's application for the license, completed as part of the person's service with the armed forces or Texas military forces:

(A) a course of training in firearm [~~handgun~~] proficiency or familiarization; or

(B) a range qualification process for firearm usage [~~as part of the person's service with the armed forces or Texas military forces~~].

SECTION _____. Not later than December 1, 2017, the public safety director of the Department of Public Safety shall adopt the forms and procedures required by Section 411.1881, Government Code, as amended by this Act.

SECTION _____. The change in law made by this Act in amending Section 411.1881, Government Code, applies only to an application to obtain a license to carry a handgun submitted on or after December 1, 2017. An application submitted before December 1, 2017, 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.

The amendment to **HB 3784** 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 Perry offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 3784** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 411.1991, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) An applicant under this section who is a peace officer and who complies with Subsection (a-1) and the other requirements of this subchapter is not required to complete the handgun proficiency course described by Section 411.188 to obtain a license under this subchapter.

SECTION _____. Subchapter H, Chapter 411, Government Code, is amended by adding Sections 411.1993 and 411.1994 to read as follows:

Sec. 411.1993. COUNTY JAILERS. (a) In this section, "county jailer" has the meaning assigned by Section 1701.001, Occupations Code.

(b) A county jailer who holds a county jailer license issued under Chapter 1701, Occupations Code, may apply for a license under this subchapter.

(c) An applicant under this section who is a county jailer shall submit to the department:

(1) the name and job title of the applicant;

(2) a current copy of the applicant's county jailer license and evidence of employment as a county jailer; and

(3) evidence that the applicant has satisfactorily completed the preparatory training program required under Section 1701.310, Occupations Code, including the demonstration of weapons proficiency required as part of the training program under Section 1701.307 of that code.

(d) The department may issue a license under this subchapter to an applicant under this section if the applicant complies with Subsection (c) and meets all other requirements of this subchapter, except that the applicant is not required to complete the range instruction part of the handgun proficiency course described by Section 411.188 if the department is satisfied, on the basis of the evidence provided under Subsection (c)(3), that the applicant is proficient in the use of handguns.

(e) The department shall waive any fee required for a license issued under this subchapter to an applicant under this section.

(f) A license issued to an applicant under this section expires as provided by Section 411.183.

Sec. 411.1994. STATE CORRECTIONAL OFFICERS. (a) A correctional officer of the Texas Department of Criminal Justice may apply for a license under this subchapter.

(b) An applicant under this section shall submit to the department:

(1) the name and job title of the applicant;

(2) evidence of employment as a correctional officer of the Texas Department of Criminal Justice; and

(3) evidence that the applicant has satisfactorily completed the correctional officer training program offered by the Texas Department of Criminal Justice, including a demonstration of weapons proficiency.

(c) The department may issue a license under this subchapter to an applicant under this section if the applicant complies with Subsection (b) and meets all other requirements of this subchapter, except that the applicant is not required to complete

the range instruction part of the handgun proficiency course described by Section 411.188 if the department is satisfied, on the basis of the evidence provided under Subsection (b)(3), that the applicant is proficient in the use of handguns.

(d) The department shall waive any fee required for a license issued under this subchapter to an applicant under this section.

(e) A license issued to an applicant under this section expires as provided by Section 411.183.

SECTION _____. Section 411.1952, Government Code, is repealed.

SECTION _____. The changes in law made by this Act in amending Section 411.1991, Government Code, adding Sections 411.1993 and 411.1994, Government Code, and repealing Section 411.1952, Government Code, apply only to a license issued on or after the effective date of this Act.

The amendment to **HB 3784** 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.

HB 3784 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 3784 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 3784** be placed on its third reading and final passage.

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

Nays: Garcia.

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

HOUSE BILL 2087 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 2087** at this time on its second reading:

HB 2087, Relating to restricting the use of covered information, including student personally identifiable information, by an operator of a website, online service, online application, or mobile application for a school purpose.

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 2087 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 2087** 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 1260 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **HB 1260** at this time on its second reading:

HB 1260, Relating to the regulation of commercial shrimp unloading; requiring an occupational license; authorizing a fee.

The motion prevailed.

Senators Burton 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, Taylor of Collin.

HOUSE BILL 1260 ON THIRD READING

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1260** 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, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, 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 1904 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 1904** at this time on its second reading:

HB 1904, Relating to the powers and compensation of criminal law magistrates in Tarrant County.

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 1904 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 1904** 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 Schwertner in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 2279 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2279** at this time on its second reading:

CSHB 2279, Relating to the regulation of residential service contracts.

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 2279 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 **CSHB 2279** 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 1208 ON SECOND READING**

On motion of Senator Hall and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1208** at this time on its second reading:

CSHB 1208, Relating to the powers and duties of the Kaufman County Fresh Water Supply District No. 1-D; providing authority to issue bonds and levy assessments.

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 1208 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 **CSHB 1208** 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.

(President in Chair)

**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, the Intent Calendar Rule, in order to move the Intent Calendar deadline to 8:30 p.m. today.

Thank you Mr. President.

KOLKHORST

The Motion In Writing was read and prevailed without objection.

HOUSE BILL 490 ON SECOND READING

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **HB 490** at this time on its second reading:

HB 490, Relating to health benefit plan coverage of hearing aids and cochlear implants for certain individuals.

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 490 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 490** 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)

**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 upon recess today.

RECESS

On motion of Senator Whitmire, the Senate at 6:48 p.m. recessed until 7:00 p.m. today.

AFTER RECESS

The Senate met at 7:15 p.m. and was called to order by Senator Watson.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, May 22, 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 CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 25 (89 Yeas, 45 Nays, 2 Present, not voting)

HB 834 (130 Yeas, 0 Nays, 2 Present, not voting)

HB 932 (134 Yeas, 0 Nays, 2 Present, not voting)

HB 1729 (127 Yeas, 5 Nays, 2 Present, not voting)

HB 3078 (139 Yeas, 1 Nays, 2 Present, not voting)

HB 3257 (140 Yeas, 0 Nays, 2 Present, not voting)

HB 3481 (131 Yeas, 0 Nays, 2 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 29 (non-record vote)

House Conferees: Thompson, Senfronia - Chair/Arévalo/Collier/Frullo/Meyer

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 533 (non-record vote)

House Conferees: Geren - Chair/Capriglione/Howard/Longoria/Price

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

SB 622

Pursuant to the adoption of HCR 143, the House completes clerical actions and returns SB 622 to the Senate for further consideration.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE BILL 1644 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1644** at this time on its second reading:

HB 1644, Relating to transferring charge and control of a painting entitled "The Spirit of the Alamo Lives On."

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 1644 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 1644** 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 10 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 10** at this time on its second reading:

HB 10, Relating to access to and benefits for mental health conditions and substance use disorders.

The motion prevailed.

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

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

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

Nays: Hall.

HOUSE BILL 10 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 **HB 10** 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 1099 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1099** at this time on its second reading:

HB 1099, Relating to a residential tenant's right to summon police or other emergency assistance.

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 1099 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 1099** 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 3521 ON SECOND READING

Senator Buckingham moved to suspend the regular order of business to take up for consideration **HB 3521** at this time on its second reading:

HB 3521, Relating to the issuance of specialty license plates for certain veterans.

The motion prevailed.

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

The bill was read second time.

Senator Buckingham offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3521** (senate committee report) in SECTION 1 of the bill, in amended Section 504.202(e-1), Transportation Code (page 1, line 30), between "504.308," and "504.311," by inserting "504.309,".

The amendment to **HB 3521** 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 3521 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:

Present-not voting: Taylor of Collin.

HOUSE BILL 3521 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 3521** be placed on its third reading and final passage.

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

Present-not voting: Taylor of Collin.

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

HOUSE BILL 785 ON SECOND READING

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 785** at this time on its second reading:

HB 785, Relating to the provision of embryo donation information.

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 785 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 785** 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 2994 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSHB 2994** at this time on its second reading:

CSHB 2994, Relating to workforce continuing education offered by public junior colleges.

The motion prevailed.

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

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2994** (senate committee printing) in SECTION 1 of the bill, in added Section 130.304, Education Code (page 2, line 21), between "course" and the underlined period, by inserting the following:

only if:

(1) the student:

(A) is enrolled in high school or in a school described by Section 130.303(a)(2);

(B) is 16 years of age or older, has had the disabilities of minority removed, and is not enrolled in secondary education; or

(C) is under the age of 18 and is incarcerated;

(2) all or a significant portion of the college's costs for facilities, instructor salaries, equipment, and other expenses for the course are covered by business, industry, or other local public or private entities; or

(3) the course is taught in a federal correctional facility and the facilities, equipment, supplies, and other expenses for the course are funded by the federal government

The amendment to **CSHB 2994** 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 Hinojosa, on behalf of Senator Kolkhorst, offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 2994** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 51.451, Education Code, is amended by adding Subdivision (4-a) to read as follows:

(4-a) "Open educational resource" means a teaching, learning, or research resource that is in the public domain or has been released under an intellectual property license that permits the free use, adaptation, and redistribution of the resource by any person. The term may include full course curricula, course materials, modules, textbooks, media, assessments, software, and any other tools, materials, or techniques, whether digital or otherwise, used to support access to knowledge.

SECTION _____. Section 51.452, Education Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Each institution of higher education shall:

(1) for each semester or academic term, compile a course schedule indicating each course offered by the institution for the semester or term to postsecondary students;

(2) with respect to each course, include with the schedule a list of the required and recommended textbooks that specifies, to the extent practicable, the following information for each textbook:

(A) the retail price;

(B) the author;

(C) the publisher;

(D) the most recent copyright date; ~~and~~

(E) the International Standard Book Number assigned, if any; and

(F) whether the textbook is an open educational resource;

(3) except as provided by Subsection (b), at the time required by Subsection (c)(2):

(A) publish the textbook list with the course schedule on the institution's Internet website and with any course schedule the institution provides in hard copy format to the students of the institution; and

(B) make that information available to college bookstores and other bookstores that generally serve the students of the institution; and

(4) except as provided by Subsection (b), as soon as practicable after the information becomes available disseminate as required by Subdivision (3) specific information regarding any revisions to the institution's course schedule and textbook list.

(d) If an institution of higher education or a college bookstore publishes a textbook list with a course schedule on an Internet website that provides a search function, the institution or bookstore must:

(1) ensure that the search function permits a search based on whether a course or section of a course requires or recommends only open educational resources; or

(2) provide a searchable list of courses and sections of courses that require or recommend only open educational resources.

SECTION _____. Section 51.453, Education Code, is amended to read as follows:

Sec. 51.453. TEXTBOOK ASSISTANCE INFORMATION FOR STUDENTS. To the extent practicable, an institution of higher education shall make reasonable efforts to disseminate to its students information regarding:

- (1) available institutional programs for renting textbooks or for purchasing used textbooks;
- (2) available institutional guaranteed textbook buyback programs;
- (3) available institutional programs for alternative delivery of textbook content; ~~and~~
- (4) the availability of courses and sections of courses that require or recommend only open educational resources; and
- (5) other available institutional textbook cost-savings strategies.

SECTION _____. Section 51.454(a), Education Code, is amended to read as follows:

(a) When a textbook publisher provides information regarding a textbook or supplemental material other than an open educational resource to a faculty member or other person in charge of selecting course materials at an institution of higher education, the publisher shall also provide to the faculty member or other person written information that includes:

- (1) the price at which the publisher would make the textbook or supplemental material available to a college bookstore or other bookstore that generally serves the students of the institution and, if applicable, to the public;

- (2) the copyright dates of the current and three preceding editions of the textbook;

- (3) a description of any substantial content revisions made between the current edition of the textbook or supplemental material and the most recent preceding edition of the textbook or material, including the addition of new chapters, new material covering additional time periods, new themes, or new subject matter;

- (4) information as to whether the textbook or supplemental material is available in other formats, such as a paperback or unbound version; and

- (5) the price at which the publisher would make the textbook or supplemental material in any alternative format available to a bookstore described by Subdivision (1) and, if applicable, to the public.

SECTION _____. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0668 to read as follows:

Sec. 61.0668. OPEN EDUCATIONAL RESOURCES GRANT PROGRAM.

(a) In this section, "open educational resource" has the meaning assigned by Section 51.451.

(b) The board shall establish and administer a grant program to encourage faculty at institutions of higher education to adopt, modify, redesign, or develop courses that use only open educational resources.

(c) Under the program, a faculty member of an institution of higher education may apply to the board for a grant to adopt, modify, redesign, or develop one or more courses at the institution to exclusively use open educational resources.

(d) For each course identified in an application for a grant under this section, the board shall select at least three persons qualified to review the curriculum of the course, as determined by the board, to evaluate the application with respect to that course. If the application is rejected, the reviewing persons must provide feedback on the application to the faculty member. The feedback may be provided anonymously.

(e) A faculty member who receives a grant under the program shall ensure that any open educational resource used in each applicable course is provided to a student enrolled in the course at no cost other than the cost of printing.

(f) A faculty member who receives a grant under the program must submit to the board for each of the four semesters immediately following the implementation of each applicable course a report that includes:

(1) the number of students who have completed the course;

(2) an estimate of the amount of money saved by a student due to the use of open educational resources in the course;

(3) a description of the open educational resources used in the course;

(4) the number of other faculty members, if any, who adopted the curriculum of the course; and

(5) any other information required by the board.

(g) A faculty member who receives a grant under the program may continue to submit a report described by Subsection (f) for a semester that occurs after the faculty member's duty to submit a report under that subsection has expired. The board may consider a faculty member's failure to submit additional reports under this subsection in evaluating a subsequent grant application submitted by the faculty member.

(h) A faculty member who is no longer employed by an institution of higher education forfeits any grant awarded under the program.

(i) The board may not award a grant under the program to a faculty member of a postsecondary educational institution other than an institution of higher education.

(j) Not later than December 1 of each even-numbered year, the board shall submit to the governor, lieutenant governor, speaker of the house of representatives, and each standing legislative committee with primary jurisdiction over higher education a report on:

(1) the total number of grants distributed under the program;

(2) the number of students who completed a course adopted, modified, redesigned, or developed under the program;

(3) an estimate of the total amount of money saved by students due to the use of open educational resources in courses adopted, modified, redesigned, or developed under the program;

(4) a list of any subject areas that would benefit from the adoption, modification, or development of open educational resources; and

(5) recommendations on future steps for adopting, modifying, or developing open educational resources.

(k) The board may solicit and accept gifts, grants, and donations from any public or private source for purposes of the program.

(l) The board shall adopt rules for the administration of the program.

(m) This section expires September 1, 2021.

(n) The board may not use appropriated funds in an amount greater than \$200,000 for purposes of the program in the state fiscal biennium ending August 31, 2019. The board may use any amount of other funds available for those purposes. This subsection expires December 1, 2019.

SECTION _____. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0669 to read as follows:

Sec. 61.0669. FEASIBILITY STUDY ON STATE REPOSITORY OF OPEN EDUCATIONAL RESOURCES. (a) In this section, "open educational resource" has the meaning assigned by Section 51.451.

(b) The board shall conduct a study to determine the feasibility of creating a state repository of open educational resources. The study must consider:

- (1) methods for facilitating public access to open educational resources;
- (2) the resources needed to create the repository; and
- (3) any potential challenges in creating the repository.

(c) In conducting the study, the board shall collaborate with relevant state agencies and other stakeholders, including the Texas Education Agency and representatives of public institutions of higher education and school districts.

(d) Not later than September 1, 2018, the board shall submit to the governor, lieutenant governor, speaker of the house of representatives, and each standing legislative committee with primary jurisdiction over higher education a report on the results of the study and any recommendations for legislative or other action. The report must include information on:

(1) methods by which open educational resources would be gathered and curated;

- (2) measures to ensure public access to the repository;
- (3) methods of encouraging the use of the repository;
- (4) management of intellectual property rights; and
- (5) any other measures necessary to ensure the repository's success.

(e) The board may not use appropriated funds in an amount greater than \$100,000 for purposes of the study. The board may use any amount of other available funds for purposes of the study and may solicit and accept gifts, grants, and donations for that purpose.

(f) This section expires September 1, 2019.

SECTION _____. Sections 51.451, 51.452, 51.453, and 51.454, Education Code, as amended by this Act, apply beginning with the 2018 spring semester.

SECTION _____. (a) As soon as practicable after the effective date of this Act, the Texas Higher Education Coordinating Board shall adopt rules for the administration of the open educational resources grant program under Section 61.0668, Education Code, as added by this Act.

(b) Notwithstanding Section 61.0668(j), Education Code, as added by this Act, the Texas Higher Education Coordinating Board shall submit its initial report required under that section not later than December 1, 2019.

The amendment to **CSHB 2994** 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 2994 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: Huffines, Nelson, Schwertner.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2994 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 2994** be placed on its third reading and final passage.

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

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

Nays: Huffines, Nelson, Schwertner.

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

HOUSE BILL 3423 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3423** at this time on its second reading:

HB 3423, Relating to the recording by a county clerk of certain documents relating to the sale or lease of public school land.

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 3423 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 3423** 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 2252 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 2252** at this time on its second reading:

HB 2252, Relating to the feasibility of creating and maintaining a coastal barrier system.

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 2252 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 2252** 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 5 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 5** at this time on its second reading:

CSHB 5, Relating to the powers and duties of the Department of Family and Protective Services and the transfer of certain powers and duties from the Health and Human Services Commission.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 5** (senate committee printing) in SECTION 21(a) of the bill, in amended Section 531.02013, Government Code (page 6, lines 17-18), by striking "including [other than]" and substituting "other than".

The amendment to **CSHB 5** 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 Schwertner offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 5** (senate committee printing) in SECTION 26 of the bill, in added Section 40.021(b), Human Resources Code (page 7, line 66), by striking "with the advice and consent of the senate".

The amendment to **CSHB 5** 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 Schwertner offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 5** (senate committee printing) as follows:

(1) In SECTION 29 of the bill, in amended Section 40.0505(a), Human Resources Code (page 10, line 22), strike "and".

(2) In SECTION 29 of the bill, in amended Section 40.0505(a), Human Resources Code (page 10, line 24), strike "department" and substitute the following:

department; and

(6) a financial management and accounting services division.

The amendment to **CSHB 5** was read and was adopted by a viva voce vote.

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

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 5** (senate committee printing) as follows:

(1) Amend section SECTION 20 of the bill as follows, amending Section 531.00553, Government Code, (page 5, line 55, through page 5, line 67) by striking subsection (a) and subsection (a-1) and renumber subsequent SECTIONS of the bill accordingly.

(2) In SECTION 25 of the bill, in amended Section 40.0026, Human Resources Code (page 7, lines 46-47), strike "or a legal, human resources, contracting, or strategic planning and evaluation function for the department".

(3) In SECTION 25 of the bill, in amended Section 40.0027, Human Resources Code (page 7, lines 54-56), strike "or a legal, human resources, contracting, or strategic planning and evaluation function for the department".

(4) In SECTION 29 of the bill, strike added Section 40.0505(a)(2), Human Resources Code (page 10, lines 6-13) and renumber subsequent subdivisions of Section 40.0505(a) accordingly.

(5) In SECTION 31 of the bill, strike added Section 40.058(i), Human Resources Code (page 10, lines 41-45), and substitute the following:

(i) The department and the commission shall enter into contracts for the provision of shared administrative services, subject to approval by the governor, including payroll, procurement, information resources, rate setting, purchasing, and contracting.

The amendment to **CSHB 5** was read.

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

Floor Amendment No. 5

Amend Amendment No. 4 by Birdwell to **CSHB 5** in ITEM 5 of the amendment, by striking ", subject to approval by the governor,".

The amendment to Floor Amendment No. 4 to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5.

Question recurring on the adoption of Floor Amendment No. 4 to **CSHB 5**, the amendment as amended was adopted by a viva voce vote.

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

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSHB 5** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 162, Family Code, is amended by adding Section 162.0086 to read as follows:

Sec. 162.0086. INFORMATION REGARDING SIBLING ACCESS. (a) The Department of Family and Protective Services shall provide information to each person seeking to adopt a child placed for adoption by the department regarding the right of a child's sibling to file a suit for access to the child under Sections 102.0045 and 153.551.

(b) The department may provide the information required under Subsection (a) on any form or application provided to prospective adoptive parents.

The amendment to **CSHB 5** 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. 6.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSHB 5** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 107.154(b), Family Code, is amended to read as follows:

(b) To be qualified to conduct an adoption evaluation under this subchapter, a person must:

(1) have a degree from an accredited college or university in a human services field of study and a license to practice in this state as a social worker, professional counselor, marriage and family therapist, or psychologist and:

(A) have one year of full-time experience working at a child-placing agency conducting child-placing activities; or

(B) be practicing under the direct supervision of a person qualified under this section to conduct adoption evaluations;

(2) be employed by or under contract with a domestic relations office, provided that the person conducts adoption evaluations relating only to families ordered to participate in adoption evaluations conducted by the domestic relations office; or

(3) be qualified as a child custody evaluator under Section 107.104.

SECTION _____. Section 107.154(b), Family Code, as amended by this Act, applies only to an adoption evaluation conducted on or after the effective date of this Act. An adoption evaluation conducted before the effective date of this Act is governed by the law in effect on the date the evaluation was conducted, and the former law is continued in effect for that purpose.

The amendment to **CSHB 5** 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. 7.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSHB 5** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 264, Family Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. COMMUNITY-BASED FOSTER CARE

Sec. 264.170. LIMITED LIABILITY FOR NONPROFIT SINGLE SOURCE CONTINUUM CONTRACTOR. (a) Except as otherwise provided by this section, a nonprofit entity that contracts with the department to provide foster care services as a single source continuum contractor under this subchapter is, while acting within the scope of the contract between the entity and the department, immune from civil liability for any act or omission of the entity resulting in property damage, personal injury, or death.

(b) Except as otherwise provided by this section, a person who is a director, officer, employee, or volunteer of a nonprofit entity described by Subsection (a) is, while acting in the course and scope of the person's duties for the entity, immune from civil liability for any act or omission resulting in property damage, personal injury, or death.

(c) This section does not limit the liability of a nonprofit entity described by Subsection (a) for:

(1) property damage, personal injury, or death that is caused by gross negligence or intentional acts or omissions by the entity; or

(2) property damage, personal injury, or death caused by a condition or use of tangible personal or real property if the nonprofit entity would be liable to the claimant under state law.

(d) This section does not limit the liability of a person described by Subsection (b) for:

(1) property damage, personal injury, or death that is caused by gross negligence or intentional acts or omissions by the person; or

(2) property damage, personal injury, or death proximately caused by the wrongful act or omission or the negligence of the person acting within the course and scope of the person's duties with the nonprofit entity if:

(A) the property damage, personal injury, or death arises from the operation or use of a motor-driven vehicle or motor-driven equipment; and

(B) the person would be personally liable to the claimant under state law.

(President in Chair)

The amendment to **CSHB 5** was read and was adopted by the following vote: Yeas 20, Nays 11.

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

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

CSHB 5 as amended was passed to third reading by the following vote: Yeas 30, Nays 1.

Nays: Watson.

COMMITTEE SUBSTITUTE HOUSE BILL 5 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 5** be placed on its third reading and final passage.

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

Nays: Watson.

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

COMMITTEE SUBSTITUTE HOUSE BILL 2671 ON SECOND READING

On motion of Senator Hughes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2671** at this time on its second reading:

CSHB 2671, Relating to the placement of certain substances in Penalty Groups 1 and 3 of the Texas Controlled Substances Act for the purposes of prosecution of criminal offenses involving those substances.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2671** (senate committee report), by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 481.103(d), Health and Safety Code, is repealed.

The amendment to **CSHB 2671** 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.

CSHB 2671 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 2671 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 2671** 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 3019 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 3019** at this time on its second reading:

HB 3019, Relating to the prosecution for the offense of injury to a child, elderly individual, or disabled individual.

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 3019 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 3019** 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 1764 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSHB 1764** at this time on its second reading:

CSHB 1764, Relating to the operation of metropolitan rapid transit authorities.

The motion prevailed.

Senators Burton 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, Taylor of Collin.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1764 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 **CSHB 1764** 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, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, 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)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1486 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 1486** at this time on its second reading:

CSHB 1486, Relating to peer specialists, peer services, and the provision of those services under the medical assistance program.

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 1486 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 1486** 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 555 ON SECOND READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **HB 555** at this time on its second reading:

HB 555, Relating to an additional fee for issuing a marriage license to applicants who are not residents of this state.

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

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

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

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 555** (senate committee report) by inserting the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Section 2.009, Family Code, is amended by adding Subsection (e) to read as follows:

(e) A license issued by a county clerk under this section must identify the county in which the license is issued but may not specify the name of the county clerk.

SECTION __. Section 194.0011(a), Health and Safety Code, is amended to read as follows:

(a) The executive commissioner by rule shall prescribe the format and content of the department form used for the marriage license application. The form:

(1) may not require that the name of the county clerk appear on the application; and

(2) must require identification of the county in which the application is submitted.

The amendment to **HB 555** 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 555 as amended was passed to third reading by the following vote: Yeas 24, Nays 7.

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

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

HOUSE BILL 555 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 555** 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, Hall, Hinojosa, Huffman, Hughes, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodriguez, Schwertner, Seliger, Taylor of Galveston, Uresti, Watson, West, Whitmire, Zaffirini.

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

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, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Uresti, Watson, West, Whitmire, Zaffirini.

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

HOUSE BILL 3066 ON SECOND READING

The President laid before the Senate **HB 3066** by Senator Menéndez on its second reading. The bill had been read second time, an amendment offered, and further consideration temporarily postponed:

HB 3066, Relating to certain benefits and protections for service members of the Texas military forces ordered to state active duty or to state training and other duty.

Question: Shall Floor Amendment No. 1 to **HB 3066** be adopted?

Senator Menéndez withdrew Floor Amendment No. 1.

HB 3066 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 3066 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 3066** 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.

BIRTHDAY GREETINGS EXTENDED

Senator Birdwell was recognized and, on behalf of the Senate, extended birthday greetings to his son, Matt, and also acknowledged the upcoming birth of his first grandchild in January 2018.

REMARKS ORDERED PRINTED

On motion of Senator Birdwell and by unanimous consent, his remarks were ordered reduced to writing and printed in the *Senate Journal* as follows:

President: Senator Birdwell, you're recognized for an announcement.

Senator Birdwell: Thank you, Mr. President and Members. This is a very special announcement. Today is my son Matthew's—

President: Members, hold on. Let's listen up.

Senator Birdwell: —today is my son Matthew's 28th birthday, 28 years ago, about now, Mel was presenting a son to me, and nearly 16 years ago, my relationship with my son nearly came to an abrupt end because certain people meant a certain day in our nation's life for evil. Because of some exceptional physicians and the great physician, I am alive today to be here on the Senate floor, and my son gave Mel and I some information that, I'd like to read something to the Members, if I may, Mr. President.

President: Of course.

Senator Birdwell: It says, I do not have a face to see or put inside a frame. I do not have soft cheeks to kiss. I don't yet have a name. Not yet can you hold my tiny hands, nor whisper in my ear. It's still too soon to sing a song or cuddle me so near. But all of that this will change this January when they say I'm due. I am your grandchild and I can't wait to meet you. All I ask, all I ask between now and then is your love for me to grow. Just think of all the joy we'll know. So, as you're waiting patiently, please pray lots of prayers for me. Members, I got to see my son graduate from high school, graduate from Texas Tech, guns up, Senator Perry, hooah, get married a couple of years ago. The due date is January 1st. The Lord still blesses us no matter the trials and travails. And you can rest assured, Mr. President, I've already picked out the proper firearm with either the pink or the blue grips, you know, baby's first 44 Magnum, you know. So, I just wanted the Members to know it's a special time. Some of you are already grandparents. I'm just blessed. Mel and I are blessed together to have a very precious moment that will soon be in our lives and to publicly say thank you to Matt and Ann Marie. Thank you to Mel, and God bless you. There'll be another member of Team Birdwell pretty soon. God bless Texas, and God help Texas, there's another Birdwell. Thank you, Mr. President, I would ask that my comments be reduced to writing, placed in the Journal for the posterity of Team Birdwell.

President: Any objection? Of course not.

Senator Nelson: Mr. President—

President: Senator Nelson—

Senator Nelson: —for an announcement.

President: —for an announcement, you're recognized.

Senator Nelson: There will be a formal meeting of the grandparents' caucus in the Betty King Room when we finish to take a vote on whether or not to admit Senator Birdwell into our exclusive caucus. All Members, oh, and Senator Zaffirini is eligible, too, so it'll be an important evening.

President: And I have my fifth coming in about eight weeks. And how many do you have?

Senator Nelson: Our 10th is due on Friday.

President: Okay, I'll be there for the grandparents' caucus. Senator Birdwell, I want you to know that, you know you're a very special Member. The Members on this floor love you. We all want to be uncles and aunts, okay? Officially. Never has there been such a tough guy with such a gentle soul.

Senator Birdwell: Well, I must tell you, Mr. President, it hurt to have to read poetry on the Senator floor. However, I was at a—

President: I'd say it was "The Charge of the Light Brigade," right? You would—

Senator Birdwell: —well—

President: —like that.

Senator Birdwell: —I was in an event back in 2002, for those of you that, that may follow a real sport like professional wrestling. Triple H, at the time the world heavyweight champion, challenged the Sergeant Major of the Army to a duel, and, well, the Sergeant Major charged Triple H to a duel, and Triple H got to choose the weapons, and so, Triple H chose poetry. So, so, I'm probably in good company tonight, Mr. President. So—

President: Would you tell the Members, I've heard a rumor, what you are going to called as, as a grandfather.

Senator Birdwell: Either like Grandpa Hooah or something like that. We're not sure yet. But, you know, we're already looking at pink or blue fishing poles, and, you know, the various accoutrements that, that come with that.

President: Yeah.

Senator Birdwell: We're, we're very excited. So, thank you again—

President: We're excited for you.

Senator Birdwell: —to the Members for, for—

President: Thank you.

Senator Birdwell: —giving me your deference. Thank you, Mr. President.

SENATE BILL 42 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 42** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 42** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the security of courts and judges in the state; establishing a fee.

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

SECTION 1. This Act may be cited as the Judge Julie Kocurek Judicial and Courthouse Security Act of 2017.

SECTION 2. Article 102.017(f), Code of Criminal Procedure, is amended to read as follows:

(f) The sheriff, constable, or other law enforcement agency or entity that provides security for a court [A local administrative judge] shall provide to the Office of Court Administration of the Texas Judicial System a written report regarding any security incident involving court security that occurs in or around a building housing a court for which the sheriff, constable, agency, or entity provides security [judge serves as local administrative judge] not later than the third business day after the date the incident occurred. A copy of the report must be provided to the presiding judge of the court in which the incident occurred. The report is confidential and exempt from disclosure under Chapter 552, Government Code.

SECTION 3. Subchapter A, Chapter 29, Government Code, is amended by adding Section 29.014 to read as follows:

Sec. 29.014. COURT SECURITY COMMITTEE. (a) The presiding or municipal judge, as applicable, shall establish a court security committee composed of:

(1) the presiding or municipal judge, or the judge's designee;
(2) a representative of the law enforcement agency or other entity that provides the primary security for the court;
(3) a representative of the municipality; and
(4) any other person the committee determines necessary to assist the committee.

(b) The person described by Subsection (a)(1) serves as presiding officer of the committee.

(c) The committee shall establish the policies and procedures necessary to provide adequate security to the municipal courts served by the presiding or municipal judge, as applicable.

(d) A committee may recommend to the municipality the uses of resources and expenditures of money for courthouse security, but may not direct the assignment of those resources or the expenditure of those funds.

SECTION 4. Section 30.00007, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The presiding judge shall:

(1) maintain a central docket for cases filed within the territorial limits of the municipality over which the municipal courts of record have jurisdiction;

(2) provide for the distribution of cases from the central docket to the individual municipal judges to equalize the distribution of business in the courts;

(3) request the jurors needed for cases that are set for trial by jury;

(4) temporarily assign judges or substitute judges to exchange benches and to act for each other in a proceeding pending in a court if necessary for the expeditious disposition of business in the courts; ~~and~~

(5) supervise and control the operation and clerical functions of the administrative department of each court, including the court's personnel, during the proceedings of the court; and

(6) establish a court security committee to adopt security policies and procedures for the courts served by the presiding judge that is composed of:

(A) the presiding judge, or the presiding judge's designee, who serves as presiding officer of the committee;

(B) a representative of the law enforcement agency or other entity that provides the primary security for the court;

(C) a representative of the municipality; and

(D) any other person the committee determines necessary to assist the committee.

(c) A court security committee may recommend to the governing body the uses of resources and expenditures of money for courthouse security, but may not direct the assignment of those resources or the expenditure of those funds.

SECTION 5. Chapter 51, Government Code, is amended by adding Subchapter N to read as follows:

SUBCHAPTER N. ADDITIONAL FILING FEE FOR JUDICIAL AND COURT PERSONNEL TRAINING

Sec. 51.971. JUDICIAL AND COURT PERSONNEL TRAINING FEE. (a) In addition to other fees authorized or required by law, the clerk of a district court, county court, statutory county court, statutory probate court, or justice court shall collect a \$5 fee on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third party action requiring a filing fee to be used as provided under Section 56.003.

(b) A court may waive payment of a fee due under this section for an individual the court determines is indigent.

(c) Fees due under this section shall be collected in the same manner as other fees, fines, or costs in the case.

(d) The clerk of a district court, county court, statutory county court, statutory probate court, or justice court shall deposit the court costs and fees collected under this section in the appropriate local treasury and remit the court costs and fees to the comptroller in the manner provided under Subchapter B, Chapter 133, Local Government Code.

(e) The comptroller shall deposit the fees received under this section to the credit of the judicial and court personnel training fund established under Section 56.001.

(f) The comptroller may audit the records of a county related to costs and fees collected under this section.

(g) Money spent from costs and fees collected under this section is subject to audit by the state auditor.

SECTION 6. Section 56.003, Government Code, is amended by adding Subsection (h) to read as follows:

(h) The court of criminal appeals shall grant legal funds to statewide professional associations and other entities that provide training to individuals responsible for providing court security.

SECTION 7. Section 56.004(b), Government Code, is amended to read as follows:

(b) The legislature shall appropriate funds from the judicial and court personnel training fund to the court of criminal appeals to provide for:

(1) continuing legal education, technical assistance, and other support programs for prosecuting attorneys and their personnel, criminal defense attorneys who regularly represent indigent defendants in criminal matters and their personnel, and justices of the peace and their court personnel; ~~and~~

(2) innocence training programs for law enforcement officers, law students, and other participants; and

(3) court security training programs for individuals responsible for providing court security.

SECTION 8. Subchapter B, Chapter 72, Government Code, is amended by adding Sections 72.015 and 72.016 to read as follows:

Sec. 72.015. JUDICIAL SECURITY DIVISION. (a) The office shall establish a judicial security division to provide guidance to state court personnel on improving security for each court.

(b) The office shall appoint a director of security and emergency preparedness to oversee the judicial security division.

(c) The judicial security division shall:

(1) serve as a central resource for information on local and national best practices for court security and the safety of court personnel;

(2) provide an expert opinion on the technical aspects of court security; and

(3) keep abreast of and provide training on recent court security improvements.

Sec. 72.016. NOTIFICATION PROCEDURE FOR JUDICIAL PRIVACY. The director shall develop a procedure to regularly notify county registrars, the Department of Public Safety, the Texas Ethics Commission, and any other state agency the office determines should be notified of the judges, judges' spouses, and related family members whose personal information must be kept from public records, as provided under Sections 552.117 and 572.035 of this code, Sections 13.0021 and 15.0215, Election Code, and Section 521.121, Transportation Code.

SECTION 9. Section 74.092, Government Code, is amended to read as follows:

Sec. 74.092. DUTIES OF LOCAL ADMINISTRATIVE JUDGE. (a) A local administrative judge, for the courts for which the judge serves as local administrative judge, shall:

(1) implement and execute the local rules of administration, including the assignment, docketing, transfer, and hearing of cases;

(2) appoint any special or standing committees necessary or desirable for court management and administration;

(3) promulgate local rules of administration if the other judges do not act by a majority vote;

(4) recommend to the regional presiding judge any needs for assignment from outside the county to dispose of court caseloads;

(5) supervise the expeditious movement of court caseloads, subject to local, regional, and state rules of administration;

(6) provide the supreme court and the office of court administration requested statistical and management information;

(7) set the hours and places for holding court in the county;

(8) supervise the employment and performance of nonjudicial personnel;

(9) supervise the budget and fiscal matters of the local courts, subject to local rules of administration;

(10) coordinate and cooperate with any other local administrative judge in the district in the assignment of cases in the courts' concurrent jurisdiction for the efficient operation of the court system and the effective administration of justice;

(11) if requested by the courts the judge serves, establish and maintain the lists required by Section 37.003 and ensure appointments are made from the lists in accordance with Section 37.004; ~~and~~

(12) perform other duties as may be directed by the chief justice or a regional presiding judge; and

(13) establish a court security committee to adopt security policies and procedures for the courts served by the local administrative district judge that is composed of:

(A) the local administrative district judge, or the judge's designee, who serves as presiding officer of the committee;

(B) a representative of the sheriff's office;

(C) a representative of the county commissioners court;

(D) one judge of each type of court in the county other than a municipal court or a municipal court of record;

(E) a representative of any county attorney's office, district attorney's office, or criminal district attorney's office that serves in the applicable courts; and

(F) any other person the committee determines necessary to assist the committee.

(b) A court security committee may recommend to the county commissioners court the uses of resources and expenditures of money for courthouse security, but may not direct the assignment of those resources or the expenditure of those funds.

SECTION 10. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.06111 to read as follows:

Sec. 101.06111. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT CODE. The clerk of a district court shall collect an additional filing fee of \$5 under Section 51.971 in civil cases to fund judicial and court personnel training.

SECTION 11. Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.08111 to read as follows:

Sec. 101.08111. ADDITIONAL STATUTORY COUNTY COURT FEES: GOVERNMENT CODE. The clerk of a statutory county court shall collect an additional filing fee of \$5 under Section 51.971 in civil cases to fund judicial and court personnel training.

SECTION 12. Subchapter F, Chapter 101, Government Code, is amended by adding Section 101.10111 to read as follows:

Sec. 101.10111. ADDITIONAL STATUTORY PROBATE COURT FEES: GOVERNMENT CODE. The clerk of a statutory probate court shall collect an additional filing fee of \$5 under Section 51.971 in civil cases to fund judicial and court personnel training.

SECTION 13. Subchapter G, Chapter 101, Government Code, is amended by adding Section 101.12121 to read as follows:

Sec. 101.12121. ADDITIONAL COUNTY COURT FEES: GOVERNMENT CODE. The clerk of a county court shall collect an additional filing fee of \$5 under Section 51.971 in civil cases to fund judicial and court personnel training.

SECTION 14. Subchapter H, Chapter 101, Government Code, is amended by adding Section 101.1411 to read as follows:

Sec. 101.1411. ADDITIONAL JUSTICE COURT FEES: GOVERNMENT CODE. The clerk of a justice court shall collect an additional filing fee of \$5 under Section 51.971 in civil cases to fund judicial and court personnel training.

SECTION 15. Subtitle L, Title 2, Government Code, is amended by adding Chapter 158 to read as follows:

CHAPTER 158. COURT SECURITY OFFICERS

Sec. 158.001. DEFINITION. In this chapter, "court security officer" means a constable, sheriff, sheriff's deputy, municipal peace officer, or any other person assigned to provide security for an appellate, district, statutory county, county, municipal, or justice court in this state.

Sec. 158.002. COURT SECURITY CERTIFICATION. (a) Except as provided by Subsection (b), a person may not serve as a court security officer for an appellate, district, statutory county, county, municipal, or justice court in this state unless the person holds a court security certification issued by a training program approved by the Texas Commission on Law Enforcement.

(b) A court security officer is not required to hold a court security certification to provide security to a court described by Subsection (a) before the first anniversary of the date the officer begins providing security for the court.

Sec. 158.003. VERIFICATION. The sheriff, constable, law enforcement agency, or other entity that provides security for a court shall verify that each court security officer holds the court security certification as required by this chapter.

SECTION 16. Subchapter D, Chapter 411, Government Code, is amended by adding Section 411.0485 to read as follows:

Sec. 411.0485. PROTECTION FOR JUDGES. Any commissioned peace officer in this state, including a commissioned officer of the department, may provide personal security to a state judge at any location in this state, regardless of the location of the law enforcement agency or department that employs or commissions the peace officer.

SECTION 17. Section 552.117(a), Government Code, is amended to read as follows:

(a) Information is excepted from the requirements of Section 552.021 if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following person or that reveals whether the person has family members:

(1) a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024;

(2) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 51.212, Education Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(3) a current or former employee of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department, regardless of whether the current or former employee complies with Section 552.1175;

(4) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or other law, a reserve law enforcement officer, a commissioned deputy game warden, or a corrections officer in a municipal, county, or state penal institution in this state who was killed in the line of duty, regardless of whether the deceased complied with Section 552.024 or 552.1175;

(5) a commissioned security officer as defined by Section 1702.002, Occupations Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(6) an officer or employee of a community supervision and corrections department established under Chapter 76 who performs a duty described by Section 76.004(b), regardless of whether the officer or employee complies with Section 552.024 or 552.1175;

(7) a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(8) a current or former employee of the Texas Juvenile Justice Department or of the predecessors in function of the department, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(9) a current or former juvenile probation or supervision officer certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code, regardless of whether the current or former officer complies with Section 552.024 or 552.1175;

(10) a current or former employee of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code, regardless of whether the current or former employee complies with Section 552.024 or 552.1175; ~~or~~

(11) a current or former member of the Texas military forces, as that term is defined by Section 437.001;

(12) a current or former federal judge or state judge, as those terms are defined by Section 13.0021(a), Election Code, or a spouse of a current or former federal judge or state judge; or

(13) a current or former district attorney, criminal district attorney, or county attorney whose jurisdiction includes any criminal law or child protective services matter.

SECTION 18. Section 572.002, Government Code, is amended by adding Subdivision (11-a) to read as follows:

(11-a) "State judge" means:

(A) a judge, former judge, or retired judge of an appellate court, a district court, a constitutional county court, a county court at law, or a statutory probate court of this state;

(B) an associate judge appointed under Chapter 201, Family Code, or a retired associate judge or former associate judge appointed under that chapter;

- (C) a magistrate or associate judge appointed under Chapter 54 or 54A;
- (D) a justice of the peace; or
- (E) a municipal court judge.

SECTION 19. Subchapter B, Chapter 572, Government Code, is amended by adding Section 572.035 to read as follows:

Sec. 572.035. REMOVAL OF PERSONAL INFORMATION FOR FEDERAL JUDGES, STATE JUDGES, AND SPOUSES. On receiving notice from the Office of Court Administration of the Texas Judicial System of the judge's qualification for the judge's office, the commission shall remove or redact from any financial statement, or information derived from a financial statement, that is available to the public the residence address of a federal judge, a state judge, or the spouse of a federal or state judge.

SECTION 20. Section 13.0021(a)(2), Election Code, is amended to read as follows:

(2) "State judge" means:

(A) a judge, former judge, or retired judge of an appellate court, a district court, a constitutional county court, ~~[or]~~ a county court at law, or a statutory probate court of this state;

(B) an associate judge appointed under Chapter 201, Family Code, or a retired associate judge or former associate judge appointed under that chapter; ~~[or]~~

(C) a magistrate or associate judge appointed under Chapter 54 or 54A, Government Code;

(D) a justice of the peace; or

(E) a municipal court judge.

SECTION 21. Section 13.0021(b), Election Code, is amended to read as follows:

(b) If the registration applicant is a federal judge, a state judge, or the spouse of a state judge or a federal judge, the registrar of the county shall omit ~~[who seeks to have]~~ the applicant's residence address ~~[omitted]~~ from the registration list~~[, the applicant shall include with the application an affidavit stating that the applicant is a federal judge or state judge or the spouse of a federal judge or state judge].~~

SECTION 22. Section 15.0215, Election Code, is amended to read as follows:

Sec. 15.0215. OMISSION OF ADDRESS FOR [NOTICE OF] FEDERAL JUDGE OR STATE JUDGE AND SPOUSE [STATUS]. (a) In this section, "federal judge" and "state judge" have the meanings assigned by Section 13.0021.

(b) On receiving notice from the Office of Court Administration of the Texas Judicial System of the person's qualification for office as a [A] federal judge or [a] state judge and of the name of the judge's spouse, if applicable, [or the spouse of a federal judge or state judge who is registered to vote may at any time submit to] the registrar of the county in which the judge resides shall omit from the registration list the residence address of the judge and the spouse of the judge ~~[an affidavit stating that the voter is a federal judge or state judge or the spouse of a federal judge or state judge].~~

(c) A registered district voter who wishes to verify that an elected judge whose personal identifying information is confidential under Section 552.1175, Government Code, resides in the district may request in writing that the registrar certify the judge

lives in the district. The registrar shall exercise due diligence in determining the residence of the judge and respond to the voter in writing not later than the 10th business day after the date the request is received on whether the judge resides in the district. The registrar may not release the address of the judge. The registrar is not required to certify the residence of the same judge more than once in a calendar year, but must provide copies of the certification to subsequent requestors.

SECTION 23. Section 133.058(d), Local Government Code, is amended to read as follows:

- (d) A county may not retain a service fee on the collection of a fee:
- (1) for the judicial fund;
 - (2) under Article 42A.303 or 42A.653, Code of Criminal Procedure; ~~[or]~~
 - (3) under Section 51.851, Government Code; or
 - (4) under Section 51.971, Government Code.

SECTION 24. Subchapter F, Chapter 1701, Occupations Code, is amended by adding Section 1701.267 to read as follows:

Sec. 1701.267. TRAINING PROGRAM FOR COURT SECURITY OFFICERS. (a) The commission, in consultation with the Office of Court Administration of the Texas Judicial System, shall develop a model court security curriculum for court security officers, as required by Chapter 158, Government Code, and provide the curriculum to any training program the commission approves to provide training to court security officers.

(b) The commission shall issue a certificate to each court security officer who completes the training program under this section.

SECTION 25. Section 11.008, Property Code, is amended by adding Subsection (j) to read as follows:

(j) On receipt of a written request from a federal judge, state judge as defined by Section 572.002, Government Code, or spouse of a federal or state judge, the county clerk shall omit or redact from an instrument described by this section that is available in an online database made public by the county clerk, or by a provider with which the county commissioners court contracts to provide the online database, social security number, driver's license number, and residence address of the federal judge, state judge, or spouse of the federal or state judge.

SECTION 26. Section 25.025(b), Tax Code, is amended to read as follows:

(b) Information in appraisal records under Section 25.02 is confidential and is available only for the official use of the appraisal district, this state, the comptroller, and taxing units and political subdivisions of this state if:

(1) the information identifies the home address of a named individual to whom this section applies; and

(2) the individual:

(A) chooses to restrict public access to the information on the form prescribed for that purpose by the comptroller under Section 5.07; or

(B) is a federal or state judge as defined by Section 572.002, Government Code, or the spouse of a federal or state judge, beginning on the date the Office of Court Administration of the Texas Judicial System notifies the appraisal district of the judge's qualification for the judge's office.

SECTION 27. Section 521.121(c), Transportation Code, is amended to read as follows:

(c) The department shall establish a procedure, on a license holder's qualification for office as a federal or state judge as defined by Section 572.002, Government Code, ~~[for a federal judge, a state judge, or the spouse of a federal or state judge]~~ to omit the ~~[license holder's]~~ residence address of the judge and the spouse of the judge on the license holder's license and to include, in lieu of that address, the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or state judge. ~~[In establishing the procedure, the department shall require sufficient documentary evidence to establish the license holder's status as a federal judge, a state judge, or the spouse of a federal or state judge.]~~

SECTION 28. (a) Not later than January 1, 2018, the Office of Court Administration of the Texas Judicial System, the Department of Public Safety, the Texas Ethics Commission, each county clerk, each registrar, and any other county official responsible for county records shall establish the policies and procedures necessary to comply with the changes in law made by this Act.

(b) As soon as practicable after the effective date of this Act:

(1) the Office of Court Administration of the Texas Judicial System shall establish the judicial security division; and

(2) each judge required to establish a court security committee under this Act shall establish the committee.

SECTION 29. Section 51.607, Government Code, does not apply to the imposition of a fee assessed under Section 51.971(a), Government Code, as added by this Act.

SECTION 30. A person serving as a court security officer as defined under Section 158.001, Government Code, as added by this Act, on the effective date of this Act is not required to receive the certification required under Section 158.002, Government Code, as added by this Act, before September 1, 2019.

SECTION 31. This Act takes effect September 1, 2017.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 42**.

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

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

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

SENATE BILL 74 WITH HOUSE AMENDMENT

Senator Nelson called **SB 74** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 74** (house committee report) as follows:

(1) On page 1, line 7, strike "Section 533.002552" and substitute "Sections 533.002552 and 533.002553".

(2) Between page 2, line 27, and page 3, line 1, insert the following:

Sec. 533.002553. BEHAVIORAL HEALTH SERVICES PROVIDED THROUGH THIRD PARTY OR SUBSIDIARY. (a) In this section, "behavioral health services" has the meaning assigned by Section 533.00255.

(b) For a managed care organization that contracts with the commission under this chapter and that provides behavioral health services through a contract with a third party or an arrangement with a subsidiary of the managed care organization, the commission shall:

(1) require the effective sharing and integration of care coordination, service authorization, and utilization management data between the managed care organization and the third party or subsidiary;

(2) encourage, to the extent feasible, the colocation of physical health and behavioral health care coordination staff;

(3) require warm call transfers between physical health and behavioral health care coordination staff;

(4) require the managed care organization and the third party or subsidiary to implement joint rounds for physical health and behavioral health services network providers or some other effective means for sharing clinical information; and

(5) ensure that the managed care organization makes available a seamless provider portal for both physical health and behavioral health services network providers, to the extent allowed by federal law.

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

SECTION ____ . If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

The amendment was read.

Senator Nelson moved to concur in the House amendment to **SB 74**.

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

SENATE BILL 291 WITH HOUSE AMENDMENT

Senator Whitmire called **SB 291** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 291** (house committee report) on page 5, line 18, by striking "five or more days" and substituting "at least 24 hours".

The amendment was read.

Senator Whitmire moved to concur in the House amendment to **SB 291**.

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

SENATE BILL 304 WITH HOUSE AMENDMENT

Senator Taylor of Collin called **SB 304** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 304** (house committee printing) on page 10, by striking lines 15 and 16 and substituting the following:

(a) A license under this chapter is valid for a term of two or more years as determined by board rule.

The amendment was read.

Senator Taylor of Collin moved to concur in the House amendment to **SB 304**.

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

SENATE BILL 313 WITH HOUSE AMENDMENT

Senator Schwertner called **SB 313** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 313** (house committee report) on page 31, by striking line 10 and substituting the following:

(b) Members of the committee serve staggered six-year terms, with the terms of three members expiring on February 1 of each odd-numbered year.

The amendment was read.

Senator Schwertner moved to concur in the House amendment to **SB 313**.

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

SENATE BILL 500 WITH HOUSE AMENDMENTS

Senator Taylor of Collin called **SB 500** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Floor Amendment No. 1 on Third Reading

On third reading, amend **SB 500** as follows:

1. On page 2, line 16, strike the word "an" and insert "a service retirement".

2. On page 3, line 9, after the period, insert:

A refund under this subsection is subject to an award of all or part of the member's service retirement annuity contributions to a former spouse, including as a just and right division of the contributions on divorce, payment of child support, or payment of spousal maintenance or contractual alimony or other order of a court.

3. On page 3, line 11, between the words "a" and "domestic" insert the word "qualified"

5. Strike page 3, lines 15 through line 22 and insert:

(h) On conviction of a member for a qualifying felony:

(1) a court may, in the same manner as in a divorce or annulment proceeding, make a just and right division of the member's service retirement annuity by awarding to the member's spouse all or part of the community property interest in the annuity forfeited by the member; and

(2) a court shall, if the member's service retirement annuity was partitioned or exchanged by written agreement of the spouses as provided by Subchapter B, Chapter 4, Family Code, before the member's commission of the offense, award the annuity forfeited by the member to the member's spouse as provided in the agreement.

Floor Amendment No. 2 on Third Reading

Amend **SB 500** on third reading as follows:

(2) a court shall, if the member's service retirement annuity was partitioned or exchanged by written agreement of the spouses as provided by Subchapter B, Chapter 4, Family Code, before the member's commission of the offense, award the annuity forfeited by the member to the member's spouse as provided in the agreement.

6. On page 4, between lines 3 and 4, insert a new Subsection (i) to read as follows:

(i) Notwithstanding any other provision of this section, if the spouse of a member convicted of a qualifying felony is convicted of the felony as a party to the offense as defined by Section 7.01, Penal Code, or of another qualifying offense arising out of the same criminal episode as defined by Section 3.01, Penal Code, the spouse forfeits the member's service retirement annuity and service retirement contributions to the same extent as the member.

The amendments were read.

Senator Taylor of Collin moved to concur in the House amendments to **SB 500**.

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

SENATE BILL 826 WITH HOUSE AMENDMENT

Senator Taylor of Galveston called **SB 826** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 826** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to the sequencing of required English language arts courses and mathematics courses in schools and conforming changes.

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

SECTION 1. Section 28.025(b-2), Education Code, as amended by Chapters 211 (H.B. 5) and 214 (H.B. 2201), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(b-2) In adopting rules under Subsection (b-1), the State Board of Education shall:

(1) provide for a student to comply with the curriculum requirements for an advanced English course under Subsection (b-1)(1) [~~taken after successful completion of English I, English II, and English III~~], for an advanced mathematics course under Subsection (b-1)(2) [~~taken after the successful completion of Algebra I and geometry~~], and for any advanced science course under Subsection (b-1)(3) by successfully completing a course in the appropriate content area that has been approved as an advanced course by board rule or that is offered as an advanced course for credit without board approval as provided by Section 28.002(g-1); and

(2) allow a student to comply with the curriculum requirements for the third and fourth mathematics credits under Subsection (b-1)(2) or the third and fourth science credits under Subsection (b-1)(3) by successfully completing an advanced career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content.

SECTION 2. This Act applies beginning with the 2017-2018 school year.

SECTION 3. 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.

The amendment was read.

Senator Taylor of Galveston moved to concur in the House amendment to **SB 826**.

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

SENATE BILL 944 WITH HOUSE AMENDMENTS

Senator Hughes called **SB 944** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 944** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the adoption of the Uniform Foreign-Country Money Judgments Recognition Act.

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

SECTION 1. Subtitle C, Title 2, Civil Practice and Remedies Code, is amended by adding Chapter 36A to read as follows:

CHAPTER 36A. ENFORCEMENT OF JUDGMENTS OF OTHER COUNTRIES

Sec. 36A.001. SHORT TITLE. This chapter may be cited as the Uniform Foreign-Country Money Judgments Recognition Act.

Sec. 36A.002. DEFINITIONS. In this chapter:

(1) "Foreign country" means a government other than:

(A) the United States;

(B) a state, district, commonwealth, territory, or insular possession of the United States; or

(C) any other government with respect to which the decision in this state as to whether to recognize a judgment of that government's court is initially subject to determination under Section 1, Article IV, United States Constitution (the full faith and credit clause).

(2) "Foreign-country judgment" means a judgment of a court of a foreign country.

Sec. 36A.003. APPLICABILITY. (a) Except as otherwise provided in Subsection (b), this chapter applies to a foreign-country judgment to the extent that the judgment:

(1) grants or denies recovery of a sum of money; and

(2) under the law of the foreign country in which the judgment is rendered, is final, conclusive, and enforceable.

(b) This chapter does not apply to a foreign-country judgment that grants or denies recovery of a sum of money to the extent that the judgment is:

(1) a judgment for taxes;

(2) a fine or other penalty; or

(3) a judgment for divorce, support, or maintenance, or other judgment rendered in connection with domestic relations.

(c) A party seeking recognition of a foreign-country judgment has the burden of establishing that this chapter applies to the foreign-country judgment.

Sec. 36A.004. STANDARDS FOR RECOGNITION OF FOREIGN-COUNTRY JUDGMENT. (a) Except as otherwise provided in Subsections (b) and (c), a court of this state shall recognize a foreign-country judgment to which this chapter applies.

(b) A court of this state may not recognize a foreign-country judgment if:

(1) the judgment was rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law;

(2) the foreign court did not have personal jurisdiction over the defendant;

or

(3) the foreign court did not have jurisdiction over the subject matter.

(c) A court of this state is not required to recognize a foreign-country judgment

if:

(1) the defendant in the proceeding in the foreign court did not receive notice of the proceeding in sufficient time to enable the defendant to defend;

(2) the judgment was obtained by fraud that deprived the losing party of an adequate opportunity to present the party's case;

(3) the judgment or the cause of action on which the judgment is based is repugnant to the public policy of this state or the United States;

(4) the judgment conflicts with another final and conclusive judgment;

(5) the proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be determined otherwise than by proceedings in the foreign court;

(6) jurisdiction was based only on personal service and the foreign court was a seriously inconvenient forum for the trial of the action;

(7) the judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment; or

(8) the specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law.

(d) A party resisting recognition of a foreign-country judgment has the burden of establishing that a ground for nonrecognition stated in Subsection (b) or (c) exists.

Sec. 36A.005. PERSONAL JURISDICTION. (a) A foreign-country judgment may not be refused recognition for lack of personal jurisdiction if:

(1) the defendant was served with process personally in the foreign country;

(2) the defendant voluntarily appeared in the proceeding, other than for the purpose of protecting property seized or threatened with seizure in the proceeding or of contesting the jurisdiction of the court over the defendant;

(3) the defendant, before commencement of the proceeding, agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;

(4) the defendant was domiciled in the foreign country when the proceeding was instituted or was a corporation or other form of business organization whose principal place of business was in, or that was organized under the laws of, the foreign country;

(5) the defendant had a business office in the foreign country and the proceeding in the foreign court involved a cause of action arising out of business done by the defendant through that office in the foreign country; or

(6) the defendant operated a motor vehicle or airplane in the foreign country and the proceeding involved a cause of action arising out of that operation.

(b) The list of bases for personal jurisdiction in Subsection (a) is not exclusive. A court of this state may recognize bases of personal jurisdiction other than those listed in Subsection (a) as sufficient to support a foreign-country judgment.

Sec. 36A.006. PROCEDURE FOR RECOGNITION OF FOREIGN-COUNTRY JUDGMENT. (a) If recognition of a foreign-country judgment is sought as an original matter, the issue of recognition may be raised by filing an action seeking recognition of the foreign-country judgment.

(b) If recognition of a foreign-country judgment is sought in a pending action, the issue of recognition may be raised by counterclaim, cross-claim, or affirmative defense.

Sec. 36A.007. EFFECT OF RECOGNITION OF FOREIGN-COUNTRY JUDGMENT. If the court in a proceeding under Section 36A.006 finds that the foreign-country judgment is entitled to recognition under this chapter, then, to the extent that the foreign-country judgment grants or denies recovery of a sum of money, the foreign-country judgment is:

(1) conclusive between the parties to the same extent as the judgment of a sister state entitled to full faith and credit in this state would be conclusive; and

(2) enforceable in the same manner and to the same extent as a judgment rendered in this state.

Sec. 36A.008. STAY OF PROCEEDINGS PENDING APPEAL OF FOREIGN-COUNTRY JUDGMENT. If a party establishes that an appeal from a foreign-country judgment is pending or will be taken, the court may stay any proceedings with regard to the foreign-country judgment until:

(1) the appeal is concluded;

(2) the time for appeal expires; or

(3) the appellant has had sufficient time to prosecute the appeal and has failed to do so.

Sec. 36A.009. STATUTE OF LIMITATIONS. An action to recognize a foreign-country judgment must be brought within the earlier of:

(1) the time during which the foreign-country judgment is effective in the foreign country; or

(2) 15 years from the date that the foreign-country judgment became effective in the foreign country.

Sec. 36A.010. UNIFORMITY OF INTERPRETATION. In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to the subject matter of this chapter among states that enact a law based on the uniform act on which this chapter is based.

Sec. 36A.011. SAVING CLAUSE. This chapter does not prevent the recognition under principles of comity or otherwise of a foreign-country judgment not within the scope of this chapter.

SECTION 2. Chapter 36, Civil Practice and Remedies Code, is repealed.

SECTION 3. Chapter 36A, Civil Practice and Remedies Code, as added by this Act, applies to all actions commenced on or after the effective date of this Act in which the issue of recognition of a foreign-country judgment is raised.

SECTION 4. 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. 1

Amend **CSSB 944** (house committee printing) as follows:

(1) On page 3, line 22, strike "or".

(2) On page 3, line 25, between "law" and the underlined period, insert the following:

; or

(9) it is established that the foreign country in which the judgment was rendered does not recognize judgments rendered in this state that, but for the fact that they are rendered in this state, would constitute foreign-country judgments to which this chapter would apply under Section 36A.003

(3) On page 6, strike lines 20-23, and substitute the following:

SECTION 3. This Act applies to a pending suit in which the issue of recognition of a foreign-country money judgment is or has been raised without regard to whether the suit was commenced before, on, or after the effective date of this Act.

The amendments were read.

Senator Hughes moved to concur in the House amendments to **SB 944**.

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

SENATE BILL 957 WITH HOUSE AMENDMENT

Senator Campbell called **SB 957** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 957** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED**AN ACT**

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

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

SECTION 1. Section 52.095, Election Code, is amended to read as follows:

Sec. 52.095. PROPOSITIONS. (a) Except as otherwise provided by law, the authority ordering an election in which more than one measure is to be voted on shall determine the order in which the propositions are to appear on the ballot.

(b) Each political subdivision's proposition on the ballot shall be assigned a unique number or letter on the ballot as follows:

(1) except as provided by Subdivision (2), for each proposition on the ballot, the authority ordering the election shall assign a letter of the alphabet to the measure that corresponds to its order on the ballot; and

(2) for each proposition on the ballot to be voted on statewide, the authority ordering the election shall assign a number to the measure that corresponds to its order on the ballot.

(c) Each proposition on the ballot must identify the name of the authority ordering the election on the measure.

(d) The secretary of state shall prescribe procedures necessary to implement this section.

SECTION 2. Subchapter A, Chapter 274, Election Code, is amended by adding Section 274.004 to read as follows:

Sec. 274.004. PROPOSITION BALLOT ORDER. A proposed constitutional amendment must be placed on the ballot before all other propositions.

SECTION 3. 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.

The amendment was read.

Senator Campbell moved to concur in the House amendment to **SB 957**.

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

SENATE BILL 1758 WITH HOUSE AMENDMENTS

Senator Zaffirini called **SB 1758** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 1758** (house committee printing) as follows:

(1) On page 9, line 9, strike "and (a-4)" and substitute ", (a-4), (a-5), and (a-6)".

(2) On page 9, strike lines 10 through 22 and substitute the following:

(a-3) The department shall conduct an independent living skills assessment for all youth in the department's conservatorship who are 16 years of age or older.

(a-4) The department shall conduct an independent living skills assessment for all youth in the department's permanent managing conservatorship who are at least 14 years of age but younger than 16 years of age.

(a-5) The department shall annually update the assessment for each youth assessed under Subsections (a-3) and (a-4) to determine the independent living skills the youth learned during the preceding year to ensure that the department's obligation to prepare the youth for independent living has been met. The department shall conduct the annual update through the youth's plan of service in coordination with the youth, the youth's caseworker, the staff of the Preparation for Adult Living Program, and the youth's caregiver.

(3) On page 9, line 23, strike "(a-4)" and substitute "(a-6)".

(4) On page 10, line 7, strike "this Act" and substitute "Section 264.121(a-4), Family Code, as added by this Act,".

(5) On page 10, line 10, strike "this Act" and substitute "Section 264.121(a-4), Family Code, as added by this Act,".

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

SECTION _____. The Department of Family and Protective Services shall conduct the independent living skills assessments for youth in the department's permanent managing conservatorship required by Section 264.121(a-4), Family Code, as added by this Act, according to the following schedule, if funds are available for that purpose:

(1) beginning September 1, 2017, the department shall assess youth who are at least 15 years of age but younger than 16 years of age; and

(2) beginning September 1, 2018, the department shall assess youth who are at least 14 years of age but younger than 15 years of age.

Floor Amendment No. 2

Amend **SB 1758** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION _____. Section 107.002(b-1), Family Code, is amended to read as follows:

(b-1) In addition to the duties required by Subsection (b), a guardian ad litem appointed for a child in a proceeding under Chapter 262 or 263 shall:

(1) review the medical care provided to the child; ~~and~~

(2) in a developmentally appropriate manner, seek to elicit the child's opinion on the medical care provided; and

(3) for a child at least 16 years of age, ascertain whether the child has received the following documents:

(A) a certified copy of the child's birth certificate;

(B) a social security card or a replacement social security card;

(C) a driver's license or personal identification certificate under Chapter 521, Transportation Code; and

(D) any other personal document the Department of Family and Protective Services determines appropriate.

SECTION _____. Section 107.003(b), Family Code, is amended to read as follows:

(b) In addition to the duties required by Subsection (a), an attorney ad litem appointed for a child in a proceeding under Chapter 262 or 263 shall:

(1) review the medical care provided to the child;

(2) in a developmentally appropriate manner, seek to elicit the child's opinion on the medical care provided; and

(3) for a child at least 16 years of age:

(A) [5] advise the child of the child's right to request the court to authorize the child to consent to the child's own medical care under Section 266.010; and

(B) ascertain whether the child has received the following documents:

(i) a certified copy of the child's birth certificate;

(ii) a social security card or a replacement social security card;

(iii) a driver's license or personal identification certificate under Chapter 521, Transportation Code; and

(iv) any other personal document the Department of Family and Protective Services determines appropriate.

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 1758**.

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

SENATE BILL 2087 WITH HOUSE AMENDMENTS

Senator Hancock called **SB 2087** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 2087** (house committee printing) as follows:

(1) On page 4, line 4, between "services" and "under", insert "": (1)"."

(2) On page 4, lines 7-9, strike "with respect to health insurance coverage in this state for a plan year beginning on or after January 1, 2017" and substitute the following:

; or

(2) under any applicable provision of federal law enacted on or after May 1, 2017, for a waiver of applicable provisions of any federal law, regulations, or guidance with respect to health insurance coverage

Floor Amendment No. 1 on Third Reading

Amend **SB 2087** on third reading in added Section 1510.008(a)(2), Insurance Code, between "coverage" and the underlined period, by inserting "consistent with Section 1510.003".

The amendments were read.

Senator Hancock moved to concur in the House amendments to **SB 2087**.

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

HOUSE BILL 3124 ON SECOND READING

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3124** at this time on its second reading:

HB 3124, Relating to certain physician-specific comparison data compiled by a health benefit plan issuer, including the release of that data to physicians participating in certain physician-led organizations.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3124** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. (a) In this section, "department" means the Department of State Health Services.

(b) The department shall conduct a study on the feasibility of using the information provided to the department under the statewide health care data collection system developed under Section 108.006, Health and Safety Code, for creating a database accessible through the Texas Health Care Information Collection website. The database must:

(1) be searchable;

(2) include the average and percentile billed charges for health care procedures performed at inpatient care facilities, outpatient care facilities, and hospital outpatient departments; and

(3) categorize the information described by Subdivision (2) of this subsection according to the American Medical Association's Current Procedural Terminology code for the health care procedure associated with the amount billed.

(c) In conducting the feasibility study under Subsection (b) of this section, the department shall evaluate the cost of making the database accessible to:

- (1) the general public at no cost;
- (2) health care providers at a cost; and
- (3) both the general public at no cost and health care providers at a cost.

(d) Not later than December 1, 2018, the department shall report the results of the study required under this section to the governor, the lieutenant governor, the speaker of the house of representatives, and members of the appropriate standing committees of the senate and the house of representatives.

(e) The department may contract with a third-party entity to conduct the study required under this section.

(f) This section expires September 1, 2019.

The amendment to **HB 3124** was read and was adopted by a viva voce vote.

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

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

Floor Amendment No. 2

Amend **HB 3124** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 20.05, Business & Commerce Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (b), a consumer reporting agency may not furnish a consumer report containing information related to:

(1) a case under Title 11 of the United States Code or under the federal Bankruptcy Act in which the date of entry of the order for relief or the date of adjudication predates the consumer report by more than 10 years;

(2) a suit or judgment in which the date of entry predates the consumer report by more than seven years or the governing statute of limitations, whichever is longer;

(3) a tax lien in which the date of payment predates the consumer report by more than seven years;

(4) a record of arrest, indictment, or conviction of a crime in which the date of disposition, release, or parole predates the consumer report by more than seven years; ~~or~~

(5) a collection account with a medical industry code, if the consumer was covered by a health benefit plan at the time of the event giving rise to the collection and the collection is for an outstanding balance, after copayments, deductibles, and coinsurance, owed to an emergency care provider or a facility-based provider for an out-of-network benefit claim; or

(6) another item or event that predates the consumer report by more than seven years.

(d) In this section:

(1) "Emergency care provider" means a physician, health care practitioner, facility, or other health care provider who provides emergency care.

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

(3) "Facility-based provider" means a physician, health care practitioner, or other health care provider who provides health care or medical services to patients of a facility.

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

The amendment to **HB 3124** was read and was adopted by a viva voce vote.

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

Nays: Campbell.

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

Floor Amendment No. 3

Amend **HB 3124** (senate committee printing) as follows:

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

SECTION _____. Title 8, Insurance Code, is amended by adding Subtitle M to read as follows:

SUBTITLE M. FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT

CHAPTER 1695. LEGISLATIVE CONSIDERATIONS

Sec. 1695.001. CONSTITUTIONALITY OF PATIENT PROTECTION AND AFFORDABLE CARE ACT. This subtitle does not constitute an acknowledgment by the legislature of the legitimacy of the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as a constitutional exercise of the power of the United States Congress.

CHAPTER 1696. COVERAGE FOR ABORTION; PROHIBITIONS AND REQUIREMENTS

Sec. 1696.001. DEFINITIONS. In this chapter:

(1) "Abortion" and "medical emergency" have the meanings assigned by Section 171.002, Health and Safety Code.

(2) "Health benefit exchange" means an American Health Benefit Exchange administered by the federal government or created under Section 1311(b) of the Patient Protection and Affordable Care Act (42 U.S.C. Section 18031(b)).

(3) "Qualified health plan" has the meaning assigned by Section 1301(a) of the Patient Protection and Affordable Care Act (42 U.S.C. Section 18021(a)).

Sec. 1696.002. PROHIBITED COVERAGE THROUGH HEALTH BENEFIT EXCHANGE. (a) A qualified health plan offered through a health benefit exchange may not provide coverage for an abortion other than coverage for an abortion performed due to a medical emergency.

(b) This section does not prevent a person from purchasing optional or supplemental coverage for abortions under a health benefit plan other than a qualified health plan offered through a health benefit exchange.

SECTION ____. Subtitle A, Title 8, Insurance Code, is amended by adding Chapter 1218 to read as follows:

CHAPTER 1218. COVERAGE FOR ABORTION; PROHIBITIONS AND REQUIREMENTS

Sec. 1218.001. DEFINITIONS. In this chapter, "abortion" and "medical emergency" have the meanings assigned by Section 171.002, Health and Safety Code.

Sec. 1218.002. APPLICABILITY OF CHAPTER. (a) This chapter applies only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is offered by:

- (1) an insurance company;
- (2) a group hospital service corporation operating under Chapter 842;
- (3) a fraternal benefit society operating under Chapter 885;
- (4) a stipulated premium company operating under Chapter 884;
- (5) an exchange operating under Chapter 942;
- (6) a health maintenance organization operating under Chapter 843;
- (7) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846; or
- (8) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844.

(b) This chapter applies to group health coverage made available by a school district in accordance with Section 22.004, Education Code.

(c) Notwithstanding any provision in Chapter 1551, 1575, 1579, or 1601 or any other law, this chapter applies to:

- (1) a basic coverage plan under Chapter 1551;
- (2) a basic plan under Chapter 1575;
- (3) a primary care coverage plan under Chapter 1579; and
- (4) basic coverage under Chapter 1601.

(d) Notwithstanding Section 1501.251 or any other law, this chapter applies to coverage under a small or large employer health benefit plan subject to Chapter 1501.

(e) Notwithstanding Section 1507.003 or 1507.053, this chapter applies to a standard health benefit plan provided under Chapter 1507.

Sec. 1218.003. COVERAGE BY HEALTH BENEFIT PLAN. A health benefit plan may provide coverage for abortion only if:

(1) the coverage is provided to an enrollee separately from other health benefit plan coverage offered by the health benefit plan issuer;

(2) an enrollee pays separately from, and in addition to, the premium for other health benefit plan coverage a premium for coverage for abortion;

(3) an enrollee provides a signature for coverage for abortion, separately and distinct from the signature required for other health benefit plan coverage offered by the health benefit plan issuer; or

(4) the coverage provides benefits only for an abortion performed due to a medical emergency.

Sec. 1218.004. CALCULATION OF PREMIUM. (a) A health benefit plan issuer that provides coverage for abortion shall calculate the premium for the coverage so that the premium fully covers the estimated cost of abortion per enrollee, determined on an actuarial basis.

(b) In calculating a premium under Subsection (a), the health benefit plan issuer may not take into account any cost savings in other health benefit plan coverage offered by the health benefit plan issuer that is estimated to result from coverage for abortion.

(c) A health benefit plan issuer that provides coverage other than coverage for abortion may not provide a premium discount to or reduce the premium for an enrollee for coverage other than coverage for abortion on the basis that the enrollee has health benefit plan coverage for abortion.

Sec. 1218.005. NOTICE BY ISSUER. A health benefit plan issuer that provides coverage for abortion shall at the time of enrollment in the health benefit plan provide each enrollee with a notice that:

(1) coverage for abortion is optional and separate from other health benefit plan coverage offered by the health benefit plan issuer;

(2) the premium cost for coverage for abortion is a premium paid separately from, and in addition to, the premium for other health benefit plan coverage offered by the health benefit plan issuer; and

(3) the enrollee may enroll in a health benefit plan that provides coverage other than coverage for abortion without obtaining coverage for abortion.

SECTION ____. Chapters 1696 and 1218, Insurance Code, as added by this Act, apply only to a qualified health plan offered through a health benefit exchange or a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2018. A qualified health plan offered through a health benefit exchange or a health benefit plan that is delivered, issued for delivery, or renewed before January 1, 2018, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(2) In SECTION 9 of the bill adding transition language (page 4, line 65), strike "The change in law made by this Act" and substitute "Chapter 1460, Insurance Code, as amended by this Act,".

(3) Renumber SECTIONS of the bill appropriately.

The amendment to **HB 3124** was read and was adopted by the following vote: Yeas 21, Nays 10.

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

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

HB 3124 as amended was passed to third reading by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

VOTE RECONSIDERED ON HOUSE BILL 3066

On motion of Senator Menéndez and by unanimous consent, the vote by which **HB 3066** was finally passed was reconsidered:

HB 3066, Relating to certain benefits and protections for service members of the Texas military forces ordered to state active duty or to state training and other duty.

Question: Shall **HB 3066** be finally passed?

Senator Miles offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **HB 3066** (senate committee report) on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Title 12, Business & Commerce Code, is amended by adding Chapter 606 to read as follows:

CHAPTER 606. SUSPENSION, TERMINATION, OR REINSTATEMENT OF CERTAIN SERVICES FOR ACTIVE DUTY MILITARY SERVICE MEMBERS

Sec. 606.001. DEFINITIONS. In this chapter:

(1) "Active duty military service" means:

(A) service as a member of the armed forces of the United States;

(B) with respect to a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States, active duty under an order of the president of the United States; or

(C) state active duty as a member of the Texas military forces.

(2) "Cable service," "cable service provider," "video service," and "video service provider" have the meanings assigned by Section 66.002, Utilities Code.

(3) "Health spa" has the meaning assigned by Section 702.003, Occupations Code.

(4) "Health spa services" has the meaning assigned to the term "services" by Section 702.003, Occupations Code.

(5) "Health spa services provider" means a person providing health spa services.

(6) "Internet service provider" has the meaning assigned by Section 324.055.

(7) "Military service member" means:

(A) a member of the armed forces of the United States;

(B) a member of the Texas National Guard or the National Guard of another state serving on active duty under an order of the president of the United States;

(C) a member of a reserve component of the armed forces of the United States who is on active duty under an order of the president of the United States; or

(D) a member of the Texas military forces serving on state active duty.

(8) "Service provider" means a cable service provider, a health spa services provider, an Internet service provider, a telecommunications provider, or a video service provider.

(9) "State active duty" and "Texas military forces" have the meanings assigned by Section 437.001, Government Code.

(10) "Telecommunications provider" has the meaning assigned by Section 51.002, Utilities Code.

Sec. 606.002. SUSPENSION OR TERMINATION OF CERTAIN SERVICES FOR ACTIVE DUTY MILITARY SERVICE MEMBERS. (a) This section applies only to the following services:

(1) cable service;

(2) health spa services;

(3) services providing connectivity to the Internet or another wide area network;

(4) telecommunications services; and

(5) video service.

(b) Except as provided by Subsection (i), a military service member who receives any of the services described by Subsection (a) from a service provider and who is called to active duty military service may suspend or terminate the provision of the services by providing a written notice of suspension or termination to the service provider and the documentation required by Subsection (c).

(c) A military service member who provides to a service provider a written notice of suspension or termination of a service described by Subsection (a) shall also provide to the service provider proof of the service member's official orders calling the service member to active duty military service:

(1) at the time the service member provides the written notice; or

(2) not later than the 90th day after the date on which the service member provides the written notice, if military necessity or circumstances make the provision of proof at the time written notice is provided unreasonable or impossible.

(d) A service provider shall suspend or terminate the service provided by the service provider to a military service member on:

(1) the same business day the service provider receives a written notice of suspension or termination under this section; or

(2) the next business day after the date the service provider receives a written notice of suspension or termination under this section, if the notice is received on the weekend or a holiday.

(e) The suspension or termination of the service is effective on the applicable suspension or termination date prescribed by Subsection (d). Except as provided by Subsection (f), a military service member is not liable for the payment of any service

suspended or terminated under this section after the effective date of the suspension or termination unless and until the service member reinstates the service as provided by Section 606.003.

(f) If a service provider does not receive the proof of the official orders as required by Subsection (c), the service provider may reinstate the suspended or terminated service. The military service member who requested the suspension or termination is liable for the payment of that service from the original effective date of the suspension or termination until the date the service member provides the required proof to the service provider. The effective date of a suspension or termination of a reinstated service as provided by this subsection becomes the date on which the service provider receives the required proof.

(g) Except as provided by this section, a service provider may not charge a penalty, fee, loss of deposit, or any other additional cost due to a suspension or termination of a service under this section.

(h) A military service member may reinstate a service that is suspended or terminated under this section in the manner provided by Section 606.003.

(i) A military service member may terminate a contract for cellular telephone service or telephone exchange service in the manner provided by 50 U.S.C. Section 3956, if applicable.

Sec. 606.003. REINSTATEMENT OF CERTAIN SERVICES FOR ACTIVE DUTY MILITARY SERVICE MEMBERS. (a) A military service member who suspends or terminates a service under Section 606.002 and whose period of active duty military service has ended may reinstate the service by providing:

(1) a written notice of reinstatement to the service provider of the suspended or terminated service; and

(2) a document evidencing proof of the date the active duty military service ends not later than the 90th day after the date on which the service member's active duty military service ended.

(b) A service provider that receives a written notice of reinstatement of a service and the documentation required by Subsection (a)(2) shall:

(1) resume providing the same services the service provider provided to the military service member on the same terms and conditions agreed to by the service member and the service provider before the suspension or termination of those services took effect; or

(2) if the same services are no longer available, provide services that are substantially similar to the services that were suspended or terminated.

(c) A service provider shall reinstate a service as provided by Subsection (b) within a reasonable time, but not later than the 30th day after the date the service provider receives a written notice of reinstatement.

(d) A service provider may not charge a penalty, fee, loss of deposit, or other additional cost due to a reinstatement of services under this section.

SECTION ____ . Chapter 606, Business & Commerce Code, as added by this Act, applies only to a contract for services entered into or renewed on or after the effective date of this Act.

The amendment to **HB 3066** 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 on Third Reading.

HB 3066 as amended was again finally passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 4064 ON SECOND READING

Senator Taylor of Galveston moved to suspend the regular order of business to take up for consideration **HB 4064** at this time on its second reading:

HB 4064, Relating to staff development and continuing education requirements for public school educators regarding digital education methods.

The motion prevailed.

Senators Burton 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 Taylor of Galveston offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 4064** (senate committee printing) as follows:

(1) In the recital to SECTION 2 of the bill (page 1, line 39), strike "Subsection (c-2)" and substitute "Subsections (c-2), (h), (i), and (j)".

(2) In SECTION 2 of the bill, immediately following added Section 21.044(c-2), Education Code (page 1, between lines 52 and 53), insert the following:

(h) In proposing rules under this section, the board must permit a program to comply with at least three of any field supervisor visit requirements for a candidate for certification as a classroom teacher through visits provided by video, the Internet, or another remote technological method if the program also provides at least two in-person visits. The board may not require more than five support visits by a field supervisor for a candidate for certification as a classroom teacher during the course of an internship.

(i) Subject to Subsection (j), a video or audio recording of a classroom recorded for purposes of a field supervisor visit described by Subsection (h) is confidential, may only be used for teacher training by an educator preparation program, and may only be viewed by the candidate recorded, a school district employee with a supervisory role with respect to the candidate, an employee of the educator preparation program, or another person authorized by law.

(j) Subsection (i) does not limit the access of a student's parent to a record regarding the student under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) or other law.

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

SECTION _____. Section 26.009(b), Education Code, is amended to read as follows:

(b) An employee of a school district is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

- (1) purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses;
- (2) a purpose related to a cocurricular or extracurricular activity;
- (3) a purpose related to regular classroom instruction;
- (4) media coverage of the school; ~~or~~
- (5) a purpose related to the promotion of student safety under Section 29.022; or
- (6) a purpose related to the provision of support to a beginning teacher by a field supervisor under Section 21.045.

The amendment to **HB 4064** was read and was adopted by a viva voce vote.

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

Nays: Zaffirini.

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

Floor Amendment No. 2

Amend **HB 4064** by adding the following appropriately numbered SECTION to the bill.

SECTION __. (a) Except as provided by Subsection (b) of this section, this Act takes effect only if a specific appropriation for the Act is provided in a general appropriations act of the 85th Legislature.

(b) Notwithstanding Subsection (a) of this section, any portion of this Act that does not authorize or require the expenditure of diversion of state funds takes effect as otherwise provided by this Act, regardless of whether a specific appropriation described by Subsection (a) of this section is provided.

The amendment to **HB 4064** 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 Hughes offered the following amendment to the bill:

Floor Amendment No. 3

Amend **HB 4064** (senate committee printing) as follows:

(1) In the recital to SECTION 5 of the bill (page 2, line 42), strike "Subsection (d-3)" and substitute "Subsections (d-3) and (d-4)".

(2) In SECTION 5 of the bill, in Section 21.451(d)(3), Education Code (page 2, line 63), between "training" and "that", insert "and training regarding bullying".

(3) In SECTION 5 of the bill, immediately following added Section 21.451(d-3), Education Code (page 3, between lines 8 and 9), insert the following:

(d-4) The training regarding bullying required by Subsection (d)(3) must include instruction regarding:

(1) any penalties under state law or school district policy for bullying, including any related criminal offenses; and

(2) district procedures for reporting incidents of bullying.

The amendment to **HB 4064** was read and was adopted by the following vote: Yeas 31, Nays 0.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 4

Amend **HB 4064** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 11.1511, Education Code, is amended by adding Subsection (d) to read as follows:

(d) The board may require a school district's chief business official or curriculum director or a person holding an equivalent position to appear at an executive session of the board or to testify at a public hearing held by the board. A superintendent may not interfere with an appearance or testimony required by the board under this subsection.

SECTION _____. Section 11.1512, Education Code, is amended by adding Subsections (c-1) and (g) to read as follows:

(c-1) Except as otherwise provided by this subsection, a district shall provide a member of the board of trustees with information, documents, and records requested under Subsection (c) not later than the 20th business day after the date the district receives the request. The district may take a reasonable additional period of time, not to exceed the 30th business day after the date the district receives the request, to respond to a request if compliance by the 20th business day would be unduly burdensome given the amount, age, or location of the requested information. The district shall inform the trustee of the reason for the delay in providing the requested information and the date by which the information will be provided.

(g) A district shall create a policy on visits to a district campus or other facility by a member of the board of trustees of the district.

SECTION _____. Subchapter D, Chapter 11, Education Code, is amended by adding Sections 11.1515 and 11.1516 to read as follows:

Sec. 11.1515. OVERSIGHT OF ACADEMIC ACHIEVEMENT. The board of trustees of an independent school district or the governing body of an open-enrollment charter school shall provide oversight regarding student academic achievement and strategic leadership for maximizing student performance.

Sec. 11.1516. DISTRICT DATA ON ACADEMIC ACHIEVEMENT. (a) On request by the board of trustees of an independent school district, the agency shall create an Internet website that members of the board may use to review campus and district academic achievement data. The website must also be made available to campuses in a similar manner that access is provided to the board.

(b) The Internet website must:

(1) include district information, disaggregated by campus, grade, sex, race, academic quarter or semester, as applicable, and school year, regarding the following:

(A) student academic achievement and growth;

(B) teacher and student attendance; and

(C) student discipline records; and

(2) be updated at least once each quarter of the school year.

(c) The commissioner shall provide information that permits a board member to compare the district's academic performance with the academic performance of other districts of similar size and racial and economic demographics.

(d) A district must provide requested information to the commissioner for the creation of an Internet website under this section.

(e) Confidential information received by the commissioner under this section from a district remains confidential. The commissioner shall design the Internet website to ensure that:

(1) public information is made available to the public; and

(2) information submitted by districts noted as confidential is not made available to the public.

(f) A request for public information under this section shall be submitted to the district that provides the agency with the information. The agency may not release information submitted by a district that is noted as confidential information.

(g) The agency may contract with a private entity as necessary to implement this section.

(h) The commissioner may adopt rules for the implementation of this section.

SECTION _____. Section 11.159, Education Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) A trustee must complete any training required by the State Board of Education. The minutes of the last regular meeting of the board of trustees held before an election of trustees [~~during a calendar year~~] must reflect whether each trustee has met or is deficient [~~delinquent~~] in meeting the training required for the trustee [~~to be completed~~] as of the first anniversary of the date of the trustee's election or appointment [~~date of the meeting~~]. If the minutes reflect that a trustee is deficient, the district shall post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements.

(c) The State Board of Education shall require a trustee to complete at least three hours of training every two years on evaluating student academic performance. The training must be research-based and designed to support the oversight role of the board of trustees under Section 11.1515. A candidate for trustee may complete the training up to one year before the candidate is elected. A new trustee shall complete the training within 120 days after the date of the trustee's election or appointment. A returning trustee shall complete the training by the second anniversary of the completion of the trustee's previous training.

(d) A trustee or candidate for trustee may complete training required under Subsection (c) at a regional education service center or through another authorized provider. A provider must certify the completion of the training by a trustee or candidate.

SECTION _____. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.182 to read as follows:

Sec. 11.182. BOARD IMPROVEMENT AND EVALUATION TOOL. (a) The commissioner shall develop a board of trustees improvement and evaluation tool. The evaluation tool must be research-based and designed to assist a school district in improving board oversight and academic achievement.

(b) A board of trustees may determine whether to use the evaluation tool, except as required by Section 39.102(a).

SECTION _____. Section 39.102(a), Education Code, is amended to read as follows:

(a) If a school district does not satisfy the accreditation criteria under Section 39.052, the academic performance standards under Section 39.053 or 39.054, or any financial accountability standard as determined by commissioner rule, or if considered appropriate by the commissioner on the basis of a special accreditation investigation under Section 39.057, the commissioner shall take any of the following actions to the extent the commissioner determines necessary:

(1) issue public notice of the deficiency to the board of trustees;

(2) order a hearing conducted by the board of trustees of the district for the purpose of notifying the public of the insufficient performance, the improvements in performance expected by the agency, and the interventions and sanctions that may be imposed under this section if the performance does not improve;

(3) order the preparation of a student achievement improvement plan that addresses each academic achievement indicator under Section 39.053(c) for which the district's performance is insufficient, the submission of the plan to the commissioner for approval, and implementation of the plan;

(4) order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board of trustees of the district and the superintendent shall appear and explain the district's low performance, lack of improvement, and plans for improvement;

(5) arrange a monitoring review of the district;

(6) appoint an agency monitor to participate in and report to the agency on the activities of the board of trustees or the superintendent;

(7) appoint a conservator to oversee the operations of the district;

(8) appoint a management team to direct the operations of the district in areas of insufficient performance or require the district to obtain certain services under a contract with another person;

(9) if a district has a current accreditation status of accredited-warned or accredited-probation, fails to satisfy any standard under Section 39.054(e), or fails to satisfy financial accountability standards as determined by commissioner rule, appoint a board of managers to exercise the powers and duties of the board of trustees;

(10) if for two consecutive school years, including the current school year, a district has received an accreditation status of accredited-warned or accredited-probation, has failed to satisfy any standard under Section 39.054(e), or has failed to satisfy financial accountability standards as determined by commissioner rule, revoke the district's accreditation and:

(A) order closure of the district and annex the district to one or more adjoining districts under Section 13.054; or

(B) in the case of a home-rule school district or open-enrollment charter school, order closure of all programs operated under the district's or school's charter;

[✗]

(11) if a district has failed to satisfy any standard under Section 39.054(e) due to the district's dropout rates, impose sanctions designed to improve high school completion rates, including:

(A) ordering the development of a dropout prevention plan for approval by the commissioner;

(B) restructuring the district or appropriate school campuses to improve identification of and service to students who are at risk of dropping out of school, as defined by Section 29.081;

(C) ordering lower student-to-counselor ratios on school campuses with high dropout rates; and

(D) ordering the use of any other intervention strategy effective in reducing dropout rates, including mentor programs and flexible class scheduling; or

(12) order the use of the board improvement and evaluation tool as provided by Section 11.182.

SECTION _____. Section 39.107(b-1), Education Code, is amended to read as follows:

(b-1) A campus turnaround plan must include:

(1) a detailed description of the academic programs to be offered at the campus, including instructional methods, length of school day and school year, academic credit and promotion criteria, and programs to serve special student populations;

(2) the term of the charter, if a district charter is to be granted for the campus under Section 12.0522;

(3) written comments from the campus-level committee established under Section 11.251, if applicable, parents, and teachers at the campus; ~~and~~

(4) a detailed description of the budget, staffing, and financial resources required to implement the plan, including any supplemental resources to be provided by the district or other identified sources; and

(5) a detailed description for developing and supporting the oversight of academic achievement and student performance by the board of trustees under Section 11.1515.

SECTION _____. A person serving on the board of trustees of a school district on the effective date of this Act must complete the training required by Section 11.159(c), Education Code, as added by this Act, not later than September 1, 2018.

The amendment to **HB 4064** was read and was adopted by a viva voce vote.

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

Senator Campbell offered the following amendment to the bill:

Floor Amendment No. 5

Amend **HB 4064** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 26.0031(c-1), Education Code, is amended to read as follows:

(c-1) A school district or open-enrollment charter school may decline to pay the cost for a student of more than three yearlong electronic courses, or the equivalent, during any school year. This subsection does not:

(1) limit the ability of the student to enroll in additional electronic courses at the student's cost; or

(2) apply to a student enrolled in a full-time online program that:

(A) was operating on January 1, 2013; or

(B) requires that educators providing the instruction have completed a specified number of hours per year of continuing education related to digital technology under Section 21.0543.

SECTION _____. Section 30A.153(a-1), Education Code, is amended to read as follows:

(a-1) For purposes of Subsection (a), a school district or open-enrollment charter school is limited to the funding described by that subsection for a student's enrollment in not more than three electronic courses during any school year, unless the student is enrolled in a full-time online program that:

(1) was operating on January 1, 2013; or

(2) requires that educators providing the instruction have completed a specified number of hours per year of continuing education related to digital technology under Section 21.0543.

The amendment to **HB 4064** was read and was adopted by the following vote: Yeas 20, Nays 10.

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

Nays: Bettencourt, Birdwell, Buckingham, Creighton, Hall, Hancock, Huffines, Lucio, Menéndez, Taylor of Collin.

Absent: Estes.

HB 4064 as amended was passed to third reading by the following vote: Yeas 28, Nays 3.

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

Nays: Burton, Seliger, Taylor of Collin.

HOUSE BILL 4064 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 4064** 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, Hall, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Taylor of Galveston, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Seliger, Taylor of Collin.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4.

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

Nays: Burton, Menéndez, Seliger, Taylor of Collin.

BILLS SIGNED

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

SB 47, SB 208, SB 297, SB 320, SB 321, SB 377, SB 440, SB 497, SB 499, SB 510, SB 528, SB 539, SB 547, SB 560, SB 613, SB 686, SB 714, SB 718, SB 726, SB 790, SB 799, SB 864, SB 867, SB 879, SB 887, SB 904, SB 964, SB 975, SB 976, SB 977, SB 998, SB 1021, SB 1045, SB 1102, SB 1119, SB 1124, SB 1136, SB 1179, SB 1193, SB 1220, SB 1237, SB 1238, SB 1242, SB 1260, SB 1264, SB 1291, SB 1361, SB 1395, SB 1403, SB 1430, SB 1492, SB 1502, SB 1519, SB 1523, SB 1705, SB 1743, SB 1864, SB 1965, SB 2117, SB 2150, SB 2205, SB 2243, SB 2245, SB 2268, SB 2271, SB 2282, SB 2286, SB 22, SB 952, SB 1023, SB 1085, SB 1152, SB 1187, SB 1199, SB 1290, SB 1349, SB 1479, SB 1490, SB 1548, SB 1565, SB 1667, SB 1732, SB 1806, SB 1837, SB 1849, SB 1877, SB 1901, SB 1952, SB 2006, SB 2255.

HOUSE CONCURRENT RESOLUTION 136

The President laid before the Senate the following resolution:

WHEREAS, For well over a century, Americans have set aside a time to honor those members of its military forces who have died in this country's service; and

WHEREAS, Originally called Decoration Day, this special remembrance was first observed in 1868, when flowers were placed on the graves of Union and Confederate soldiers; by the end of the 19th century, Memorial Day ceremonies were being held on May 30 throughout the nation, and in 1971 Congress designated the last Monday in May as Memorial Day; and

WHEREAS, Legions of Americans have stepped forward to serve their country in times of conflict, and more than a million have made the ultimate sacrifice; they "gave the last full measure of devotion" on their native soil, in foreign lands, and on seas around the world; today, we pause to remember with fresh sorrow all Texans who have been slain in combat as members of the United States military, and we acknowledge the profound loss sustained by the families they have left behind; and

WHEREAS, In memorial ceremonies around the nation, Americans reflect gratefully on their heritage and recognize the extreme sacrifices made by all who serve in the armed forces of this country; now, therefore, be it

RESOLVED by the 85th Texas Legislature, That the Senate and House of Representatives of the State of Texas meet in a joint memorial session in the Hall of the House of Representatives on Saturday, May 27, 2017, at 10 a.m., for the Fallen Heroes Memorial Service to pay tribute to all who have died in the service of this country and to honor especially the patriotic sons and daughters of the Lone Star State who have given their lives; and, be it further

RESOLVED, That the Honorable Greg Abbott, Governor of Texas, all Texas state officials, and the family members of those killed in the service of this country be, and hereby are, invited to attend the joint memorial session; and, be it further

RESOLVED, That Memorial Day 2017 be commemorated and that the contributions of all the men and women who have served our great country be recognized.

CAMPBELL

HCR 136 was read.

On motion of Senator Campbell, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Hancock and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider **HB 3304** tomorrow.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Kolkhorst and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Administration might meet and consider the following bills tomorrow:

HB 3042, HB 4114, HB 4349, HB 4333.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet at his desk today.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 527

Senator Birdwell submitted the following Conference Committee Report:

Austin, Texas
May 22, 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 527** 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.

BIRDWELL
WHITMIRE
URESTI
HUFFMAN
BURTON

On the part of the Senate

COOK
J. RODRIGUEZ
BURNS
KACAL
MOODY

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to a defendant's payment of costs associated with a court-appointed counsel.

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

SECTION 1. Article 26.05, Code of Criminal Procedure, is amended by adding Subsection (g-1) to read as follows:

(g-1)(1) This subsection applies only to a defendant who at the time of sentencing to confinement or placement on community supervision, including deferred adjudication community supervision, did not have the financial resources to pay the maximum amount described by Subsection (g)(1) or (2), as applicable, for legal services provided to the defendant.

(2) At any time during a defendant's sentence of confinement or period of community supervision, the judge, after providing written notice to the defendant and an opportunity for the defendant to present information relevant to the defendant's ability to pay, may order a defendant to whom this subsection applies to pay any unpaid portion of the amount described by Subsection (g)(1) or (2), as applicable, if the judge determines that the defendant has the financial resources to pay the additional portion.

(3) The judge may amend an order entered under Subdivision (2) if, subsequent to the judge's determination under that subdivision, the judge determines that the defendant is indigent or demonstrates an inability to pay the amount ordered.

(4) In making a determination under this subsection, the judge may only consider the information a court or courts' designee is authorized to consider in making an indigency determination under Article 26.04(m).

(5) Notwithstanding any other law, the judge may not revoke or extend the defendant's period of community supervision solely to collect the amount the defendant has been ordered to pay under this subsection.

SECTION 2. This Act takes effect September 1, 2017.

The Conference Committee Report on **SB 527** was filed with the Secretary of the Senate.

CO-SPONSORS OF HOUSE BILL 4

On motion of Senator Schwertner, Senators Bettencourt, Burton, Campbell, Garcia, Hall, Hinojosa, Lucio, Perry, Uresti, and West will be shown as Co-sponsors of **HB 4**.

CO-SPONSOR OF HOUSE BILL 5

On motion of Senator Schwertner, Senator Perry will be shown as Co-sponsor of **HB 5**.

CO-SPONSOR OF HOUSE BILL 28

On motion of Senator Nelson, Senator Bettencourt will be shown as Co-sponsor of **HB 28**.

CO-SPONSOR OF HOUSE BILL 273

On motion of Senator Campbell, Senator Bettencourt will be shown as Co-sponsor of **HB 273**.

CO-SPONSORS OF HOUSE BILL 490

On motion of Senator Kolkhorst, Senators Garcia and Hinojosa will be shown as Co-sponsors of **HB 490**.

CO-SPONSOR OF HOUSE BILL 550

On motion of Senator Perry, Senator Campbell will be shown as Co-sponsor of **HB 550**.

CO-SPONSORS OF HOUSE BILL 658

On motion of Senator Creighton, Senators Bettencourt and Lucio will be shown as Co-sponsors of **HB 658**.

CO-SPONSOR OF HOUSE BILL 681

On motion of Senator Zaffirini, Senator Huffines will be shown as Co-sponsor of **HB 681**.

CO-SPONSORS OF HOUSE BILL 1426

On motion of Senator Burton, Senators Huffines and West will be shown as Co-sponsors of **HB 1426**.

CO-SPONSOR OF HOUSE BILL 2252

On motion of Senator Taylor of Galveston, Senator Bettencourt will be shown as Co-sponsor of **HB 2252**.

CO-SPONSORS OF HOUSE BILL 2762

On motion of Senator Campbell, Senators Watson and Zaffirini will be shown as Co-sponsors of **HB 2762**.

CO-SPONSOR OF HOUSE BILL 3016

On motion of Senator Hughes, Senator Huffines will be shown as Co-sponsor of **HB 3016**.

CO-SPONSORS OF HOUSE BILL 3252

On motion of Senator Taylor of Galveston, Senators Garcia, Miles, and Whitmire will be shown as Co-sponsors of **HB 3252**.

CO-SPONSOR OF HOUSE BILL 3647

On motion of Senator Watson, Senator Bettencourt will be shown as Co-sponsor of **HB 3647**.

CO-SPONSOR OF HOUSE BILL 3784

On motion of Senator Taylor of Collin, Senator Hall will be shown as Co-sponsor of **HB 3784**.

CO-SPONSOR OF HOUSE BILL 4064

On motion of Senator Taylor of Galveston, Senator Bettencourt will be shown as Co-sponsor of **HB 4064**.

CO-SPONSOR OF HOUSE CONCURRENT RESOLUTION 106

On motion of Senator Taylor of Galveston, Senator Garcia will be shown as Co-sponsor of **HCR 106**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 838 by Zaffirini, In memory of Dickie Lee Person.

Congratulatory Resolutions

SR 836 by West, Recognizing Louis A. Bedford IV for his work as a legislative intern in the office of Senator Royce West.

SR 837 by West, Commending Ari'yan Woods for achieving the rank of Eagle Scout.

SR 839 by Birdwell, Recognizing the 2017 Texas Sports Hall of Fame inductees for their accomplishments.

SR 840 by Hinojosa, Recognizing Daniel Vaughn on the occasion of his graduation.

SR 841 by Hinojosa, Recognizing Rhonda Peña for receiving an H-E-B Excellence in Education Lifetime Achievement Award.

SR 842 by Hinojosa, Recognizing Robert Rosell for his achievements.

SR 843 by Watson, Recognizing Elizabeth Lankford on the occasion of her retirement.

SR 845 by Uresti, Recognizing René M. Peña for his service to the 81st Judicial District.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 10:06 p.m. adjourned, in memory of Merri Easterly and Mario E. Ramirez, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

May 22, 2017

STATE AFFAIRS — **HB 2886**

TRANSPORTATION — **HB 912, HB 1372, HB 1956, HB 3252, HB 3337, HB 3964, HB 2675**

HEALTH AND HUMAN SERVICES — **CSHB 2523**

BUSINESS AND COMMERCE — **CSHB 4042, CSHB 2101, CSHB 1036, CSHB 1508, CSHB 2112, CSHB 2304, CSHB 3029, CSHB 3131, CSHB 3370, CSHB 3879**

EDUCATION — **HB 441, HB 755, HB 1593, HB 3075, HB 3706**

HEALTH AND HUMAN SERVICES — **CSHB 1556, CSHB 249**

BUSINESS AND COMMERCE — **CSHB 3107, CSHB 457**

EDUCATION — **HB 61, CSHB 22**

INTERGOVERNMENTAL RELATIONS — **HB 2750, HB 357, HB 1170, HB 3281, HB 4104**

BUSINESS AND COMMERCE — **CSHB 4007**

INTERGOVERNMENTAL RELATIONS — **CSHB 4180**

EDUCATION — **HB 3526, HB 3349, HB 3270**

ADMINISTRATION — **HB 1290**

EDUCATION — **HB 2782, HB 2614, HB 2010, HB 3767, HB 2537, HB 1886, HB 2039, HB 2729**

CRIMINAL JUSTICE — **HB 1278**

EDUCATION — **HB 3632**

HEALTH AND HUMAN SERVICES — **HB 3204, CSHB 2590**

ADMINISTRATION — **HCR 70, HB 4297, HB 553, HB 4312**

HEALTH AND HUMAN SERVICES — **CSHB 1549**

ADMINISTRATION — **HB 4310, HB 4335, HB 967, HB 822, HB 4289, HB 210, HB 4329**

INTERGOVERNMENTAL RELATIONS — **CSHB 4334**

HEALTH AND HUMAN SERVICES — **CSHB 3292**

INTERGOVERNMENTAL RELATIONS — **CSHB 4303, CSHB 4294**

BUSINESS AND COMMERCE — **CSHB 442, CSHB 2305**

EDUCATION — **CSHB 1081, HB 156**

INTERGOVERNMENTAL RELATIONS — **CSHB 3574**

HEALTH AND HUMAN SERVICES — **HB 810, CSHB 3675**

INTERGOVERNMENTAL RELATIONS — **CSHB 3173**

RESOLUTIONS ENROLLED

May 21, 2017

SR 821, SR 822, SR 823, SR 824, SR 825, SR 826, SR 827, SR 828, SR 829, SR 830, SR 831, SR 832, SR 833, SR 834

SENT TO GOVERNOR

May 22, 2017

SB 489, SB 573, SB 693, SB 720, SB 754, SB 966, SB 1096, SCR 48, SCR 49

SIGNED BY GOVERNOR

May 22, 2017

SB 160, SB 417, SB 579, SB 617, SB 671, SB 712, SB 945, SB 1049, SB 1073, SB 1083, SB 1203, SB 1229, SB 1402, SB 1422, SB 1494, SB 1517, SB 1518

FILED WITHOUT SIGNATURE OF GOVERNOR

May 22, 2017

SB 345, SB 1002, SB 1246, SB 1365