

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-THIRD DAY
(Tuesday, May 23, 2017)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

Pastor Tim Brewer, First United Methodist Church, Victoria, offered the invocation as follows:

Source of all truth, in these turbulent times we ask for an open heart to listen to the deep meaning in the words of others. Give us a firm foundation on which to stand and the courage to live out those convictions. Help us create a state where the future generations will be more caring and less combative. Maybe we could use a little of that now. As we ask, so let it be. 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. Kristi Salinas of San Antonio as the Physician of the Day.

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

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

May 23, 2017
Austin, Texas

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

On January 13, 2017, I submitted the name of Clyde M. Siebman for appointment as the presiding officer of the Grayson County Regional Mobility Authority for a term to expire February 1, 2018.

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

Respectfully submitted,

/s/Greg Abbott

Governor

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate a Granbury Police Department and Department of Public Safety delegation: Chase Miller, Mitch Galvan, D. L. Wilson, Earl "Dub" Gillum Jr., and Lonny Haschel.

The Senate welcomed its guests.

(Senator Watson in Chair)

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate Falfurrias High School students and National History Day Contest finalists: Christian Perez, Jason Perez, Mateo Requenez, Ramiro Soliz, accompanied by Principal Cynthia Perez and Linda Battles.

The Senate welcomed its guests.

(President in Chair)

INTRODUCTION OF

BILLS AND RESOLUTIONS POSTPONED

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

There was no objection.

CONCLUSION OF MORNING CALL

The President at 11:53 a.m. announced the conclusion of morning call.

MOTION TO PLACE

COMMITTEE SUBSTITUTE

HOUSE BILL 91 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSHB 91** at this time on its second reading:

CSHB 91, Relating to a review of occupational licensing requirements and an applicant's criminal history.

POINT OF ORDER

Senator West raised a point of order that **CSHB 91** was in violation of Senate Rule 7.11(b).

POINT OF ORDER WITHDRAWN

Senator West withdrew the point of order.

Senator Huffman withdrew the motion to suspend the regular order of business for **CSHB 91**.

HOUSE BILL 1424 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 1424** at this time on its second reading:

HB 1424, Relating to the operation of an unmanned aircraft over certain facilities or sports venues; creating a criminal offense.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1424** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 423.002(a), Government Code, is amended to read as follows:

(a) It is lawful to capture an image using an unmanned aircraft in this state:

(1) for the purpose of professional or scholarly research and development or for another academic purpose by a person acting on behalf of an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003, Education Code, including a person who:

(A) is a professor, employee, or student of the institution; or

(B) is under contract with or otherwise acting under the direction or on behalf of the institution;

(2) in airspace designated as a test site or range authorized by the Federal Aviation Administration for the purpose of integrating unmanned aircraft systems into the national airspace;

(3) as part of an operation, exercise, or mission of any branch of the United States military;

(4) if the image is captured by a satellite for the purposes of mapping;

(5) if the image is captured by or for an electric or natural gas utility:

(A) for operations and maintenance of utility facilities for the purpose of maintaining utility system reliability and integrity;

(B) for inspecting utility facilities to determine repair, maintenance, or replacement needs during and after construction of such facilities;

(C) for assessing vegetation growth for the purpose of maintaining clearances on utility easements; and

(D) for utility facility routing and siting for the purpose of providing utility service;

(6) with the consent of the individual who owns or lawfully occupies the real property captured in the image;

(7) pursuant to a valid search or arrest warrant;

(8) if the image is captured by a law enforcement authority or a person who is under contract with or otherwise acting under the direction or on behalf of a law enforcement authority:

(A) in immediate pursuit of a person law enforcement officers have reasonable suspicion or probable cause to suspect has committed an offense, not including misdemeanors or offenses punishable by a fine only;

(B) for the purpose of documenting a crime scene where an offense, not including misdemeanors or offenses punishable by a fine only, has been committed;

(C) for the purpose of investigating the scene of:

(i) a human fatality;

(ii) a motor vehicle accident causing death or serious bodily injury

to a person; or

(iii) any motor vehicle accident on a state highway or federal interstate or highway;

(D) in connection with the search for a missing person;

(E) for the purpose of conducting a high-risk tactical operation that poses a threat to human life; or

(F) of private property that is generally open to the public where the property owner consents to law enforcement public safety responsibilities;

(9) if the image is captured by state or local law enforcement authorities, or a person who is under contract with or otherwise acting under the direction or on behalf of state authorities, for the purpose of:

(A) surveying the scene of a catastrophe or other damage to determine whether a state of emergency should be declared;

(B) preserving public safety, protecting property, or surveying damage or contamination during a lawfully declared state of emergency; or

(C) conducting routine air quality sampling and monitoring, as provided by state or local law;

(10) at the scene of a spill, or a suspected spill, of hazardous materials;

(11) for the purpose of fire suppression;

(12) for the purpose of rescuing a person whose life or well-being is in imminent danger;

(13) if the image is captured by a Texas licensed real estate broker in connection with the marketing, sale, or financing of real property, provided that no individual is identifiable in the image;

(14) of real property or a person on real property that is within 25 miles of the United States border;

(15) from a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception;

(16) of public real property or a person on that property;

(17) if the image is captured by the owner or operator of an oil, gas, water, or other pipeline for the purpose of inspecting, maintaining, or repairing pipelines or other related facilities, and is captured without the intent to conduct surveillance on an individual or real property located in this state;

(18) in connection with oil pipeline safety and rig protection;

(19) in connection with port authority surveillance and security;

(20) if the image is captured by a registered professional land surveyor in connection with the practice of professional surveying, as those terms are defined by Section 1071.002, Occupations Code, provided that no individual is identifiable in the image; ~~[or]~~

(21) if the image is captured by a professional engineer licensed under Subchapter G, Chapter 1001, Occupations Code, in connection with the practice of engineering, as defined by Section 1001.003, Occupations Code, provided that no individual is identifiable in the image; or

(22) if the image is:

(A) captured for the purpose of delivering consumer goods that were ordered through an Internet website or mobile application and the operator of the unmanned aircraft is authorized by the Federal Aviation Administration to conduct operations within the airspace from which the image is captured; and

(B) directly related to the purpose described by Paragraph (A), including images captured for purposes of navigation or ensuring public safety.

The amendment to **HB 1424** 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 Burton offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 1424** (senate committee report) in SECTION 4 of the bill, in added Section 423.0046(b), Government Code (page 3, line 13), between "the person" and "operates", by inserting "intentionally or knowingly".

The amendment to **HB 1424** 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 1424 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 1424 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 1424** 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 2 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2** at this time on its second reading:

CSHB 2, Relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.

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 2 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2** 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 298 ON SECOND READING**

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 298** at this time on its second reading:

CSHB 298, Relating to a parent's right to view the body of a deceased child before an autopsy is performed.

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 298 ON THIRD READING**

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 298** be placed on its third reading and final passage.

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

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

REMARKS ORDERED PRINTED

On motion of Senator Campbell and by unanimous consent, her remarks regarding **CSHB 298** were ordered reduced to writing and printed in the *Senate Journal* as follows:

(Remarks prior to second reading)

Thank you, Mr. President. I move to suspend the Senate's regular order of business in order to take up and consider Committee Substitute to House Bill 298. Members, this is the House Bill companion to SB 239 that passed the Senate unanimously earlier this session. I took it off of local and uncontested so I could bring it to the floor today. Current law does not provide protection for parents to view and say goodbye to their deceased child. When a child dies, the parents may be prohibited from seeing the body and saying goodbye until after the body has even gone as far as autopsy. This was the case of my constituent, Laura McDaniel. You know, no parent should have to bury their child, but should the unthinkable happen, the parent should at least have the ability to say goodbye.

(Remarks after final passage)

Members, if you will just allow me this flexibility, I do want to take a moment and recognize a remarkable woman, Laura McDaniel, who's up in our gallery with her son, Logan. Wyatt was her son, who tragically lost his life in an accident when he was buried under a sand pile. Compounding this tragedy was the unforgiveable interference of Laura's right to see and say goodbye to her son until after he had undergone an autopsy. However, Laura took the tragedy and valiantly has fought to pass Wyatt's Law last session, but unfortunately time was not on our side. I'm honored to have her join us today in the gallery to be part of this significant moment. Laura, thank you for your courage, thank you for your passion and your perseverance to take the tragedy that happened to you so that it, hopefully, will not happen to any other parents.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate Laura McDaniel and her son, Logan.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3849 ON SECOND READING**

Senator Nelson moved to suspend the regular order of business to take up for consideration **CSHB 3849** at this time on its second reading:

CSHB 3849, Relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

The motion prevailed.

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

The bill was read second time and was passed to 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.

COMMITTEE SUBSTITUTE HOUSE BILL 3849 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3849** be placed on its third reading and final passage.

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

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

Nays: Burton, Hall.

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

HOUSE BILL 1978 ON SECOND READING

On motion of Senator Buckingham and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1978** at this time on its second reading:

HB 1978, Relating to physician assistant services performed as volunteer care.

The bill was read second time.

Senator Buckingham offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1978** (senate committee report) in SECTION 1 of the bill, in Subsection (d) of amended Section 204.2045, Occupations Code (page 1, line 53), by striking "Subsection (a)" and substituting "Subsection (a)(1) or (2) [~~Subsection (a)~~]".

The amendment to **HB 1978** 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 1978 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 1978 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 1978** 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 Bettencourt in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 4042 ON SECOND READING**

Senator Whitmire moved to suspend the regular order of business to take up for consideration **CSHB 4042** at this time on its second reading:

CSHB 4042, Relating to the sale by certain alcoholic beverage permit holders of alcoholic beverages at auction.

The motion prevailed.

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

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 4042** (senate committee printing) in SECTION 1 of the bill, in amended Section 53.009(a), Alcoholic Beverage Code (page 2, lines 26-27), by striking "to ensure the applicant qualifies under this chapter for [governing]" and substituting "governing".

The amendment to **CSHB 4042** 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 4042 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: Perry.

**COMMITTEE SUBSTITUTE
HOUSE BILL 4042 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 **CSHB 4042** be placed on its third reading and final passage.

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

Nays: Perry.

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

(President in Chair)

HOUSE BILL 2334 ON SECOND READING

Senator Garcia moved to suspend the regular order of business to take up for consideration **HB 2334** at this time on its second reading:

HB 2334, Relating to the imposition of a criminal penalty for the violation of a rule adopted or order issued under the Flood Control and Insurance Act in certain counties.

The motion prevailed.

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

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

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

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

HOUSE BILL 2334 ON THIRD READING

Senator Garcia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2334** be placed on its third reading and final passage.

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

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

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

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

COMMITTEE SUBSTITUTE

HOUSE BILL 3879 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSHB 3879** at this time on its second reading:

CSHB 3879, Relating to nonlawyer representation in an appeal of an eviction suit.

The motion prevailed.

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

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

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

Nays: Zaffirini.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3879 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 3879** be placed on its third reading and final passage.

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

Nays: Zaffirini.

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

(Senator Campbell in Chair)

HOUSE BILL 3218 ON SECOND READING

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3218** at this time on its second reading:

HB 3218, Relating to health maintenance organization contracts with certain entities to provide health care services.

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 3218 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 3218** 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 2565 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **HB 2565** at this time on its second reading:

HB 2565, Relating to the powers and duties of the Big Sky Municipal Utility District of Denton County; providing authority to issue bonds and impose fees and taxes.

The motion prevailed.

Senators Hall and Nelson asked to be recorded as voting "Nay" 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 **HB 2565** (senate committee printing) by striking all below the enacting clause and substituting the following:

ARTICLE 1. POWERS AND DUTIES OF THE BIG SKY MUNICIPAL UTILITY DISTRICT OF DENTON COUNTY

SECTION 1.01. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7973 to read as follows:

CHAPTER 7973. BIG SKY MUNICIPAL UTILITY DISTRICT OF DENTON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7973.001. DEFINITION. In this chapter, "district" means the Big Sky Municipal Utility District of Denton County.

Sec. 7973.002. NATURE AND PURPOSES OF DISTRICT. (a) The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 7973.051. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7973.052. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7973.053. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7973.054. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7973.055. FIREFIGHTING SERVICES. Notwithstanding Section 49.351(a), Water Code, the district may, as authorized by Section 59(f), Article XVI, Texas Constitution, and Section 49.351, Water Code:

(1) establish, operate, and maintain a fire department;

(2) contract with another political subdivision for the joint operation of a fire department; or

(3) contract with any other person to perform firefighting services in the district and may issue bonds and impose taxes to pay for the department and the activities.

Sec. 7973.056. FEES AND CHARGES. (a) The district may adopt and enforce all necessary charges, mandatory fees, or rentals, in addition to taxes, for providing or making available any district facility or service, including firefighting activities provided under Section 7973.055.

(b) To enforce payment of an unpaid fee or charge due to the district, on the request of the district, a retail public utility, as defined by Section 13.002, Water Code, providing water or sewer service to a customer in the district shall terminate the service.

SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

Sec. 7973.101. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS FOR ROAD PROJECTS. (a) In addition to the district's authority to issue bonds for other purposes, the district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for a road project authorized by Section 7973.053.

(b) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

(c) At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

Sec. 7973.102. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the district shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding.

SECTION 1.02. The Big Sky Municipal Utility District of Denton County retains all rights, powers, privileges, authority, duties, and functions that it had before the effective date of this article of this Act.

SECTION 1.03. (a) The legal notice of the intention to introduce a bill relating to the powers and duties of the Big Sky Municipal Utility District, setting forth the general substance of this article of this Act, has been published as provided by law, and the notice and a copy of a bill relating to the powers and duties of the Big Sky

Municipal Utility District have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and a bill relating to the powers and duties of the Big Sky Municipal Utility District to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this article of this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this article of this Act are fulfilled and accomplished.

ARTICLE 2. POWERS AND DUTIES OF THE SMILEY ROAD WATER
CONTROL AND IMPROVEMENT DISTRICT

SECTION 2.01. Section 9001.104, Special District Local Laws Code, is amended to read as follows:

Sec. 9001.104. ~~PROHIBITION ON~~ DIVISION OF DISTRICT. (a) The district may be divided into two or more districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) A new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 9001.004.

(d) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(e) An order dividing the district shall:

(1) name each new district;

(2) include the metes and bounds of each new district;

(3) appoint temporary directors for each new district; and

(4) provide for the division of assets and liabilities between the district and each new district.

(f) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the Texas Commission on Environmental Quality and record the order in the real property records of each county in which the district is located.

(g) A new district may be created by the division of the district only if approved by the voters of the new district in a confirmation and directors' election held for that purpose.

(h) If the district is located wholly or partly in the corporate limits or the extraterritorial jurisdiction of a municipality, the district may not divide under this section unless the municipality by resolution or ordinance consents to the division of the district.

(i) Any new district created by the division of the district must hold an election to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes. [The district may not divide into two or more districts in the manner specified by Section 51.748 or 53.029, Water Code.]

SECTION 2.02. (a) The following are validated and confirmed in all respects:

(1) the creation of the Smiley Road Water Control and Improvement District; and

(2) any act or proceeding of the district, including an election, not excepted by this section and taken not more than three years before the effective date of this Act, effective as of the date on which the act or proceeding occurred.

(b) This section does not apply to:

(1) an act, proceeding, director, other official, bond, or other obligation the validity of which or of whom is the subject of litigation that is pending on the effective date of this Act; or

(2) an act or proceeding that, under a statute of this state or the United States, was a misdemeanor or felony at the time the act or proceeding occurred.

ARTICLE 3. EFFECTIVE DATE

SECTION 3.01. 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 to **HB 2565** 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 2565 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: Hall, Nelson.

HOUSE BILL 2565 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 2565** be placed on its third reading and final passage.

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

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

Nays: Hall, Nelson.

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 3158 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSHB 3158** at this time on its second reading:

CSHB 3158, Relating to the retirement systems for and the provision of other benefits to police and fire fighters in certain municipalities; creating a criminal offense.

The motion prevailed.

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

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 3158** (senate committee printing) as follows:

(1) In SECTION 1.02 of the bill, in amended Section 2.01, Article 6243a-1, Revised Statutes (page 6, between lines 51 and 52), insert the following appropriately numbered subdivision and renumber subsequent subdivisions of the section accordingly:

() "Two-thirds vote," in reference to a vote of all the trustees, means a vote of 8 of the 11 trustees of the board.

(2) In SECTION 1.04 of the bill, strike added Section 2.025(a)(1), Article 6243a-1, Revised Statutes (page 7, lines 8 through 10), and substitute the following:

(1) conclusion regarding whether the pension system meets State Pension Review Board pension funding guidelines; and

(3) In SECTION 1.04 of the bill, strike added Section 2.025(b), Article 6243a-1, Revised Statutes (page 7, lines 13 through 15), and substitute the following:

(b) Subject to Subsection (d) of this section, not later than November 1, 2024, the board shall by rule adopt a plan that:

(1) complies with funding and amortization period requirements applicable to the pension system under Subchapter C, Chapter 802, Government Code; and

(2) takes into consideration the independent actuary's recommendations under Subsection (a)(2) of this section.

(b-1) The board shall provide a copy of the analysis prepared under Subsection (a) of this section and a summary of any rules adopted by the board under Subsection (b) of this section to the State Pension Review Board.

(4) In SECTION 1.04 of the bill, in added Section 2.025(d), Article 6243a-1, Revised Statutes (page 7, lines 25 through 28), strike "August 31, 2025, unless a law is enacted by the 89th Legislature that authorizes the content of the rule. If a law is enacted that authorizes the content of the rule, the rule continues in effect until amended in accordance with this article" and substitute the following:

⋮

(1) a law that is enacted by the legislature and becomes law preempts the rule; or

(2) the board amends the rule and the amendment takes effect, provided the board may only amend the rule if the pension system complies with the funding and amortization period requirements applicable to the pension system under Subchapter C, Chapter 802, Government Code

(5) In SECTION 1.05 of the bill, in amended Section 3.01(b)(1), Article 6243a-1, Revised Statutes (page 7, line 53), between "mayor" and the underlined semicolon, insert ", in consultation with the city council".

(6) In SECTION 1.05 of the bill, strike added Section 3.01(b)(2), Article 6243a-1, Revised Statutes (page 7, lines 54 and 55), and substitute the following:

(2) three trustees elected under rules adopted by the board by the members and pensioners of the pension system from a slate of nominees, in a number determined under the rules, selected and vetted by the nominations committee;

(7) In SECTION 1.05 of the bill, in added Section 3.01(b-2), Article 6243a-1, Revised Statutes (page 8, line 1), between "appointed" and "a", insert "or elected".

(8) In SECTION 1.05 of the bill, in added Section 3.01(b-3), Article 6243a-1, Revised Statutes (page 8, lines 8 and 9), strike "appoint a trustee who meets the requirements of Subsection (b-1) of this section" and substitute "select, vet, and nominate a slate of persons, the number of which is determined by board rule, who meet the requirements of Subsection (b-1) of this section, and the members of the pension system shall elect a trustee from the slate of nominees".

(9) In SECTION 1.05 of the bill, in added Section 3.01(b-3), Article 6243a-1, Revised Statutes (page 8, line 11), strike "An appointment" and substitute "The nomination and election of a trustee".

(10) In SECTION 1.05 of the bill, in amended Section 3.01(d), Article 6243a-1, Revised Statutes (page 8, line 44), between "appointment" and "The", insert ", or election".

(11) In SECTION 1.05 of the bill, in amended Section 3.01(e), Article 6243a-1, Revised Statutes (page 8, line 60), strike "appointed or".

(12) In SECTION 1.05 of the bill, in amended Section 3.01(e), Article 6243a-1, Revised Statutes (page 8, line 62), strike "An appointed trustee" and substitute "A trustee appointed or elected, as applicable, under Subsection (b)(1) or (2) of this section".

(13) In SECTION 1.05 of the bill, in amended Section 3.01(f), Article 6243a-1, Revised Statutes (page 9, lines 12 and 13), strike "The nomination and election of the trustees under Subsection (b)(3) or (4) of this section" and substitute "The election of the trustees under Subsection (b)(2), (3), or (4) of this section, including an election under Subsection (b-3) of this section to fill a trustee position under Subsection (b)(3) or (4) of this section,".

(14) In SECTION 1.05 of the bill, strike added Section 3.01(j-10), Article 6243a-1, Revised Statutes (page 10, lines 54 through 58), and substitute the following:

(j-10) An employee or other agent acting on behalf of the pension system or the city must certify to the State Pension Review Board that any information provided by the pension system or city, as appropriate, under this article or other law is accurate and based on realistic assumptions.

(15) In SECTION 1.05 of the bill, in added Section 3.01(o)(2), Article 6243a-1, Revised Statutes (page 11, line 4), strike "two-thirds of the trustees" and substitute "at least a two-thirds vote of all the trustees".

(16) In SECTION 1.06 of the bill, in added Section 3.011(e), Article 6243a-1, Revised Statutes (page 12, line 19), strike "appoint" and substitute "nominate".

(17) In SECTION 1.06 of the bill, in added Section 3.012(a)(2), Article 6243a-1, Revised Statutes (page 12, line 40), strike "appointed or".

(18) In SECTION 1.06 of the bill, in added Section 3.012(d), Article 6243a-1, Revised Statutes (page 12, line 62), strike "appointing or nominating official or body" and substitute "mayor or nominations committee".

(19) In SECTION 1.06 of the bill, in added Section 3.012(d), Article 6243a-1, Revised Statutes (page 12, lines 66 and 67), strike "appointing or nominating official or body" and substitute "mayor or nominations committee".

(20) In SECTION 1.10 of the bill, in added Section 3.04(b-3), Article 6243a-1, Revised Statutes (page 14, line 46), strike "third" and substitute "second".

(21) In SECTION 1.10 of the bill, in added Section 3.04(b-3), Article 6243a-1, Revised Statutes (page 14, line 49), between "article" and "or", insert ", including Section 3.01(b)(3) or (4) of this article,".

(22) In SECTION 1.10 of the bill, in added Section 3.04(b-3), Article 6243a-1, Revised Statutes (page 14, lines 50 and 51), strike "other than as a trustee".

(23) In SECTION 1.10 of the bill, in added Section 3.04(d), Article 6243a-1, Revised Statutes (page 14, line 58), strike "The" and substitute "If acting in the executive director's own discretion, the".

(24) In SECTION 1.10 of the bill, in added Section 3.04(d), Article 6243a-1, Revised Statutes (page 14, line 62), after the period, insert "If the executive director is acting at the direction of the board and not exercising the executive director's own discretion, the executive director does not owe a fiduciary duty under this subsection."

(25) In SECTION 1.12 of the bill, in added Section 4.02(b)(3), Article 6243a-1, Revised Statutes (page 15, line 44), between "by" and "a", insert "at least".

(26) In SECTION 1.12 of the bill, in added Section 4.02(d)(1)(B), Article 6243a-1, Revised Statutes (page 15, lines 56 and 57), strike "except as provided by Section 4.021(b)(1) of this article,".

(27) In SECTION 1.12 of the bill, in amended Section 4.02(d)(1)(B)(iv), Article 6243a-1, Revised Statutes (page 15, line 68) strike "\$5,724,203" and substitute "\$5,724,000".

(28) In SECTION 1.12 of the bill, in amended Section 4.02(d)(2), Article 6243a-1, Revised Statutes (page 16, line 20), strike "or Section 4.021(b)(2) of this article".

(29) In SECTION 1.12 of the bill, in amended Section 4.02(d)(2), Article 6243a-1, Revised Statutes (page 16, line 21), strike "\$11" and substitute "\$13".

(30) In the recital to SECTION 1.13 of the bill (page 16, line 43), strike "Sections 4.021 and" and substitute "Section".

(31) In SECTION 1.13 of the bill, strike added Section 4.021, Article 6243a-1, Revised Statutes (page 16, line 44, through page 17, line 38).

(32) In SECTION 1.18 of the bill, in added Section 4.071, Article 6243a-1, Revised Statutes (page 21, line 22), between "by" and "a", insert "at least".

(33) In SECTION 1.21 of the bill, strike Section 5.01(a-1), Article 6243a-1, Revised Statutes (page 22, lines 19 through 23), and substitute the following:

(a-1) Group A or Group B members do not include any employee of the city who is:

(1) required by ordinance or who elects, in accordance with an ordinance, to participate in an alternative benefit plan established under Section 3.01(j-1)(2) of this article based on an evaluation under Section 3.01(j-5)(2) of this article; or

(2) required by ordinance to participate in an alternative benefit plan established under Section 810.002, Government Code.

(34) In SECTION 1.28 of the bill, in added Section 6.02(c-2), Article 6243a-1, Revised Statutes (page 33, line 56), strike "If, for purposes of Subsection (c-1) of this section," and substitute "Subject to Subsection (d-3) of this section and for purposes of Subsection (c-1) of this section, if".

(35) In SECTION 1.28 of the bill, in added Section 6.02(d-2), Article 6243a-1, Revised Statutes (page 34, line 42), strike "If, for purposes of Subsection (d) of this section," and substitute "Subject to Subsection (d-3) of this section and for purposes of Subsection (d) of this section, if".

(36) In SECTION 1.28 of the bill, in amended Section 6.02, Article 6243a-1, Revised Statutes (page 34, between lines 54 and 55), insert the following:

(d-3) For purposes of Subsections (c-2) and (d-2) of this section, a Group B member's pension benefit calculated under Subsection (b) of this section shall be calculated without application of any reduction under Subsection (b-1) of this section.

(37) In SECTION 1.41 of the bill, in added Section 6.12(b), Article 6243a-1, Revised Statutes (page 58, line 22), strike "shall" and substitute "may".

(38) In SECTION 1.47 of the bill, in added Section 6A.01(a), Article 6243a-1, Revised Statutes (page 67, line 3), between "by" and "a", insert "at least".

(39) Strike SECTION 1.52(b) of the bill (page 74, line 61, through page 75, line 7), and substitute the following:

(b) The terms of the current trustees expire on the effective date of this article. Subject to Subsection (e) of this section, on that date or as soon as possible after that date:

(1) the mayor shall appoint new trustees to the board in accordance with the requirements of Section 3.01(b)(1), Article 6243a-1, Revised Statutes, as added by this article; and

(2) notwithstanding the requirements of Sections 3.01(b)(2), (3), and (4) and (f), Article 6243a-1, Revised Statutes, as added or amended by this article, that the board in consultation with the nominations committee adopt rules governing the election of trustees appointed under Sections 3.01(b)(2), (3), and (4), Article 6243a-1, Revised Statutes, as added by this article, the nominations committee shall adopt procedures for electing the initial trustees elected under Sections 3.01(b)(2), (3), and (4), Article 6243a-1, Revised Statutes, as added by this article.

(40) Strike SECTION 1.52(d) of the bill (page 75, lines 19 through 23), and substitute the following:

(d) Once all trustees have been appointed or elected to the board under this section, the board shall by majority vote adopt rules establishing a process for electing trustees under Sections 3.01(b)(2), (3), and (4), Article 6243a-1, Revised Statutes, as added by this article.

(41) In ARTICLE 1 of the bill (page 76, between lines 28 and 29), insert the following SECTION and renumber subsequent SECTIONS of the article and cross-references to those SECTIONS accordingly:

SECTION 1.59. Section 6.14(e), Article 6243a-1, Revised Statutes, as amended by this article, applies only to a distribution out of a deferred retirement option plan account that is made on or after the implementation of that section. A distribution out of a deferred retirement option plan account that is made before the implementation of that section is governed by the law in effect when the distribution is made.

(42) In ARTICLE 1 of the bill, add the following appropriately numbered SECTION and renumber subsequent SECTIONS of that ARTICLE accordingly:

SECTION 1.____. Chapter 810, Government Code, is amended by adding Section 810.002 to read as follows:

Sec. 810.002. ALTERNATIVE BENEFIT PLAN FOR CERTAIN MUNICIPALITIES. (a) In this section, "alternative benefit plan" means a continuing, organized benefit plan, including a plan qualified under Section 401(a) of the Internal Revenue Code of 1986, of service retirement, disability retirement, or death benefits for officers or employees of a municipality.

(b) This section applies only to a municipality subject to Article 6243a-1, Revised Statutes.

(c) Notwithstanding any other law and subject to Subsection (f), the governing body of a municipality subject to this section may by ordinance:

(1) establish an alternative benefit plan and determine the benefits, funding source and amount, and administration of the alternative benefit plan; and

(2) require an employee first hired by the municipality on or after the date the alternative benefit plan is implemented to participate in the alternative benefit plan instead of participating in the pension system provided under Article 6243a-1, Revised Statutes.

(d) Each active participant of an alternative benefit plan established under this section shall contribute to the plan an amount, if any, determined by the municipality. The municipality shall contribute for each active participant in an alternative benefit plan established under Subsection (c) an amount determined by the municipality.

(e) A municipality that establishes an alternative benefit plan under this section shall file all reports with the State Pension Review Board required by Chapter 802.

(f) The governing body of a municipality may only establish an alternative benefit plan under this section if:

(1) the qualified actuary of the pension system established under Article 6243a-1, Revised Statutes, determines that after establishment and implementation of the alternative benefit plan, the pension system would continue to comply with funding and amortization period requirements applicable to the pension system under Subchapter C, Chapter 802; and

(2) the State Pension Review Board conducts a review of and validates the determination made under Subdivision (1).

(43) In the heading of ARTICLE 2 of the bill (page 76, line 29) strike "LUMP-SUM".

(44) In SECTION 2.01 of the bill, in the section heading for added Section 6.142, Article 6243a-1, Revised Statutes (page 76, line 32), strike "LUMP-SUM".

(45) In SECTION 2.01 of the bill, in added Section 6.142(a), Article 6243a-1, Revised Statutes (page 76, lines 34 through 36), strike "distribute or allow the distribution of the balance of a DROP participant's DROP account under a single-sum or other lump-sum distribution" and substitute "allow any distribution out of a DROP participant's DROP account".

(46) In SECTION 2.01 of the bill, in added Section 6.142(a), Article 6243a-1, Revised Statutes (page 76, between lines 40 and 41), insert the following subdivision and renumber subsequent subdivisions of the subsection and cross-references to those subdivisions accordingly:

(2) for purposes of making a minimum annual distribution, as described in Section 7 of the DROP addendum policy adopted by the board that took effect on January 12, 2017;

(47) In SECTION 3.02(a) of the bill (page 76, lines 54 and 55), strike "Subsections (b), (d), and (e)" and substitute "Subsections (b) and (d)".

(48) In SECTION 3.02(b) of the bill (page 76, line 61), strike "Except as provided by Subsection (e) of this section,".

(49) In SECTION 3.02(b) of the bill (page 76, line 66), after the period, insert "At the request of the State Pension Review Board and within the time prescribed by the State Pension Review Board, the board of trustees shall provide the data or other information requested by the State Pension Review Board for purposes of making a determination under this subsection."

(50) In SECTION 3.02 of the bill (page 77, between lines 12 and 13), insert the following:

(c-1) The State Pension Review Board shall make the determination described by Subsection (c) of this section based on the data or other information that:

(1) is in the State Pension Review Board's possession on or before August 31, 2017; and

(2) was provided with enough time for the State Pension Review Board to reasonably use the information to make a determination under this section.

(51) Strike SECTION 3.02(e) of the bill (page 77, lines 16 through 20).

The amendment to **CSHB 3158** 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: Bettencourt.

CSHB 3158 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: Bettencourt.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3158 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 3158** 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: Bettencourt.

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)

GUESTS PRESENTED

Senator Menéndez was recognized and introduced to the Senate Alec Mendoza, accompanied by his parents, Cynthia and Edward Mendoza.

The Senate welcomed its guests.

REMARKS ORDERED PRINTED

On motion of Senator Menéndez and by unanimous consent, his remarks regarding Alec Mendoza were ordered reduced to writing and printed in the *Senate Journal* as follows:

Members, it's that time of year where we have an opportunity to recognize some of the hardworking young people in our offices, and today, I will have the pleasure of recognizing a scholar. He's an intern who is an Independent Colleges and Universities of Texas scholar. His name is Alec Mendoza. And Alec, let me tell you, in our office we make everybody have an equal workload, and this session, Alec, not only did he handle Agriculture and Administration, but he was also responsible for 15 pieces of legislation. But, you know, what sets him apart is his ability to do anything in the office, from writing talking points to drafting amendments, Alec has helped every single staff member in the office and worked with every committee. So, they've given him the nicknames "Mr. Utility" or "100 Percent." And his competitive nature and desire to pass bills comes from his time as a star football player here at Bowie High School in Senator Watson's district. And, obviously, it's an advantage because when there are times that he needs to get to the floor in a hurry, I've heard they've timed him to get here from E1.700 hall in about a minute thirty. That's pretty good, still has his wheels. But we've been truly blessed to have Alec. He's a hardworking, genuine individual, someone who is selfless working on our team. And today is a special day for Alec, and I'm so happy to see that in the south gallery joining him today are his mom and dad, Cynthia and Edward. Would y'all join so we can recognize you as well, all y'all, stand up. And let's wish Alec Mendoza a very happy birthday. Alec, not only are we blessed to have you and the people of Senate District 26, but Saint Mary's University made a great choice when they took you. And to the parents,

Cynthia and Edward, y'all should be very, very proud. You've raised a fine young man who is a great team member, and we're proud to have him. Thank you, Madame, thank you, Madame President and Members.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2662 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSHB 2662** at this time on its second reading:

CSHB 2662, Relating to the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility; reducing a surcharge; eliminating a fee.

The motion prevailed.

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

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

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

Nays: Garcia, Menéndez, Zaffirini.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2662 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 2662** 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, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire.

Nays: Garcia, Menéndez, Zaffirini.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 4007 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 4007** at this time on its second reading:

CSHB 4007, Relating to the licensing and regulation of health-related occupations transferred to the Texas Department of Licensing and Regulation.

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 4007 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 4007** 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 1151 ON SECOND READING

On motion of Senator Bettencourt and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1151** at this time on its second reading:

HB 1151, Relating to the deadline for returning a ballot voted by mail.

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 1151 ON THIRD READING

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1151** 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 478 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 478** at this time on its second reading:

CSHB 478, Relating to civil liability for removing certain individuals from a motor vehicle.

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 478 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 478** 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 674 ON SECOND READING**

Senator Garcia moved to suspend the regular order of business to take up for consideration **CSHB 674** at this time on its second reading:

CSHB 674, Relating to the suspension of a student enrolled in a grade level below grade three from public school and to a positive behavior program for public schools.

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

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

Nays: Bettencourt, Birdwell, Burton, Creighton, Hall, Hancock, Perry, Schwertner, Taylor of Collin.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 674 ON THIRD READING**

Senator Garcia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 674** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Burton, Creighton, Hancock, Perry, Schwertner.

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

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

Nays: Bettencourt, Birdwell, Burton, Creighton, Hall, Hancock, Perry, Schwertner, Taylor of Collin.

HOUSE BILL 2466 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 2466** at this time on its second reading:

HB 2466, Relating to coverage for certain services related to maternal depression under the Medicaid and child health plan programs.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2466** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 32.025, Human Resources Code, is amended by adding Subsection (g) to read as follows:

(g) The application form adopted under this section must include:

(1) for an applicant who is pregnant, a question regarding whether the pregnancy is the woman's first gestational pregnancy; and

(2) a question regarding the applicant's preferences for being contacted, as follows:

"If you are determined eligible for benefits, your managed care organization or health plan provider may contact you by telephone, text message, or e-mail about health care matters, including reminders for appointments and information about immunizations or well check visits. All preferred methods of contact listed on this application will be shared with your managed care organization or health plan provider. Please indicate below your preferred methods of contact in order of preference, with the number 1 being the most preferable method:

(1) By telephone (if contacted by cellular telephone, the call may be autodialed or prerecorded, and your carrier's usage rates may apply)? Yes No

Telephone number: _____

Order of preference: 1 2 3 (circle a number)

(2) By text message (a free autodialed service, but your carrier may charge message and data rates)? Yes No

Cellular telephone number: _____

Order of preference: 1 2 3 (circle a number)

(3) By e-mail? Yes No

E-mail address: _____

Order of preference: 1 2 3 (circle a number)".

(b) Not later than January 1, 2018, the executive commissioner of the Health and Human Services Commission shall adopt a revised application form for medical assistance benefits that conforms to the requirements of Section 32.025(g), Human Resources Code, as added by this section.

The amendment to **HB 2466** 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 2466 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 2466 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 2466** 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 3765 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3765** at this time on its second reading:

HB 3765, Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

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 3765 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 3765** 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 2369 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 2369** at this time on its second reading:

HB 2369, Relating to municipal fees charged to public school districts for water and sewer service.

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 2369 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 2369** 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)

MOTION IN WRITING

Senator Birdwell offered the following Motion In Writing:

Mr. President:

I move that the nomination of Clyde M. Siebman as the Presiding Officer of the Grayson County Regional Mobility Authority be withdrawn from the Committee on Nominations, and I further move that the nomination be returned to the Governor pursuant to his request.

BIRDWELL

The Motion In Writing was read and prevailed without objection.

HOUSE BILL 2119 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **HB 2119** at this time on its second reading:

HB 2119, Relating to workers' compensation death benefit eligibility for certain spouses of first responders killed in the line of duty.

The motion prevailed.

Senators Hall 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: Hall, Taylor of Collin.

HOUSE BILL 2119 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 **HB 2119** be placed on its third reading and final passage.

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

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

Nays: Hall, 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 2776 ON SECOND READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSHB 2776** at this time on its second reading:

CSHB 2776, Relating to the right of certain appellants to supersede a judgment or order on appeal.

The motion prevailed.

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

The bill was read second time and was passed to third reading by the following vote: Yeas 26, Nays 5.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 2776 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 **CSHB 2776** be placed on its third reading and final passage.

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

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

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 13 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 13** at this time on its second reading:

CSHB 13, Relating to the creation of a matching grant program to support community mental health programs for individuals experiencing mental illness.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 13** (Senate committee printing) in SECTION 1 of the bill, in added Section 531.0999, Government Code, as follows:

(1) Immediately following added Section 531.0999(1), Government Code (page 2, after line 52), insert the following: "(m) The commission shall implement a process to better coordinate all behavioral health grants administered by the commission in a manner that streamlines the administrative processes at the commission and decreases the administrative burden on applicants applying for multiple grants. This may include the development of a standard application for multiple behavioral health grants."

The amendment to **CSHB 13** 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 13** (senate committee printing) in SECTION 1 of the bill, in added Section 531.0999(i), Government Code (page 2, line 36), by striking "40" and substituting "50".

The amendment to **CSHB 13** 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 13 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 13 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 13** 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 1787 ON SECOND READING

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1787** at this time on its second reading:

HB 1787, Relating to the execution of a declaration for mental health treatment.

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 1787 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 1787** be placed on its third reading and final passage.

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

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

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

Senator 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 8:00 p.m. today.

Thank you Mr. President.

KOLKHORST

The Motion In Writing was read and prevailed without objection.

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 42, SB 74, SB 78, SB 291, SB 295, SB 298, SB 304, SB 313, SB 331, SB 500, SB 524, SB 654, SB 705, SB 826, SB 944, SB 957, SB 1062, SB 1105, SB 1131, SB 1196, SB 1221, SB 1253, SB 1748, SB 1758, SB 1873, SB 2080, SB 2087, HB 25, HB 66, HB 129, HB 431, HB 626, HB 651, HB 655, HB 657, HB 678, HB 789, HB 791, HB 834, HB 871, HB 874, HB 932, HB 938, HB 965, HB 998, HB 1103, HB 1117, HB 1449, HB 1625, HB 1645, HB 1699, HB 1704, HB 1729, HB 1921, HB 2067, HB 2180, HB 2788, HB 2927, HB 3049, HB 3101, HB 3481, HB 3903, HCR 30, HCR 45, HCR 56, HCR 105, HCR 122.

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.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Nichols and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation might meet at the back rail and consider **HB 1986** today.

RECESS

On motion of Senator Whitmire, the Senate at 2:42 p.m. recessed until 3:30 p.m. today.

AFTER RECESS

The Senate met at 3:35 p.m. and was called to order by the President.

HOUSE BILL 2157 ON SECOND READING

On motion of Senator Bettencourt and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2157** at this time on its second reading:

HB 2157, Relating to the requirements for a candidate's application or petition for a place on the ballot.

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 2157 ON THIRD READING

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2157** 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 1426 ON SECOND READING**

Senator Burton moved to suspend the regular order of business to take up for consideration **CSHB 1426** at this time on its second reading:

CSHB 1426, Relating to the issuance of a certificate of relief from collateral consequences to certain persons placed on community supervision, including deferred adjudication community supervision, for certain criminal offenses.

The motion prevailed.

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

The bill was read second time.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1426** (senate committee printing) in SECTION 1 of the bill, in added Article 68.005, Code of Criminal Procedure (page 2, between lines 47 and 48), by adding the following appropriately lettered subsection:

() Subsection (a) does not apply to:

(1) an educator employed by or seeking employment by a school district, district of innovation, open-enrollment charter school, regional education service center, or shared services arrangement;

(2) a person who holds or seeks a certificate issued by the State Board for Educator Certification under Subchapter B, Chapter 21, Education Code; or

(3) a person required to be licensed by a state agency to be employed by a school district, as provided by Section 21.003, Education Code.

The amendment to **CSHB 1426** 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 1426 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: Hancock, Huffman, Schwertner.

COMMITTEE SUBSTITUTE HOUSE BILL 1426 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 **CSHB 1426** 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, Hinojosa, Huffines, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Hancock, Huffman, 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 1298 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 1298** at this time on its second reading:

HB 1298, Relating to the definition of commercial property insurance for purposes of certain provisions governing insurance rates and policy forms.

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 1298 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 1298** 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 1944 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 1944** at this time on its second reading:

HB 1944, Relating to captive insurance companies.

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 1944 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 1944** 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 2445 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **HB 2445** at this time on its second reading:

HB 2445, Relating to the use of municipal hotel occupancy tax revenue in certain municipalities.

The motion prevailed.

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

The bill was read second time.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2445** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 334.001, Local Government Code, is amended by amending Subdivisions (1) and (4) and adding Subdivision (1-a) to read as follows:

(1) "Active transportation" means transportation that is wholly or primarily powered by human energy. The term includes walking, running, and bicycling.

(1-a) "Approved venue project" means a sports and community venue project that has been approved under this chapter by the voters of a municipality or county.

(4) "Venue" means:

(A) an arena, coliseum, stadium, or other type of area or facility:

(i) that is used or is planned for use for one or more professional or amateur sports events, community events, or other sports events, including rodeos, livestock shows, agricultural expositions, promotional events, and other civic or charitable events; and

(ii) for which a fee for admission to the events is charged or is planned to be charged;

(B) a convention center, convention center facility as defined by Section 351.001(2) or 352.001(2), Tax Code, or related improvement such as a civic center hotel, theater, opera house, music hall, rehearsal hall, park, zoological park, museum, aquarium, or plaza located in the vicinity of a convention center or facility owned by a municipality or a county;

(C) a tourist development area [~~along an inland waterway~~];

(D) a municipal parks and recreation system, or improvements or additions to a parks and recreation system, or an area or facility, including an area or facility for active transportation use, that is part of a municipal parks and recreation system;

(E) a project authorized by Section 4A or 4B, Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), as that Act existed on September 1, 1997; [~~and~~]

(F) a watershed protection and preservation project; a recharge, recharge area, or recharge feature protection project; a conservation easement; or an open-space preservation program intended to protect water; and

(G) an airport facility located in a municipality located on the international border.

SECTION _____. Section 334.1015, Local Government Code, is amended to read as follows:

Sec. 334.1015. APPLICATION. (a) Except as provided by Subsection (b), this [~~This~~] subchapter does not apply to the financing of a venue project that is an area or facility that is part of a municipal parks and recreation system.

(b) A municipality located on the international border may finance a venue project described by Section 334.001(4)(D) with the revenue from a tax imposed under this subchapter.

SECTION _____. Section 334.2515, Local Government Code, is amended to read as follows:

Sec. 334.2515. APPLICATION. Except as provided by Section 334.2516, this subchapter does not apply to the financing of a venue project that is:

(1) an area described by Section 334.001(4)(C);

(2) an area or facility that is part of a municipal parks and recreation system as described by Section 334.001(4)(D); [~~or~~]

(3) [~~(2)~~] a project described by Section 334.001(4)(E), except for a project [~~projects~~] described by [~~in~~] Section 334.001(4)(A); or

(4) a facility described by Section 334.001(4)(G).

SECTION _____. Section 351.005, Tax Code, is amended to read as follows:

Sec. 351.005. REIMBURSEMENT FOR EXPENSES OF TAX COLLECTION AND USE OF ELECTRONIC TAX ADMINISTRATION SYSTEM. (a) A municipality may permit a person who is required to collect and pay over to the municipality the tax authorized by this chapter to withhold not more than one percent of the amount of the tax collected and required to be reported as reimbursement to the person for the cost of [costs in] collecting the tax [and, if applicable, the use of an electronic tax administration system described by Section 351.1012].

(b) If a municipality uses revenue derived from the tax authorized by this chapter to create, maintain, operate, or administer an electronic tax administration system as authorized by Section 351.1012, the municipality shall permit a person who is required to collect and pay over to the municipality the tax authorized by this chapter to withhold not more than one percent of the amount of the tax collected and required to be reported as reimbursement to the person for the cost of collecting the tax.

(c) The municipality may provide that the reimbursement provided or required by this section be forfeited because of a failure to pay the tax or to file a report as required by the municipality.

SECTION _____. Section 351.101, Tax Code, is amended by amending Subsection (g) and adding Subsections (g-1) and (o) to read as follows:

(g) This [Nothing in this] section does not [shall] prohibit a [any private entity,] person that receives a grant from a municipality to conduct an activity authorized by Subsection (a)(4)[, or organization] from making a grant [subgrants] by contract to another [any other] person to conduct an activity authorized by that subdivision[; entity, or private organization for expenditures under Section 351.101(a)(4)]. A person that receives a grant from a grantee of the municipality under this subsection [subgrantee] shall:

(1) at least annually submit a report of the person's expenditures of funds received from the grantee [make periodic reports] to the governing body of the municipality [of its expenditures from the tax authorized by this chapter]; and

(2) make records of those [these] expenditures available for review to the governing body of the municipality and any [or] other person.

(g-1) A municipality may not require a person that receives funds directly from the municipality through a grant to conduct an activity authorized by Subsection (a)(4) to waive a right guaranteed by law to the person or to enter into an agreement with another person.

(o) In addition to the purposes provided by Subsection (a), a municipality that has a population of not more than 10,000, that contains an outdoor gear and sporting goods retailer with retail space larger than 175,000 square feet, and that hosts an annual wiener dog race may use revenue from the municipal hotel occupancy tax to promote tourism and the convention and hotel industry by constructing, operating, or expanding a sporting related facility or sports field owned by the municipality, if the majority of the events at the facility or field are directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels in the municipality. If a municipality to which this subsection applies uses revenue derived from the municipal hotel occupancy tax for a purpose described by this subsection, the municipality may not reduce the percentage of revenue from

that tax allocated for a purpose described by Subsection (a)(3) to a percentage that is less than the average percentage of that revenue allocated by the municipality for that purpose during the 36-month period preceding the date the municipality begins using the revenue for a purpose described by this subsection.

SECTION _____. Section 351.1012(a), Tax Code, is amended to read as follows:

(a) Notwithstanding any other provision of this chapter, a municipality may spend each year not more than the lesser of one percent or \$75,000 of the revenue derived from the tax authorized by this chapter during that year for the creation, maintenance, operation, and administration of an electronic tax administration system. A municipality may not use revenue the municipality is authorized to spend under this subsection to conduct an audit.

SECTION _____. Section 351.102, Tax Code, is amended by amending Subsections (b), (c), and (d) and adding Subsections (e) and (f) to read as follows:

(b) An eligible central municipality, a municipality with a population of 173,000 or more that is located within two or more counties, a municipality with a population of 96,000 or more that is located in a county that borders Lake Palestine or contains the headwaters of the San Gabriel River, or a municipality with a population of at least 99,900 but not more than 111,000 that is located in a county with a population of at least 135,000 may pledge the revenue derived from the tax imposed under this chapter from a hotel project that is owned by or located on land owned by the municipality or, in an eligible central municipality, by a nonprofit corporation acting on behalf of an eligible central municipality, and that is located within 1,000 feet of a convention center facility owned by the municipality for the payment of bonds or other obligations issued or incurred to acquire, lease, construct, and equip the hotel and any facilities ancillary to the hotel, including convention center entertainment-related facilities, meeting spaces, restaurants, shops, street and water and sewer infrastructure necessary for the operation of the hotel or ancillary facilities, and parking facilities within 1,000 feet of the hotel or convention center facility. For bonds or other obligations issued under this subsection, an eligible central municipality or a municipality described by this subsection or Subsection (e) may only pledge revenue or other assets of the hotel project benefiting from those bonds or other obligations.

(c) Except as provided by this subsection, a [A] municipality to which Subsection (b) or (e) applies is entitled to receive all funds from a project described by this section that an owner of a project may receive under Section 151.429(h) of this code, or Section 2303.5055, Government Code, and may pledge the funds for the payment of obligations issued under this section. A municipality described by Subsection (e) is not entitled to receive funds from a project under this subsection unless the municipality has pledged the revenue derived from the tax imposed under this chapter from the project for the payment of bonds or other obligations issued or incurred for the project.

(d) Except as provided by this subsection, an eligible central municipality or another municipality described by Subsection (b) or (e) that uses revenue derived from the tax imposed under this chapter or funds received under Subsection (c) for a hotel project described by Subsection (b) may not reduce the percentage of revenue from the tax imposed under this chapter and allocated for a purpose described by Section 351.101(a)(3) to a percentage that is less than the average percentage of that

revenue allocated by the municipality for that purpose during the 36-month period preceding the date the municipality begins using the revenue or funds for the hotel project. This subsection does not apply to an eligible central municipality described by Section 351.001(7)(D).

(e) In addition to the municipalities described by Subsection (b), that subsection also applies to:

(1) a municipality with a population of at least 110,000 but not more than 135,000 at least part of which is located in a county with a population of not more than 135,000;

(2) a municipality with a population of at least 9,000 but not more than 10,000 that is located in two counties, each of which has a population of at least 662,000 and a southern border with a county with a population of 2.3 million or more;

(3) a municipality with a population of at least 200,000 but not more than 300,000 that contains a component institution of the Texas Tech University System;

(4) a municipality with a population of at least 95,000 that borders Lake Lewisville;

(5) a municipality that:

(A) contains a portion of Cedar Hill State Park;

(B) has a population of more than 45,000;

(C) is located in two counties, one of which has a population of more than two million and one of which has a population of more than 149,000; and

(D) has adopted a capital improvement plan for the construction or expansion of a convention center facility;

(6) a municipality with a population of less than 6,000 that:

(A) is located in two counties each with a population of 600,000 or more that are both adjacent to a county with a population of two million or more;

(B) has full-time police and fire departments; and

(C) has adopted a capital improvement plan for the construction or expansion of a convention center facility;

(7) a municipality with a population of at least 56,000 that:

(A) borders Lake Ray Hubbard; and

(B) is located in two counties, one of which has a population of less than 80,000;

(8) a municipality with a population of more than 83,000, that borders Clear Lake, and that is primarily located in a county with a population of less than 300,000; and

(9) a municipality that holds an annual jalapeño festival and is the county seat of a county that:

(A) borders the United Mexican States;

(B) has a population of less than 300,000; and

(C) contains one or more municipalities with a population of 200,000 or more.

(f) A municipality described by Subsection (e)(3) that uses revenue derived from the tax imposed under this chapter or funds received under Subsection (c) for repayment of bonds or other obligations issued or incurred for a hotel project described by Subsection (b) may not, in a fiscal year that begins after construction of

the hotel project is complete and during any part of which the bonds or other obligations are outstanding, reduce the amount of revenue derived from the tax imposed under this chapter and allocated for a purpose described by Section 351.101(a)(6) to an amount that is less than the sum of:

(1) the amount of the revenue derived from the tax imposed under this chapter and allocated by the municipality for a purpose described by Section 351.101(a)(6) during the fiscal year beginning October 1, 2016; and

(2) three percent of the amount of revenue derived from the tax imposed under this chapter during the fiscal year for which the amount required by this subsection is being determined.

SECTION _____. Subchapter B, Chapter 351, Tax Code, is amended by adding Section 351.10711 to read as follows:

Sec. 351.10711. ALLOCATION OF REVENUE FOR MAINTENANCE, ENHANCEMENT, AND UPGRADE OF SPORTS FACILITIES AND FIELDS BY CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality that is the county seat of a county that has a population of more than 10,000 and contains a portion of Mound Lake.

(b) In addition to other authorized uses, a municipality to which this section applies may use revenue derived from the tax imposed under this chapter to promote tourism by maintaining, enhancing, or upgrading sports facilities or fields, provided that:

(1) the requirements of Section 351.1076 are met if the municipality uses the revenue to enhance or upgrade a sports facility or field;

(2) the municipality owns the sports facilities or fields; and

(3) the sports facilities and fields have been used, in the preceding calendar year, a combined total of more than 10 times for district, state, regional, or national sports tournaments.

(c) A municipality that uses revenue derived from the tax imposed under this chapter as authorized by Subsection (b) may not reduce the percentage of revenue from the tax imposed under this chapter and allocated for a purpose described by Section 351.101(a)(3) to a percentage that is less than the average percentage of that revenue allocated by the municipality for that purpose during the 36-month period preceding the date the municipality begins using the revenue as authorized by Subsection (b).

SECTION _____. Section 351.1076(a), Tax Code, is amended to read as follows:

(a) A municipality that spends municipal hotel occupancy tax revenue for the enhancement and upgrading of existing sports facilities or fields as authorized by Section 351.101(a)(7) or 351.10711:

(1) shall determine the amount of municipal hotel occupancy tax revenue generated for the municipality by hotel activity attributable to the sports events and tournaments held on the enhanced or upgraded facilities or fields for five years after the date the enhancements and upgrades are completed; and

(2) may not spend hotel occupancy tax revenue for the enhancement and upgrading of the facilities or fields in a total amount that exceeds the amount of area hotel revenue attributable to the enhancements and upgrades.

SECTION 8. Section 351.1078, Tax Code, is amended to read as follows:

Sec. 351.1078. ALLOCATION OF REVENUE: CERTAIN MUNICIPALITIES.

(a) A municipality that spends municipal hotel occupancy tax revenue as authorized by Section 351.101(i) or (o):

(1) may not use municipal hotel occupancy tax revenue for the acquisition of land for the sporting related facility or sports field described by that subsection;

(2) shall annually determine and prepare and publish on the municipality's Internet website a report on the events held at the facility or field, the number of hotel room nights attributable to events held at the facility or field, and the amount of hotel revenue and municipal tax revenue attributable to the sports events and tournaments held at the facility or field for five years after the date the construction expenditures are completed; and

(3) may only spend hotel occupancy tax revenue for operational expenses of the facility or field if the costs are directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels in or near the municipality.

(b) The municipality shall reimburse to the municipality's hotel occupancy tax revenue fund from the municipality's general fund any expenditure in excess of the amount of area hotel revenue attributable to sporting events held at the sporting related facility or sports field described by Section 351.101(i) or (o) for five years after the date the construction or expansion of the facility or field described by that subsection is completed.

SECTION _____. Section 352.002, Tax Code, is amended by adding Subsection (x) to read as follows:

(x) The commissioners court of a county that has a population of less than 100,000 and that borders Lake Ray Roberts may impose a tax as provided by Subsection (a).

SECTION _____. Section 352.003, Tax Code, is amended by adding Subsection (u) to read as follows:

(u) The tax rate in a county authorized to impose the tax under Section 352.002(x) may not exceed two percent of the price paid for a room in a hotel.

SECTION _____. Section 352.103, Tax Code, is amended to read as follows:

Sec. 352.103. USE OF REVENUE: COUNTIES WITH NO MUNICIPALITY.

(a) Except as provided by Subsection (b), the [The] revenue from a tax imposed under this chapter by a county that has no municipality may be used only for:

(1) the purposes provided by Sections 351.101(a)(1), (2), and (4);

(2) advertising for general promotional and tourist advertising of the county and conducting a solicitation program to attract conventions and visitors either by the county or through contracts with persons or organizations selected by the commissioners court; and

(3) historical preservation and restoration.

(b) Notwithstanding any other provision of this chapter, a county described by Subsection (a) that owns an airport may use revenue from a tax imposed under this chapter for repairs and improvements to the county airport or reimbursement for repairs and improvements to the airport.

(c) A county to which Subsection (b) applies may not use revenue from a tax imposed under this chapter for a purpose described by Subsection (b) in a total amount that would exceed the amount of hotel revenue in the county that is likely to be reasonably attributable to guests traveling through the airport during the 15-year period beginning on the date the county first uses the tax revenue for that purpose.

(d) A county to which Subsection (b) applies may not use revenue from a tax imposed under this chapter for a purpose described by Subsection (b) after the 10th anniversary of the date the county first uses that revenue for that purpose.

SECTION _____. Subchapter B, Chapter 352, Tax Code, is amended by adding Section 352.113 to read as follows:

Sec. 352.113. USE OF REVENUE: CERTAIN COUNTIES BORDERING LAKE RAY ROBERTS. In addition to the purposes authorized by this chapter, the revenue from a tax imposed under this chapter by a county authorized to impose the tax under Section 352.002(x) may be used for any purpose described by Section 352.101(a).

The amendment to **HB 2445** was read and was adopted by the following vote: Yeas 23, Nays 5, Present-not voting 2.

Yeas: Birdwell, Buckingham, Campbell, Creighton, Estes, Garcia, Hall, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Uresti, Whitmire, Zaffirini.

Nays: Bettencourt, Burton, Hancock, Taylor of Collin, Watson.

Present-not voting: Huffines, West.

Absent: Taylor of Galveston.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 2445** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 351.101, Tax Code, is amended by adding Subsection (n) to read as follows:

(n) In addition to other authorized uses, a municipality that has a population of not more than 1,500 and is located in a county that borders Arkansas and Louisiana may use revenue from the municipal hotel occupancy tax for the promotion of tourism by the enhancement and upgrading of an existing sports facility or field as specified by Subsection (a)(7), provided that the requirements of Subsections (a)(7)(A) and (C) and Section 351.1076 are met.

SECTION _____. Section 351.1076(a), Tax Code, is amended to read as follows:

(a) A municipality that spends municipal hotel occupancy tax revenue for the enhancement and upgrading of existing sports facilities or fields as authorized by Section 351.101(a)(7) or (n):

(1) shall determine the amount of municipal hotel occupancy tax revenue generated for the municipality by hotel activity attributable to the sports events and tournaments held on the enhanced or upgraded facilities or fields for five years after the date the enhancements and upgrades are completed; and

(2) may not spend hotel occupancy tax revenue for the enhancement and upgrading of the facilities or fields in a total amount that exceeds the amount of area hotel revenue attributable to the enhancements and upgrades.

The amendment to **HB 2445** 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: Bettencourt, Huffines.

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

Floor Amendment No. 3

Amend **HB 2445** by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill appropriately:

SECTION ____ . Section 33.604(b), Natural Resources Code, is amended to read as follows:

(b) The account consists of:

- (1) all money appropriated for the purposes of this subchapter;
- (2) grants to this state from the United States for the purposes of this subchapter;
- (3) all money received by this state from the sale of dredged material; ~~and~~
- (4) penalties or costs collected under Section 61.0184 or 63.1814; and
- (5) money transferred to the account under Section 156.252, Tax Code.

SECTION ____ . Subchapter F, Chapter 156, Tax Code, is amended by adding Section 156.252 to read as follows:

Sec. 156.252. ALLOCATION OF CERTAIN REVENUE TO BENEFIT COASTAL COUNTIES. (a) In this section, "coastal county" means any county adjacent to:

- (1) the Gulf of Mexico; or
- (2) Corpus Christi Bay.

(b) Beginning with the state fiscal year beginning September 1, 2019, and except as provided by Subsection (d), the comptroller shall, not later than September 30 of each state fiscal year:

- (1) compute the amount of revenue derived from the collection of taxes imposed under this chapter at a rate of two percent and received from hotels located in coastal counties during the preceding state fiscal year; and
- (2) transfer that amount to the coastal erosion response account created under Section 33.604, Natural Resources Code.

(c) Revenue transferred under this section may be appropriated only to the General Land Office for a purpose consistent with Subchapter H, Chapter 33, Natural Resources Code, that benefits a coastal county.

(d) Revenue derived from the collection of taxes under this chapter that is placed in a suspense account under Section 151.429(h) or under Section 2303.5055(f), Government Code, is excluded from the computation required by Subsection (b)(1).

The amendment to **HB 2445** was read and was adopted by the following vote: Yeas 17, Nays 12.

Yeas: Buckingham, Creighton, Estes, Garcia, Hall, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Perry, Rodríguez, Schwertner, Taylor of Galveston, Zaffirini.

Nays: Bettencourt, Birdwell, Burton, Campbell, Hancock, Huffines, Nelson, Nichols, Taylor of Collin, Uresti, Watson, West.

Absent: Seliger, Whitmire.

Senator Hancock offered the following amendment to the bill:

Floor Amendment No. 4

Amend **HB 2445** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 351.002, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) A municipality may not adopt or enforce an ordinance, regulation, or other measure that effectively prohibits more than 10 percent of the residential property located within the corporate boundaries of the municipality from being offered to a person under a lease, concession, right of access, license, contract, or agreement described by Subsection (a), regardless of the homestead status of the property.

The amendment to **HB 2445** was read and was adopted by the following vote: Yeas 22, Nays 8.

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

Nays: Bettencourt, Garcia, Hinojosa, Menéndez, Nelson, Rodríguez, Uresti, Watson.

Absent: Seliger.

Senator Buckingham offered the following amendment to the bill:

Floor Amendment No. 5

Amend **HB 2445** by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 351.102, Tax Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (e) to read as follows:

(b) An eligible central municipality, a municipality with a population of 173,000 or more that is located within two or more counties, a municipality with a population of 96,000 or more that is located in a county that borders Lake Palestine or contains the headwaters of the San Gabriel River, or a municipality with a population of at least

99,900 but not more than 111,000 that is located in a county with a population of at least 135,000 may pledge the revenue derived from the tax imposed under this chapter from a hotel project that is owned by or located on land owned by the municipality or, in an eligible central municipality, by a nonprofit corporation acting on behalf of an eligible central municipality, and that is located within 1,000 feet of a convention center facility owned by the municipality for the payment of bonds or other obligations issued or incurred to acquire, lease, construct, and equip the hotel and any facilities ancillary to the hotel, including convention center entertainment-related facilities, meeting spaces, restaurants, shops, street and water and sewer infrastructure necessary for the operation of the hotel or ancillary facilities, and parking facilities within 1,000 feet of the hotel or convention center facility. For bonds or other obligations issued under this subsection, an eligible central municipality or a municipality described by this subsection or Subsection (e) may only pledge revenue or other assets of the hotel project benefiting from those bonds or other obligations.

(c) A municipality to which Subsection (b) or (e) applies is entitled to receive all funds from a project described by this section that an owner of a project may receive under Section 151.429(h) of this code, or Section 2303.5055, Government Code, and may pledge the funds for the payment of obligations issued under this section.

(d) Except as provided by this subsection, an eligible central municipality or another municipality described by Subsection (b) or (e) that uses revenue derived from the tax imposed under this chapter or funds received under Subsection (c) for a hotel project described by Subsection (b) may not reduce the percentage of revenue from the tax imposed under this chapter and allocated for a purpose described by Section 351.101(a)(3) to a percentage that is less than the average percentage of that revenue allocated by the municipality for that purpose during the 36-month period preceding the date the municipality begins using the revenue or funds for the hotel project. This subsection does not apply to an eligible central municipality described by Section 351.001(7)(D).

(e) In addition to the municipalities described by Subsection (b), that subsection also applies to a municipality that is the county seat of a county described by Section 352.002(a)(21).

The amendment to **HB 2445** 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 except as follows:

Nays: Bettencourt, Huffines.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 6

Amend **HB 2445** by Stucky (senate committee printing) by adding the appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 351.001(7), Tax Code, is amended to read as follows:

(7) "Eligible central municipality" means:

(A) a municipality with a population of more than 140,000 but less than 1.5 million that is located in a county with a population of one million or more and that has adopted a capital improvement plan for the construction or expansion of a convention center facility;

(B) a municipality with a population of 250,000 or more that:

(i) is located wholly or partly on a barrier island that borders the Gulf of Mexico;

(ii) is located in a county with a population of 300,000 or more; and

(iii) has adopted a capital improvement plan to expand an existing convention center facility;

(C) a municipality with a population of 116,000 or more that:

(i) is located in two counties both of which have a population of 660,000 or more; and

(ii) has adopted a capital improvement plan for the construction or expansion of a convention center facility;

(D) a municipality with a population of less than 50,000 that contains a general academic teaching institution that is not a component institution of a university system, as those terms are defined by Section 61.003, Education Code; ~~or~~

(E) a municipality with a population of 640,000 or more that:

(i) is located on an international border; and

(ii) has adopted a capital improvement plan for the construction or expansion of a convention center facility;

(F) a municipality with a population of 75,000 or more that:

(i) is located wholly in one county with a population of 575,000 or more that is adjacent to a county with a population of four million or more; and

(ii) has adopted a capital improvement plan for the construction or expansion of a convention center facility;

(G) a municipality with a population of less than 75,000 that is located in three counties, at least one of which has a population of at least four million; or

(H) an eligible coastal municipality with a population of more than 3,000 but less than 5,000.

The amendment to **HB 2445** 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 except as follows:

Nays: Bettencourt, Birdwell.

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

Floor Amendment No. 7

Amend **HB 2445** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 351.102, Tax Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (f) to read as follows:

(b) An eligible central municipality, a municipality with a population of 173,000 or more that is located within two or more counties, a municipality with a population of 96,000 or more that is located in a county that borders Lake Palestine or contains the headwaters of the San Gabriel River, or a municipality with a population of at least 99,900 but not more than 111,000 that is located in a county with a population of at least 135,000 may pledge the revenue derived from the tax imposed under this chapter from a hotel project that is owned by or located on land owned by the municipality or, in an eligible central municipality, by a nonprofit corporation acting on behalf of an eligible central municipality, and that is located within 1,000 feet of a convention center facility owned by the municipality for the payment of bonds or other obligations issued or incurred to acquire, lease, construct, and equip the hotel and any facilities ancillary to the hotel, including convention center entertainment-related facilities, meeting spaces, restaurants, shops, street and water and sewer infrastructure necessary for the operation of the hotel or ancillary facilities, and parking facilities within 1,000 feet of the hotel or convention center facility. For bonds or other obligations issued under this subsection, an eligible central municipality or a municipality described by this subsection or Subsection (f) may only pledge revenue or other assets of the hotel project benefiting from those bonds or other obligations.

(c) A municipality to which Subsection (b) or (f) applies is entitled to receive all funds from a project described by this section that an owner of a project may receive under Section 151.429(h) of this code, or Section 2303.5055, Government Code, and may pledge the funds for the payment of obligations issued under this section.

(d) Except as provided by this subsection, an eligible central municipality or another municipality described by Subsection (b) or (f) that uses revenue derived from the tax imposed under this chapter or funds received under Subsection (c) for a hotel project described by Subsection (b) may not reduce the percentage of revenue from the tax imposed under this chapter and allocated for a purpose described by Section 351.101(a)(3) to a percentage that is less than the average percentage of that revenue allocated by the municipality for that purpose during the 36-month period preceding the date the municipality begins using the revenue or funds for the hotel project. This subsection does not apply to an eligible central municipality described by Section 351.001(7)(D).

(f) In addition to the municipalities described by Subsection (b), that subsection also applies to a municipality with a population of less than 2,000 that:

- (1) is located adjacent to a bay connected to the Gulf of Mexico;
- (2) is located in a county with a population of 290,000 or more that is adjacent to a county with a population of four million or more; and
- (3) has a boardwalk on the bay.

The amendment to **HB 2445** 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 except as follows:

Nays: Bettencourt, Birdwell.

HB 2445 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, Hall, Huffines, Nichols, Taylor of Collin, Watson.

**MOTION TO PLACE
HOUSE BILL 2445 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 2445** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 24, Nays 7. (Not receiving four-fifths vote of Members present)

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

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

HOUSE BILL 1507 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1507** at this time on its second reading:

HB 1507, Relating to the rights of certain defendants who successfully complete a term of community supervision.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1507** (senate committee report) in SECTION 1 of the bill as follows:

(1) Strike the recital (page 1, lines 22 and 23), and substitute the following: Article 26.13, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (h-1) to read as follows:

(2) Following amended Article 26.13(a), Code of Criminal Procedure (page 1, between lines 58 and 59), insert the following:

(h-1) The court must substantially comply with Subsection (a)(6). The failure of the court to comply with Subsection (a)(6) is not a ground for the defendant to set aside the conviction, sentence, or plea.

The amendment to **HB 1507** 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 1507 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.

SB 1480 Hughes Sponsor: Murphy
Relating to the guarantee of school district and charter district bonds by the permanent school fund.

SB 1559 Taylor, Larry Sponsor: Bonnen, Greg
Relating to a fee exemption for guardianship proceedings of certain military servicemembers and certain law enforcement officers, firefighters, and other first responders.

SB 1599 Miles Sponsor: Walle
Relating to maternal mortality reporting and investigation information.

SB 1677 Lucio Sponsor: Thompson, Senfronia
Relating to information about services for women veterans provided through certain state agency applications.

SB 1679 Lucio Sponsor: Gutierrez
Relating to the use of the fund for veterans' assistance to provide grants to support veterans county service offices.

SB 1709 Zaffirini Sponsor: Moody
Relating to the requirement of a guardian to provide information regarding a ward's health and residence to certain relatives of the ward.

SB 1710 Zaffirini Sponsor: Neave
Relating to applications for the complete restoration of a ward's capacity or modification of a guardianship.

SB 1912 Zaffirini Sponsor: Hinojosa, Gina
Relating to certain notice requirements and filing requirements in court proceedings involving persons with mental illness and representation of proposed patients in proceedings for court-ordered mental health services.

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 1779
Pursuant to a sustained point of order due to non-germane amendments, the house returns HB 1779 to the senate for further consideration.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 23, 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 277 Campbell Sponsor: Frank
Relating to the eligibility of certain property for certain ad valorem tax incentives relating to wind-powered energy devices.
(Committee Substitute/Amended)

SB 292 Huffman Sponsor: Price
Relating to the creation of a grant program to reduce recidivism, arrest, and incarceration of individuals with mental illness.
(Committee Substitute/Amended)

SB 315 Hinojosa Sponsor: Burkett
Relating to the enforcement of subpoenas and the regulation of pain management clinics by the Texas Medical Board.
(Amended)

SB 463 Seliger Sponsor: Huberty
Relating to the use of individual graduation committees to satisfy certain public high school graduation requirements and other alternative methods to satisfy certain public high school graduation requirements.
(Committee Substitute/Amended)

SB 537 Hinojosa Sponsor: Lozano
Relating to requiring the disclosure of special course fees at public institutions of higher education.
(Committee Substitute)

SB 570 Rodríguez Sponsor: Walle
Relating to the regulation of the retention, storage, transportation, disposal, processing, and reuse of used or scrap tires; providing a civil penalty; creating a criminal offense.
(Committee Substitute/Amended)

SB 578 Lucio Sponsor: Gutierrez
Relating to measures to facilitate the delivery of certain mental health services for veterans.
(Committee Substitute)

SB 589 Lucio Sponsor: Simmons
Relating to the licensing and regulation of behavior analysts and assistant behavior analysts; requiring an occupational license; imposing fees.
(Committee Substitute)

SB 674 Schwertner Sponsor: Davis, Sarah
Relating to an expedited licensing process for certain physicians specializing in psychiatry; authorizing a fee.
(Amended)

- SB 744** Kolkhorst Sponsor: Phelan
Relating to a tree planting credit to offset tree mitigation fees imposed by a municipality.
(Amended)
- SB 830** Rodríguez Sponsor: Walle
Relating to the provision of accounting statements by mortgage servicers for certain loans secured by a lien on residential real property.
(Amended)
- SB 840** Zaffirini Sponsor: Martinez, "Mando"
Relating to certain images captured by an unmanned aircraft.
(Committee Substitute/Amended)
- SB 1005** Campbell Sponsor: Deshotel
Relating to the use of the SAT or the ACT as a secondary exit-level assessment instrument to allow certain public school students to receive a high school diploma.
(Amended)
- SB 1009** Perry Sponsor: Larson
Relating to administrative completeness requirements for permit and permit amendment applications for groundwater conservation districts.
(Amended)
- SB 1066** Schwertner Sponsor: Lozano
Relating to meeting the graduate medical education needs of new medical degree programs offered by public institutions of higher education and to the employment status of certain residents participating in certain graduate medical education programs.
(Committee Substitute)
- SB 1233** Rodríguez Sponsor: Thompson, Senfronia
Relating to a writ of mandamus by a court of appeals against certain judges.
(Committee Substitute)
- SB 1353** Taylor, Larry Sponsor: Faircloth
Relating to state financial assistance for a school district to which an academically unacceptable school district is annexed.
(Amended)
- SB 1404** Hughes Sponsor: Ashby
Relating to requiring school districts and open-enrollment charter schools to report certain information regarding expanded learning opportunities.
(Amended)
- SB 1625** Uresti Sponsor: Cortez
Relating to the Texas Physician Assistant Board and the licensing and regulation of physician assistants.
(Amended)

- SB 1649** Watson Sponsor: Moody
Relating to increasing the punishment for certain conduct constituting the offense of criminal trespass.
(Amended)
- SB 1656** Watson Sponsor: Rodriguez, Eddie
Relating to the eligibility of certain municipalities to establish homestead preservation districts and reinvestment zones.
(Committee Substitute/Amended)
- SB 1660** Taylor, Larry Sponsor: King, Ken
Relating to the minutes of operation required for public school districts, charter schools, and other education programs and to calculating the average daily attendance for certain education programs.
(Committee Substitute)
- SB 1781** West Sponsor: González, Mary
Relating to the regulation of certain degree-granting postsecondary educational institutions by the Texas Higher Education Coordinating Board; providing administrative penalties.
(Amended)
- SB 1839** Hughes Sponsor: Koop
Relating to the preparation, certification, and classification of public school educators.
(Committee Substitute/Amended)
- SB 1882** Menéndez Sponsor: Koop
Relating to a school district contract to partner with an open-enrollment charter school to operate a district campus.
(Amended)
- SB 1911** Zaffirini Sponsor: Farrar
Relating to posting notice of self-help resources on the Internet website of a state court and in the office of the court clerk.
(Amended)
- SB 2065** Hancock Sponsor: Kuempel
Relating to the licensing and regulation of certain occupations and activities.
(Committee Substitute/Amended)
- SB 2131** West Sponsor: Howard
Relating to efforts to facilitate the completion by students of undergraduate certificate and degree programs.
(Committee Substitute/Amended)
- SB 2212** Hancock Sponsor: Kuempel
Relating to certain real estate sales, brokerage, and advertising activities, certain functions of the Texas Real Estate Commission, and the authorization of a ground lease with the Texas Facilities Commission to construct or maintain a building.
(Committee Substitute/Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE BILL 912 ON SECOND READING

Senator Taylor of Collin moved to suspend the regular order of business to take up for consideration **HB 912** at this time on its second reading:

HB 912, Relating to the licensing and regulation of providers of driver and traffic safety education.

The motion prevailed.

Senator Garcia 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.

HOUSE BILL 912 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 912** 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 3690 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 3690** at this time on its second reading:

HB 3690, Relating to the Texas Crime Stoppers Council.

The bill was read second time.

Senator Garcia offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3690** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in amended Section 414.012, Government Code (page 1, line 32), between "a" and "statewide", insert "free".

(2) In SECTION 3 of the bill, in amended Article 102.013(a), Code of Criminal Procedure (page 1, line 49), between "the" and "statewide", insert "free".

The amendment to **HB 3690** 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 3690 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 3690 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 3690** 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 2445 ON THIRD READING

Senator Estes again moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2445** be placed on its third reading and final passage:

HB 2445, Relating to the use of municipal hotel occupancy tax revenue in certain municipalities.

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

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

Nays: Bettencourt, Burton, Huffines, Nichols, Taylor of Collin, Watson.

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

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

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

COMMITTEE SUBSTITUTE HOUSE BILL 3107 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3107** at this time on its second reading:

CSHB 3107, Relating to the production of public information under the public information law.

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 3107 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3107** 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 1036 ON SECOND READING**

Senator Whitmire moved to suspend the regular order of business to take up for consideration **CSHB 1036** at this time on its second reading:

CSHB 1036, Relating to coverage for certain breast cancer screening procedures under certain health benefit plans.

The motion prevailed.

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

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

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

Nays: Burton, Creighton, Hall, Huffines, Hughes.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1036 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 **CSHB 1036** be placed on its third reading and final passage.

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

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

Nays: Burton, Creighton, Hall, Huffines, Hughes.

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

(Senator Hancock in Chair)

HOUSE BILL 2908 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 2908** at this time on its second reading:

HB 2908, Relating to the punishment for a criminal offense committed against a person because of bias or prejudice on the basis of status as a peace officer or judge; increasing a criminal penalty.

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 2908 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 2908** 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 3165 ON SECOND READING

On motion of Senator Rodríguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3165** at this time on its second reading:

CSHB 3165, Relating to certain pretrial procedures in criminal cases.

The bill was read second time.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 3165** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Article 15.17(a), Code of Criminal Procedure (page 2, lines 16-19), strike "The counsel for the defendant may obtain a copy of an electronic [the] recording, if an electronic recording was created, on payment of a reasonable amount to cover costs of reproduction." and substitute "[The counsel for the defendant may obtain a copy of the recording on payment of a reasonable amount to cover costs of reproduction.]".

(2) In SECTION 1 of the bill, in amended Article 15.17(f), Code of Criminal Procedure (page 2, line 26), following the period, insert "The counsel for the defendant may obtain a copy of the record on payment of a reasonable amount to cover the costs of reproduction or, if the defendant is indigent, the court shall provide a copy to the defendant without charging a cost for the copy."

(3) In SECTION 7 of the bill, in amended Article 27.18(c-1), Code of Criminal Procedure (page 3, lines 35-37), strike "a copy of an electronic [a] recording, if an electronic recording was created, [made under Subsection (e)]" and substitute "a copy of the record, including any electronic [a] recording, [made under Subsection (e)]".

The amendment to **CSHB 3165** was read.

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

Question: Shall Floor Amendment No. 1 to **CSHB 3165** be adopted?

**COMMITTEE SUBSTITUTE
HOUSE BILL 1823 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSHB 1823** at this time on its second reading:

CSHB 1823, Relating to properly recorded diacritical marks in vital statistics records, driver's licenses, commercial driver's licenses, and personal identification certificates.

The motion prevailed.

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

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1823** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subtitle B, Title 7, Transportation Code, is amended by adding Chapter 526 to read as follows:

CHAPTER 526. DIGITAL IDENTIFICATION PILOT PROGRAM

Sec. 526.001. DEFINITIONS. In this chapter:

(1) "Department" and "driver's license" have the meanings assigned by Section 521.001.

(2) "Diacritical mark" has the meaning assigned by Section 521.127.

(3) "Digital identification" includes digital driver's licenses and digital personal identification certificates.

Sec. 526.002. DIGITAL IDENTIFICATION PILOT PROGRAM. (a) The department by rule may establish a pilot program for the issuance of digital identification that properly records any diacritical mark used in a person's name.

(b) In establishing the digital identification pilot program, the department shall:

(1) assess existing department infrastructure and identify changes required to implement the program;

(2) upgrade department infrastructure according to the department's findings under Subdivision (1);

(3) acquire a mobile application that:

- (A) properly records any diacritical mark used in a person's name;
(B) displays digital identification that includes the information described by Section 521.121(a) on a wireless communication device;
(C) includes an authentication and verification process for a wireless communication device; and
(D) may be used in any location regardless of the location's level of wireless connectivity or cellular telephone service;
(4) deploy the digital identification mobile application at no cost to focus groups for testing and evaluation; and
(5) implement a law enforcement version of the application for field testing.
(c) Digital identification issued under this section may not be used or accepted as valid proof of identification.
(d) The department may contract with a third party to establish the pilot program described by this section if the contract is at no cost to the department.
(e) The department shall prepare a report containing the results of the pilot program and the department's recommendations. The department shall submit the report to the Public Safety Commission and the legislature not later than the 180th day after the date of completion of the pilot program.

Sec. 526.003. EXPIRATION. This chapter expires September 1, 2019.

SECTION ____. The Department of Public Safety is required to implement this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the department may, but is not required to, implement this Act using other appropriations available for that purpose.

The amendment to **CSHB 1823** 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 1823 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.

COMMITTEE SUBSTITUTE HOUSE BILL 1823 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1823** be placed on its third reading and final passage.

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

Nays: Bettencourt.

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 3165 ON SECOND READING**

The Presiding Officer laid before the Senate **CSHB 3165** by Senator Rodríguez on its second reading. The bill had been read second time, an amendment offered, and further consideration temporarily postponed:

CSHB 3165, Relating to certain pretrial procedures in criminal cases.

Question: Shall Floor Amendment No. 1 to **CSHB 3165** be adopted?

The amendment to **CSHB 3165** was adopted by a viva voce vote.

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

Senator Buckingham offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 3165** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Article 15.21, Code of Criminal Procedure, is amended to read as follows:

Art. 15.21. RELEASE ON PERSONAL BOND ~~[PRISONER DISCHARGED]~~ IF NOT TIMELY DEMANDED. If the proper office of the county where the offense is alleged to have been committed does not demand an ~~the~~ arrested person described by Article 15.19 and take charge of the arrested person before the 11th day after the date the person is committed to the jail of the county in which the person is arrested, a magistrate in the county where the person was arrested shall:

(1) release the arrested person on personal bond without sureties or other security; and

(2) forward the personal bond to:

(A) the sheriff of the county where the offense is alleged to have been committed; or

(B) the court that issued the warrant of arrest ~~[the arrested person shall be discharged from custody].~~

SECTION _____. Article 15.21, Code of Criminal Procedure, applies only to a person who is arrested on or after the effective date of this Act. A person arrested before the effective date of this Act is governed by the law in effect on the date the person was arrested, and the former law is continued in effect for that purpose.

The amendment to **CSHB 3165** 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 3165 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 3165 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 3165** 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 1284 ON SECOND READING

Senator Garcia moved to suspend the regular order of business to take up for consideration **HB 1284** at this time on its second reading:

HB 1284, Relating to the licensing and regulation of a journeyman lineman.

The motion prevailed.

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

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

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

Nays: Hall, Huffines, Hughes.

HOUSE BILL 1284 ON THIRD READING

Senator Garcia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1284** be placed on its third reading and final passage.

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

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

Nays: Hall, Huffines, Hughes.

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

HOUSE BILL 1866 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 1866** at this time on its second reading:

HB 1866, Relating to compensation and restitution to crime victims and the disposition of unclaimed restitution payments; providing for an administrative penalty; authorizing a fee.

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

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

HOUSE BILL 1866 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 1866** 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 1556 ON SECOND READING

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1556** at this time on its second reading:

CSHB 1556, Relating to the appointment of foster parents and other qualified persons to serve as educational decision-makers for certain children in the conservatorship of the Department of Family and Protective Services.

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 1556 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 **CSHB 1556** 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 928 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 928** at this time on its second reading:

HB 928, Relating to assisting certain children who are in foster care in the process of applying to institutions of higher education.

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 928 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 928** 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 108 ON SECOND READING

Senator Taylor of Galveston moved to suspend the regular order of business to take up for consideration **HB 108** at this time on its second reading:

HB 108, Relating to the use of the skills development fund to facilitate the relocation to or expansion in this state of employers offering complex or high-skilled employment opportunities.

The motion prevailed.

Senators Burton, 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: Burton, Hall, Huffines.

HOUSE BILL 108 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 108** be placed on its third reading and final passage.

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

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

Nays: Burton, Hall, Huffines.

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

HOUSE BILL 2319 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 2319** at this time on its second reading:

HB 2319, Relating to weight limitations for natural gas motor vehicles.

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2319** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 623, Transportation Code, is amended by adding Section 623.0172 to read as follows:

Sec. 623.0172. PERMIT FOR INTERMODAL SHIPPING CONTAINER.

(a) In this section, "intermodal shipping container" means an enclosed, standardized, reusable container that:

(1) is used to pack, ship, move, or transport cargo;

(2) is designed to be carried on a semitrailer and loaded onto or unloaded

from:

(A) a ship or vessel for international transportation; or

(B) a rail system for international transportation; and

(3) when combined with vehicles transporting the container, has a gross weight or axle weight that exceeds the limits allowed by law to be transported over a state highway or county or municipal road.

(b) The department shall issue an annual permit for the international transportation of an intermodal shipping container moving by a truck-tractor and semitrailer combination that has six total axles and is equipped with a roll stability support safety system and truck blind spot systems only if:

(1) the gross weight of the combination does not exceed 93,000 pounds;

(2) the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 647 inches;

(3) the truck-tractor is configured as follows:

(A) one single axle that does not exceed 13,000 pounds;

(B) one two-axle group that does not exceed 37,000 pounds, in which no axle in the group exceeds 18,500 pounds; and

(C) the distance between the individual axles on the two-axle group of the truck-tractor, measured longitudinally, is not less than 51 inches and not more than 52 inches; and

(4) the semitrailer is configured as follows:

(A) one three-axle group that does not exceed 49,195 pounds, in which no axle in the group exceeds 16,400 pounds; and

(B) the distance between the individual axles in the three-axle group of the semitrailer, measured longitudinally, is 60 inches.

(c) The department shall restrict vehicles operating under a permit issued under this section to routes that are:

(1) located in a county with a population of more than 90,000;

(2) on highways in the state highway system; and

(3) not more than five miles from the border between this state and Arkansas.

(d) An intermodal shipping container being moved under a permit issued under this section must be continuously sealed from the point of origin to the point of destination with a seal that is required by:

- (1) the United States Customs and Border Protection;
- (2) the United States Food and Drug Administration; or
- (3) federal law or regulation.

(e) A permit issued under this section does not authorize the operation of a vehicle combination described by Subsection (b) on:

(1) load-restricted roads or bridges, including a road or bridge for which a maximum weight and load limit has been established and posted by the Texas Department of Transportation under Section 621.102; or

(2) routes for which the Texas Department of Transportation has not authorized the operation of a vehicle combination described by Subsection (b).

(f) A permit issued under this subchapter does not authorize the transportation of a material designated as of January 1, 2017, as a hazardous material by the United States secretary of transportation under 49 U.S.C. Section 5103(a).

(g) An applicant for a permit under this section must designate each Texas Department of Transportation district in which the permit will be used.

(h) The department shall initially set the fee for a permit issued under this section in an amount not to exceed \$2,000. Beginning in 2022, on September 1 of each even-numbered year the department shall set the fee for a permit issued under this section in an amount based on a reasonable estimate of the costs associated with the operation of vehicles issued a permit under this section over routes described by Subsection (c), including any increase in the costs necessary to maintain or repair those highways. The estimate shall be based on the results of the study conducted under Subsection (l).

(i) Of the fee collected under this section for a permit:

(1) 90 percent shall be deposited to the credit of the state highway fund;

(2) 5 percent shall be deposited to the credit of the Texas Department of Motor Vehicles fund; and

(3) 5 percent shall be deposited to the appropriate county road and bridge fund.

(j) A fee deposited under Subsection (i)(1) may only be used for transportation projects in the Texas Department of Transportation district designated in the permit application for which the fee was assessed.

(k) The department may suspend a permit issued under this section if the department receives notice from the Federal Highway Administration that the operation of a vehicle under a permit authorized by this section would result in the loss of federal highway funding.

(l) Beginning in 2022, not later than September 1 of each even-numbered year, the Texas Department of Transportation shall conduct a study concerning vehicles operating under a permit issued under this section and publish the results of the study. In conducting the study, the Texas Department of Transportation shall collect and examine the following information:

(1) the weight and configuration of vehicles operating under a permit under this section that are involved in a motor vehicle accident;

(2) the types of vehicles operating under a permit issued under this section;

(3) traffic volumes and variations of vehicles operating under a permit issued under this section;

(4) weigh-in-motion data for highways located in and around the area described by Subsection (c);

(5) impacts to state and local bridges, including long-term bridge performance, for bridges located in and around the area described by Subsection (c); and

(6) impacts to state and local roads, including changes in pavement design standards, construction specification details, maintenance frequency and types, and properties of pavement and underlying soils resulting from or necessitated by vehicles operating under a permit issued under this section.

The amendment to **HB 2319** 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 2319 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 2319 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 2319** 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 1983 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1983** at this time on its second reading:

HB 1983, Relating to the eligibility of a first responder for workers' compensation benefits for post-traumatic stress disorder.

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 1983 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 1983** 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 1407 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSHB 1407** at this time on its second reading:

CSHB 1407, Relating to the establishment of the emergency medical services assistance program.

The motion prevailed.

Senators Burton, 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.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1407** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike added Section 773.251(2), Health and Safety Code (page 1, lines 32-34), and substitute the following:

(2) "General academic teaching institution," "medical and dental unit," "other agency of higher education," and "public technical institute" have the meanings assigned by Section 61.003, Education Code.

(2) In SECTION 1 of the bill, in added Section 773.253(a)(3), Health and Safety Code (page 1, line 51), between "institution" and "or", insert ", medical and dental unit, other agency of higher education,".

(3) In SECTION 1 of the bill, in added Section 773.253(b)(2), Health and Safety Code (page 1, line 57), between "institution" and "or", insert ", medical and dental unit, other agency of higher education,".

(4) In SECTION 1 of the bill, in added Section 773.255(a), Health and Safety Code (page 2, line 13), between "institution" and "or", insert ", medical and dental unit, other agency of higher education,".

(5) In SECTION 1 of the bill, in added Section 773.255(b), Health and Safety Code (page 2, line 18), between "institutions" and "or", insert ", medical and dental units, other agencies of higher education,".

(6) In SECTION 1 of the bill, in added Section 773.257(a), Health and Safety Code (page 2, line 29), between "institution" and "or", insert ", medical and dental unit, other agency of higher education,".

The amendment to **CSHB 1407** 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 1407 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: Burton, Huffines, Taylor of Collin.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1407 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 1407** 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, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Huffines, Taylor of Collin.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 3649 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3649** at this time on its second reading:

CSHB 3649, Relating to confidential communications of victims of certain family violence offenses.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 3649 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 3649** 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 238 ON SECOND READING

Senator Perry moved to suspend the regular order of business to take up for consideration **HB 238** at this time on its second reading:

HB 238, Relating to the creation of records of the DNA of certain defendants for inclusion in the DNA database system.

The motion prevailed.

Senators Bettencourt, 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: Bettencourt, Hall, Huffines.

HOUSE BILL 238 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 238** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Hall, Huffines.

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

COMMITTEE SUBSTITUTE HOUSE BILL 1549 ON SECOND READING

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1549** at this time on its second reading:

CSHB 1549, Relating to the provision of services by the Department of Family and Protective Services, including child protective services and prevention and early intervention services.

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1549** (senate committee printing) by striking SECTION 18 of the bill (page 8, lines 4-8) and renumbering subsequent SECTIONS of the bill accordingly.

The amendment to **CSHB 1549** 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 Zaffirini offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 1549** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 264.1075, Family Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) As soon as possible after a child is placed in the managing conservatorship of the department [~~begins receiving foster care under this subchapter~~], the department shall assess whether the child has a developmental or intellectual disability.

(c) If the assessment required by Subsection (b) indicates that the child might have an intellectual disability, the department shall ensure that a referral for a determination of intellectual disability is made as soon as possible and that the determination is conducted by an authorized provider before the date of the child's 16th birthday, if practicable. If the child is placed in the managing conservatorship of the department after the child's 16th birthday, the determination of intellectual disability must be conducted as soon as possible after the assessment required by Subsection (b). In this subsection, "authorized provider" has the meaning assigned by Section 593.004, Health and Safety Code.

The amendment to **CSHB 1549** 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 1549 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 1549 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 **CSHB 1549** 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 2174 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2174** at this time on its second reading:

CSHB 2174, Relating to the regulation of motor fuel quality and motor fuel metering devices; authorizing fees.

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 2174 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2174** 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 2523 ON SECOND READING**

Senator Taylor of Collin moved to suspend the regular order of business to take up for consideration **CSHB 2523** at this time on its second reading:

CSHB 2523, Relating to the investigation of fraud, waste, and abuse in certain public benefits programs by the office of inspector general for the Health and Human Services Commission.

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

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

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

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

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 2523 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 2523** be placed on its third reading and final passage.

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

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

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

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

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

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

HOUSE BILL 2070 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **HB 2070** at this time on its second reading:

HB 2070, Relating to the enforcement of certain warranties for a new motor vehicle.

The motion prevailed.

Senator Perry 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: Perry.

HOUSE BILL 2070 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2070** be placed on its third reading and final passage.

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

Nays: Perry.

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

HOUSE BILL 3526 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 3526** at this time on its second reading:

HB 3526, Relating to renaming the instructional materials allotment as the technology and instructional materials allotment and making associated technical changes.

The bill was read second time.

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

Floor Amendment No. 1

Amend **HB 3526** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, strike amended Sections 31.021(c)(6) and (7), Education Code (page 2, lines 4 through 8), and substitute the following:

(6) ~~[fund the technology lending grant program established under Section 32.201; and~~

~~[(7)]~~ provide funding to the Texas School for the Blind and Visually Impaired, the Texas School for the Deaf, and the Texas Juvenile Justice Department; and

(7) pay the expenses associated with the instructional materials web portal developed under Section 31.081.

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

SECTION _____. Section 31.004(b), Education Code, is amended to read as follows:

(b) To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills as required by Subsection (a), a school district or open-enrollment charter school may consider:

(1) instructional materials adopted by the State Board of Education;

(2) materials adopted or purchased by the commissioner under Section 31.0231 or Subchapter B-1;

(3) open-source instructional materials submitted by eligible institutions and adopted by the State Board of Education under Section 31.0241;

(4) open-source instructional materials made available by other public schools; ~~and~~

(5) instructional materials developed or purchased by the school district or open-enrollment charter school; and

(6) open educational resources and other electronic instructional materials included in the repository under Section 31.083.

SECTION _____. Chapter 31, Education Code, is amended by adding Subchapter B-2 to read as follows:

SUBCHAPTER B-2. INSTRUCTIONAL MATERIALS WEB PORTAL

Sec. 31.081. INSTRUCTIONAL MATERIALS WEB PORTAL. (a) The commissioner shall develop and maintain a web portal to assist school districts and open-enrollment charter schools in selecting instructional materials under Section 31.101.

(b) The web portal must include general information such as price, computer system requirements, and any other relevant specifications for each instructional material:

(1) on the instructional materials list, including the list adopted under Section 31.0231; or

(2) submitted by a publisher for inclusion in the web portal.

(c) The commissioner by rule shall establish the procedure by which a publisher may submit instructional materials for inclusion in the web portal.

(d) The commissioner shall use a competitive process to contract for the development of the web portal.

(e) The commissioner shall use money in the state technology and instructional materials fund to pay any expenses associated with the web portal.

Sec. 31.082. QUALITY OF INSTRUCTIONAL MATERIALS SUBMITTED BY PUBLISHER. (a) The commissioner shall contract with a private entity to conduct an independent analysis of each instructional material submitted by a publisher for inclusion in the web portal developed under Section 31.081. The analysis must:

(1) evaluate the quality of the material; and

(2) determine the extent to which the material covers the essential knowledge and skills identified under Section 28.002 for the subject and grade level for which the material is intended to be used, including an identification of:

(A) each of the essential knowledge and skills for the subject and grade level or levels covered by the material; and

(B) the percentage of the essential knowledge and skills for the subject and grade level or levels covered by the material.

(b) The commissioner shall include in the web portal developed under Section 31.081 the results of each analysis conducted under Subsection (a).

Sec. 31.083. INSTRUCTIONAL MATERIALS REPOSITORY. (a) In this section, "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 and repurposing of the resource by any person. The term may include full course curricula, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.

(b) The commissioner shall include in the web portal developed under Section 31.081 a repository of open educational resources and other electronic instructional materials that school districts and open-enrollment charter schools may access at no cost, including state-developed open-source instructional materials purchased under Subchapter B-1.

(c) A publisher may submit instructional materials for inclusion in the repository.

Sec. 31.084. RULES. The commissioner may adopt rules as necessary to implement this subchapter.

SECTION ____. Not later than September 1, 2018, the commissioner of education shall develop the web portal required under Subchapter B-2, Chapter 31, Education Code, as added by this Act.

The amendment to **HB 3526** 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 3526** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Chapter 32, Education Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. TECHNOLOGY LENDING PROGRAM GRANTS

Sec. 32.301. ESTABLISHMENT OF PROGRAM. (a) The commissioner may establish a grant program under which grants are awarded to school districts and open-enrollment charter schools to implement a technology lending program to provide students access to equipment necessary to access and use electronic instructional materials.

(b) A school district or an open-enrollment charter school may apply to the commissioner to participate in the grant program. In awarding grants under this subchapter for each school year, the commissioner shall consider:

(1) the availability of existing equipment to students in the district or school;

(2) other funding available to the district or school; and

(3) the district's or school's technology plan.

(c) The commissioner may determine the terms of a grant awarded under this section, including limits on the grant amount and approved uses of grant funds.

(d) The commissioner may recover funds not used in accordance with the terms of a grant by withholding amounts from any state funds otherwise due to the school district or open-enrollment charter school.

Sec. 32.302. FUNDING. (a) The commissioner may use not more than \$25 million from the state instructional materials fund under Section 31.021 each state fiscal biennium or a different amount determined by appropriation to administer a grant program established under this subchapter.

(b) The cost of administering a grant program under this subchapter must be paid from funds described by Subsection (a).

Sec. 32.303. USE OF GRANT FUNDS. (a) A school district or open-enrollment charter school may use a grant awarded under Section 32.301 or other local funds to purchase, maintain, and insure equipment for a technology lending program.

(b) Equipment purchased by a school district or open-enrollment charter school with a grant awarded under Section 32.301 is the property of the district or school.

Sec. 32.304. REVIEW OF PROGRAM. Not later than January 1, 2019, the commissioner shall review the grant program established under this subchapter and submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees in the senate and house primarily responsible for public education. This section expires September 1, 2019.

The amendment to **HB 3526** 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 Taylor of Galveston offered the following amendment to the bill:

Floor Amendment No. 3

Amend **HB 3526** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 42.005, Education Code, is amended by adding Subsection (g-1) to read as follows:

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

SECTION _____. Section 42.005(g-1), Education Code, as added by this Act, applies beginning with the 2017-2018 school year.

The amendment to **HB 3526** 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.

HB 3526 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 3526 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 3526** 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 280 ON SECOND READING

Senator Buckingham moved to suspend the regular order of business to take up for consideration **HB 280** at this time on its second reading:

HB 280, Relating to a grant program for reducing workplace violence against nurses.

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

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

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

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

HOUSE BILL 280 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 280** be placed on its third reading and final passage.

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

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

Nays: Creighton, Hall, Hancock, Huffines, Nelson, Taylor of Collin.

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

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

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

(President in Chair)**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 2190 ADOPTED**

Senator Huffman called from the President's table the Conference Committee Report on **SB 2190**. The Conference Committee Report was filed with the Senate on Sunday, May 21, 2017.

On motion of Senator Huffman, the Conference Committee Report was adopted by the following vote: Yeas 25, Nays 5, Present-not voting 1.

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

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

Present-not voting: Garcia.

HOUSE BILL 3046 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **HB 3046** at this time on its second reading:

HB 3046, Relating to combined municipal sales tax ballot propositions.

The motion prevailed.

Senators Bettencourt, 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: Bettencourt, Burton, Taylor of Collin.

HOUSE BILL 3046 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 3046** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Burton, Taylor of Collin.

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

HOUSE BILL 931 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 931** at this time on its second reading:

HB 931, Relating to liability of certain electric utilities and political subdivisions that contract for certain uses of land that the electric utility owns, occupies, or leases.

The bill was read second time.

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

Floor Amendment No. 1

Amend **HB 931** (senate committee report) as follows:

- (1) Strike SECTION 1 of the bill (page 1, lines 23-33).
- (2) Strike SECTION 3 of the bill (page 1, lines 39-59).
- (3) In SECTION 5 of the bill (page 2, line 1), strike "(a)".
- (4) In SECTION 5 of the bill, strike Subsection (b) (page 2, lines 7-10).
- (5) Renumber SECTIONS of the bill appropriately.

The amendment to **HB 931** 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 931 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 931 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 931** 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 3024 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **HB 3024** at this time on its second reading:

HB 3024, Relating to the removal of a public school student from an interscholastic athletic activity on the basis of a suspected concussion.

The motion prevailed.

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

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

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

Nays: Buckingham.

HOUSE BILL 3024 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 3024** be placed on its third reading and final passage.

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

Nays: Buckingham.

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

HOUSE BILL 681 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 681** at this time on its second reading:

HB 681, Relating to restricting access to certain information that relates to a person convicted of or granted a dismissal after deferral of disposition for a fine-only misdemeanor offense.

The motion prevailed.

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

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 681** (senate committee report, page 1, line 51 through page 2, line 1) by striking added Subsection (b) and substituting the following:

(b) Information subject to Subsection (a) may be open to inspection only:

(1) by judges or court staff;

(2) by a criminal justice agency for a criminal justice purpose, as those terms are defined by Section 411.082, Government Code;

(3) by the Department of Public Safety;

(4) by the attorney representing the state;

(5) by the defendant or the defendant's counsel;

(6) if the offense is a traffic offense, an insurance company or surety company authorized to write motor vehicle liability insurance in this state; or

(7) for the purpose of complying with a requirement under federal law or if federal law requires the disclosure as a condition of receiving federal highway funds.

The amendment to **HB 681** 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 681** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike added Article 44.2812(b), Code of Criminal Procedure (page 1, lines 37 and 38), and substitute the following:

(b) This article does not apply to:

(1) an opinion issued by an appellate court; or

(2) records, files, and information described by Subsection (a) that relate to an offense that is sexual in nature, as determined by the holder of the records, files, or information.

(2) In SECTION 2 of the bill, in added Article 45.0218(a), Code of Criminal Procedure (page 1, line 42), strike "Subsection (b)" and substitute "Subsections (b) and (c)".

(3) In SECTION 2 of the bill, in added Article 45.0218(b), Code of Criminal Procedure (page 1, line 51), strike "Information" and substitute "Records, files, and information".

(4) In SECTION 2 of the bill, immediately following added Article 45.0218(b), Code of Criminal Procedure (page 2, between lines 1 and 2), insert the following:

(c) This article does not apply to records, files, and information described by Subsection (a) that relate to an offense that is sexual in nature, as determined by the holder of the records, files, or information.

The amendment to **HB 681** 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 681 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.

HOUSE BILL 681 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 681** be placed on its third reading and final passage.

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

Nays: Huffman.

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 2792 ON SECOND READING

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSHB 2792** at this time on its second reading:

CSHB 2792, Relating to housing authorities established by municipalities and counties.

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

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

Nays: Birdwell, Burton, Campbell, Creighton, Hall, Hancock, Huffines, Hughes, Kolkhorst, Schwertner, Taylor of Collin.

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

COMMITTEE SUBSTITUTE HOUSE BILL 245 ON SECOND READING

Senator Whitmire moved to suspend the regular order of business to take up for consideration **CSHB 245** at this time on its second reading:

CSHB 245, Relating to certain reporting requirements for law enforcement agencies and to the creation of a criminal justice web portal by the office of the attorney general; providing a civil penalty.

The motion prevailed.

Senators Birdwell, 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.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 245** (senate committee printing) as follows:

(1) Strike SECTION 4 of the bill, adding Section 402.040, Government Code (page 2, lines 42 through 67).

(2) Strike SECTION 6 of the bill, adding transition language regarding Section 402.040, Government Code, as added by the bill (page 3, lines 17 through 19).

(3) Renumber the remaining SECTIONS of the bill accordingly.

The amendment to **CSHB 245** 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 245 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: Birdwell, Schwertner, Taylor of Collin.

**COMMITTEE SUBSTITUTE
HOUSE BILL 245 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 **CSHB 245** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Schwertner, Taylor of Collin.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 2792 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 2792** be placed on its third reading and final passage:

CSHB 2792, Relating to housing authorities established by municipalities and counties.

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

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

Nays: Birdwell, Creighton, Hancock, Hughes, Kolkhorst, Schwertner.

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

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

Nays: Birdwell, Burton, Campbell, Creighton, Hall, Hancock, Huffines, Hughes, Kolkhorst, Schwertner, Taylor of Collin.

**COMMITTEE SUBSTITUTE
HOUSE BILL 214 ON SECOND READING**

On motion of Senator Burton and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 214** at this time on its second reading:

CSHB 214, Relating to a recording of certain proceedings of the Texas Supreme Court and Court of Criminal Appeals and the publication of the recordings.

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 214 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 **CSHB 214** 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 2062 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **CSHB 2062** at this time on its second reading:

CSHB 2062, Relating to the creation and operations of health care provider participation programs in certain counties.

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.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2062 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 2062** be placed on its third reading and final passage.

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

Nays: Burton.

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

HOUSE BILL 2962 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **HB 2962** at this time on its second reading:

HB 2962, Relating to reporting requirements by certain physicians and health care facilities for abortion complications; authorizing a civil penalty.

The motion prevailed.

Senators Garcia, Hinojosa, Menéndez, Miles, Rodríguez, Uresti, Watson, West, and Whitmire 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 2962** (senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill adding Section 171.006, Health and Safety Code, strike "Section 171.006" and substitute "Sections 171.006 and 171.007".

(2) In SECTION 1 of the bill, in added Section 171.006(c), Health and Safety Code (page 1, line 52), between "shall" and "submit", insert "electronically".

(3) In SECTION 1 of the bill, in added Section 171.006(f)(10), Health and Safety Code (page 2, line 34), following the underlined semicolon, strike "and".

(4) In SECTION 1 of the bill, in added Section 171.006(f)(11), Health and Safety Code (page 2, line 36), between "patient" and the underlined period, insert the following:

; and

(12) the name of the physician who performed the abortion that resulted in the complication

(5) In SECTION 1 of the bill, immediately after added Section 171.006, Health and Safety Code (page 3, between lines 3 and 4), insert the following:

Sec. 171.007. REPORTING REQUIREMENTS FOR ABORTIONS PERFORMED ON WOMEN YOUNGER THAN 18 YEARS OF AGE. For each abortion performed on a woman who is younger than 18 years of age, the physician who performed the abortion shall document in the woman's medical record and report to the department:

(1) one of the following methods for obtaining authorization for each abortion:

(A) the woman's parent, managing conservator, or legal guardian has provided the written consent required by Section 164.052(a)(19), Occupations Code;

(B) the woman has obtained judicial authorization under Section 33.003 or 33.004, Family Code;

(C) the woman has provided consent to the abortion if the woman has had the disabilities of minority removed and is authorized under law to have the abortion without the written consent required by Section 164.052(a)(19), Occupations Code, or without judicial authorization under Section 33.003 or 33.004, Family Code;

or

(D) the physician has concluded and documented in writing in the woman's medical record that on the basis of the physician's good faith clinical judgment:

(i) a condition existed that complicated the medical condition of the woman and necessitated the immediate abortion of the woman's pregnancy to avert the woman's death or to avoid a serious risk of substantial impairment of a major bodily function; and

(ii) there was insufficient time to obtain the consent of the woman's parent, managing conservator, or legal guardian;

(2) if the woman's parent, managing conservator, or legal guardian provided written consent under Subdivision (1)(A), whether the consent was given:

(A) in person at the time of the abortion; or

(B) at a place other than the location where the abortion was performed;

and

(3) if the woman obtained judicial authorization under Subdivision (1)(B):

(A) if applicable, the process the physician or physician's agent used to inform the woman of the availability of petitioning for judicial authorization as an alternative to the written consent required by Section 164.052(a)(19), Occupations Code;

(B) whether the court forms were provided to the woman by the physician or the physician's agent; and

(C) whether the physician or the physician's agent made arrangements for the woman's court appearance.

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

SECTION ____. Section 170.002(c), Health and Safety Code, is amended to read as follows:

(c) A physician who performs an abortion that, according to the physician's best medical judgment at the time of the abortion, is to abort a viable unborn child during the third trimester of the pregnancy shall certify in writing to the department, on a

form prescribed by the department, the medical indications supporting the physician's judgment that the abortion was authorized by Subsection (b)(2) or (3). If the physician certifies that the abortion was authorized by Subsection (b)(3), the physician shall certify in writing on the form the fetal abnormality identified by the physician. The certification must be made not later than the 30th day after the date the abortion was performed.

SECTION _____. Section 171.002, Health and Safety Code, as amended by this Act, and Section 171.007, Health and Safety Code, as added by this Act, apply only to an abortion performed on or after the effective date of this Act. An abortion performed before the effective date of this Act is governed by the law applicable to the abortion immediately before the effective date of this Act, and that law is continued in effect for that purpose.

The amendment to **HB 2962** 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: Watson.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 2962** (senate committee printing) in SECTION 1 of the bill, in added Section 171.006, Health and Safety Code, as follows:

- (1) In Subsection (b)(1) (page 1, lines 46-47), strike "or at the abortion facility".
- (2) In Subsection (c) (page 1, line 55), strike "or at the abortion facility".

The amendment to **HB 2962** was read and failed of adoption by the following vote: Yeas 11, Nays 20.

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

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

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 3

Amend **HB 2962** as follows:

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

SECTION _____. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 71A to read as follows:

CHAPTER 71A. PROHIBITED CAUSES OF ACTION

Sec. 71A.001. WRONGFUL BIRTH. (a) A cause of action may not arise, and damages may not be awarded, on behalf of any person, based on the claim that but for the act or omission of another, a person would not have been permitted to have been born alive but would have been aborted.

(b) This section may not be construed to eliminate any duty of a physician or other health care practitioner under any other applicable law.

SECTION _____. (a) If some or all of the provisions of this Act are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of Texas law regulating or restricting abortion shall be enforced as though the restrained or enjoined provisions had not been adopted; provided, however, that whenever the temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, the provisions shall have full force and effect.

(b) Mindful of Leavitt v. Jane L., 518 U.S. 137 (1996), in which in the context of determining the severability of a state statute regulating abortion the United States Supreme Court held that an explicit statement of legislative intent is controlling, it is the intent of the legislature that every provision, section, subsection, sentence, clause, phrase, or word in this Act, and every application of the provisions in this Act, are severable from each other. If any application of any provision in this Act to any person, group of persons, or circumstances is found by a court to be invalid, the remaining applications of that provision to all other persons and circumstances shall be severed and may not be affected. All constitutionally valid applications of this Act shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the legislature's intent and priority that the valid applications be allowed to stand alone. Even if a reviewing court finds a provision of this Act to impose an undue burden in a large or substantial fraction of relevant cases, the applications that do not present an undue burden shall be severed from the remaining provisions and shall remain in force, and shall be treated as if the legislature had enacted a statute limited to the persons, group of persons, or circumstances for which the statute's application does not present an undue burden. The legislature further declares that it would have passed this Act, and each provision, section, subsection, sentence, clause, phrase, or word, and all constitutional applications of this Act, irrespective of the fact that any provision, section, subsection, sentence, clause, phrase, or word, or applications of this Act, were to be declared unconstitutional or to represent an undue burden.

(c) If any provision of this Act is found by any court to be unconstitutionally vague, then the applications of that provision that do not present constitutional vagueness problems shall be severed and remain in force.

(2) On page 15, line 24, between the period and "(a)", insert the following appropriately lettered subsection and reletter subsections of SECTION 9 of the bill accordingly:

(_) Chapter 71A, Civil Practice and Remedies Code, as added 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.

The amendment to **HB 2962** 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 except as follows:

Nays: Watson.

HB 2962 as amended was passed to third reading by the following vote: Yeas 22, Nays 9.

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, Zaffirini.

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

**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 9:30 p.m. today.

Thank you Mr. President.

KOLKHORST

The Motion In Writing was read and prevailed without objection.

**COMMITTEE SUBSTITUTE
HOUSE BILL 4029 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSHB 4029** at this time on its second reading:

CSHB 4029, Relating to the use of municipal hotel occupancy tax revenue by certain municipalities.

The motion prevailed.

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

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

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 4029 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 **CSHB 4029** be placed on its third reading and final passage.

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

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

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

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

HOUSE BILL 1296 ON SECOND READING

Senator Buckingham moved to suspend the regular order of business to take up for consideration **HB 1296** at this time on its second reading:

HB 1296, Relating to health benefit coverage for prescription drug synchronization.

The motion prevailed.

Senators Hall 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: Hall, Taylor of Collin.

HOUSE BILL 1296 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 1296** be placed on its third reading and final passage.

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

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

Nays: Hall, 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)

RECESS

On motion of Senator Whitmire, the Senate at 8:06 p.m. recessed until 8:30 p.m. today.

AFTER RECESS

The Senate met at 8:38 p.m. and was called to order by Senator Watson.

HOUSE BILL 1542 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **HB 1542** at this time on its second reading:

HB 1542, Relating to the definition of the least restrictive environment for the placement of children in foster care.

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.

HOUSE BILL 1542 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 1542** 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 2529 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 2529** at this time on its second reading:

HB 2529, Relating to the definition of coercion for purposes of the offense of trafficking of persons.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2529** (senate committee report) in SECTION 1 of the bill, by striking added Section 20A.02(a-1), Penal Code (page 1, lines 24 through 36), and substituting the following:

(a-1) For purposes of Subsection (a)(3), "coercion" as defined by Section 1.07 includes destroying, concealing, confiscating, or withholding from the trafficked person, or threatening to destroy, conceal, confiscate, or withhold from the trafficked person, the trafficked person's actual or purported:

- (1) government records; or
- (2) identifying information or documents.

The amendment to **HB 2529** 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 2529 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 2529 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 2529** 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 867 ON SECOND READING

Senator Taylor of Collin moved to suspend the regular order of business to take up for consideration **HB 867** at this time on its second reading:

HB 867, Relating to school marshals for private schools.

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

Nays: Garcia.

The bill was read second time.

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

Committee Amendment No. 1

Amend **HB 867** (house engrossed version) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill appropriately:

SECTION _____. Sections 37.0811(a) and (d), Education Code, are amended to read as follows:

(a) The board of trustees of a school district or the governing body of an open-enrollment charter school may appoint not more than the greater of:

- (1) one school marshal per 200 [400] students in average daily attendance per campus; or
- (2) for each campus, one school marshal per building of the campus at which students regularly receive classroom instruction.

(d) Any written regulations adopted for purposes of Subsection (c) must provide that a school marshal may carry a concealed handgun as described by Subsection (c), except that if the primary duty of the school marshal involves regular, direct contact with students, the marshal may not carry a concealed handgun but may possess a handgun on the physical premises of a school in a locked and secured safe within the marshal's immediate reach when conducting the marshal's primary duty. The written regulations must also require that a handgun carried by or within access of a school marshal may be loaded only with frangible duty ammunition approved for that purpose by the Texas Commission on Law Enforcement [~~designed to disintegrate on impact for maximum safety and minimal danger to others~~].

SECTION _____. Section 51.220(e), Education Code, is amended to read as follows:

(e) Any written regulations adopted for purposes of Subsection (d) must provide that a school marshal may carry a concealed handgun as described by Subsection (d), except that if the primary duty of the school marshal involves regular, direct contact with students, the marshal may not carry a concealed handgun but may possess a handgun on the physical premises of a public junior college campus in a locked and secured safe within the marshal's immediate reach when conducting the marshal's primary duty. The written regulations must also require that a handgun carried by or within access of a school marshal may be loaded only with frangible duty ammunition approved for that purpose by the Texas Commission on Law Enforcement [~~designed to disintegrate on impact for maximum safety and minimal danger to others~~].

The amendment to **HB 867** was read and was adopted by a viva voce vote.

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

HB 867 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.

HOUSE BILL 867 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 867** 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 3632 ON SECOND READING

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **HB 3632** at this time on its second reading:

HB 3632, Relating to extension of the timeline for a parent to request a special education impartial due process hearing in certain circumstances.

The motion prevailed.

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

The bill was read second time.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3632** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0163 to read as follows:

Sec. 29.0163. PROTECTION OF THE RIGHTS OF MILITARY FAMILIES WITH CHILDREN WITH DISABILITIES. (a) In this section, "servicemember" means a member of:

(1) the armed forces;

(2) the Commissioned Corps of the National Oceanic and Atmospheric Administration; or

(3) the Commissioned Corps of the United States Public Health Service.

(b) The agency must include in the notice of procedural safeguards that the statute of limitations for the parent of a student to request an impartial due process hearing under 20 U.S.C. Section 1415(b) may be tolled if the parent is an active-duty servicemember and 50 U.S.C. Section 3936 applies to the parent.

(c) The commissioner shall adopt rules to implement this section.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

The amendment to **HB 3632** 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 3632 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, Creighton, Huffines.

HOUSE BILL 3632 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 3632** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Creighton, Huffines.

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

HOUSE BILL 590 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 590** at this time on its second reading:

HB 590, Relating to the liability of first responders who provide roadside 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 590 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 590** 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 550 ON SECOND READING

Senator Perry moved to suspend the regular order of business to take up for consideration **HB 550** at this time on its second reading:

HB 550, Relating to sound-producing devices on vessels.

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

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

Nays: Birdwell, Buckingham, Burton, Hall, Hancock, Huffines, Hughes, Kolkhorst, Miles, Nelson, Taylor of Collin.

The bill was read second time.

(President in Chair)

Senator Campbell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 550** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 31, Parks and Wildlife Code, is amended by adding Section 31.1071 to read as follows:

Sec. 31.1071. OPERATION OF MOTORBOAT WITH EMERGENCY ENGINE CUTOFF SWITCH. (a) In this section, "engine cutoff switch" means an emergency switch installed on a motorboat that:

(1) is designed to shut off the engine if:

(A) the motorboat operator using a lanyard attachment activates the switch by falling overboard or otherwise moving beyond the length of the lanyard; or

(B) the motorboat operator or a passenger using a wireless attachment activates the switch by falling overboard and submerging the man-overboard transmitter; and

(2) attaches:

(A) physically to the motorboat operator through the use of a lanyard worn by the operator; or

(B) wirelessly through the use of a water-activated man-overboard transmitter worn by the motorboat operator or any similarly equipped passenger on the motorboat.

(b) A motorboat operator may not operate a motorboat less than 26 feet in length and equipped by the manufacturer with an engine cutoff switch while the engine is running and the motorboat is under way without first verifying that the switch is operational and fully functional and:

(1) if using a lanyard attachment, properly attaching the lanyard, as appropriate for the specific motorboat, to the operator's body or to the clothing or personal flotation device being worn by the operator; or

(2) if using a wireless attachment, properly attaching to each individual on the motorboat an operational man-overboard transmitter.

The amendment to **HB 550** was read and was adopted by the following vote: Yeas 18, Nays 12.

Yeas: Birdwell, Campbell, Garcia, Hinojosa, Huffman, Lucio, Menéndez, Miles, Perry, Rodríguez, Schwertner, Seliger, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Buckingham, Burton, Creighton, Hall, Hancock, Huffines, Hughes, Kolkhorst, Nelson, Nichols, Taylor of Galveston.

Absent: Estes.

HB 550 as amended was passed to third reading by the following vote: Yeas 18, Nays 13.

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

Nays: Birdwell, Buckingham, Burton, Hall, Hancock, Huffines, Hughes, Kolkhorst, Miles, Nelson, Nichols, Taylor of Galveston, Taylor of Collin.

HOUSE BILL 550 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 550** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Buckingham, Burton, Hancock, Huffines, Nelson.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 13.

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

Nays: Birdwell, Buckingham, Burton, Hall, Hancock, Huffines, Hughes, Kolkhorst, Miles, Nelson, Nichols, Taylor of Galveston, Taylor of Collin.

HOUSE BILL 61 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 61** at this time on its second reading:

HB 61, Relating to consideration under the public school accountability system of performance on assessment instruments by certain students formerly receiving special education services.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 61** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 29.022, Education Code, is amended by amending Subsections (a), (b), (c), (d), (e), (i), and (j) and adding Subsections (a-1), (a-2), (a-3), (c-1), (e-1), (i-1), (l), (m), (n), (o), (p), (q), (r), (s), (t), and (u) to read as follows:

(a) In order to promote student safety, on receipt of a written request authorized under Subsection (a-1) [by a parent, trustee, or staff member], a school district or open-enrollment charter school shall provide equipment, including a video camera, to the [each] school or schools in the district or the [each] charter school campus or campuses specified in the request [in which a student who receives special education services in a self-contained classroom or other special education setting is enrolled]. A [Each] school or campus that receives equipment as provided by this subsection shall place, operate, and maintain one or more video cameras in [each] self-contained classrooms and [classroom or] other special education settings [setting] in which a majority of the students in regular attendance are[-

[+] provided special education and related services[-] and are

[+] assigned to one or more [a] self-contained classrooms [classroom] or other special education settings [setting] for at least 50 percent of the instructional day, provided that:

(1) a school or campus that receives equipment as a result of the request by a parent or staff member is required to place equipment only in classrooms or settings in which the parent's child is in regular attendance or to which the staff member is assigned, as applicable; and

(2) a school or campus that receives equipment as a result of the request by a board of trustees, governing body, principal, or assistant principal is required to place equipment only in classrooms or settings identified by the requestor, if the requestor limits the request to specific classrooms or settings subject to this subsection.

(a-1) For purposes of Subsection (a):

(1) a parent of a child who receives special education services in one or more self-contained classrooms or other special education settings may request in writing that equipment be provided to the school or campus at which the child receives those services;

(2) a board of trustees or governing body may request in writing that equipment be provided to one or more specified schools or campuses at which one or more children receive special education services in self-contained classrooms or other special education settings;

(3) the principal or assistant principal of a school or campus at which one or more children receive special education services in self-contained classrooms or other special education settings may request in writing that equipment be provided to the principal's or assistant principal's school or campus; and

(4) a staff member assigned to work with one or more children receiving special education services in self-contained classrooms or other special education settings may request in writing that equipment be provided to the school or campus at which the staff member works.

(a-2) Each school district or open-enrollment charter school shall designate an administrator at the primary administrative office of the district or school with responsibility for coordinating the provision of equipment to schools and campuses in compliance with this section.

(a-3) A written request must be submitted and acted on as follows:

(1) a parent, staff member, or assistant principal must submit a request to the principal or the principal's designee of the school or campus addressed in the request, and the principal or designee must provide a copy of the request to the administrator designated under Subsection (a-2);

(2) a principal must submit a request by the principal to the administrator designated under Subsection (a-2); and

(3) a board of trustees or governing body must submit a request to the administrator designated under Subsection (a-2), and the administrator must provide a copy of the request to the principal or the principal's designee of the school or campus addressed in the request.

(b) A school or campus that places a video camera in a classroom or other special education setting in accordance with Subsection (a) shall operate and maintain the video camera in the classroom or setting, as long as the classroom or setting continues to satisfy the requirements under Subsection (a), for the remainder of the school year in which the school or campus received the request, unless the requestor withdraws the request in writing. If for any reason a school or campus will discontinue operation of a video camera during a school year, not later than the fifth school day before the date the operation of the video camera will be discontinued, the school or campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue unless requested by a person eligible to make a request under Subsection (a-1). Not later than the 10th school day before the end of each school year, the school or campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue during the following school year unless a person eligible to make a request for the next school year under Subsection (a-1) submits a new request.

(c) Except as provided by Subsection (c-1), video [Video] cameras placed under this section must be capable of:

(1) covering all areas of the classroom or other special education setting, including a room attached to the classroom or setting used for time-out [except that the inside of a bathroom or any area in the classroom or setting in which a student's clothes are changed may not be visually monitored]; and

(2) recording audio from all areas of the classroom or other special education setting, including a room attached to the classroom or setting used for time-out.

(c-1) The inside of a bathroom or any area in the classroom or other special education setting in which a student's clothes are changed may not be visually monitored, except for incidental coverage of a minor portion of a bathroom or changing area because of the layout of the classroom or setting.

(d) Before a school or campus activates [places] a video camera in a classroom or other special education setting under this section, the school or campus shall provide written notice of the placement to all school or campus staff and to the parents of each [*] student attending class or engaging in school activities [receiving special education services] in the classroom or setting.

(e) Except as provided by Subsection (e-1), a [A] school district or open-enrollment charter school shall retain video recorded from a video camera placed under this section for at least three [six] months after the date the video was recorded.

(e-1) If a person described by Subsection (i) requests to view a video recording from a video camera placed under this section, a school district or open-enrollment charter school must retain the recording from the date of receipt of the request until the person has viewed the recording and a determination has been made as to whether the recording documents an alleged incident. If the recording documents an alleged incident, the district or school shall retain the recording until the alleged incident has been resolved, including the exhaustion of all appeals.

(i) A video recording of a student made according to this section is confidential and may not be released or viewed except as provided by this subsection or Subsection (i-1) or (j). A school district or open-enrollment charter school shall release a recording for viewing by:

(1) an [a school district] employee [or a parent or guardian of a student] who is involved in an alleged incident that is documented by the recording and [for which a complaint] has been reported to the district or school, on request of the employee [; parent, or guardian, respectively];

(2) a parent of a student who is involved in an alleged incident that is documented by the recording and has been reported to the district or school, on request of the parent;

(3) appropriate Department of Family and Protective Services personnel as part of an investigation under Section 261.406, Family Code;

(4) [(3)] a peace officer, a school nurse, a district or school administrator trained in de-escalation and restraint techniques as provided by commissioner rule, or a human resources staff member designated by the board of trustees of the school district or the governing body of the open-enrollment charter school in response to a report of an alleged incident [complaint] or an investigation of district or school personnel or a report [complaint] of alleged abuse committed by a student; or

(5) [(4)] appropriate agency or State Board for Educator Certification personnel or agents as part of an investigation.

(i-1) A contractor or employee performing job duties relating to the installation, operation, or maintenance of video equipment or the retention of video recordings who incidentally views a video recording is not in violation of Subsection (i).

(j) If a person described by Subsection (i)(4) [(i)(3)] or (5) [(4)] who views the video recording believes that the recording documents a possible violation under Subchapter E, Chapter 261, Family Code, the person shall notify the Department of Family and Protective Services for investigation in accordance with Section 261.406, Family Code. If any person described by Subsection (i)(3) [(i)(2)], [(3), or] (4), or (5) who views the recording believes that the recording documents a possible violation of district or school policy, the person may allow access to the recording to appropriate legal and human resources personnel. A recording believed to document a possible violation of district or school policy relating to the neglect or abuse of a student may be used as part of a disciplinary action against district or school personnel and shall be released at the request of the student's parent [or guardian] in a legal proceeding. This

subsection 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.

(l) A school district or open-enrollment charter school policy relating to the placement, operation, or maintenance of video cameras under this section must:

(1) include information on how a person may appeal an action by the district or school that the person believes to be in violation of this section or a policy adopted in accordance with this section, including the appeals process under Section 7.057;

(2) require that the district or school provide a response to a request made under this section not later than the seventh school business day after receipt of the request by the person to whom it must be submitted under Subsection (a-3) that authorizes the request or states the reason for denying the request;

(3) except as provided by Subdivision (5), require that a school or a campus begin operation of a video camera in compliance with this section not later than the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the request is authorized unless the agency grants an extension of time;

(4) permit the parent of a student whose admission, review, and dismissal committee has determined that the student's placement for the following school year will be in a classroom or other special education setting in which a video camera may be placed under this section to make a request for the video camera by the later of:

(A) the date on which the current school year ends; or

(B) the 10th school business day after the date of the placement determination by the admission, review, and dismissal committee; and

(5) if a request is made by a parent in compliance with Subdivision (4), unless the agency grants an extension of time, require that a school or campus begin operation of a video camera in compliance with this section not later than the later of:

(A) the 10th school day of the fall semester; or

(B) the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the date the request is made.

(m) A school district, parent, staff member, or administrator may request an expedited review by the agency of the district's:

(1) denial of a request made under this section;

(2) request for an extension of time to begin operation of a video camera under Subsection (l)(3) or (5); or

(3) determination to not release a video recording to a person described by Subsection (i).

(n) If a school district, parent, staff member, or administrator requests an expedited review under Subsection (m), the agency shall notify all other interested parties of the request.

(o) If an expedited review has been requested under Subsection (m), the agency shall issue a preliminary judgment as to whether the district is likely to prevail on the issue under a full review by the agency. If the agency determines that the district is not

likely to prevail, the district must fully comply with this section notwithstanding an appeal of the agency's decision. The agency shall notify the requestor and the district, if the district is not the requestor, of the agency's determination.

(p) The commissioner:

(1) shall adopt rules relating to the expedited review process under Subsections (m), (n), and (o), including standards for making a determination under Subsection (o); and

(2) may adopt rules relating to an expedited review process under Subsections (m), (n), and (o) for an open-enrollment charter school.

(q) The agency shall collect data relating to requests made under this section and actions taken by a school district or open-enrollment charter school in response to a request, including the number of requests made, authorized, and denied.

(r) A video recording under this section is a governmental record only for purposes of Section 37.10, Penal Code.

(s) This section applies to the placement, operation, and maintenance of a video camera in a self-contained classroom or other special education setting during the regular school year and extended school year services.

(t) A video camera placed under this section is not required to be in operation for the time during which students are not present in the classroom or other special education setting.

(u) In this section:

(1) "Parent" includes a guardian or other person standing in parental relation to a student.

(2) "School business day" means a day that campus or school district administrative offices are open.

(3) "Self-contained classroom" does not include a classroom that is a resource room instructional arrangement under Section 42.151.

(4) "Staff member" means a teacher, related service provider, paraprofessional, counselor, or educational aide assigned to work in a self-contained classroom or other special education setting.

(5) "Time-out" has the meaning assigned by Section 37.0021.

The amendment to **HB 61** 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 61 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 61 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 61** 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 CONCURRENT RESOLUTION 59 ON SECOND READING

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration **HCR 59** at this time on its second reading:

HCR 59, Urging Congress to pass a budget.

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

HOUSE BILL 3021 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 3021** at this time on its second reading:

HB 3021, Relating to indemnification and duties of engineers and architects under certain governmental 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.

HOUSE BILL 3021 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 3021** 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 2304 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 2304** at this time on its second reading:

CSHB 2304, Relating to the regulation of barbering and cosmetology.

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 2304 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 2304** be placed on its third reading and final passage.

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

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 23, 2017 - 3

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 1913

Zaffirini

Sponsor: Thompson,
Senfronia

Relating to the administrative, civil, and criminal consequences, including fines, fees, and costs, imposed on persons arrested for, charged with, or convicted of certain criminal offenses.

(Amended)

SJR 1

Campbell

Sponsor: Fallon

Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a first responder who is killed or fatally injured in the line of duty.

SJR 6

Zaffirini

Sponsor: Schofield

Proposing a constitutional amendment authorizing the legislature to require a court to provide notice to the attorney general of a challenge to the constitutionality of a state statute and authorizing the legislature to prescribe a waiting period before the court may enter a judgment holding the statute unconstitutional.

SJR 34

Birdwell

Sponsor: Geren

Proposing a constitutional amendment limiting the service of certain officeholders after the expiration of the person's term of office.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE

HOUSE BILL 91 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 91** at this time on its second reading:

CSHB 91, Relating to a review of occupational licensing requirements and an applicant's criminal history.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 91** (senate committee printing) as follows:

(1) Strike SECTION 2 of the bill (page 1, line 46 through page 2, line 18).

The amendment to **CSHB 91** 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 91 as amended was passed to third reading by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 91 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 **CSHB 91** 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 1814 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 1814** at this time on its second reading:

HB 1814, Relating to application requirements for certain probate proceedings.

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 1814 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 1814** 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 1290 ON SECOND READING

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **HB 1290** at this time on its second reading:

HB 1290, Relating to the required repeal of a state agency rule before adoption of a new state agency rule.

The motion prevailed.

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

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1290** by Roberts (Senate committee report) as follows:

(1) Strike SECTION 1 of the bill (page 1, lines 23-61 to page 2, lines 1-14) and substitute the following:

SECTION 1. Subchapter A, Chapter 2001, Government Code, is amended by adding Section 2001.0045 to read as follows:

Sec. 2001.0045. REQUIREMENT FOR RULE INCREASING COSTS TO REGULATED PERSONS. (a) In this section, "state agency" means a department, board, commission, committee, council, agency, office, or other entity in the executive, legislative, or judicial branch of state government. This term does not include an agency under the authority of an elected officer of the state.

(b) Except as provided by Subsection (c), a state agency may not adopt a proposed rule for which the fiscal note for the notice required by Section 2001.024 states that the rule imposes a cost on any regulated person, including another state agency, a special district, and a local government, unless on or before the effective date of the proposed rule the state agency on or before the effective date of the proposed rule the agency:

(1) repeals a rule that imposes a cost on the person that is equal to or greater than the cost imposed on the person by the proposed rule; or

(2) amends a rule to decrease the costs imposed on the person by an amount that is equal to or greater than the cost imposed on the person by the proposed rule; and

(c) This section does not apply to a rule that:

(1) relates to state agency procurement;

(2) is amended to:

(A) reduce the burden or responsibilities imposed on a regulated person by the rule; or

(B) decrease the person's cost for compliance with the rule;

(3) is adopted in response to a natural disaster;

(4) is adopted by the Department of Family and Protective Services; or

(5) is necessary to receive a source of Federal funds.

(d) Each state agency that adopts a rule subject to this section shall comply with the requirements imposed by Subchapter B and Chapter 2002 for publication in the Texas Register.

(2) Insert the following properly numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION ____ . Subchapter B, Chapter 2001, Government Code, is amended by adding Section 2001.0221 to read as follows:

Sec. 2001.0221. GOVERNMENT GROWTH IMPACT STATEMENTS. (a) A state agency shall prepare a government growth impact statement for a proposed rule.

(b) A state agency shall reasonably describe in the government growth impact statement whether, during the first five years that the rule will be in effect:

(1) the rule creates or eliminates a government program;

(2) implementation of the rule requires the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the rule requires an increase or decrease in future legislative appropriations to the agency;

(4) the rule requires an increase or decrease in fees paid to the agency;

(5) the rule creates a new regulation;

(6) the rule expands, limits, or repeals an existing regulation;

(7) the rule increases or decreases the number of individuals subject to the rule's applicability; and

(8) the rule positively or adversely affects the state's economy.

(c) The comptroller shall adopt rules to implement this section. The rules must require that the government growth impact statement be in plain language. The comptroller may prescribe the use of a chart that a state agency may use to disclose the items required under Subsection (b).

(d) Each state agency shall incorporate the impact statement into the notice required by Section 2001.024.

(e) This section applies to the adoption of an emergency rule.

(f) Failure to comply with this section does not impair the legal effect of a rule adopted under this chapter.

SECTION _____. Not later than October 1, 2017, the comptroller of public accounts shall adopt rules under Section 2001.0221(c), Government Code, as added by this Act.

SECTION _____. Section 2001.0221, Government Code, as added by this Act, applies only to a proposed rule for which the notice required under Section 2001.023(b), Government Code, is filed on or after November 1, 2017.

SECTION _____. Section 2001.0045, Government Code, as added by this Act, applies only to a rule proposed by a state agency on or after the effective date of this Act. A rule proposed before that date is governed by the law in effect on the date the rule was proposed, and the former law is continued in effect for that purpose.

(3) Strike SECTION 2 of the bill.

The amendment to **HB 1290** was read.

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

Floor Amendment No. 2

Amend Amendment No. 1 by Kolkhorst to **HB 1290** (senate committee report), in added Subsection 2001.0045(c), Government Code as follows:

(1) On page 2, line 7, strike "or".

(2) On page 2, line 8, strike "(5) is necessary to receive a source of Federal funds." and insert the following:

"(5) is necessary to receive a source of federal funds or to comply to with federal law; or

(6) is necessary to protect water resources of this state as authorized by the Water Code."

The amendment to Floor Amendment No. 1 to **HB 1290** 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 Watson offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 3

Amend Floor Amendment No. 1 by Kolkhorst to **HB 1290** (Senate committee report) as follows:

- (1) On page 2, line 7 strike "or";
- (2) On page 2, line 8 strike ";" and substitute ":";
- (3) On page 2, between lines 8 and 9 insert the following:
"(7) is adopted by the Department of Motor Vehicles; or
(8) is adopted by a self-directed semi-independent agency."

The amendment to Floor Amendment No. 1 to **HB 1290** was read and was adopted by a viva voce vote.

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

Question recurring on the adoption of Floor Amendment No. 1 to **HB 1290**, the amendment as amended was adopted by a viva voce vote.

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

HB 1290 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, Lucio, Miles, Rodríguez, Watson, Zaffirini.

HOUSE BILL 1290 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 1290** be placed on its third reading and final passage.

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

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

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

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

(Senator Perry in Chair)**HOUSE BILL 1735 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 1735** at this time on its second reading:

HB 1735, Relating to certain election officers.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1735** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Sections 31.092(b), (d), and (e), Election Code, are transferred to Section 31.093, Election Code, redesignated as Sections 31.093(c), (d), and (e), Election Code, respectively, and amended to read as follows:

(c) ~~(b)~~ On request of the county chair of a political party holding a primary election in the county, the [The] county election officer shall [may] contract with the county executive committee of the [a political] party [holding a primary election in the county] to perform election services, as provided by this subchapter, in the party's general primary election and [or] runoff primary election in accordance with a cost schedule agreed on by the contracting parties[-or both].

(d) In a contract required [authorized] by Subsection (c) ~~(b)~~, the county election officer may not prevent the county chair or the chair's designee from supervising the conduct of the primary election, including the tabulation of results, as required by Chapter 172. A county election officer who violates this subsection commits an offense. An offense under this subsection is a Class B misdemeanor.

(e) A [If a] county election officer [enters into a contract with a county executive committee under Subsection (b) to perform election services, the officer] must offer to contract on the same terms with the county executive committee of each political party holding a primary election in the county.

SECTION _____. Section 31.093(a), Election Code, is amended to read as follows:

(a) If requested to do so by a political subdivision ~~[or political party]~~, the county elections administrator shall enter into a contract to furnish the election services requested, in accordance with a cost schedule agreed on by the contracting parties.

SECTION _____. Section 61.003(b)(1), Election Code, is amended to read as follows:

(1) "Electioneering" includes the posting, use, or distribution of political signs or literature. The term does not include the distribution of a notice of a party convention authorized under Section 172.1114.

SECTION _____. Section 127.096, Election Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If the test is being conducted for a primary election, the custodian of the automatic tabulating equipment shall notify the county chair of the test at least 48 hours before the date of the test. The county chair shall confirm receipt of the notice.

SECTION _____. Section 129.023, Election Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) If the test is being conducted for a primary election, the general custodian of election records shall notify the county chair of the test at least 48 hours before the date of the test. The county chair shall confirm receipt of the notice.

SECTION _____. Section 141.031(a), Election Code, is amended to read as follows:

(a) A candidate's application for a place on the ballot that is required by this code must:

- (1) be in writing;
- (2) be signed and sworn to by the candidate and indicate the date that the candidate swears to the application;
- (3) be timely filed with the appropriate authority; and
- (4) include:
 - (A) the candidate's name;
 - (B) the candidate's occupation;
 - (C) the office sought, including any place number or other distinguishing number;
 - (D) an indication of whether the office sought is to be filled for a full or unexpired term if the office sought and another office to be voted on have the same title but do not have place numbers or other distinguishing numbers;
 - (E) a statement that the candidate is a United States citizen;
 - (F) a statement that the candidate has not been determined by a final judgment of a court exercising probate jurisdiction to be:
 - (i) totally mentally incapacitated; or
 - (ii) partially mentally incapacitated without the right to vote;
 - (G) a statement that the candidate has not been finally convicted of a felony from which the candidate has not been pardoned or otherwise released from the resulting disabilities;
 - (H) the candidate's date of birth;
 - (I) the candidate's residence address or, if the residence has no address, the address at which the candidate receives mail and a concise description of the location of the candidate's residence;
 - (J) the candidate's length of continuous residence in the state and in the territory from which the office sought is elected as of the date the candidate swears to the application;
 - (K) the statement: "I, _____, of _____ County, Texas, being a candidate for the office of _____, swear that I will support and defend the constitution and laws of the United States and of the State of Texas";
 - (L) a statement that the candidate is aware of the nepotism law, Chapter 573, Government Code; and

(M) a public mailing address at which the candidate receives correspondence relating to the candidate's campaign, if available, and an ~~any available~~ electronic mail address at which the candidate receives correspondence relating to the candidate's campaign, if available.

SECTION _____. Section 141.039, Election Code, is amended to read as follows:

Sec. 141.039. OFFICIAL APPLICATION FORM. In addition to the other statements and spaces for entering information that appear on an officially prescribed form for an application for a place on the ballot, each official form for an application that a candidate is required to file under this code must include:

(1) a space for indicating the form in which the candidate's name is to appear on the ballot;

(2) a space for the candidate's public mailing address;

(3) spaces for the candidate's home and office telephone numbers and e-mail address at which the candidate receives correspondence relating to the candidate's campaign; and

(4) a statement informing candidates that the furnishing of the telephone numbers ~~or e-mail address~~ is optional.

SECTION _____. Section 145.036(d), Election Code, is amended to read as follows:

(d) For the purpose of filling a vacancy, a majority of the committee's membership constitutes a quorum. To be nominated, a person must receive a favorable vote of a majority of the members voting ~~present~~.

SECTION _____. Section 162.004(c), Election Code, is amended to read as follows:

(c) If a voter is accepted to vote without presenting a registration certificate, the presiding judge shall issue the voter an affiliation certificate. The certificate is not required to be issued to a voter in a runoff primary unless the voter requests it. The affiliation certificate may be combined with the notice provided under Section 172.1114. If the combined form is used, an election officer is not required to comply with Subsection (b).

SECTION _____. Section 162.014(b), Election Code, is amended to read as follows:

(b) An election under this section is a felony of the second degree unless the person is convicted of an attempt. In that case, the offense is a state jail felony ~~[Class C misdemeanor]~~.

SECTION _____. Section 172.082, Election Code, is amended by amending Subsections (b), (c), and (e) and adding Subsection (f) to read as follows:

(b) The county chair ~~[executive committee]~~ shall conduct the drawing unless the county executive committee ~~[#]~~ provides by resolution that the drawing be conducted by the primary committee.

(c) The drawing shall be conducted ~~[at the county seat]~~ not later than the 10th day after the date of the regular filing deadline for the general primary election.

(e) The county chair shall post notice of the date, hour, and place of the drawing for at least 24 consecutive hours immediately before the drawing begins. The notice shall be posted on the party's Internet website, if the party maintains a website. If the

party does not maintain a website, the notice shall be posted on the bulletin board used for posting notice of meetings of the commissioners court. [If the party maintains an Internet website, the party shall post the notice on the party's website.] All candidates who provide an e-mail address on their filing form shall be notified electronically.

(f) The state chair shall conduct the drawing if the county chair:

(1) requests that the state chair conduct the drawing; or

(2) fails to conduct the drawing by the deadline set in this section.

SECTION _____. Section 172.083, Election Code, is amended to read as follows:

Sec. 172.083. REVIEW AND APPROVAL OF BALLOT BY PRIMARY COMMITTEE. If a primary committee was established, before [Before] having the official ballots for a general primary election printed, the county chair shall submit the format for the official ballot to the primary committee for its review and approval.

SECTION _____. Section 172.084(a), Election Code, is amended to read as follows:

(a) The [Except as provided by this section, the] order of the candidates' names on the runoff primary election ballot for each county shall be [determined by a drawing conducted] in the same order as [manner as the regular drawing for position] on the general primary election ballot.

SECTION _____. Section 172.1111, Election Code, is amended to read as follows:

Sec. 172.1111. POSTING NOTICE OF CONVENTIONS [PRECINCT CONVENTION] REQUIRED. (a) Before the opening of the polls, the presiding judge shall post at each outside door through which a voter may enter the building in which the polling place is located a written notice in bold print of the date, hour, and place for each [convening the] precinct, county, senatorial, or state convention that a voter in the precinct may be eligible to attend during the election year.

(b) Notice posted under this section may include:

(1) the website of the county party and state party; and

(2) any other information deemed necessary by the state executive committee.

(b-1) The state chair shall develop a form for the notice that may be used statewide. The judge is not required to use an officially prescribed form for the notice, but must include any information required by this section.

(b-2) A state chair, county chair, or precinct chair shall provide the presiding judge with the necessary information respecting the chair's associated convention.

(c) The notice must remain posted continuously through election day.

SECTION _____. Section 172.1112(a), Election Code, is amended to read as follows:

(a) The county clerk [chair] shall post a notice of the election and a notice of consolidated precincts, if applicable, in the manner prescribed by Section 4.003(b) for general and special elections. The notice of the election shall be posted on the party's Internet website, if the party maintains a website. If the party does not maintain a website, the notice shall be posted on the bulletin board used for posting notice of meetings of the commissioners court.

SECTION _____. Subchapter E, Chapter 172, Election Code, is amended by adding Section 172.1114 to read as follows:

Sec. 172.1114. DISTRIBUTION OF NOTICE OF CONVENTIONS. (a) A political party may prepare a notice not larger than letter-sized for distribution to each voter participating in the party's primary election at the time the voter is accepted for voting.

(b) The notice may include:

(1) information describing the party's convention process;

(2) information detailing the time and place of the party's first-level convention process;

(3) contact information for the county and state political parties; and

(4) website links for information and registration for party conventions.

(c) The state chair of a political party shall prescribe a form for a notice that may be used in any county. A county chair of a political party may prescribe a specific notice for the county chair's county. The same notice must be used in all precincts within a county.

(d) A notice must be approved by the secretary of state. If a county chair of a political party uses the form of notice prescribed by the state chair, only the convention location and time may be added without the secretary of state's approval.

(e) A county chair of a political party shall supply a notice prepared according to this section to the authority conducting the election not later than the 30th day before the date early voting by personal appearance begins.

(f) The secretary of state shall prescribe procedures and adopt rules as necessary to implement this section.

SECTION _____. Section 172.112, Election Code, is amended to read as follows:

Sec. 172.112. WRITE-IN VOTING. Write-in voting in a primary election is not permitted ~~[except in the general primary election for the offices of county chair and precinct chair].~~

SECTION _____. Sections 172.113(a), (d), and (e), Election Code, are amended to read as follows:

(a) The authority establishing a central counting station ~~[county chair]~~ shall prepare the unofficial tabulation of precinct results.

(d) The authority ~~[county chair]~~ shall make ~~[the]~~ periodic announcements of the current state of the tabulation, including by posting the announcements on the Internet website of the county, if the county maintains a website.

(e) On completing the tabulation, the authority ~~[county chair]~~ shall deliver it to the general custodian or may post the tabulation on the county's website or the secretary of state's website.

SECTION _____. Section 172.114, Election Code, is amended to read as follows:

Sec. 172.114. DISPOSITION OF POLL LIST. The general custodian of election records shall preserve the poll lists maintained for a primary election for 22 months ~~[until the end of the voting year in which the primary election is held].~~

SECTION _____. Section 172.1141, Election Code, is amended to read as follows:

Sec. 172.1141. LIST OF REGISTERED VOTERS FOR CONVENTION.

(a) At the same time the acceptance of each voter for voting in the general primary election is indicated on the precinct list of registered voters furnished for use in the election, the acceptance of the voter shall also be indicated on the list furnished for use in the party's conventions.

(b) If a county records the acceptance of a voter electronically, the county chair may request an electronic document listing the persons who voted in the party primary.

SECTION _____. Section 172.115(a), Election Code, is amended to read as follows:

(a) Subject to Subsection (b), the voter registrar shall preserve each precinct list of registered voters that is used for a primary election for 22 months ~~[until the end of the voting year in which the primary election is held]~~.

SECTION _____. Section 172.116, Election Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) The county clerk shall prepare and submit to the secretary of state a report of the results of the canvass, which must include:

(1) the total number of votes cast in each precinct for each candidate or measure; and

(2) the number of counted and uncounted provisional ballots cast in each precinct.

(d) The final canvass is concluded when the chair digitally certifies the canvass report on the secretary of state's website. The posting on the site that the results are final completes the canvass report. The chair is not required to file any additional notice or report with the county clerk.

SECTION _____. Sections 172.117(a), (a-1), and (a-2), Election Code, are amended to read as follows:

(a) The county chair shall certify by posting on the secretary of state's website a notation next to the name and address of each primary candidate who is nominated for a county or precinct office for placement on the general election ballot. The chair shall digitally execute ~~[and file with the county clerk]~~ an affidavit certifying that the returns posted on the secretary of state's website are the correct and complete returns. The secretary of state shall ~~[may]~~ adopt by rule a process to allow the chair to submit the affidavit digitally.

(a-1) The secretary of state shall develop appropriate notations to describe the status of each candidate. The notations shall include:

- (1) "filed";
- (2) "withdrew";
- (3) "lost primary";
- (4) "in runoff";
- (5) "lost runoff";
- (6) "deceased"; ~~[or]~~
- (7) "declared ineligible"; or
- (8) "nominee for general election."

(a-2) The county chair shall update the notations after each general primary and runoff primary election. After any withdrawal or death of a candidate, and subsequent replacement of the candidate on the ballot, the chair shall notify the state chair, who shall update the notation on the website. All notations must be completed and accurate on the date prescribed by the secretary of state by rule to ensure that an authority printing general election ballots may rely on the information.

SECTION _____. Section 172.118, Election Code, is amended to read as follows:

Sec. 172.118. NOTICE OF PERSONS ELECTED AS PARTY OFFICERS.

(a) Not later than the 20th day after the date the local canvass is completed, the county chair shall post on the secretary of state's website [~~deliver written notice to the state chair and to the county clerk of~~] the names of the persons elected as county chair and precinct chairs for the county. [~~This notice may be given by electronic means or through an electronic submission system adopted by the state executive committee of the party.~~]

(b) The notice must include:

(1) each party officer's address;

(2) [~~and~~] each precinct chair's precinct number; and

(3) each precinct officer's phone number and e-mail address, if supplied by

the officer.

(c) ~~The secretary of state shall make information described by Subsections (b)(1) and (3) available to the state chair, but not available to the public. [The county clerk shall preserve the notice until the county clerk receives notice of the party officers elected at the succeeding primary election.]~~

(d) ~~Any appointment to fill a vacancy in the office of precinct or county chair shall be posted on the secretary of state's website. [On request of the secretary of state, the state chair shall deliver to the secretary written notice of the names and addresses of the party's county chairs. This notice may be given in electronic format as set out in rules adopted by the secretary of state.]~~

SECTION _____. Section 172.121, Election Code, is amended to read as follows:

Sec. 172.121. CERTIFICATION OF CANDIDATES FOR STATEWIDE AND DISTRICT OFFICES FOR PLACEMENT ON RUNOFF BALLOT. (a) The state chair shall certify on the secretary of state's website [~~in writing~~] for placement on the runoff primary election ballot the name of each general primary candidate for a statewide or district office who is to be a candidate in the runoff.

(b) The state chair shall deliver the certification by posting next to the candidate's name on the secretary of state's website whether the person lost in the primary or is in a runoff for the position [~~to the county chair in each affected county~~] as soon as practicable after the state canvass of the general primary election is completed.

SECTION _____. Section 172.122(a), Election Code, is amended to read as follows:

(a) The state chair shall certify by posting on the secretary of state's website the name and address of each primary candidate who is nominated for a statewide or district office. The state chair shall execute and file digitally with the secretary of state

an affidavit certifying that the returns posted on the secretary of state's website are the correct and complete returns. The secretary of state shall ~~[may]~~ adopt by rule a process to allow the chair to submit the affidavit digitally.

SECTION _____. Section 172.123, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The requirements of this section may be met by entering the results on the secretary of state's website if the secretary of state maintains a website for that purpose.

SECTION _____. Section 172.124(b), Election Code, is amended to read as follows:

(b) The county clerk ~~[chair]~~ shall deliver the report to the secretary of state not later than the 30th day after primary election day.

SECTION _____. Section 172.126, Election Code, is amended by amending Subsection (e) and adding Subsection (g-1) to read as follows:

(e) The county clerk shall obtain the candidates' names that are to appear on the primary ballot, office sought, and candidate and office ballot order from the certified list on the secretary of state's website ~~[A written certification of the candidates' names that are to appear on the primary ballot shall be delivered to the county clerk in accordance with rules prescribed by the secretary of state].~~

(g-1) A voter shall be allowed privacy to the extent possible when indicating the voter's choice as to which political party's primary the voter chooses to vote in. A voter may indicate, without verbalizing, the voter's choice by pointing to which party's ballot the voter chooses. The secretary of state shall prescribe a sign to inform voters of this option, and the co-judges of each polling place shall post the sign beside the signature roster.

SECTION _____. Section 172.127, Election Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The presiding judge or alternate presiding judge for the precinct may post signs at ~~[A sign used to indicate the location of]~~ a polling place for a primary election or a primary runoff election that ~~[must either]~~:

(1) identify ~~[not contain]~~ the names ~~[name]~~ of, or symbols ~~[symbol]~~ representing, any political parties ~~[party that is]~~ holding an election at the polling place; and ~~[or]~~

(2) do not refer to a candidate or measure on the ballot ~~[contain each name of, or each symbol representing, a political party that is holding an election at the polling place].~~

(c) The secretary of state shall adopt rules to provide that signs posted as authorized by Subsection (b) in the same county have a similar size and format.

SECTION _____. Sections 172.128(a) and (c), Election Code, are amended to read as follows:

(a) Notwithstanding a conflicting provision of this code, a primary election that is required for the nomination of a political party to a statewide office, a multicounty district office, or a presidential primary election shall be held in accordance with this section in a county in which:

(1) the office of county chair is vacant and there is an insufficient number of members serving on the county executive committee to fill a vacancy on the committee; and

(2) the party is unable to establish a temporary executive committee under Section 171.027.

(c) The county clerk may combine voting precincts [~~designate the location of the polling place~~] for an election held under this section to the extent necessary to [~~at the main early voting polling place or designate a location to serve as a polling place in the county seat of the county if the polling place is located so that it will~~] adequately serve the voters.

SECTION _____. Subchapter E, Chapter 172, Election Code, is amended by adding Sections 172.129 and 172.130 to read as follows:

Sec. 172.129. STATEMENTS MADE BY ELECTION OFFICER WHEN PRIMARIES CONDUCTED AT SAME LOCATION. (a) This section applies only to a polling place used to hold an election for more than one political party.

(b) An election officer conducting a primary election may not:

(1) suggest a political party's ballot to a voter; or

(2) discuss any race on the ballot with a voter.

Sec. 172.130. ACTION BY STATE CHAIR TO MEET DEADLINES FOR CONDUCT OF PRIMARY. (a) Notwithstanding a conflicting provision of this code, the state chair, or the state chair's designee, may perform any administrative duty of the county chair or county executive committee related to the conduct of a primary election that has not been performed in the time required by law, including the submission of candidate information under Section 172.029, drawing for ballot order under Sections 172.082 and 172.084, and canvassing returns under Section 172.116.

(b) The state chair must notify the county chair or county executive committee in writing or electronically that a duty has been performed under the authority of this section.

(c) If a county chair has a reasonable impediment or lacks appropriate technology to perform any administrative duty of the county chair related to the conduct of a primary election within the time required by law, the county chair may request that the state chair, or the state chair's designee, perform the duty instead of the county chair.

(d) The state chair may act in the role of the county chair for the purposes of Subchapter D, Chapter 173, with the approval of the secretary of state.

(e) The secretary of state shall adopt rules to implement this section in accordance with the conduct of elections and with party rule.

SECTION _____. Section 173.001(d), Election Code, is amended to read as follows:

(d) If the amount of the funds appropriated for the financing of primary elections is insufficient to satisfy the requests for those funds made under this code, the secretary of state may distribute the amount of the appropriation on a pro rata basis. Each party chair or executive committee is entitled to a proportionate share of that amount according to that committee's percentage of the total amount requested.

SECTION _____. Section 173.010, Election Code, is amended to read as follows:

Sec. 173.010. FURNISHING RULES AND GUIDELINES. During October ~~[November]~~ preceding each primary election year, the secretary of state shall post on the secretary's website ~~[deliver to the state chair and each county chair of each political party holding a primary election]~~ a current set of the rules and any available guidelines adopted under this subchapter. The secretary of state shall e-mail each state or county chair who has provided the secretary of state an e-mail address when the rules and guidelines have been posted. If a rule or amendment of a rule is adopted after the set is posted ~~[delivery of the set]~~, the secretary shall update the posting with the new rule or amendment ~~[deliver a copy of the rule or amendment]~~ not later than the 10th day after the date of its adoption.

SECTION _____. Section 173.032, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The state chair may, with the consent of the secretary of state and the county executive committee, if one exists for the county, accept money into the state primary fund on behalf of a county party. The state chair must keep records to track the money that is attributable to a county.

SECTION _____. Section 173.033, Election Code, is amended to read as follows:

Sec. 173.033. USE OF PRIMARY FUND. (a) The county primary fund shall be used to pay expenses incurred by the county chair ~~[or county executive committee]~~ in connection with a primary election.

(b) The state primary fund shall be used to pay expenses incurred by the state chair ~~[or state executive committee]~~ in connection with a primary election.

(c) A primary fund may not be used for any other purpose, except as provided by Section 173.032(c).

SECTION _____. Section 173.034, Election Code, is amended to read as follows:

Sec. 173.034. MANAGING PRIMARY FUND. (a) The county chair ~~[executive committee]~~ shall manage the county primary fund.

(b) The state chair ~~[executive committee]~~ shall manage the state primary fund.

SECTION _____. Section 173.036(a), Election Code, is amended to read as follows:

(a) The secretary of state may approve an expenditure of state funds for an audit of:

(1) the state primary fund or a county primary fund on request of the state chair; or

(2) a county primary fund on request of a county chair.

SECTION _____. The heading to Section 173.062, Election Code, is amended to read as follows:

Sec. 173.062. FEE PAID TO STATE CHAIR FOR DISTRICT OFFICES REMITTED TO SECRETARY OF STATE ~~[ALLOCATED AMONG COUNTY COMMITTEES].~~

SECTION _____. Section 173.062(a), Election Code, is amended to read as follows:

(a) The ~~[state chair shall allocate the]~~ filing fee for a district office accompanying an application for a place on the ballot filed with the state chair during the regular filing period shall be remitted to the secretary of state and deposited in the state treasury for the financing of primary election expenses [among the county executive committees serving the counties comprising the district].

SECTION _____. Section 173.081, Election Code, is amended by amending Subsections (a) and (c) and adding Subsection (g) to read as follows:

(a) Regardless of whether state funds are requested for paying primary expenses, a state or county chair shall submit to the secretary of state a written statement of estimated expenses to be incurred by the chair in connection with a primary election [shall be submitted to the secretary of state by:

~~[(1) the county chair, for expenses of the county chair or county executive committee; or~~

~~[(2) the state chair, for expenses of the state chair or state executive committee].~~

(c) A statement for a general primary election must also:

(1) state the amount of:

(A) the primary candidates' filing fees required to be deposited in the county primary fund if the statement is submitted by a county chair, or in the state primary fund if the statement is submitted by the state chair, that have been received by the authority submitting the statement; and

(B) the contributions to the county chair or executive committee if the statement is submitted by a county chair, or to the state chair or executive committee if the statement is submitted by the state chair, that:

(i) are for the purpose of defraying primary election expenses; and

(ii) have not been included in a report filed under Section 173.084 for a previous primary election year; and

(2) be submitted not later than the 45th day before general primary election day.

(g) The state chair of a party, or the state chair's designee, may submit a statement under this section on behalf of a county chair if the county chair:

(1) requests the state chair to submit the statement on the county chair's behalf; or

(2) fails to submit the statement by the deadline.

SECTION _____. Section 173.0832, Election Code, is amended to read as follows:

Sec. 173.0832. DIRECT REPAYMENT TO AUTHORITY CONDUCTING PRIMARY ELECTION UNDER CONTRACT IN CERTAIN COUNTIES. On request of a county election officer ~~[of a county with a population of 100,000 or more]~~ who conducts a primary election under an election services contract authorized under Subchapter D, Chapter 31, the secretary of state shall [may] provide payment of primary expenses directly to the officer who incurs the expense rather than to the county chair under this subchapter. The secretary of state shall prescribe procedures to implement this section.

SECTION _____. Subchapter D, Chapter 173, Election Code, is amended by adding Section 173.0833 to read as follows:

Sec. 173.0833. DIRECT BILLING OF CERTAIN PRIMARY EXPENSES.

(a) This section applies to election services and materials provided by a vendor for use in a primary election or primary runoff election, including:

(1) the printing of paper ballot material containing candidates' names used in a polling place;

(2) the programming and testing of voting system equipment, including ballot layout, programming of equipment, and audio production;

(3) site support or technical support other than the programming or testing of voting system equipment;

(4) nonballot election materials used in a precinct on election day, including election kits, required party stamps, distance signs, and required forms; and

(5) the rental of non-county-owned electronic voting system equipment, including media components.

(b) A vendor providing election services or materials to a county chair or a county election officer contracting with a county chair for a primary or runoff primary election shall directly bill the secretary of state for the cost of the services or materials used on election day for which state funding is available under this chapter.

(c) The county chair or the county election officer contracting with the county chair for whom a vendor provides election services or materials to be directly billed to the secretary of state under this section:

(1) shall direct the vendor to remit final invoices to the secretary of state for payment; and

(2) may examine an invoice for accuracy after the invoice is submitted to the secretary of state for payment.

(d) If after a review under Subsection (c)(2) an adjustment is required, the county chair or county election officer shall notify the vendor and the secretary of state. The vendor shall submit a corrected invoice and the secretary of state shall adjust the payment accordingly.

(e) An invoice submitted to the secretary of state by a vendor for payment under this section must be in an electronic spreadsheet format prescribed by the secretary of state and list each county to which the vendor provides election services or materials. For each county to which a vendor provides election services or materials a submission must include:

(1) the name of the political party;

(2) the invoice number;

(3) the date of submission;

(4) the number of ballots printed, if any;

(5) whether an order for ballot printing or programming of voting system equipment was placed by the county chair or an entity contracting with the county chair to hold the primary; and

(6) the specific type of election services or materials provided.

(f) A vendor may not submit an invoice directly billing the secretary of state for a primary election expense required to be paid by the county under Section 173.003.

(g) The direct payment by the secretary of state of an invoice under this section does not affect the payments calculated for county chairs under Section 173.004 or compensation of a county election officer under Section 31.100.

(h) The secretary of state may adopt rules as necessary to implement this section.

SECTION _____. Section 173.084, Election Code, is amended by amending Subsections (b) and (d) and adding Subsection (b-1) to read as follows:

(b) The authority preparing the report shall file it with the secretary of state not later than August 31 following the applicable primary election [~~the 30th day after runoff primary election day or not later than the 30th day after general primary election day if no runoff primary is held in the county~~], in the case of the county chair's report, or if no runoff primary is held for a statewide or district office, in the case of the state chair's report.

(b-1) The secretary for good cause, including failure of a vendor or a county election officer contracted to conduct the election to provide complete invoices in a timely fashion, may extend the filing deadline.

(d) Any compensation claimed under Section 173.004 shall may be forfeited on the failure of a county chair to file a timely report.

SECTION _____. Section 173.0851(a), Election Code, is amended to read as follows:

(a) Any surplus remaining in a primary fund shall be remitted to the secretary of state immediately after the final payment from the fund of the necessary expenses for holding the primary elections for that year upon request of the secretary of state [~~but not later than July 1 following the applicable primary election~~]. The surplus in a primary fund shall be remitted regardless of whether state funds were requested by the chair.

SECTION _____. Chapter 276, Election Code, is amended by adding Section 276.011 to read as follows:

Sec. 276.011. ENGAGING IN ORGANIZED ELECTION FRAUD ACTIVITY.

(a) A person commits an offense if, with the intent to establish, maintain, or participate in a vote harvesting organization, the person commits or conspires to commit one or more offenses under Titles 1 through 7.

(b) Except as provided by Subsection (c), an offense under this section is one category higher than the most serious offense listed in Subsection (a) that is committed, and if the most serious offense is a Class A misdemeanor, the offense is a state jail felony.

(c) At the punishment stage of a trial, the defendant may raise the issue as to whether in voluntary and complete renunciation of the offense the defendant withdrew from the vote harvesting organization before commission of an offense listed in Subsection (a) and made substantial effort to prevent the commission of the offense. If the defendant proves the issue in the affirmative by a preponderance of the evidence, the offense is the same category of offense as the most serious offense listed in Subsection (a) that is committed.

(d) In this section, "vote harvesting organization" means three or more persons who collaborate in committing offenses under Titles 1 through 7, although participants may not know each other's identity, membership in the organization may change from time to time, and participants may stand in a candidate-consultant, donor-consultant, consultant-field operative, or other arm's length relationship in the organization's operations.

(e) For purposes of this section, "conspires to commit" means that a person agrees with one or more persons that they or one or more of them engage in conduct that would constitute the offense and that person and one or more of them perform an overt act in pursuance of the agreement. An agreement constituting conspiring to commit may be inferred from the acts of the parties.

SECTION _____. The following provisions of the Election Code are repealed:

- (1) Sections 172.084(b), (c), (d), and (e);
- (2) Sections 172.113(b) and (c);
- (3) Section 172.119;
- (4) Section 172.127(a);
- (5) Sections 173.062(b), (c), and (d);
- (6) Section 173.064; and
- (7) Section 173.088.

SECTION _____. (a) The changes in law made by this Act in amending Section 31.093(d), Election Code, as redesignated by this Act, and Section 162.014(b), Election Code, and adding Section 276.011, Election Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b) The change in law made by this Act to Section 141.031(a), Election Code, applies to an application for a place on the ballot made on or after the effective date of this Act. An application for a place on the ballot made before the effective date of this Act is governed by the law in effect on the date the application is made, and the former law is continued in effect for that purpose.

The amendment to **HB 1735** was read.

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

Floor Amendment No. 2

Amend Amendment No. 1 by Huffman to **HB 1735** by striking the SECTION of the amendment that amends Section 162.014(b), Election Code, and substituting the following appropriately numbered SECTION:

SECTION _____. Section 162.014, Election Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) Except as provided by Subsections (c) and (d), an [Am] offense under this section is a Class C misdemeanor.

(c) An offense under this section is a felony of the second degree if the conduct constituting an offense under Subsection (a) consists of knowingly voting in a primary election after having voted in a primary election of another party during the same voting year.

(d) An offense under this section is a state jail felony if the conduct constituting an offense under Subsection (a) consists of knowingly attempting to vote in a primary election after having voted in a primary election of another party during the same voting year.

The amendment to Floor Amendment No. 1 to **HB 1735** 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.

Question recurring on the adoption of Floor Amendment No. 1 to **HB 1735**, the amendment as amended was adopted by a viva voce vote.

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

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 3

Amend **HB 1735** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTION of the bill accordingly:

Amendment No. __ to H.B. No. 1735 (Senate committee printing) by adding the following appropriately numbered item to the amendment:

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

SECTION _____. Section 192.002(a), Election Code, is amended to read as follows:

(a) To be eligible to serve as a presidential elector, a person must:

(1) be a qualified voter of this state; ~~and~~

(2) not hold the office of United States senator, United States representative, or any other federal office of profit or trust; and

(3) meet all other eligibility requirements provided by this subchapter, and if representing a political party, by party rules.

SECTION _____. Section 192.003, Election Code, is amended to read as follows:

Sec. 192.003. METHOD OF BECOMING ELECTOR AND ALTERNATE ELECTOR NOMINEE [CANDIDATE]. (a) For each presidential elector position in this state, the state chair of a political party contesting the position in accordance with this section and party rules, or an independent or write-in candidate for president, shall submit to the secretary of state the names of two qualified individuals. One of the individuals must be designated "elector nominee" and the other "alternate elector nominee."

(b) Each political party that holds a national presidential nominating convention shall adopt rules providing for the selection of elector nominees and alternate elector nominees. The rules shall provide that a presidential nominee of that party, not later than the close of the national presidential nominating convention, shall provide a list of persons eligible for nomination as alternate elector nominee to the state chair of a political party. The state chair shall forward the names of these individuals to the secretary of state as the party's nominees for alternate elector nominee. If the presidential nominee does not timely provide the list required by this section, the party rules shall provide an alternate method of selection of alternate elector nominees, and any vacancy shall be filled as prescribed by Section 192.004. [To become a

~~presidential elector candidate, a person must be nominated as a political party's elector candidate in accordance with party rules or named as an elector candidate by an independent or write-in candidate for president.]~~

SECTION _____. Subchapter A, Chapter 192, Election Code, is amended by adding Sections 192.0031 and 192.0032 to read as follows:

Sec. 192.0031. PLEDGE. (a) If required by political party rule, each elector nominee and alternate elector nominee of the political party shall execute the following pledge before a notary: "If selected for the position of elector, I agree to serve and to mark my ballots for President and Vice President for the nominees for those offices of the party that nominated me."

(b) Each elector nominee and alternate elector nominee of an independent or write-in presidential candidate shall execute the following pledge before a notary: "If selected for the position of elector as a nominee of an independent or write-in presidential candidate, I agree to serve and to mark my ballots for that candidate and for that candidate's vice-presidential running mate."

(c) The executed pledges, if required, must accompany the submission of the corresponding names to the secretary of state.

Sec. 192.0032. CERTIFICATION OF ELECTORS. In submitting this state's certificate of ascertainment as required by 3 U.S.C. Section 6, the secretary of state shall certify this state's electors and state in the certificate that:

(1) the electors will serve as electors unless a vacancy occurs in the office of elector before the end of the meeting at which elector votes are cast, in which case a substitute elector will fill the vacancy; and

(2) if a substitute elector is appointed to fill a vacancy, the secretary of state will submit an amended certificate of ascertainment stating the names on the final list of this state's electors.

SECTION _____. Section 192.004, Election Code, is amended to read as follows:

Sec. 192.004. ELECTOR NOMINEE AND ALTERNATE ELECTOR NOMINEE [CANDIDATE] VACANCY. (a) An elector nominee or alternate elector nominee [candidate] may withdraw from the presidential election before presidential election day, or if elected, may resign on or after the presidential election day, by delivering written notice of the withdrawal or resignation to:

(1) the secretary of state; and

(2) the state chair of the party that nominated the elector nominee or alternate elector nominee [candidate] or to the independent or write-in candidate for president who named the elector nominee or alternate elector nominee [candidate].

(b) If an elector nominee or alternate elector nominee [candidate] withdraws, dies, or is declared ineligible before presidential election day, a replacement elector nominee or alternate elector nominee [candidate] may be named by the party that nominated the elector nominee or alternate elector nominee [candidate] or by the independent or write-in candidate for president who named the elector nominee or alternate elector nominee [candidate].

(c) An independent or write-in candidate for president naming a replacement elector nominee or alternate elector nominee [candidate] must file with the secretary of state, before presidential election day, the name and residence address of the

replacement nominee [candidate] and a written statement, signed by the replacement nominee [candidate], that the person consents to be a nominee, and the executed pledge if required under Section 192.0031 [candidate].

(d) If a political party's rules do not provide the manner of choosing a replacement elector nominee or alternate elector nominee [candidate], the party's state executive committee may choose the replacement nominee [candidate]. The state chair of a political party naming a replacement elector nominee or alternate elector nominee [candidate] must file with the secretary of state, before presidential election day, the name and residence address of the replacement nominee, and the executed pledge if required under Section 192.0031 [candidate].

SECTION _____. Section 192.005, Election Code, is amended to read as follows:

Sec. 192.005. VOTE REQUIRED FOR ELECTION. The set of elector nominees or alternate elector nominees [candidates] that is elected is the one that corresponds to the candidates for president and vice-president receiving the most votes.

SECTION _____. Section 192.006, Election Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) If an elector or alternate elector resigns, dies, or is declared ineligible on or after presidential election day or if a vacancy occurs at the meeting of electors, the secretary of state shall appoint an individual as a substitute elector to fill that vacancy as follows:

(1) if the alternate elector is present to vote, by appointing the alternate elector for the vacant position;

(2) if the alternate elector for the vacant position is not present to vote, by appointing an elector chosen by lot from the alternate electors present to vote who were nominated by the same political party or presidential candidate;

(3) if the number of alternate electors present to vote is insufficient to fill any vacant position under Subdivisions (1) and (2), by appointing any immediately available individual who is qualified to serve as an elector and chosen through nomination by and plurality vote of the remaining electors, including nomination and vote by a single elector if only one remains;

(4) if there is a tie between at least two nominees for substitute elector in a vote conducted under Subdivision (3), by appointing an elector chosen by lot from among those nominees; or

(5) if all elector positions are vacant and cannot be filled under Subdivisions (1) through (4), by appointing a single presidential elector, with the remaining vacant positions to be filled under Subdivision (3) and, if necessary, Subdivision (4).

(e) If required by political party rule, to qualify as a substitute elector under Subsection (d), an individual who has not executed the pledge under Section 192.0031 shall execute the following pledge: "I agree to serve and to mark my ballots for President and Vice President consistent with the pledge of the individual to whose elector position I have succeeded."

SECTION _____. Subchapter A, Chapter 192, Election Code, is amended by adding Section 192.0061 to read as follows:

Sec. 192.0061. ELECTOR VOTING. (a) At the time designated for elector voting and after all vacant positions have been filled under Section 192.006, the chair shall provide each elector with a presidential and a vice-presidential ballot. The elector shall mark the elector's presidential and vice-presidential ballots with the elector's votes for the offices of president and vice-president, respectively, along with the elector's signature and the elector's legibly printed name.

(b) Each elector shall present both completed ballots to the chair, who shall examine the ballots and accept as cast all ballots of electors whose votes are consistent with the requirements of this chapter, including any pledges required to be executed under Section 192.0031 or 192.006(e).

(c) An elector who refuses to present a ballot, presents an unmarked ballot, presents a ballot marked in violation of any pledge executed by the elector under Section 192.0031 or 192.006(e), or refuses or otherwise fails to vote for the candidates for president and vice-president receiving the most votes in this state in the general election:

(1) is ineligible to serve;

(2) may never serve as an elector or alternate elector in this state; and

(3) vacates the office of elector, creating a vacant position to be filled under

Section 192.006.

(d) The chair shall distribute ballots to and collect ballots from a substitute elector and repeat the process under this section of examining ballots, declaring and filling vacant positions as required, and recording appropriately completed ballots from the substituted electors, until all of this state's electoral votes have been cast and recorded.

SECTION _____. Section 192.007, Election Code, is amended to read as follows:

Sec. 192.007. ELECTOR REPLACEMENT; ASSOCIATED CERTIFICATES [AFTER ELECTION]. (a) After the vote of this state's electors is completed, if the final list of electors differs from any list that the secretary of state previously included on a certificate of ascertainment prepared and transmitted under 3 U.S.C. Section 6, the secretary of state immediately shall prepare an amended certificate of ascertainment and transmit it to the governor for the governor's signature [The electors meeting to vote for president and vice president may appoint a replacement elector by a majority vote of the qualified electors present if:

(1) the vacancy occurred before presidential election day and a replacement was not chosen under Section 192.004;

(2) on or after presidential election day, an elector is declared ineligible or dies; or

(3) the vacancy is declared under Section 192.006(e)].

(b) The electors shall prepare a certificate of vote. The electors on the final list shall sign the certificate. The electors shall process and transmit the signed certificate with the amended certificate of ascertainment under 3 U.S.C. Sections 9, 10, and 11 [chair of the electors shall notify the secretary of state of the name and residence address of a replacement elector immediately on the replacement's appointment].

SECTION _____. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

The amendment to **HB 1735** was read.

On motion of Senator Huffman, further consideration of Floor Amendment No. 3 was temporarily postponed.

Question: Shall Floor Amendment No. 3 to **HB 1735** be adopted?

REMARKS ORDERED PRINTED

On motion of Senator Buckingham and by unanimous consent, the remarks by Senators Bettencourt and Buckingham regarding Floor Amendment No. 3 to **HB 1735** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Buckingham: Thank you, Senator. So, so, let's backtrack a little bit. So, if the elector votes for someone who's not the popular vote awardee, what happens?

Senator Bettencourt: Okay. Actually, they don't vote. Okay. And by the way, I want to credit you, Senator Buckingham, for looking at this issue early on. Okay. The steps are really simple. They sign a pledge that, to give a ballot that's consistent with their party. If they submit a ballot that is not consistent, they're replaced by an alternate. So, their vote is not cast and then pulled back.

Senator Buckingham: And, and, and, Mr. President—

Senator Bettencourt: And there's no fine—

Senator Buckingham: —and, Mr. President, can we have, can we, Mr. President, can I have just a little bit of order because I want people to listen to this? So—

Presiding Officer: Members, this is important for discussion, and it does impact everybody's districts, and when the electorates and those that choose to play or not play. So, I'd encourage you to listen.

Senator Buckingham: Thank you, Mr. President. So, our founding fathers create the electoral college to be independent to a certain extent in case there needed to be some independence. So, am I understanding your bill correctly, where you would make or force the electoral college to be a rubber stamp, which is directly against what, for our founding fathers wanted in the Constitution?

Senator Bettencourt: Well, Senator Buckingham, the bill that you filed was going to give them a substantial fine. Okay. Now, this is elegant in its solution. I've been a presidential elector for Congressional 7, and when I signed up for it, it was the expectation that I was going to be voting for my party's nominee. In fact, we actually did sign a pledge. I remember Steve Munisteri, he was the state party chairman, handing me such a pledge at the time. And, and that, so, and there's been a question about how to do this. So, then, the legal staff through the Lieutenant Governor side, as well, when you, when you submit a ballot and it's not consistent with the pledge you've made before it's counted, then basically at that point of time if, if you submit something that's not consistent with your party's pledge, then you'll be replaced by an alternate.

Senator Buckingham: And—

Senator Bettencourt: I think that's the best way to solve the problem of faithless electors.

Senator Buckingham: —and how is the alternate chosen?

Senator Bettencourt: Well, the alternate's chosen through a variety of members. The first thing is one of the individuals must be designated as the elector nominee and the other as, as an alternate. And the political party that holds the national nomination shall adopt rules providing selection of elector nominees and alternate nominees just like we do now.

Senator Buckingham: So, so right now, at least what I saw when, when we ran into this problem last time, the small handful of people at the electoral college and the party leadership picked the alternate's replacement.

Senator Bettencourt: Not true. This is done through the party election process of the conventions, just like what, what I went through. I stood for nomination in Congressional 7. I had to run. This was in between the time that I was a tax assessor and Senator because there was con— worry about whether or not there was a constitutional problem if an elected official was an elector. And, importantly, that it's still that same process that starts it. And once these lists are made, at that point of time, there is a selection, a backup selection process that goes. But this is just like the election process that I went through on the front end. It's just that if you make a, if you, if you submit something that's not consistent, then you're replaced.

Senator Buckingham: Well, but, but right now, the, only the electors are elected at the party convention. Any alternates were chosen at the time by a small handful of people in a room. So, so, what I'm seeing in your bill, and I would really have folks think very carefully if we want to go against our founding fathers. And I would put forward to this body, if we're going to force our electoral college into a rubber stamp, against what our founding fathers wanted, why have an electoral college at all?

Senator Bettencourt: Well, first off, let me say this. The alternate selection doesn't exist today in the, in the state convention process. The primary selection process does. It's the same process that I went through. It will be the same process in the future that somebody will stand for that. The difference is the pledge that I signed for the Republican Party will actually have to be honored at this point. If you sign a pledge in Texas, you should honor it. And so, when I signed that pledge in the, in the con— in the convention, I expected to honor my pledge. Now, in this case, the elegance of the solution is that the person that signs it, okay, and then they submit a ballot, okay, at that point they're fine. If they submit a ballot that's inconsistent with their pledge, then they'll be replaced. So, their bal— their vote is not pulled back, merely and at that point, which was the constitutional question that we were working on, if, on this issue.

Senator Buckingham: So, in the event, let's say between when the popular vote happens and when the electoral college meets, the person who received the majority of the popular vote had a debilitating stroke and died, the electoral college under your bill would therefore have to elect a dead person to President.

Senator Bettencourt: The same way that, quite frankly, we had Senators elected here that had been deceased. Okay. When, when you look at election law around the state, when you're within 75 days in some cases, certainly 63 days I believe the State of Texas, there's no power in the universe that gets you off of the ballot if you, if you died, because the ballots are printed, and the ballots are in the mail, and the military ballots are out. And as a former elections official, there's simply nothing that can be done at the point of time.

Senator Buckingham: And, and you know how much I respect you and I appreciate your leadership on this. I just would encourage everybody to really think about do we truly want to go against our founding fathers and make the electoral college obsolete and a rubber stamp. Do we really want to let a handful of party officials pick the alternates? You know, I think not. And I think we really need to go into this with eyes wide open and, and I appreciate you. Thank you, Senator, for answering my questions.

Senator Bettencourt: Thank you.

SENATE RESOLUTION 712 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **SR 712** at this time:

SR 712, Urging Congress to enact legislation to expand and extend the current federal tax credit for carbon capture, utilization, and storage under Section 45Q of the Internal Revenue Code.

The resolution was read second time and was adopted by the following vote: Yeas 29, Nays 2.

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

Nays: Burton, Huffines.

HOUSE BILL 150 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 150** at this time on its second reading:

HB 150, Relating to the exemption from ad valorem taxation of part of the appraised value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization for less than the market value of the residence homestead.

The bill was read second time.

Senator Huffines offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 150** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 33.06(d), Tax Code, is amended to read as follows:

(d) A tax lien remains on the property and interest continues to accrue during the period collection of taxes is deferred or abated under this section. The annual interest rate during the deferral or abatement period ~~is eight~~ shall not exceed five percent instead of the rate provided by Section 33.01. Interest and penalties that accrued or that were incurred or imposed under Section 33.01 or 33.07 before the date the individual files the deferral affidavit under Subsection (b) or the date the judgment abating the suit is entered, as applicable, are preserved. A penalty under Section 33.01 is not incurred during a deferral or abatement period. The additional penalty under Section 33.07 may be imposed and collected only if the taxes for which collection is deferred or abated remain delinquent on or after the 181st day after the date the deferral or abatement period expires. A plea of limitation, laches, or want of prosecution does not apply against the taxing unit because of deferral or abatement of collection as provided by this section.

The amendment to **HB 150** 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 150 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 150 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 150** be placed on its third reading and final passage.

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

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

HOUSE JOINT RESOLUTION 21 ON SECOND READING

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration **HJR 21** at this time on its second reading:

HJR 21, Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of part of the market value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization for less than the market value of the residence homestead and harmonizing certain related provisions of the Texas Constitution.

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.

HOUSE JOINT RESOLUTION 21 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 **HJR 21** be placed on its third reading and final passage.

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

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

HOUSE BILL 1553 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1553** at this time on its second reading:

HB 1553, Relating to permitting a school district that has failed to satisfy performance standards to partner with an institution of higher education to improve district performance.

The bill was read second time.

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

Floor Amendment No. 1

Amend **HB 1553** by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 7.055(b), Education Code, is amended by adding Subdivision (42) to read as follows:

(42) The commissioner may accept a gift, grant, donation, or other contribution on behalf of the public school system or agency and, unless otherwise specified by the donor, may use the contribution in the manner the commissioner determines.

SECTION _____. Subchapter C, Chapter 7, Education Code, is amended by adding Section 7.067 to read as follows:

Sec. 7.067. GRANT COMPLIANCE. (a) The commissioner may:

(1) adopt rules to ensure that recipients of state-funded grants administered by the commissioner or the agency are in compliance with grant requirements; and

(2) require a grant recipient to provide information to the agency detailing grant compliance.

(b) The commissioner may direct the agency to make a site visit to a grant recipient to review the recipient's compliance with grant requirements. A review conducted under this subsection is not subject to Section 7.028 or 39.056.

(c) If the commissioner finds that a grant recipient is not in compliance with grant requirements, the commissioner may:

(1) seek the remittance of the grant funds; and

(2) withhold funding authorized under Section 12.106 or Chapter 42 or any other state funding in an amount sufficient to recover the grant funds provided to the recipient.

(d) A decision of the commissioner regarding grant compliance, including a decision to withhold funding under Subsection (c), is final and may not be appealed.

SECTION _____. Section 12.1012, Education Code, is amended by adding Subdivisions (7) and (8) to read as follows:

(7) "Payable obligation" means a contractually obligated expenditure that was reasonably incurred for the benefit of students enrolled at an open-enrollment charter school before the open-enrollment charter school ceased operations, including a debt described by Section 12.128(e). The term does not include any amount owed to a former charter holder or officer or director of the school.

(8) "Remaining funds" means funds that are held by a former charter holder after satisfaction of all payable obligations and that were received:

(A) under Section 12.106; or

(B) from the disposition of property.

SECTION _____. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.10125 to read as follows:

Sec. 12.10125. OPEN-ENROLLMENT CHARTER SCHOOL NOT IN OPERATION. An open-enrollment charter school ceases to operate if:

(1) the school's charter:

(A) has been revoked;

(B) has expired;

(C) has been surrendered; or

(D) has been abandoned; or

(2) the school has otherwise ceased operation as a public school.

SECTION _____. Section 12.106, Education Code, is amended by adding Subsections (d), (e), and (f) to read as follows:

(d) Except as provided by Subsection (e), all remaining funds of a charter holder for an open-enrollment charter school that ceases to operate must be returned to the agency and deposited in the charter school liquidation fund.

(e) The agency may approve a transfer of a charter holder's remaining funds to another charter holder if the charter holder receiving the funds has not received notice of the expiration or revocation of the charter holder's charter for an open-enrollment charter school or notice of a reconstitution of the governing body of the charter holder under Section 12.1141 or 12.115.

(f) The commissioner may adopt rules specifying:

(1) the time during which a former charter holder must return remaining funds under Subsection (d); and

(2) the qualifications required for a charter holder to receive a transfer of remaining funds under Subsection (e).

SECTION _____. Section 12.107(a), Education Code, is amended to read as follows:

(a) Funds received under Section 12.106 after September 1, 2001, by a charter holder:

(1) are considered to be public funds for all purposes under state law;

(2) are held in trust by the charter holder for the benefit of the students of the open-enrollment charter school;

(3) may be used only for a purpose for which a school may use local funds under Section 45.105(c); ~~and~~

(4) pending their use, must be deposited into a bank, as defined by Section 45.201, with which the charter holder has entered into a depository contract; and

(5) may not:

(A) be pledged or used to secure loans or bonds for any other organization, including a non-charter operation or out-of-state operation conducted by the charter holder or a related party; or

(B) be used to support an operation or activity not related to the educational activities of the charter holder.

SECTION _____. Section 12.1163, Education Code, is amended by adding Subsection (d) to read as follows:

(d) An audit under Subsection (a) may include the review of any real property transactions between the charter holder and a related party, as defined by commissioner rule adopted under Section 12.1166. If the commissioner determines that a transaction with a related party using funds received under Section 12.106 was structured in a manner that did not benefit the open-enrollment charter school or that the transaction was in excess of fair market value as determined under Section 12.1167, the commissioner may order that the transaction be reclassified or that other action be taken as necessary to protect the school's interests. Failure to comply with the commissioner's order is a material violation of the charter.

SECTION _____. Subchapter D, Chapter 12, Education Code, is amended by adding Sections 12.1166, 12.1167, and 12.1168 to read as follows:

Sec. 12.1166. RELATED PARTY TRANSACTIONS. (a) The commissioner shall adopt a rule defining "related party" for purposes of this subchapter. The definition of "related party" must include:

(1) a party with a current or former board member, administrator, or officer who is:

(A) a board member, administrator, or officer of an open-enrollment charter school; or

(B) related within the third degree of consanguinity or affinity, as determined under Chapter 573, Government Code, to a board member, administrator, or officer of an open-enrollment charter school;

(2) a charter holder's related organizations, joint ventures, and jointly governed organizations;

(3) an open-enrollment charter school's board members, administrators, or officers or a person related to a board member, administrator, or officer within the third degree of consanguinity or affinity, as determined under Chapter 573, Government Code; and

(4) any other disqualified person, as that term is defined by 26 U.S.C. Section 4958(f).

(b) For purposes of Subsection (a)(1), a person is a former board member, administrator, or officer if the person served in that capacity within one year of the date on which a financial transaction between the charter holder and a related party occurred.

(c) In a charter holder's annual audit filed under Section 44.008, the charter holder must include a list of all transactions with a related party.

Sec. 12.1167. APPRAISAL OF CERTAIN PROPERTY. The commissioner may adopt rules to require an open-enrollment charter school to:

(1) notify the commissioner that the school intends to enter into a transaction with a related party; and

(2) provide an appraisal from a certified appraiser to the agency.

Sec. 12.1168. FINANCIAL REPORT OF CERTAIN SCHOOLS. (a) In this section, "related party" has the meaning adopted by commissioner rule under Section 12.1166.

(b) A financial report filed under Section 44.008 by an open-enrollment charter school must separately disclose:

(1) all financial transactions between the open-enrollment charter school and any related party, separately stating the principal, interest, and lease payments; and

(2) the total compensation and benefits provided by the school and any related party for each member of the governing body and each officer and administrator of the school and the related party.

(c) The commissioner may adopt rules to implement this section.

SECTION ____. Section 12.128, Education Code, is amended by amending Subsections (a) and (c) and adding Subsections (a-1), (b-1), (b-2), (c-1), (c-2), and (f) to read as follows:

(a) Property purchased [~~or leased~~] with funds received by a charter holder under Section 12.106 after September 1, 2001:

(1) is considered to be public property for all purposes under state law;

(2) is property of this state held in trust by the charter holder for the benefit of the students of the open-enrollment charter school; and

(3) may be used only for a purpose for which a school district may use school district property.

(a-1) Property leased with funds received by a charter holder under Section 12.106 after September 1, 2001:

(1) is considered to be public property for all purposes under state law;

(2) is property of this state held in trust by the charter holder for the benefit of the students of the open-enrollment charter school; and

(3) may be used only for a purpose for which a school district may use school district property.

(b-1) Subject to Subsection (b-2), while an open-enrollment charter school is in operation, the charter holder holds title to any property described by Subsection (a) or (b) and may exercise complete control over the property as permitted under the law.

(b-2) A charter holder may not transfer, sell, or otherwise dispose of any property described by this section without the prior written consent of the agency if:

(1) the charter holder has received notice of:

(A) the expiration of the charter holder's charter under Section 12.1141 and the charter has not been renewed; or

(B) the charter's revocation under Section 12.115(c);

(2) the charter holder has received notice that the open-enrollment charter school is under discretionary review by the commissioner, which may result in the revocation of the charter or a reconstitution of the governing body of the charter holder under Section 12.115; or

(3) the open-enrollment charter school for which the charter is held has otherwise ceased to operate.

(c) The commissioner shall:

(1) take possession and assume control of the property described by Subsection (a) of an open-enrollment charter school that ceases to operate; and

(2) supervise the disposition of the property in accordance with this subchapter [law].

(c-1) Notwithstanding Subsection (c), if an open-enrollment charter school ceases to operate, the agency:

(1) for property purchased with state funds, shall direct the charter holder to dispose of the property through one of the following methods:

(A) retain or liquidate the property and provide reimbursement to the state as provided by Section 12.1281;

(B) transfer the property to:

(i) the agency under Section 12.1281(h); or

(ii) a school district or open-enrollment charter school under Section 12.1282;

(C) close the operations of the open-enrollment charter school under Section 12.1284; or

(D) take any combination of the actions described by Paragraphs (A), (B), and (C); and

(2) for property leased with state funds, may direct the charter holder to assign the charter holder's interest in the lease to the agency.

(c-2) The agency may approve an expenditure of remaining funds by a former charter holder for insurance or utilities for or maintenance, repairs, or improvements to property described by this section if the agency determines that the expenditure is reasonably necessary to dispose of the property or preserve the property's value.

(f) A decision by the agency under this section is final and may not be appealed.

SECTION ____ . Subchapter D, Chapter 12, Education Code, is amended by adding Sections 12.1281, 12.1282, 12.1283, and 12.1284 to read as follows:

Sec. 12.1281. DISPOSITION OF PROPERTY PURCHASED WITH STATE FUNDS. (a) A former charter holder of an open-enrollment charter school that has ceased to operate may retain property described by Section 12.128 if the former charter holder reimburses the state with non-state funds and the former charter holder:

(1) provides written assurance that the requirements of Section 12.1284 will be met; and

(2) receives approval from the agency.

(b) On receiving consent from the agency under Section 12.128(b-2) and a written agreement from any creditor with a security interest described by Section 12.128(e), the former charter holder may:

(1) sell property for fair market value; or

(2) transfer property to an open-enrollment charter school or a school district as provided under Section 12.1282.

(c) The amount of funds the state is entitled to as reimbursement for property of a former charter holder is:

(1) for property retained by the former charter holder, the current fair market value less the amount of any debt subject to a security interest or lien described by Section 12.128(e), multiplied by the percentage of state funds used to purchase the property; or

(2) for property sold by the former charter holder, the net sales proceeds of the property multiplied by the percentage of state funds used to purchase the property.

(d) To determine the amount of state funds a former charter holder used to purchase property, the agency shall calculate:

(1) an estimated state reimbursement amount based on the last annual financial report filed under Section 44.008 available at the time the former charter holder retains or sells the property; and

(2) a final state reimbursement amount using the former charter holder's final financial audit filed under Section 44.008.

(e) A former charter holder retaining property under Subsection (a) or selling the property under Subsection (b)(1) shall:

(1) file an affidavit in the real property records of the county in which the property is located disclosing the state interest in the property;

(2) place in escrow with the state comptroller an amount of non-state funds equal to 110 percent of the estimated state reimbursement amount not later than:

(A) the closing date of the sale of the property if the charter holder is selling the property; or

(B) the 90th day after the charter school's last day of instruction if the charter holder is retaining the property; and

(3) not later than two weeks after the date the charter holder's final financial audit is filed under Section 44.008, submit to the state the final state reimbursement amount using the funds in escrow in addition to any other funds necessary to pay the full amount of state reimbursement.

(f) A former charter holder may retain any funds remaining after complying with this section.

(g) As soon as the agency is satisfied that the former charter holder complied with Subsection (e), the agency shall file written notice of the release of the state interest in property the former charter holder retains under this section and authorize the return of any funds not used for state reimbursement to the former charter holder.

(h) Subject to the satisfaction of any security interest or lien described by Section 12.128(e), if a former charter holder does not dispose of property under Subsection (a) or (b), the former charter holder shall transfer the property, including a conveyance of title, to the agency in accordance with the procedures and time requirements established by the agency.

(i) Subject to the satisfaction of any security interest or lien described by Section 12.128(e), if the agency determines a former charter holder failed to comply with this section or Section 12.1282, on request of the agency, the attorney general shall take any appropriate legal action to compel the former charter holder to convey title to the agency or other governmental entity authorized by the agency to maintain or dispose of property.

(j) A decision by the agency under this section is final and may not be appealed.

(k) The commissioner may adopt rules necessary to administer this section.

Sec. 12.1282. TRANSFER OF PROPERTY PURCHASED WITH STATE FUNDS. (a) The agency may approve the transfer of property described by Section 12.128 from an open-enrollment charter school that has ceased to operate, or may transfer property conveyed to the agency by the former charter holder under Section 12.1281, to a school district or an open-enrollment charter school if:

(1) the open-enrollment charter school or school district receiving the property:

(A) agrees to the transfer; and

(B) agrees to identify the property as purchased wholly or partly using state funds on the school's annual financial report filed under Section 44.008;

(2) any creditor with a security interest in or lien on the property described by Section 12.128(e) agrees to the transfer; and

(3) the transfer of the property does not make the open-enrollment charter school or school district receiving the property insolvent.

(b) Property received by an open-enrollment charter school or school district under this section is considered to be state property under Section 12.128(a).

(c) The commissioner may adopt rules necessary to administer this section, including rules establishing qualifications and priority for a school district or open-enrollment charter school to receive a transfer of property under this section.

(d) If the agency determines that the cost of disposing of personal property described by Section 12.128 transferred to the agency by an open-enrollment charter school that ceases to operate exceeds the return of value from the sale of the property, the agency may distribute the personal property to open-enrollment charter schools and school districts in a manner determined by the commissioner.

(e) A determination by the agency under this section is final and may not be appealed.

Sec. 12.1283. SALE OF PROPERTY PURCHASED WITH STATE FUNDS. (a) After the agency receives title to property described by Section 12.128, the agency may sell the property at any price acceptable to the agency.

(b) On request of the agency, the following state agencies shall enter into a memorandum of understanding to sell property for the agency:

(1) for real property, the General Land Office; and

(2) for personal property, the Texas Facilities Commission.

(c) A memorandum of understanding entered into as provided by Subsection (b) may allow the General Land Office or Texas Facilities Commission to recover from the sale proceeds any cost incurred by the agency in the sale of the property.

(d) Subject to the satisfaction of any security interest or lien described by Section 12.128(e), proceeds from the sale of property under this section shall be deposited in the charter school liquidation fund.

(e) The commissioner may adopt rules as necessary to administer this section.

Sec. 12.1284. CLOSURE OF CHARTER SCHOOL OPERATIONS. (a) After extinguishing all payable obligations owed by an open-enrollment charter school that ceases to operate, including a debt described by Section 12.128(e), a former charter holder shall:

(1) remit to the agency:

(A) any remaining funds described by Section 12.106(d); and

(B) any state reimbursement amounts from the sale of property described by Section 12.128; or

(2) transfer the remaining funds to another charter holder under Section 12.106(e).

(b) The agency shall deposit any funds received under Subsection (a)(1) in the charter school liquidation fund.

(c) The commissioner may adopt rules necessary to administer this section.

SECTION ____. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.141 to read as follows:

Sec. 12.141. RECLAIMED FUNDS. (a) The agency shall deposit funds received under Sections 12.106, 12.128, 12.1281, 12.1283, and 12.1284 into the charter school liquidation fund and may use the funds to:

(1) pay expenses relating to managing and closing an open-enrollment charter school that ceases to operate, including:

(A) maintenance of the school's student and other records; and

(B) the agency's personnel costs associated with managing and closing the school;

(2) dispose of property described by Section 12.128; and

(3) maintain property described by Section 12.128, including expenses for insurance, utilities, maintenance, and repairs.

(b) The agency may not use funds under this section until the commissioner determines if the open-enrollment charter school that ceases to operate received an overallocation of funds under Section 12.106 that must be recovered for the foundation school program.

(c) The agency shall annually review the amount of funds in the charter school liquidation fund and transfer any funds exceeding \$2 million:

(1) for use in funding a high-quality educational grant program established by the commissioner; or

(2) to the comptroller to deposit in the charter district bond guarantee reserve fund under Section 45.0571.

(d) The agency may delay a transfer of funds under Subsection (c) if the excess is less than \$100,000. Funds set aside for an overallocation of funds from the foundation school program are not included in determining whether the amount of funds exceeds \$2 million.

(e) The commissioner may adopt rules necessary to implement this section.

SECTION _____. Subchapter Z, Chapter 29, Education Code, is amended by adding Section 29.924 to read as follows:

Sec. 29.924. HIGH-QUALITY EDUCATIONAL PROGRAM GRANTS.

(a) The commissioner shall establish a competitive grant program to assist school districts and open-enrollment charter schools in implementing high-quality educational programs.

(b) The commissioner may adopt rules on the use of grant funds under this section, including rules determining eligibility, award amount, and any restrictions. The commissioner may authorize a grant recipient or a tax-exempt organization contracting with the grant recipient to use grant funds for the remodeling of current facilities and performance-based incentives.

(c) Grant funds awarded under this section may be used by a grant recipient only to implement a high-quality educational program or to enhance a current educational program in order for the program to operate as a high-quality educational program.

(d) In selecting grant recipients under this section, the commissioner must consider the availability of existing resources, including funds and equipment, to students in the school district or open-enrollment charter school.

(e) The commissioner may make grants under this section using funds allocated for that purpose under Section 12.141(c)(1) and gifts, grants, and donations accepted by the commissioner. A decision of the commissioner concerning the amount of funds available for a grant is final and may not be appealed.

SECTION _____. Section 39.1121, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) A board of managers appointed for the final closure of a former open-enrollment charter school under Subsection (c) has the authority to:

(1) access and manage any former charter holder's bank account that contains funds received under Section 12.106; and

(2) subject to approval by a creditor with a security interest in or lien on property described by Section 12.128 and in accordance with Sections 12.1281 and 12.1282, sell or transfer to another charter holder or school district any property titled to the former charter holder that is identified in the former open-enrollment charter school's annual financial report filed under Section 44.008 as being acquired, wholly or partly, with funds received under Section 12.106.

SECTION _____. Section 39.1122(c), Education Code, is amended to read as follows:

(c) The agency [~~commissioner~~] shall use funds received by or due to the former charter holder under Section 12.106 or funds returned to the state from liquidation of [~~state~~] property described by Section 12.128 and held by a former charter holder for compensation of a member of a board of managers for an open-enrollment charter school or a campus of an open-enrollment charter school or a superintendent.

SECTION _____. Section 43.001(a), Education Code, is amended to read as follows:

(a) Except as provided by Subsection (b), the permanent school fund, which is a perpetual endowment for the public schools of this state, consists of:

(1) all land appropriated for the public schools by the constitution and laws of this state;

(2) all of the unappropriated public domain remaining in this state, including all land recovered by the state by suit or otherwise except pine forest land as defined by Section 88.111 and property described by Section 12.128;

(3) all proceeds from the authorized sale of permanent school fund land;

(4) all proceeds from the lawful sale of any other properties belonging to the permanent school fund;

(5) all investments authorized by Section 43.003 of properties belonging to the permanent school fund; and

(6) all income from the mineral development of permanent school fund land, including income from mineral development of riverbeds and other submerged land.

SECTION _____. Section 44.008, Education Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) An open-enrollment charter school shall provide an accounting of each parcel of the school's real property, including identifying the amount of local, state, and federal funds used to purchase or improve each parcel of property.

(g) An open-enrollment charter school for which the charter has expired, been revoked, or been surrendered or an open-enrollment charter school that otherwise ceases to operate shall submit a final annual financial report to the agency. The report must verify that all state property held by the charter holder has been returned or disposed of in accordance with Section 12.128.

(h) The commissioner may adopt rules necessary to implement this section, including rules defining local funds.

SECTION _____. A transfer of property from an open-enrollment charter school that ceases to operate to another open-enrollment charter school that occurred before the effective date of this Act is ratified if both open-enrollment charter schools classified the property as purchased with state funds on each school's annual financial report under Section 44.008, Education Code.

The amendment to **HB 1553** 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 1553 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 1553 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 1553** 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 Hughes in Chair)
COMMITTEE SUBSTITUTE
HOUSE BILL 34 ON SECOND READING

Senator Perry moved to suspend the regular order of business to take up for consideration **CSHB 34** at this time on its second reading:

CSHB 34, Relating to measures to prevent wrongful convictions.

The motion prevailed.

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

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 34** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Article 2.023(b), Code of Criminal Procedure (page 1, line 36), between "defendant," and "regardless", insert "if known by the attorney representing the state".

(2) In SECTION 3 of the bill, in added Section 3(c)(2)(A)(i), Article 38.20, Code of Criminal Procedure (page 3, lines 23 and 24), strike "that was provided by a witness".

(3) In SECTION 3 of the bill, in amended Section 3(c)(2)(B), Article 38.20, Code of Criminal Procedure (page 3, lines 30 through 32), strike "and that the investigation will continue regardless of whether the witness identifies a person in the procedure".

(4) In SECTION 3 of the bill, strike amended Section 3(c)(2)(E), Article 38.20, Code of Criminal Procedure (page 3, lines 40 through 44), and substitute the following:

(E) for a live lineup identification procedure, if practicable, procedures for assigning an administrator who is unaware of which member of the live lineup is the suspect in the case or alternative procedures designed to prevent opportunities to influence the witness;

(5) In SECTION 6 of the bill, in added Article 39.14(h-1), Code of Criminal Procedure (page 4, line 42), between "the defendant" and the underlined colon, insert "any information in the possession, custody, or control of the state that is relevant to the person's credibility, including".

(6) In SECTION 6 of the bill, in added Article 39.14(h-1)(2), Code of Criminal Procedure (page 4, line 49), following the underlined semicolon, insert "and".

(7) In SECTION 6 of the bill, in added Article 39.14(h-1)(3), Code of Criminal Procedure (page 4, line 54), strike "; and" and substitute " ".

(8) In SECTION 6 of the bill, strike added Article 39.14(h-1)(4), Code of Criminal Procedure (page 4, lines 55 and 56).

The amendment to **CSHB 34** 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 **CSHB 34** (senate committee report) in SECTION 3 of the bill, in added Section 3(d), Article 38.20, Code of Criminal Procedure (page 3, line 57), by striking "the witness's level of confidence" and substituting "how confident the witness is".

The amendment to **CSHB 34** 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 Perry offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 34** (senate committee report) in SECTION 4 of the bill, by striking added Section 5(c), Article 38.20, Code of Criminal Procedure (page 4, lines 9-19), and substituting the following:

(c) If a witness who has previously made an out-of-court photograph or live lineup identification of the accused makes an in-court identification of the accused, the eyewitness identification is admissible into evidence against the accused only if the evidence is accompanied by the details of each prior photograph or live lineup identification made of the accused by the witness, including the manner in which the identification procedure was conducted.

The amendment to **CSHB 34** 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 Perry offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 34** (senate committee report) as follows:

(1) Strike SECTION 7 of the bill, adding Section 1701.253(n), Occupations Code (page 4, lines 57-64).

(2) Strike SECTION 14 of the bill, providing transition language for Section 1701.253(n), Occupations Code (page 5, lines 66-69).

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

SECTION _____. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1386 to read as follows:

Art. 2.1386. EYEWITNESS IDENTIFICATION PROTOCOLS. (a) In this article, "law enforcement agency" means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

(b) The Texas Commission on Law Enforcement shall establish a comprehensive education and training program on eyewitness identification, including material regarding variables that affect a witness's vision and memory, practices for minimizing contamination, and effective eyewitness identification protocols.

(c) Each law enforcement agency shall require each peace officer who is employed by the agency and who performs eyewitness identification procedures to complete the education and training described by Subsection (b).

SECTION _____. Not later than January 1, 2018, the Texas Commission on Law Enforcement shall adopt the comprehensive education and training program required by Article 2.1386, Code of Criminal Procedure, as added by this Act.

(4) Renumber the SECTIONS of the bill accordingly.

The amendment to **CSHB 34** 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.

CSHB 34 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: Hancock.

COMMITTEE SUBSTITUTE HOUSE BILL 34 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 34** be placed on its third reading and final passage.

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

Nays: Hancock.

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

HOUSE BILL 1735 ON SECOND READING

The Presiding Officer laid before the Senate **HB 1735** by Senator Huffman on its second reading. The bill had been read second time, amended, an amendment offered, and further consideration temporarily postponed:

HB 1735, Relating to certain election officers.

Question: Shall Floor Amendment No. 3 to **HB 1735** be adopted?

Senator Bettencourt withdrew Floor Amendment No. 3.

HB 1735 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 1735 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 1735** 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 3808 ON SECOND READING

Senator Menéndez moved to suspend the regular order of business to take up for consideration **HB 3808** at this time on its second reading:

HB 3808, Relating to student loan repayment assistance for certain mental health professionals.

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

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

Nays: Bettencourt, Birdwell, Burton, Campbell, Creighton, Hall, Hancock, Huffines, Hughes, Kolkhorst, Taylor of Collin.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3808** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 61.604, Education Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) The board may award a grant under this subchapter to a mental health professional described by Section 61.601(6) only in accordance with Subsection (e).

(e) If in a state fiscal year there are funds available for purposes of the program after funding grants to all eligible mental health professionals described by Subsections 61.601(1)-(5), the board may allocate any unused funds to award repayment assistance grants to mental health professionals in any of the professions listed in Section 61.601 except that priority must be given to awarding grants to mental health professionals described by Subsections 61.601(1)-(5). The limitations prescribed by Subsections (b) and (c) do not apply to grants awarded under this subsection.

SECTION _____. Section 61.608, Education Code, is amended by adding Subsection (c) to read as follows:

(c) The board shall adopt rules establishing a process for allocating any unused funds under the program in a state fiscal year in accordance with Section 61.604(e).

The amendment to **HB 3808** 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.

(President in Chair)

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 3808** (senate committee printing) by adding the following appropriately numbered SECTION:

SECTION _____. Section 501.003, Occupations Code, is amended to read as follows:

Sec. 501.003. DEFINITION: PRACTICE OF PSYCHOLOGY. (a) In this chapter:

(1) "Practice of psychology" means:

(A) the observation, description, diagnosis, evaluation, assessment, interpretation, or treatment of and intervention in human behavior by applying education, training, methods, and procedures for the purpose of:

(i) preventing, predicting, treating, remediating, or eliminating:

(a) symptomatic, maladaptive, or undesired behavior;

(b) emotional, interpersonal, learning, substance use, neuropsychological, cognitive, or behavioral disorders or disabilities, including those that accompany medical problems; or

(c) mental illness;

(ii) evaluating, assessing, or facilitating, by a license holder or a person who represents the person to the public by a title or description of services that includes the word "psychological," "psychologist," or "psychology," the enhancement of individual, group, or organizational effectiveness, including evaluating, assessing, or facilitating:

(a) personal effectiveness;

(b) adaptive behavior;

(c) interpersonal relationships;

(d) academic, vocational, and life adjustment;

(e) health; or

(f) individual, group, or organizational performance;

(iii) providing psychological, neuropsychological, and psychoeducational evaluation, therapy, and remediation as well as counseling, psychoanalysis, psychotherapy, hypnosis, and biofeedback; or

(iv) consulting with others, including other mental health professionals, physicians, school personnel, or organizations within the scope of the provider's competency and training with respect to services provided for a specific individual; or

(B) the supervision of an activity or service described by Paragraph (A).

(2) "Psychological [~~section, "psychological]~~ services" means acts or behaviors that are included within the purview of the practice of psychology.

(b) A person is engaged in the practice of psychology [~~within the meaning of this chapter]~~ if the person:

(1) when providing or offering to provide psychological services to another in a professional relationship, represents the person to the public by a title or description of services that includes the word "psychological," "psychologist," or "psychology";

(2) provides or offers to provide psychological services to individuals, groups, organizations, or the public in a professional relationship;

(3) is a psychologist or psychological associate employed as described by Section 501.004(a)(1) who offers or provides psychological services, other than lecture services, to the public for consideration separate from the salary that person receives for performing the person's regular duties; or

(4) is employed as a psychologist or psychological associate by an organization that sells psychological services, other than lecture services, to the public for consideration.

(c) A person is not engaged in the [The] practice of psychology based solely on the person offering, regardless of whether the person is solicited, advice, counsel, or guidance addressing or affecting the mental, emotional, or behavioral health of another, if the person does not represent that the person is licensed under this chapter or engaged in the delivery of psychological services and does not represent that the advice, counsel, or guidance is psychological in nature, and:

(1) the advice, counsel, or guidance is not offered in the context of a professional relationship;

(2) if the person is offering the advice, counsel, or guidance in connection with the person's occupation, the primary focus of the occupation is not the delivery of mental, emotional, or behavioral health care services; or

(3) the advice, counsel, or guidance is offered through an organized or structured program or peer support service that is designed to support or assist a person with a self-identified goal of changing or improving certain aspects of the person's mental, emotional, or behavioral health [includes providing or offering to provide services to an individual or group, including providing computerized procedures, that include the application of established principles, methods, and procedures of describing, explaining, and ameliorating behavior;

~~[(2) addresses normal behavior and involves evaluating, preventing, and remediating psychological, emotional, mental, interpersonal, learning, and behavioral disorders of individuals or groups, as well as the psychological disorders that accompany medical problems, organizational structures, stress, and health;~~

~~[(3) includes:~~

~~[(A) using projective techniques, neuropsychological testing, counseling, career counseling, psychotherapy, hypnosis for health care purposes, hypnotherapy, and biofeedback; and~~

~~[(B) evaluating and treating mental or emotional disorders and disabilities by psychological techniques and procedures; and~~

~~[(4) is based on:~~

~~[(A) a systematic body of knowledge and principles acquired in an organized program of graduate study; and~~

~~[(B) the standards of ethics established by the profession].~~

SECTION 2. This Act takes effect September 1, 2017.

The amendment to **HB 3808** 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 3808 as amended was passed to third reading by the following vote: Yeas 20, Nays 11.

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

Nays: Bettencourt, Birdwell, Burton, Campbell, Creighton, Hall, Hancock, Huffines, Hughes, Kolkhorst, Taylor of Collin.

HOUSE BILL 3808 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 3808** 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, Estes, Garcia, Hinojosa, Huffman, Hughes, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Creighton, Hall, Hancock, Huffines, Kolkhorst.

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

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

Nays: Bettencourt, Birdwell, Burton, Campbell, Creighton, Hall, Hancock, Huffines, Hughes, Kolkhorst, Taylor of Collin.

HOUSE BILL 3052 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3052** at this time on its second reading:

HB 3052, Relating to an authorization agreement between a parent and a nonparent relative of the child.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3052** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 6.405, Family Code, is amended to read as follows:

Sec. 6.405. PROTECTIVE ORDER AND RELATED ORDERS. (a) The petition in a suit for dissolution of a marriage must state whether, in regard to a party to the suit or a child of a party to the suit:

(1) there is in effect:

(A) a protective order under Title 4;

(B) a protective order under Chapter 7A, Code of Criminal Procedure;

or

(C) an order for emergency protection under Article 17.292, Code of Criminal Procedure; ~~is in effect~~ or

(2) ~~if~~ an application for an ~~a protective~~ order described by Subdivision (1) is pending ~~with regard to the parties to the suit~~.

(b) The petitioner shall attach to the petition a copy of each ~~[protective]~~ order described by Subsection (a)(1) ~~[issued under Title 4]~~ in which a party ~~[one of the parties]~~ to the suit or the child of a party to the suit was the applicant or victim of the conduct alleged in the application or order and the other party was the respondent or defendant of an action regarding the conduct alleged in the application or order without regard to the date of the order. If a copy of the ~~[protective]~~ order is not available at the time of filing, the petition must state that a copy of the order will be filed with the court before any hearing.

SECTION _____. Section 102.008, Family Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) The petition must include:

(1) a statement that the court in which the petition is filed has continuing, exclusive jurisdiction or that no court has continuing jurisdiction of the suit;

(2) the name and date of birth of the child, except that if adoption of a child is requested, the name of the child may be omitted;

(3) the full name of the petitioner and the petitioner's relationship to the child or the fact that no relationship exists;

(4) the names of the parents, except in a suit in which adoption is requested;

(5) the name of the managing conservator, if any, or the child's custodian, if any, appointed by order of a court of another state or country;

(6) the names of the guardians of the person and estate of the child, if any;

(7) the names of possessory conservators or other persons, if any, having possession of or access to the child under an order of the court;

(8) the name of an alleged father of the child or a statement that the identity of the father of the child is unknown;

(9) a full description and statement of value of all property owned or possessed by the child;

(10) a statement describing what action the court is requested to take concerning the child and the statutory grounds on which the request is made; ~~and~~

(11) a statement as to whether, in regard to a party to the suit or a child of a party to the suit:

(A) there is in effect:

(i) a protective order under Title 4;

(ii) a protective order under Chapter 7A, Code of Criminal

Procedure; or

(iii) an order for emergency protection under Article 17.292, Code of Criminal Procedure; or

(B) an application for an order described by Paragraph (A) is pending;

and

(12) any other information required by this title.

(c) The petitioner shall attach a copy of each order described by Subsection (b)(11)(A) in which a party to the suit or a child of a party to the suit was the applicant or victim of the conduct alleged in the application or order and the other party was the respondent or defendant of an action regarding the conduct alleged in the application or order without regard to the date of the order. If a copy of the order is not available at the time of filing, the petition must state that a copy of the order will be filed with the court before any hearing.

(d) Notwithstanding any other provision of this section, if the Title IV-D agency files a petition in a suit affecting the parent-child relationship, the agency is not required to:

(1) include in the petition the statement described by Subsection (b)(11); or

(2) attach copies of the documentation described by Subsection (c).

SECTION _____. Subchapter G, Chapter 160, Family Code, is amended by adding Section 160.6035 to read as follows:

Sec. 160.6035. CONTENTS OF PETITION; STATEMENT RELATING TO CERTAIN PROTECTIVE ORDERS REQUIRED. (a) The petition in a proceeding to adjudicate parentage must include a statement as to whether, in regard to a party to the proceeding or a child of a party to the proceeding:

(1) there is in effect:

(A) a protective order under Title 4;

(B) a protective order under Chapter 7A, Code of Criminal Procedure;

or

(C) an order for emergency protection under Article 17.292, Code of Criminal Procedure; or

(2) an application for an order described by Subdivision (1) is pending.

(b) The petitioner shall attach a copy of each order described by Subsection (a)(1) in which a party to the proceeding or a child of a party to the proceeding was the applicant or victim of the conduct alleged in the application or order and the other party was the respondent or defendant of an action regarding the conduct alleged in the application or order without regard to the date of the order. If a copy of the order is not available at the time of filing, the petition must state that a copy of the order will be filed with the court before any hearing.

(c) Notwithstanding any other provision of this section, if the Title IV-D agency files a petition in a proceeding to adjudicate parentage, the agency is not required to:

(1) include in the petition the statement described by Subsection (a); or

(2) attach copies of the documentation described by Subsection (b).

SECTION _____. Sections 6.405 and 102.008, Family Code, as amended by this Act, and Section 160.6035, Family Code, as added by this Act, apply only to a petition filed on or after September 1, 2017. A petition filed before September 1, 2017, is governed by the law in effect on the date the petition was filed, and the former law is continued in effect for that purpose.

The amendment to **HB 3052** 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 3052 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 3052 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3052** 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 2121 ON SECOND READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **HB 2121** at this time on its second reading:

HB 2121, Relating to damages in certain contract claims against the state.

The motion prevailed.

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

The bill was read second time and was passed to 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: Nelson, Schwertner.

HOUSE BILL 2121 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 2121** be placed on its third reading and final passage.

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

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

Nays: Nelson, Schwertner.

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

HOUSE BILL 1661 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1661** at this time on its second reading:

HB 1661, Relating to a withdrawal of a candidate.

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 1661 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1661** 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 3069 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **HB 3069** at this time on its second reading:

HB 3069, Relating to the administration of and eligibility for participation in a veterans treatment court program and the issuance of orders of nondisclosure for certain participants who successfully complete that program.

The motion prevailed.

Senator Bettencourt 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 3069** (senate committee report) as follows:

(1) In SECTION 4 of the bill, in added Section 411.0727(b)(1), Government Code (page 2, line 41), between "section" and the underlined semicolon, insert "and Section 411.074".

(2) Strike SECTION 5 of the bill (page 3, lines 1 through 4) and renumber subsequent SECTIONS of the bill accordingly.

The amendment to **HB 3069** 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 3069 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.

HOUSE BILL 3069 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 3069** be placed on its third reading and final passage.

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

Nays: Bettencourt.

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

**SENATE RULES 8.01 AND 8.02 SUSPENDED
(Procedural Rules)**

Senator Watson moved to suspend Senate Rule 8.01 and Senate Rule 8.02 to take up for consideration **SCR 56** at this time.

The motion prevailed by a viva voce vote.

All Members are deemed to have voted "Yea" on the suspension of Senate Rules 8.01 and 8.02.

SENATE CONCURRENT RESOLUTION 56

Senator Watson offered the following resolution:

WHEREAS, The Texas Public Information Act has recently been impacted by court decisions; and

WHEREAS, During the 85th Legislative Session, lawmakers and other stakeholders spent months collaborating on several bills to improve the Act, with many proposals garnering broad support; despite those efforts, significant reforms failed to pass, leaving TPIA still susceptible to a number of loopholes; and

WHEREAS, Government transparency is a vital component of an informed citizenry, and it is incumbent on the State of Texas to ensure that the public have access to information regarding how their government functions in order to promote accountability, openness, and honesty; now, therefore, be it

RESOLVED, That the 85th Legislature of the State of Texas hereby request the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to examine all state open-government laws, including the Texas Public Information Act, for opportunities to improve transparency and accountability; and, be it further

RESOLVED, That the committee submit a full report, including its findings and recommendations, to the 86th Texas Legislature before it convenes in January 2019; and, be it further

RESOLVED, That the committee's proceedings and operations be governed by such general rules and policies for joint interim committees as the 85th Legislature may adopt.

SCR 56 was read, considered immediately, and adopted by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 4180 ON SECOND READING**

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 4180** at this time on its second reading:

CSHB 4180, Relating to the creation, operations, functions, and regulatory authority of certain governmental entities and officials; changes in certain judicial procedures; imposing civil penalties.

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 4180** (senate committee report) as follows:

(1) In SECTION 27 of the bill, in the recital (page 12, line 62), strike "(c-1), (d-1)," and substitute "(d-1)".

(2) In SECTION 27 of the bill, in amended Section 391.0095(a)(2), Local Government Code (page 13, lines 4-10), strike Paragraphs (A)-(C) and substitute the following:

(A) the name and description of the program; and

(B) the amount approved by the governing board of the commission and spent for each eligible governmental unit;

(3) In SECTION 27 of the bill, in amended Section 391.0095, Local Government Code (page 13, lines 24-26), strike added Subsection (c-1).

(4) In SECTION 27 of the bill, in added Section 391.0095(d-1), Local Government Code (page 13, line 38), between "funds" and "until" insert "without approval of the receiver".

The amendment to **CSHB 4180** was read.

Senator Kolkhorst temporarily withdrew Floor Amendment No. 1.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subtitle B, Title 10, Local Government Code, is amended by adding Chapter 328 to read as follows:

CHAPTER 328. COUNTY WATER RECREATION SAFETY ZONE ALONG
CERTAIN RIVERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 328.001. APPLICABILITY. This chapter applies only to a county that borders or includes all or part of a river with headwaters located on the campus of an institution of the Texas State University System.

Sec. 328.002. DEFINITIONS. In this chapter:

(1) "Fee" means a county water recreation safety zone fee authorized by Subchapter C.

(2) "Fund" means a county water recreation safety zone fund created under Subchapter C.

(3) "Water-oriented recreational equipment" means recreational equipment intended for use on a river or other body of water, including a canoe, tube, raft, boat, or kayak.

(4) "Zone" means a county water recreation safety zone designated under Subchapter B.

SUBCHAPTER B. DESIGNATION OF COUNTY WATER RECREATION SAFETY ZONE

Sec. 328.021. AUTHORITY TO DESIGNATE ZONE. (a) The commissioners court of a county may designate a contiguous geographic area located in the county that is adjacent to and includes all or part of a river described by Section 328.001 as a county water recreation safety zone.

(b) The commissioners court of a county may not designate a zone under this subchapter unless the commissioners court first complies with the requirements of Sections 328.023, 328.024, 328.025, and 328.026.

Sec. 328.022. PURPOSE OF ZONE. A county may designate a zone only for the purpose of improving the public health, safety, and welfare of:

(1) residents of the zone; and

(2) individuals who engage in recreational activities in, on, or along a river described by Section 328.001 that is located in the zone.

Sec. 328.023. PROPOSAL TO DESIGNATE ZONE. (a) The commissioners court of a county:

(1) may propose the designation of a zone on the commissioners court's own motion; and

(2) shall propose the designation of a zone if the county clerk receives a written petition for the designation signed by a number of registered voters of the county equal to at least five percent of the votes received in the county in the most recent gubernatorial general election.

(b) A proposal described by Subsection (a) must describe the boundaries of the proposed zone with sufficient definiteness to identify with ordinary and reasonable certainty the area included in the zone.

Sec. 328.024. PRELIMINARY PLAN FOR FEES. Before conducting a public hearing under Section 328.025, the commissioners court must prepare a preliminary plan for the use of zone fees that the county may impose.

Sec. 328.025. PUBLIC HEARING. (a) A commissioners court that adopts a proposal to designate a zone must hold a public hearing on the proposal and the preliminary plan for fees at which members of the public are given the opportunity to be heard.

(b) The commissioners court must hold the hearing not earlier than the 20th day or later than the 40th day after the date the commissioners court adopts the proposal designating the zone.

(c) The county must publish notice of the public hearing in a newspaper of general circulation in the county at least once each week during the two weeks preceding the date of the hearing.

Sec. 328.026. ELECTION. (a) Following the public hearing held under Section 328.025, the commissioners court shall order an election on the question of designating the zone if the commissioners court finds that the designation will serve the purpose prescribed by Section 328.022.

(b) A commissioners court that orders an election under this section must order the election to be held on the first uniform election date that falls on or after the 78th day after the date the public hearing is held.

(c) The order calling the election must allow voters in the county to vote for or against the designation of the proposed zone.

(d) A county that holds an election under this section must hold the election in the same manner as a general election of the county.

Sec. 328.027. DESIGNATION OF ZONE. (a) The commissioners court of a county in which the voters approve the designation of the zone at an election held under this subchapter shall designate the area as a zone.

(b) Not later than the fifth day after the date the commissioners court adopts the order described by Section 328.026, the county must send notice of the designation to the commissioners court of each county authorized to designate a zone under this chapter.

SUBCHAPTER C. COUNTY WATER RECREATION SAFETY ZONE FEE

Sec. 328.041. COUNTY WATER RECREATION SAFETY ZONE FEE. (a) A commissioners court that has designated a zone under Subchapter B may impose a county water recreation safety zone fee in the zone as provided by this section.

(b) The commissioners court may impose the fee on:

(1) the rental of water-oriented recreational equipment;

(2) the provision of shuttle service related to water-oriented recreational

activities:

(A) in the zone; or

(B) into or out of the zone; and

(3) a service for ingress or egress to a river described by Section 328.001 that is located in the zone.

(c) The commissioners court may impose different fee rates for different types of water-oriented recreational equipment or services for which the county is authorized to impose the fee. The commissioners court may not impose the fee at a rate greater than four dollars per person for each:

(1) rental of water-oriented recreational equipment in the zone; or

(2) if the person does not rent water-oriented recreational equipment in the

zone:

(A) use of a shuttle service described by Subsection (b)(2); or

(B) service for ingress or egress to a river described by Section 328.001

that is located in the zone.

(d) The commissioners court by order shall establish:

(1) procedures and deadlines for a person who collects a fee under this subchapter to report and remit the fee;

(2) penalties and interest for failure to timely remit a fee collected under this subchapter; and

(3) any other requirement necessary for the administration of the fee imposed under this section.

Sec. 328.042. EXEMPTION. A county may not impose the fee authorized by this subchapter on a transaction to which the United States or this state is a party.

Sec. 328.043. COLLECTION AND REMITTANCE OF FEE. (a) A person who rents water-oriented recreational equipment under Section 328.041(b)(1) to another person or who provides a service described by Section 328.041(b)(2) or (3) to that person shall collect the fee imposed under this subchapter from the other person and shall report and remit the fee to the county in the manner prescribed by the county.

(b) A person responsible for collecting the fee is liable to the county for the amount of the fee required to be collected under this section.

Sec. 328.044. COUNTY WATER RECREATION SAFETY ZONE FUND.

(a) A county in which the commissioners court has designated a zone under Subchapter B must create and maintain a county water recreation safety zone fund as a separate account in a depository authorized to accept deposits of county public funds.

(b) The county shall deposit all fee revenue remitted to the county under this subchapter to the credit of the fund.

(c) A county may not use fee revenue deposited to the credit of the fund for a purpose other than the purpose prescribed by Section 328.045.

Sec. 328.045. USE OF FEE REVENUE. A county may use fee revenue deposited in the fund only to employ or contract with additional peace officers, as defined by Article 2.12, Code of Criminal Procedure, to provide law enforcement in the zone.

SUBCHAPTER D. DISSOLUTION OF ZONE

Sec. 328.061. DISSOLUTION OF ZONE. (a) The commissioners court of a county that has designated a zone under Subchapter B:

(1) may propose the dissolution of the zone on the commissioners court's own motion; and

(2) shall propose the dissolution of the zone if the county clerk receives a written petition for the dissolution of the zone signed by a number of the registered voters of the county equal to at least 10 percent of the votes received in the county in the most recent gubernatorial general election.

(b) A commissioners court that adopts a proposal for the dissolution of a zone must hold a public hearing on the proposal in the manner prescribed by Section 328.025.

(c) After the public hearing, the commissioners court shall order the dissolution of the zone if the commissioners court finds that the dissolution is in the best interest of the county.

SUBCHAPTER E. EXPIRATION OF AUTHORITY TO DESIGNATE ZONE

Sec. 328.081. EXPIRATION OF AUTHORITY TO DESIGNATE ZONE. A commissioners court may not designate a zone under this chapter after August 31, 2019, if the commissioners court has not designated a zone before that date.

The amendment to **CSHB 4180** 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 Birdwell offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 4180** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 775.0751(c-1), Health and Safety Code, is amended to read as follows:

(c-1) A district that otherwise would be precluded from adopting a sales and use tax under Subsection (c) may adopt a sales and use tax, change the rate of its sales and use tax, or abolish its sales and use tax at an election held as provided by Section 775.0752, if the board:

(1) excludes from the [~~election and the~~] applicability of any proposed sales and use tax any territory in the district where the sales and use tax is then at two percent; and

(2) not later than the 30th day after the date on which the board issues the election order, gives, for informational purposes, written or oral notice on the proposed imposition, increase, or abolition of the sales and use tax, including the reasons for the proposed change, to the commissioners court of each county in which the district is located.

SECTION _____. Section 775.0752, Health and Safety Code, is amended by adding Subsection (f) to read as follows:

(f) At an election described by Section 775.0751(c-1) to adopt the tax, the ballot shall be prepared to permit voting for or against the proposition: "The adoption of a local sales and use tax in (name of district) at a rate not to exceed (proposed tax rate) percent in any location in the district."

SECTION _____. The acts and proceedings of an emergency services district relating to an election described by Section 775.0751(c-1), Health and Safety Code, to impose a sales and use tax that was held November 3, 2015, and at which the ballot proposition used language from Section 775.0752, Health and Safety Code, and was approved by a majority of the voters voting on the proposition are validated as of the dates they occurred. The validation includes the preparation and wording of the ballot proposition, any action taken by the district in calling, holding, and canvassing the tax election, and any other action taken by the district before the effective date of this Act in connection with the imposition of the tax approved in the tax election. A district may take any further action or conduct any further proceeding necessary to complete the imposition of the tax approved at the tax election.

The amendment to **CSHB 4180** 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 Seliger offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Effective September 1, 2017, Section 234.132, Local Government Code, as amended by Chapters 623 (S.B. 1210) and 1170 (S.B. 866), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

Sec. 234.132. APPLICABILITY. This subchapter applies only to:

(1) a county that has a population of less than 25,000, is adjacent to the Gulf of Mexico, and is within 50 miles of an international border;

(2) a county that has a population of four million or more;

(3) a county that is adjacent to the Gulf of Mexico and to a county that has a population of four million or more; ~~and~~

(4) a county located on the Texas-Mexico border that has a population of less than 300,000 and contains a municipality with a population of 200,000 or more;

(5) ~~(3)~~ a county that has a population of 550,000 or more and is adjacent to a county described by Subdivision (2);

(6) a county that is located in the Permian Basin within 25 miles of this state's border with another state of the United States and has a population of more than 130,000;

(7) a county that is located on this state's border with Louisiana, has a population of more than 65,000, and is within 50 miles of a municipality in Louisiana with a population of more than 150,000;

(8) a county that has a population of more than 200,000 and less than 220,000; and

(9) a county that has a population of more than 1.8 million and that is adjacent to a county with a population of more than 2.2 million.

The amendment to **CSHB 4180** 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 Hughes offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 4180** (senate committee report) in SECTION 15 of the bill (senate committee report page 6, lines 40-49) by striking added Sec. 291A.002, Health and Safety Code, and substituting:

Sec. 291A.002. APPLICABILITY. This chapter applies only to a county with a population of 85,000 or more that is not served by a hospital district and borders:

(1) or includes a portion of, the Sam Rayburn Reservoir; or

(2) Lake Palestine.

The amendment to **CSHB 4180** 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.

Senator Miles, on behalf of Senator West, offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 158.001, Local Government Code, is amended by adding Subdivision (4) to read as follows:

(4) "Supplemental commission" means a supplemental commission established under Section 158.0085.

SECTION _____. Subchapter A, Chapter 158, Local Government Code, is amended by adding Section 158.0085 to read as follows:

Sec. 158.0085. SUPPLEMENTAL COMMISSION IN CERTAIN COUNTIES.

(a) This section applies only to a county:

(1) with a population of more than two million that is adjacent to a county with a population of more than one million; and

(2) in which a civil service system has been created under this subchapter.

(b) The commissioners court of a county may establish one or more supplemental commissions to assist the commission in administering the system.

(c) The commissioners court shall appoint three individuals to serve as members of each supplemental commission and shall designate one of the members as chair of the supplemental commission.

(d) Sections 158.008(b)-(e) apply to the appointment of a member of a supplemental commission in the same manner that those provisions apply to the appointment of a member of the commission.

SECTION _____. Section 158.009, Local Government Code, is amended to read as follows:

Sec. 158.009. POWERS OF THE COMMISSION AND SUPPLEMENTAL COMMISSIONS. (a) Except as provided by Subsection (a-1) and Section 158.010, the commission shall adopt, publish, and enforce rules regarding the following categories of matters:

- (1) the definition of a county employee;
- (2) selection and classification of county employees;
- (3) competitive examinations;
- (4) promotions, seniority, and tenure;
- (5) layoffs and dismissals;
- (6) disciplinary actions;
- (7) grievance procedures; and

(8) other matters relating to the selection of county employees and the procedural and substantive rights, advancement, benefits, and working conditions of county employees.

(a-1) Notwithstanding any other provision of this subchapter, a supplemental commission shall adopt, publish, or enforce a rule regarding a category of matters listed under Subsection (a) if the adoption, publication, or enforcement of the rule is specifically delegated by category to the supplemental commission by the commissioners court. If the commissioners court has established more than one

supplemental commission, the commissioners court may not delegate the authority to adopt, publish, or enforce a rule regarding a category of matters listed under Subsection (a) to more than one of the supplemental commissions. The commission may not adopt, publish, or enforce a rule regarding a category of matters listed under Subsection (a) if the commissioners court has delegated that authority to a supplemental commission.

(b) The commission or a supplemental commission may adopt or use as a guide any civil service law or rule of the United States, this state, or a political subdivision in this state to the extent that the law or rule promotes the purposes of this subchapter and serves the needs of the county.

(c) The commission or a supplemental commission may not adopt or enforce a rule requiring a county employee to retire because of age. The commission or a supplemental commission may adopt a rule requiring a county employee, on reaching an age set by the commission, to submit annually to the commission an affidavit from a physician stating that the employee is physically and mentally capable of continuing employment.

SECTION _____. Sections 158.0095(a) and (b), Local Government Code, are amended to read as follows:

(a) In a proceeding before the commission or a supplemental commission under this subchapter, the chair [chairman] of the commission or of the supplemental commission, as applicable, shall, on request of a person described by Subsection (b):

- (1) administer oaths; and
- (2) issue subpoenas and subpoenas duces tecum for the attendance of witnesses and for the production of documentary material.

(b) The affected employee, the county attorney, or a designee of the employee or county attorney may request the chair [chairman] of the commission or of the supplemental commission, as applicable, to subpoena any books, records, documents, papers, accounts, or witnesses that the requestor considers relevant to the case. The request must be made before the 15th day before the date the applicable [a] commission or supplemental commission proceeding will be held.

SECTION _____. Section 158.010(e), Local Government Code, is amended to read as follows:

(e) The rules adopted by the commission or a supplemental commission under Section 158.009 relating to the selection and classification of county employees and to competitive examinations for selection apply to the initial hiring of personnel under this section.

SECTION _____. Section 158.011, Local Government Code, is amended to read as follows:

Sec. 158.011. COMPENSATION AND STAFF. The members of the commission and of a supplemental commission serve without compensation, but the commissioners court shall reimburse each member for all necessary expenses incurred in performing the member's duties. The commissioners court shall provide the commission with adequate office space for the commission and each supplemental commission and sufficient funds to employ an adequate staff and to purchase necessary supplies and equipment.

SECTION _____. Section 158.012(a), Local Government Code, is amended to read as follows:

(a) A county employee who, on a final decision by the commission or a supplemental commission, is demoted, suspended, or removed from the employee's position may appeal the decision by filing a petition in a district court in the county within 30 days after the date of the decision.

SECTION _____. Section 158.0121, Local Government Code, is amended to read as follows:

Sec. 158.0121. REVIEW UNDER SUBSTANTIAL EVIDENCE RULE. In an appeal under Section 158.012, the district court may not substitute its judgment for the judgment of the commission or a supplemental commission on the weight of the evidence on questions committed to the commission or supplemental commission's discretion but:

(1) may affirm the commission or supplemental commission's decision in whole or in part; and

(2) shall reverse or remand the case for further proceedings if substantial rights of the petitioner have been prejudiced because the commission or supplemental commission's findings, inferences, conclusions, or decisions are:

(A) in violation of a constitutional or statutory provision;

(B) in excess of the commission or supplemental commission's authority;

(C) made through unlawful procedure;

(D) affected by other error of law;

(E) not reasonably supported by substantial evidence considering the reliable and probative evidence in the record as a whole; or

(F) arbitrary or capricious, characterized by abuse of discretion, or clearly an unwarranted exercise of discretion.

SECTION _____. Section 158.0122, Local Government Code, is amended to read as follows:

Sec. 158.0122. PROCEDURES FOR REVIEW UNDER SUBSTANTIAL EVIDENCE RULE. (a) After service of the petition on the commission or a supplemental commission and within the time permitted for filing an answer or within additional time allowed by the court, the commission or supplemental commission, as applicable, shall send to the reviewing court the original or a certified copy of the entire record of the proceeding under review. The record shall be filed with the clerk of the court. The record may be shortened by stipulation of all parties to the review proceedings. The court may assess additional costs against a party who unreasonably refuses to stipulate to limit the record, unless the party pays all costs of record preparation. The court may require or permit later corrections or additions to the record.

(b) A party may apply to the court to present additional evidence. If the court is satisfied that the additional evidence is material and that there were good reasons for the failure to present it in the proceeding before the commission or supplemental commission, the court may order that the additional evidence be taken before the commission or supplemental commission, as applicable, on conditions determined by the court. The commission or supplemental commission, as applicable, may change its

findings and decisions by reason of the additional evidence and shall file the additional evidence and any changes, new findings, or decisions with the reviewing court.

(c) The party seeking judicial review shall offer, and the reviewing court shall admit, the commission or supplemental commission record, as applicable, into evidence as an exhibit.

(d) The court shall conduct the review sitting without a jury and is confined to the commission or supplemental commission record, as applicable, except that the court may receive evidence of procedural irregularities alleged to have occurred before the commission or supplemental commission that are not reflected in the record.

SECTION _____. The heading to Section 158.0123, Local Government Code, is amended to read as follows:

Sec. 158.0123. COST OF PREPARING [~~COMMISSION~~] RECORD OF PROCEEDING.

SECTION _____. Section 158.0123(a), Local Government Code, is amended to read as follows:

(a) The commission or supplemental commission, as applicable, may require a party who appeals a final decision under Section 158.012 to pay one-half of the cost of preparation of the original or a certified copy of the record of the [~~commission~~] proceeding that is required to be sent to the reviewing court.

The amendment to **CSHB 4180** 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 Huffines offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Each county board of education, board of county school trustees, and office of county school superintendent in a county with a population of 2.2 million or more and that is adjacent to a county with a population of more than 800,000 is abolished effective November 15, 2017, unless the continuation of the county board of education, board of county school trustees, and office of county school superintendent is approved by a majority of voters at an election held on the November 2017 uniform election date in the county in which the county board of education, board of county school trustees, and office of county school superintendent are located. Subsections (b)-(q) of this section do not take effect in a county if the continuation of the county board of education, board of county school trustees, and office of county school superintendent is approved at the election held in the county under this subsection.

(b) Not later than November 15, 2017, a dissolution committee shall be formed for each county board of education or board of county school trustees to be abolished as provided by Subsection (a) of this section. The dissolution committee is responsible

for all financial decisions for each county board of education or board of county school trustees abolished by this Act, including asset distribution and payment of all debt obligations.

(c) A dissolution committee required by this Act shall be appointed by the comptroller and include:

- (1) one financial advisor;
- (2) the superintendent of the participating component school district with the largest number of students in average daily attendance or the superintendent's designee;
- (3) one certified public accountant;
- (4) one auditor who holds a license or other professional credential; and
- (5) one bond counsel who holds a license or other professional credential.

(d) A dissolution committee created under this Act is subject to the open meetings requirements under Chapter 551, Government Code, and public information requirements under Chapter 552, Government Code.

(e) Members of a dissolution committee may not receive compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing the functions of the dissolution committee.

(f) Subject to the other requirements of this Act, the dissolution committee shall determine the manner in which all assets, liabilities, contracts, and services of the county board of education or board of county school trustees abolished by this Act are divided, transferred, or discontinued. The dissolution committee shall create a sinking fund to deposit all money received in the abolishment of each county board of education or board of county school trustees for the payment of all debts of the county board of education or board of county school trustees.

(g) The dissolution committee shall continue providing transportation services to participating component school districts for the 2017-2018 school year. The dissolution committee shall maintain current operations and personnel needed to provide the transportation services.

(h) At the end of the 2017-2018 school year all school buses, vehicles, and bus service centers shall be transferred to participating component school districts in proportionate shares equal to the proportion that the membership in each district bears to total membership in the county as of September 1, 2018, at no cost to the districts.

(i) The dissolution committee may employ for the 2017-2018 school year one person to assist in the abolishment of the county board of education or board of county school trustees.

(j) On November 15, 2017 the participating component school district with the largest number of students in average daily attendance has the right of first refusal to buy, at fair market value, the administrative building of the county board of education or board of county school trustees.

(k) An ad valorem tax assessed by a county board of education or board of county school trustees shall continue to be assessed by the county on behalf of the board for the purpose of paying the principal of and interest on any bonds issued by the county board of education or board of county school trustees until all bonds are paid in full. This subsection applies only to a bond issued before the effective date of

this Act for which the tax receipts were obligated. On payment of all bonds issued by the county board of education or board of county school trustees the ad valorem tax may not be assessed.

(l) In the manner provided by rule of the commissioner of education, the county shall collect and use any delinquent taxes imposed by or on behalf of the county board of education or board of county school trustees.

(m) The dissolution committee shall distribute the assets remaining after discharge of the liabilities of the county board of education or board of county school trustees to the component school districts in the county in proportionate shares equal to the proportion that the membership in each district bears to total membership in the county as of September 1, 2017. The dissolution committee shall liquidate board assets as necessary to discharge board liabilities and facilitate the distribution of assets. A person authorized by the dissolution committee shall execute any documents necessary to complete the transfer of assets, liabilities, or contracts.

(n) The dissolution committee shall encourage the component school districts to:

(1) continue sharing services received through the county board of education or board of county school trustees; and

(2) give preference to private sector contractors to continue services provided by the county board of education or board of county school trustees.

(o) The chief financial officer and financial advisor for the county board of education or board of county school trustees shall provide assistance to the dissolution committee in abolishing the county board of education or board of county school trustees.

(p) The Texas Education Agency shall provide assistance to a dissolution committee in the distribution of assets, liabilities, contracts, and services of a county board of education or board of county school trustees abolished by this Act.

(q) Any dissolution committee created as provided by this Act is abolished on the date all debt obligations of the county board of education or board of county school trustees are paid in full and all assets distributed to component school districts.

(r) In an election held in a county as provided by Subsection (a) of this section, the ballot must include the following proposition: "Authorizing the continued operation of the county board of education, board of county school trustees, and office of county school superintendent in ___ County and collection of the ___ County School Equalization ad valorem tax."

SECTION _____. Chapter 266 (S.B. 394), Acts of the 40th Legislature, Regular Session, 1927 (Article 2700a, Vernon's Texas Civil Statutes), is repealed.

The amendment to **CSHB 4180** 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 Birdwell offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSHB 4180** by Coleman (Senate Committee Report) by inserting the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subtitle D, Title 4, Health and Safety Code, is amended by adding Chapter 298B to read as follows:

CHAPTER 298B. TARRANT COUNTY HOSPITAL DISTRICT HEALTH CARE

PROVIDER PARTICIPATION PROGRAM
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 298B.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of hospital managers of the district.
(2) "District" means the Tarrant County Hospital District.
(3) "Institutional health care provider" means a nonpublic hospital located in the district that provides inpatient hospital services.

(4) "Paying provider" means an institutional health care provider required to make a mandatory payment under this chapter.

(5) "Program" means the health care provider participation program authorized by this chapter.

Sec. 298B.002. APPLICABILITY. This chapter applies only to the Tarrant County Hospital District.

Sec. 298B.003. HEALTH CARE PROVIDER PARTICIPATION PROGRAM; PARTICIPATION IN PROGRAM. The board may authorize the district to participate in a health care provider participation program on the affirmative vote of a majority of the board, subject to the provisions of this chapter.

Sec. 298B.004. EXPIRATION OF AUTHORITY. (a) Subject to Sections 298B.153(d) and 298B.154, the authority of the district to administer and operate a program under this chapter expires December 31, 2019.

(b) Subsection (a) does not affect the authority of the district to require and collect a mandatory payment under Section 298B.154 after December 31, 2019, if necessary.

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

Sec. 298B.051. LIMITATION ON AUTHORITY TO REQUIRE MANDATORY PAYMENT. The board may require a mandatory payment authorized under this chapter by an institutional health care provider in the district only in the manner provided by this chapter.

Sec. 298B.052. RULES AND PROCEDURES. The board may adopt rules relating to the administration of the program, including collection of the mandatory payments, expenditures, audits, and any other administrative aspects of the program.

Sec. 298B.053. INSTITUTIONAL HEALTH CARE PROVIDER REPORTING. If the board authorizes the district to participate in a program under this chapter, the board shall require each institutional health care provider to submit to the district a copy of any financial and utilization data required by and reported to the Department of State Health Services under Sections 311.032 and 311.033 and any rules adopted by the executive commissioner of the Health and Human Services Commission to implement those sections.

SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

Sec. 298B.101. HEARING. (a) In each year that the board authorizes a program under this chapter, the board shall hold a public hearing on the amounts of any mandatory payments that the board intends to require during the year and how the revenue derived from those payments is to be spent.

(b) Not later than the fifth day before the date of the hearing required under Subsection (a), the board shall publish notice of the hearing in a newspaper of general circulation in the district and provide written notice of the hearing to each institutional health care provider in the district.

Sec. 298B.102. DEPOSITORY. (a) If the board requires a mandatory payment authorized under this chapter, the board shall designate one or more banks as a depository for the district's local provider participation fund.

(b) All funds collected under this chapter shall be secured in the manner provided for securing other district funds.

Sec. 298B.103. LOCAL PROVIDER PARTICIPATION FUND; AUTHORIZED USES OF MONEY. (a) If the district requires a mandatory payment authorized under this chapter, the district shall create a local provider participation fund.

(b) The local provider participation fund consists of:

(1) all revenue received by the district attributable to mandatory payments authorized under this chapter;

(2) money received from the Health and Human Services Commission as a refund of an intergovernmental transfer under the program, provided that the intergovernmental transfer does not receive a federal matching payment; and

(3) the earnings of the fund.

(c) Money deposited to the local provider participation fund of the district may be used only to:

(1) fund intergovernmental transfers from the district to the state to provide the nonfederal share of Medicaid payments for:

(A) uncompensated care payments to nonpublic hospitals affiliated with the district, if those payments are authorized under the Texas Healthcare Transformation and Quality Improvement Program waiver issued under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315);

(B) uniform rate enhancements for nonpublic hospitals in the Medicaid managed care service area in which the district is located;

(C) payments available under another waiver program authorizing payments that are substantially similar to Medicaid payments to nonpublic hospitals described by Paragraph (A) or (B); or

(D) any reimbursement to nonpublic hospitals for which federal matching funds are available;

(2) subject to Section 298B.151(d), pay the administrative expenses of the district in administering the program, including collateralization of deposits;

(3) refund a mandatory payment collected in error from a paying provider;

(4) refund to paying providers a proportionate share of the money that the district:

(A) receives from the Health and Human Services Commission that is not used to fund the nonfederal share of Medicaid supplemental payment program payments; or

(B) determines cannot be used to fund the nonfederal share of Medicaid supplemental payment program payments;

(5) transfer funds to the Health and Human Services Commission if the district is legally required to transfer the funds to address a disallowance of federal matching funds with respect to programs for which the district made intergovernmental transfers described by Subdivision (1); and

(6) reimburse the district if the district is required by the rules governing the uniform rate enhancement program described by Subdivision (1)(B) to incur an expense or forego Medicaid reimbursements from the state because the balance of the local provider participation fund is not sufficient to fund that rate enhancement program.

(d) Money in the local provider participation fund may not be commingled with other district funds.

(e) Notwithstanding any other provision of this chapter, with respect to an intergovernmental transfer of funds described by Subsection (c)(1) made by the district, any funds received by the state, district, or other entity as a result of that transfer may not be used by the state, district, or any other entity to:

(1) expand Medicaid eligibility under the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152); or

(2) fund the nonfederal share of payments to nonpublic hospitals available through the Medicaid disproportionate share hospital program or the delivery system reform incentive payment program.

SUBCHAPTER D. MANDATORY PAYMENTS

Sec. 298B.151. MANDATORY PAYMENTS BASED ON PAYING PROVIDER NET PATIENT REVENUE. (a) Except as provided by Subsection (e), if the board authorizes a health care provider participation program under this chapter, the board may require an annual mandatory payment to be assessed on the net patient revenue of each institutional health care provider located in the district. The board may provide for the mandatory payment to be assessed quarterly. In the first year in which the mandatory payment is required, the mandatory payment is assessed on the net patient revenue of an institutional health care provider as determined by the data reported to the Department of State Health Services under Sections 311.032 and 311.033 in the most recent fiscal year for which that data was reported. If the institutional health care provider did not report any data under those sections, the provider's net patient revenue is the amount of that revenue as contained in the provider's Medicare cost report submitted for the previous fiscal year or for the closest subsequent fiscal year for which the provider submitted the Medicare cost report. If the mandatory payment is required, the district shall update the amount of the mandatory payment on an annual basis.

(b) The amount of a mandatory payment authorized under this chapter must be uniformly proportionate with the amount of net patient revenue generated by each paying provider in the district as permitted under federal law. A health care provider participation program authorized under this chapter may not hold harmless any institutional health care provider, as required under 42 U.S.C. Section 1396b(w).

(c) If the board requires a mandatory payment authorized under this chapter, the board shall set the amount of the mandatory payment, subject to the limitations of this chapter. The aggregate amount of the mandatory payments required of all paying providers in the district may not exceed six percent of the aggregate net patient revenue from hospital services provided by all paying providers in the district.

(d) Subject to Subsection (c), if the board requires a mandatory payment authorized under this chapter, the board shall set the mandatory payments in amounts that in the aggregate will generate sufficient revenue to cover the administrative expenses of the district for activities under this chapter and to fund an intergovernmental transfer described by Section 298B.103(c)(1). The annual amount of revenue from mandatory payments that shall be paid for administrative expenses by the district is \$150,000, plus the cost of collateralization of deposits, regardless of actual expenses.

(e) A paying provider may not add a mandatory payment required under this section as a surcharge to a patient.

(f) A mandatory payment assessed under this chapter is not a tax for hospital purposes for purposes of Section 4, Article IX, Texas Constitution, or Section 281.045.

Sec. 298B.152. ASSESSMENT AND COLLECTION OF MANDATORY PAYMENTS. (a) The district may designate an official of the district or contract with another person to assess and collect the mandatory payments authorized under this chapter.

(b) The person charged by the district with the assessment and collection of mandatory payments shall charge and deduct from the mandatory payments collected for the district a collection fee in an amount not to exceed the person's usual and customary charges for like services.

(c) If the person charged with the assessment and collection of mandatory payments is an official of the district, any revenue from a collection fee charged under Subsection (b) shall be deposited in the district general fund and, if appropriate, shall be reported as fees of the district.

Sec. 298B.153. PURPOSE; CORRECTION OF INVALID PROVISION OR PROCEDURE; LIMITATION OF AUTHORITY. (a) The purpose of this chapter is to authorize the district to establish a program to enable the district to collect mandatory payments from institutional health care providers to fund the nonfederal share of a Medicaid supplemental payment program or the Medicaid managed care rate enhancements for nonpublic hospitals to support the provision of health care by institutional health care providers to district residents in need of health care.

(b) This chapter does not authorize the district to collect mandatory payments for the purpose of raising general revenue or any amount in excess of the amount reasonably necessary to fund the nonfederal share of a Medicaid supplemental payment program or Medicaid managed care rate enhancements for nonpublic hospitals and to cover the administrative expenses of the district associated with activities under this chapter.

(c) To the extent any provision or procedure under this chapter causes a mandatory payment authorized under this chapter to be ineligible for federal matching funds, the board may provide by rule for an alternative provision or procedure that

conforms to the requirements of the federal Centers for Medicare and Medicaid Services. A rule adopted under this section may not create, impose, or materially expand the legal or financial liability or responsibility of the district or an institutional health care provider in the district beyond the provisions of this chapter. This section does not require the board to adopt a rule.

(d) The district may only assess and collect a mandatory payment authorized under this chapter if a waiver program, uniform rate enhancement, or reimbursement described by Section 298B.103(c)(1) is available to the district.

Sec. 298B.154. FEDERAL DISALLOWANCE. Notwithstanding any other provision of this chapter, if the Centers for Medicare and Medicaid Services issues a disallowance of federal matching funds for a purpose for which intergovernmental transfers described by Section 298B.103(c)(1) were made and the Health and Human Services Commission demands repayment from the district of federal funds paid to the district for that purpose, the district may require and collect mandatory payments from each paying provider that received those federal funds in an amount sufficient to satisfy the repayment demand made by the commission. The percentage limitation prescribed by Section 298B.151(c) does not apply to a mandatory payment required under this section.

SECTION _____. As soon as practicable after the expiration of the authority of the Tarrant County Hospital District to administer and operate a health care provider participation program under Chapter 298B, Health and Safety Code, as added by this Act, the board of hospital managers of the Tarrant County Hospital District shall transfer to each institutional health care provider in the district that provider's proportionate share of any remaining funds in any local provider participation fund created by the district under Section 298B.103, Health and Safety Code, as added by this Act.

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 to **CSHB 4180** 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. 8.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Effective September 1, 2017, Section 4.003(f), Election Code, is amended to read as follows:

(f) A debt obligation election order required under Section 3.009 shall be posted:

(1) on election day and during early voting by personal appearance, in a prominent location at each polling place;

(2) not later than the 21st day before the election, in three public places in the boundaries of the political subdivision holding the election; and

(3) during the 21 days before the election, on the political subdivision's Internet website, prominently and together with the notice of the election, ~~and~~ the contents of the proposition, and any sample ballot prepared for the election, if the political subdivision maintains an Internet website.

SECTION _____. Effective September 1, 2017, Section 85.062, Election Code, is amended by adding Subsection (h) to read as follows:

(h) In an election at which a political subdivision submits a proposition to the voters to approve the issuance of general obligation bonds, the entity that establishes early voting polling places under this section may not establish the polling places with the intent to affect the outcome of the election.

SECTION _____. Effective September 1, 2017, Subtitle C, Title 9, Government Code, is amended by adding Chapter 1253 to read as follows:

CHAPTER 1253. GENERAL OBLIGATION BONDS ISSUED BY POLITICAL SUBDIVISIONS

Sec. 1253.001. DEFINITION. In this chapter, "political subdivision" means a county, municipality, school district, junior college district, other special district, or other subdivision of state government.

Sec. 1253.002. LIMITATION ON AUTHORITY TO ISSUE GENERAL OBLIGATION BONDS. (a) In this section, "improvement" and "personal property" have the meanings assigned by Section 1.04, Tax Code.

(b) Notwithstanding any other provision of law, a political subdivision may not issue general obligation bonds to purchase, improve, or construct improvements or to purchase personal property if the weighted average maturity of the issue of bonds to finance the improvements or personal property exceeds 120 percent of the reasonably expected weighted average economic life of the improvements or personal property financed with the issue of bonds.

Sec. 1253.003. USE OF UNSPENT GENERAL OBLIGATION BOND PROCEEDS. (a) A political subdivision may use the unspent proceeds of issued general obligation bonds only:

(1) for the specific purposes for which the bonds were authorized;

(2) to retire the bonds; or

(3) for a purpose other than the specific purposes for which the bonds were authorized if:

(A) the specific purposes are accomplished or abandoned; and

(B) a majority of the votes cast in an election held in the political subdivision approve the use of the proceeds for the proposed purpose.

(b) The election order and the notice of election for an election described by Subsection (a)(3)(B) must state the proposed purpose for which the bond proceeds are to be used.

(c) A political subdivision must hold an election described by Subsection (a)(3)(B) in the same manner as an election to issue bonds in the political subdivision.

SECTION _____. Effective September 1, 2017, Chapter 1332, Government Code, is repealed.

SECTION _____. Section 1253.002, Government Code, as added by this Act, applies only to a general obligation bond authorized to be issued at an election held on or after September 1, 2017.

The amendment to **CSHB 4180** 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. 9.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSHB 4180** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Effective September 1, 2017, Chapter 344, Health and Safety Code, is amended by designating Sections 344.001 through 344.007 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. ESTABLISHMENT, OPERATION, AND DISSOLUTION OF MOSQUITO CONTROL DISTRICTS

SECTION _____. Effective September 1, 2017, Chapter 344, Health and Safety Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. ESTABLISHMENT OF URGENT PUBLIC HEALTH MOSQUITO CONTROL DISTRICTS AND URGENT PUBLIC HEALTH CENTERS

Sec. 344.051. DEFINITION. In this subchapter, "department" means the Department of State Health Services.

Sec. 344.052. LEGISLATIVE FINDINGS. The legislature finds that:

(1) scientists have concluded the Zika virus is a cause for microcephaly and other severe fetal brain defects;

(2) the department has reported that counties in the Gulf Coast region and on the international border with Mexico are at the highest risk in this state of developing localized cases of the Zika virus;

(3) Cameron County, which is located on the international border with Mexico, has had as of December 2016 at least five documented cases of locally transmitted Zika virus;

(4) the powers of a mosquito control district may be effective in combating the increased risk of transmission of the Zika virus; and

(5) there is an urgent public health purpose for establishing a mosquito control district in Cameron and Hidalgo Counties and other high-risk counties to contain, eradicate, and treat problems associated with communicable diseases, including the Zika virus, the dengue virus, and the chikungunya virus, that are carried by mosquitoes.

Sec. 344.053. APPLICABILITY. (a) This subchapter applies only to a county located on the international border with Mexico:

(1) for which the department has documented a locally transmitted case of the Zika virus; or

(2) that is adjacent to a county described by Subdivision (1).

(b) Except as otherwise provided by this subchapter, Subchapter A applies to an urgent public health mosquito control district established under this subchapter.

Sec. 344.054. ESTABLISHMENT. The commissioners court of or the county judge of a county described by Section 344.053 may order an election under Section 344.001 for the establishment of an urgent public health mosquito control district on a resolution by the commissioners court or an order by the county judge stating that an urgent public health purpose requires establishment of the district.

Sec. 344.055. DUTIES OF COUNTY ESTABLISHING DISTRICT. A county that establishes an urgent public health mosquito control district under this subchapter shall:

(1) conduct surveillance of vectors carrying communicable disease;

(2) address the capacity of the county public health infrastructure, including

by:

(A) establishing and operating communicable disease and illness identification laboratories;

(B) training and hiring public health personnel and research fellows;

(C) matching state, federal, and private initiatives and efforts aimed at addressing and mitigating health and environmental conditions that contribute to the breeding, development, and spread of vectors carrying communicable disease;

(D) testing county residents for communicable diseases and providing medical treatment to county residents who have communicable diseases; and

(E) funding prevention measures and initiatives to protect county residents from vectors carrying communicable disease; and

(3) address the prevention and spread of vectors carrying communicable disease by funding efforts to inform people about the prevention and spread through community campaigns and regional information efforts.

Sec. 344.056. SPECIAL PUBLIC HEALTH ADVISORY COMMITTEE.

(a) In this section, "committee" means the special public health advisory committee established under this section.

(b) Notwithstanding Section 344.004, the commissioners court of a county that establishes an urgent public health mosquito control district under this subchapter shall establish a special public health advisory committee.

(c) The commissioners court shall appoint seven members to the committee as follows:

(1) one member who is the county public health administrator;

(2) three members who are public health administrators at the executive director level in the most populated municipalities in the county; and

(3) three members who are property taxpaying voters of the county.

(d) The commissioner of state health services shall appoint one delegate to serve as a nonvoting, ex officio member of the committee.

(e) The county judge shall designate one committee member appointed under Subsection (c) as the presiding officer of the committee. The committee meets at the call of the presiding officer.

(f) A committee member serves without compensation.

(g) A committee member must take an oath of office prescribed by the commissioners court.

(h) The committee shall:

(1) make written recommendations to the commissioners court that the committee considers necessary to:

(A) address the urgent public health purpose of the mosquito control district established under this subchapter; and

(B) implement the district's duties; and

(2) perform any other duty assigned to the committee by the commissioners court.

Sec. 344.057. MOSQUITO CONTROL PERSONNEL. The commissioners court of a county that establishes an urgent public health mosquito control district under this subchapter may appoint:

(1) a mosquito control engineer as provided by Section 344.005; or

(2) any other public health professional the commissioners court determines is necessary to carry out the duties of the district and to address the recommendations of the special public health advisory committee established under Section 344.056.

Sec. 344.058. URGENT PUBLIC HEALTH CENTER. (a) The department may establish an urgent public health center in a county that has established an urgent public health mosquito control district under this subchapter if:

(1) the county has at least one locally transmitted case of the Zika virus;

(2) the department determines that federal funds are available to assist local communities in controlling communicable diseases, including diseases caused by vectors that carry the Zika virus;

(3) the county or a municipality wholly or partly located in the county donates land to the department for the purpose of establishing the center; and

(4) the county or a municipality wholly or partly located in the county provides matching funds for the purpose of establishing the center.

(b) The department may establish only one urgent public health center for each public health region containing an urgent public health mosquito control district established under this subchapter.

(c) An urgent public health center established under this section for a county with an urgent public health mosquito control district established under this subchapter may:

(1) assist the county in fulfilling the county's duties under Section 344.055;

(2) provide a central repository of vector control resources for municipalities wholly or partly located in the county or a county adjacent to the county;

(3) develop local surveillance, outreach, and response campaigns to address communicable disease and potential vectors carrying communicable disease;

(4) provide local, regional, and international health-related briefings;

(5) cooperate with local, regional, state, and international officials to:

(A) increase environmental awareness to reduce sources for vector development; and

(B) develop recommendations for implementing nuisance abatement policies;

(6) with the assistance of appropriate authorities, facilitate any necessary method of vector control, including trapping, adulticiding, and larviciding of vector populations along the international border;

(7) provide to health care professionals current information, including health advisories and guidance with communicable disease case management, regarding communicable disease and potential vectors carrying communicable disease;

(8) in cooperation with state, federal, and international partners, educate and provide health care screenings to populations at high risk of contracting a communicable disease and that are traditionally difficult to contact; and

(9) facilitate information sharing between local, state, and international entities.

The amendment to **CSHB 4180** 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. 10.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSHB 4180** by Coleman (Senate Committee Report) by inserting the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.123 to read as follows:

Sec. 225.123. NAVARRO COUNTY VIETNAM MEMORIAL LOOP. (a) The portion of State Highway 31 under construction as of September 1, 2017, as a relief route around Corsicana, in Navarro County is designated as the Navarro County Vietnam Memorial Loop.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Navarro County Vietnam Memorial Loop and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

The amendment to **CSHB 4180** 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. 11.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 12

Amend **CSHB 4180** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 46.15, Penal Code, is amended by adding Subsection (h) to read as follows:

(h) The provisions of Sections 46.02 and 46.03 prohibiting the possession or carrying of a club do not apply to a code enforcement officer who:

(1) holds a certificate of registration issued under Chapter 1952, Occupations Code; and

(2) possesses or carries an instrument used specifically for deterring the bite of an animal while the officer is:

(A) performing official duties; or

(B) traveling to or from a place of duty.

SECTION _____. Section 1952.051, Occupations Code, as effective September 1, 2017, is amended by adding Subsection (c) to read as follows:

(c) The education requirements adopted under Subsection (b) must include education regarding the principles and procedures to be followed when possessing or carrying an instrument used specifically for deterring the bite of an animal.

The amendment to **CSHB 4180** 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. 12.

Senator Buckingham offered the following amendment to the bill:

Floor Amendment No. 13

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Effective January 1, 2018, Section 25.25(e), Tax Code, is amended to read as follows:

(e) If the chief appraiser and the property owner do not agree to the correction before the 15th day after the date the motion is filed, a party bringing a motion under Subsection (c) or (d) is entitled on request to a hearing on and a determination of the motion by the appraisal review board. A party bringing a motion under this section must describe the error or errors that the motion is seeking to correct. Not later than 15 days before the date of the hearing, the board shall deliver written notice of the date, time, and place of the hearing to the chief appraiser, the property owner, and the presiding officer of the governing body of each taxing unit in which the property is located. The chief appraiser, the property owner, and each taxing unit are entitled to present evidence and argument at the hearing and to receive written notice of the board's determination of the motion. The property owner is entitled to elect to present the owner's evidence and argument before, after, or between the cases presented by the chief appraiser and each taxing unit. A property owner who files the motion must comply with the payment requirements of Section 25.26 or forfeit the right to a final determination of the motion.

SECTION _____. Effective January 1, 2018, Section 41.66(b), Tax Code, is amended to read as follows:

(b) Hearing procedures to the greatest extent practicable shall be informal. Each party to a hearing is entitled to offer evidence, examine or cross-examine witnesses or other parties, and present argument on the matters subject to the hearing. A property

owner who is a party to a protest is entitled to elect to present the owner's case at a hearing on the protest either before or after the appraisal district presents the district's case.

SECTION _____. Section 25.25, Tax Code, as amended by this Act, applies only to a motion to correct an appraisal roll filed on or after January 1, 2018.

SECTION _____. Section 41.66, Tax Code, as amended by this Act, applies only to a protest for which the notice of protest was filed by a property owner or the designated agent of the owner with the appraisal review board established for an appraisal district on or after January 1, 2018.

The amendment to **CSHB 4180** 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. 13.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 14

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 3.009, Election Code, is amended to read as follows:

Sec. 3.009. CONTENTS OF DEBT OBLIGATION ELECTION ORDER. (a) In this section, "debt obligation" means an issued public security, as defined by Section 1201.002, Government Code, that is secured by and payable from ad valorem taxes. The term does not include public securities that are designated as self-supporting by the political subdivision issuing the securities.

(b) The document ordering an election to authorize a political subdivision to issue debt obligations must distinctly state:

- (1) the proposition language that will appear on the ballot;
- (2) the purpose for which the debt obligations are to be authorized;
- (3) the principal amount of the debt obligations to be authorized;
- (4) that taxes sufficient to pay the [~~annual~~] principal of and interest on the debt obligations may be imposed;
- (5) a statement of the estimated tax rate if the debt obligations are authorized or of the maximum interest rate of the debt obligations or any series of the debt obligations, based on the market conditions at the time of the election order;
- (6) the maximum maturity date of the debt obligations to be authorized or that the debt obligations may be issued to mature over a specified number of years not to exceed the maximum number of years authorized by law [40];
- (7) the aggregate amount of the outstanding principal of the political subdivision's debt obligations as of the date [beginning of the political subdivision's fiscal year in which] the election is ordered;
- (8) the aggregate amount of the outstanding interest on debt obligations of the political subdivision as of the date [beginning of the political subdivision's fiscal year in which] the election is ordered, which may be based on the expectations of the political subdivision as it relates to variable rate debt obligations; and

(9) the ad valorem debt service tax rate for the political subdivision at the time the election is ordered, expressed as an amount per \$100 valuation of taxable property.

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

(e) In addition to any other requirement imposed by law for a proposition, including a provision prescribing the proposition language, a proposition submitted to the voters for approval of ~~[the issuance of bonds or]~~ the imposition, increase, or reduction of a tax shall specifically state, as applicable:

(1) ~~[with respect to a proposition seeking voter approval of the issuance of bonds:~~

~~[(A) the total principal amount of the bonds to be authorized, if approved; and~~

~~[(B) a general description of the purposes for which the bonds are to be authorized, if approved;~~

~~[(2) with respect to a proposition that only seeks voter approval of the imposition or increase of a tax, the amount of or maximum tax rate of the tax or tax increase for which approval is sought; or~~

~~[(3) with respect to a proposition that only seeks voter approval of the reduction of a tax, the amount of tax rate reduction or the tax rate for which approval is sought.~~

(f) A political subdivision that submits to the voters a proposition for the approval of the issuance of debt obligations shall prescribe the wording of the proposition that is to appear on the ballot in accordance with the requirements of Subchapter B, Chapter 1251, Government Code. In this subsection, "debt obligation" and "political subdivision" have the meanings assigned by Section 1251.051, Government Code.

SECTION ____. Chapter 1251, Government Code, is amended by designating Sections 1251.001, 1251.003, 1251.004, 1251.005, and 1251.006 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. PROVISIONS RELATING GENERALLY TO BOND
ELECTIONS

SECTION ____. Chapter 1251, Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. BALLOT FOR DEBT OBLIGATIONS ISSUED BY
POLITICAL SUBDIVISION

Sec. 1251.051. DEFINITIONS. In this subchapter:

(1) "Debt obligation" means a public security as defined by Section 1201.002 secured by and payable from ad valorem taxes. The term does not include public securities that are designated as self-supporting by the political subdivision issuing the securities.

(2) "Debt obligation election order" means the order, ordinance, or resolution ordering an election to authorize the issuance of debt obligations.

(3) "Political subdivision" means a municipality, county, school district, or special taxing district.

Sec. 1251.052. FORM. (a) The ballot for a measure seeking voter approval of the issuance of debt obligations by a political subdivision shall specifically state:

(1) a general description of the purposes for which the debt obligations are to be authorized;

(2) the total principal amount of the debt obligations to be authorized; and

(3) that taxes sufficient to pay the principal of and interest on the debt obligations will be imposed.

(b) In addition to the requirements of Subsection (a), the ballot for a measure seeking voter approval of the issuance of debt obligations by a political subdivision with at least 250 registered voters on the date the governing body of the political subdivision adopts the debt obligation election order shall specifically state the estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the political subdivision with an appraised value of \$100,000 to repay the debt obligations to be authorized, if approved, based upon assumptions made by the governing body of the political subdivision.

(c) The governing body of the political subdivision shall identify in the debt obligation election order the major assumptions made in connection with the statement required by Subsection (b), including:

(1) the amortization of the political subdivision's debt obligations, including outstanding debt obligations and the proposed debt obligations;

(2) changes in estimated future appraised values within the political subdivision; and

(3) the assumed interest rate on the proposed debt obligations.

(d) A political subdivision with at least 250 registered voters on the date the governing body of the political subdivision adopts the debt obligation election order must prepare a voter information document for each proposition to be voted on at the election. The political subdivision shall post the voter information document in the same manner as a debt obligation election order is required to be posted under Section 4.003(f), Election Code, and may include the voter information document in the debt obligation election order. The voter information document must distinctly state:

(1) the language that will appear on the ballot;

(2) the following information formatted as a table:

(A) the principal of the debt obligations to be authorized;

(B) the estimated interest for the debt obligations to be authorized;

(C) the estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized; and

(D) as of the date the political subdivision adopts the debt obligation election order:

(i) the principal of all outstanding debt obligations of the political subdivision;

(ii) the estimated remaining interest on all outstanding debt obligations of the political subdivision, which may be based on the expectations of the political subdivision as it relates to the interest due on any variable rate debt obligations; and

(iii) the estimated combined principal and interest required to pay on time and in full all outstanding debt obligations of the political subdivision, which may be based on the expectations of the political subdivision as it relates to the interest due on any variable rate debt obligations; and

(3) any other information that the political subdivision considers relevant or necessary to explain the information required by this subsection.

(e) A political subdivision that maintains an Internet website shall provide the information described by Subsection (d) on its website in an easily accessible manner beginning not later than the 21st day before election day and ending on the day after the date of the debt obligation election.

(f) This section provides the ballot proposition language for an election to authorize the issuance of debt obligations by a political subdivision. To the extent of a conflict between this section and another law, this section controls.

SECTION ____. Section 271.049, Local Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (e) to read as follows:

(a) Regardless of the sources of payment of certificates, certificates may not be issued unless the issuer publishes notice of its intention to issue the certificates. The notice must be published:

(1) once a week for two consecutive weeks in a newspaper, as defined by Subchapter C, Chapter 2051, Government Code, that is of general circulation in the area of the issuer, with the date of the first publication to be before the 45th [30th] day before the date tentatively set for the passage of the order or ordinance authorizing the issuance of the certificates; and

(2) if the issuer maintains an Internet website, continuously on the issuer's website for at least 45 days before the date tentatively set for the passage of the order or ordinance authorizing the issuance of the certificates.

(b) The notice must state:

(1) the time and place tentatively set for the passage of the order or ordinance authorizing the issuance of the certificates;

(2) the ~~[maximum amount and]~~ purpose of the certificates to be authorized; ~~[and]~~

(3) the manner in which the certificates will be paid for, whether by taxes, revenues, or a combination of the two;

(4) the following:

(A) the then-current principal of all outstanding debt obligations of the issuer;

(B) the then-current combined principal and interest required to pay all outstanding debt obligations of the issuer on time and in full, which may be based on the expectations of the issuer as it relates to the interest due on any variable rate debt obligations;

(C) the maximum principal amount of the certificates to be authorized;
and

(D) the estimated combined principal and interest required to pay the certificates to be authorized on time and in full;

(5) the estimated interest rate for the certificates to be authorized or that the maximum interest rate for the certificates may not exceed the maximum legal interest rate; and

(6) the maximum maturity date of the certificates to be authorized.

(e) In this section, "debt obligation" means a public security, as defined by Section 1201.002, Government Code, secured by and payable from ad valorem taxes. The term does not include public securities that are designated as self-supporting by the political subdivision issuing the securities.

SECTION ____ . Section 1251.002, Government Code, is repealed.

SECTION ____ . (a) The changes in law made by this Act to Chapter 1251, Government Code, apply only to a ballot for an election ordered on or after the effective date of this Act. An election ordered before the effective date of this Act is governed by the law in effect when the election was ordered, and the former law is continued in effect for that purpose.

(b) The changes in law made by this Act to Section 271.049, Local Government Code, apply only to a certificate of obligation for which the first notice of intention to issue the certificate is made on or after the effective date of this Act. A certificate of obligation for which the first notice of intention to issue the certificate is made before the effective date of this Act is governed by the law in effect when the notice of intention is made, and the former law is continued in effect for that purpose.

The amendment to **CSHB 4180** 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. 14.

Senator Buckingham offered the following amendment to the bill:

Floor Amendment No. 15

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . (a) The heading to Chapter 7913, Special District Local Laws Code, is amended to read as follows:

CHAPTER 7913. HIGHWAY 71 [~~BURNET COUNTY~~] MUNICIPAL UTILITY DISTRICT [~~NO. 1~~]

(b) Section 7913.001(4), Special District Local Laws Code, is amended to read as follows:

(4) "District" means the Highway 71 [~~Burnet County~~] Municipal Utility District [~~No. 1~~].

(c) The legislature validates and confirms the creation of the Highway 71 Municipal Utility District and all acts and proceedings of the district under that name or as the Burnet County Municipal Utility District No. 1 that were taken before the effective date of this Act, including all elections conducted by the district.

(d) Subsection (c) of this section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court; or

(2) has been held invalid by a final judgment of a court.

(e) A reference in law to the Burnet County Municipal Utility District No. 1 means the Highway 71 Municipal Utility District.

The amendment to **CSHB 4180** 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. 15.

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 16

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Effective January 1, 2018, Section 232.008(h), Local Government Code, is amended to read as follows:

(h) Regardless of the date land is subdivided or a plat is filed for a subdivision, the commissioners court may deny a cancellation under this section if the commissioners court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development as defined by Section 232.0395 [~~232.0085~~].

SECTION _____. Effective January 1, 2018, Section 232.0085, Local Government Code, is transferred to Subchapter B, Chapter 232, Local Government Code, redesignated as Section 232.0395, Local Government Code, and amended to read as follows:

Sec. 232.0395 [~~232.0085~~]. CANCELLATION OF CERTAIN SUBDIVISIONS IF LAND REMAINS UNDEVELOPED. (a) This section applies only to real property located in the unincorporated area of:

~~[(1) outside municipalities and the extraterritorial jurisdiction of municipalities, as determined under Chapter 42; and~~

~~[(2) in] an affected county, as defined by Section 16.341, Water Code, that:~~

~~(1) has adopted the model rules developed under Section 16.343, Water Code; [7] and~~

~~(2) is located along an international border.~~

(b) The commissioners court of a county may cancel, after notice and a hearing as required by this section, a subdivision for which the plat was filed and approved before September 1, 1989, if:

(1) the development of or the making of improvements in the subdivision was not begun before June 5, 1995 [~~the effective date of this section~~]; and

(2) the commissioners court by resolution has made a finding that the land in question is likely to be developed as a colonia.

(c) The commissioners court must publish notice of a proposal to cancel a subdivision under this section and the time and place of the required hearing in a newspaper of general circulation in the county for at least 21 days immediately before the date a cancellation order is adopted under this section. The county tax

assessor-collector shall, not later than the 14th day before the date of the hearing, deposit with the United States Postal Service a similar notice addressed to each owner of land in the subdivision, as determined by the most recent county tax roll.

(d) At the hearing, the commissioners court shall permit any interested person to be heard. At the conclusion of the hearing, the court shall adopt an order on whether to cancel the subdivision. The commissioners court may adopt an order canceling a subdivision if the court determines the cancellation is in the best interest of the public. The court may not adopt an order canceling a subdivision if:

(1) the cancellation interferes with the established rights of a person who is a nondeveloper owner and owns any part of the subdivision, unless the person agrees to the cancellation; or

(2) the owner of the entire subdivision is able to show that:

(A) the owner of the subdivision is able to comply with the minimum state standards and model political subdivision rules developed under Section 16.343, Water Code, including any bonding requirements; or

(B) the land was developed or improved within the period described by Subsection (b).

(e) The commissioners court shall file the cancellation order for recording in the deed records of the county. After the cancellation order is filed and recorded, the property shall be treated as if it had never been subdivided, and the county chief appraiser shall assess the property accordingly. Any liens against the property shall remain against the property as it was previously subdivided.

(f) In this section:

(1) "Development" means the making, installing, or constructing of buildings and improvements.

(2) "Improvements" means water supply, treatment, and distribution facilities; wastewater collection and treatment facilities; and other utility facilities. The term does not include roadway facilities.

(3) "Nondeveloper owner" means a person who:

(A) owns one or more lots in a subdivision to be occupied as the owner's personal residence; and

(B) has not participated and does not participate in the marketing, promotion, or offering of lots for sale or lease as part of a common promotional plan in the ordinary course of business.

SECTION _____. Effective January 1, 2018, Subchapter B, Chapter 232, Local Government Code, is amended by adding Section 232.045 to read as follows:

Sec. 232.045. APPLICABILITY OF INFRASTRUCTURE REQUIREMENTS TO LOTS UNDEVELOPED FOR 25 YEARS OR MORE. (a) This section applies only to a county with a population of more than 800,000 that is adjacent to an international border.

(b) A commissioners court by order may implement a process:

(1) applicable to a subdivision in which 50 percent or more of the lots are undeveloped or unoccupied on or after the 25th anniversary of the date the plat for the subdivision was recorded with the county; and

(2) through which the county, to the extent practicable, may apply to the subdivision more current street, road, drainage, and other infrastructure requirements.

(c) A regulation or standard adopted by a county under this section must be no less stringent than the minimum standards and other requirements under the model rules for safe and sanitary water supply and sewer services adopted under Section 16.343, Water Code, and any other minimum public safety standards that would otherwise be applicable to the subdivision.

(d) A regulation or standard adopted by a county under this section applies only to a lot that is owned by an individual, firm, corporation, or other legal entity that directly or indirectly offers lots for sale or lease as part of a common promotional plan in the ordinary course of business, and each regulation or standard must expressly state that limitation. For the purposes of this subsection, "common promotional plan" means a plan or scheme of operation undertaken by a person or a group acting in concert, either personally or through an agent, to offer for sale or lease more than two lots when the land is:

(1) contiguous or part of the same area of land; or

(2) known, designated, or advertised as a common unit or by a common name.

SECTION _____. A county may not apply an order adopted under Section 232.045, Local Government Code, as added by this Act, to a subdivision that is the subject of a judicial proceeding pending on May 1, 2017, to determine whether the subdivision is subject to a valid and existing subdivision plat.

The amendment to **CSHB 4180** 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. 16.

Senator Buckingham offered the following amendment to the bill:

Floor Amendment No. 17

Amend **CSHB 4180** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 47.01a, Code of Criminal Procedure, is amended by amending Subsections (a) and (d) and adding Subsection (e) to read as follows:

(a) If a criminal action relating to allegedly stolen property is not pending, a district judge, county court judge, statutory county court judge, or justice of the peace having jurisdiction as a magistrate in the county in which the property is held or in which the property was alleged to have been stolen or a municipal judge having jurisdiction as a magistrate in the municipality in which the property is being held or in which the property was alleged to have been stolen may hold a hearing to determine the right to possession of the property, upon the petition of an interested person, a county, a city, or the state. Jurisdiction under this article [~~section~~] is based solely on jurisdiction as a criminal magistrate under this code and not jurisdiction as a civil court. The court shall:

(1) order the property delivered to whoever has the superior right to possession, without conditions; [~~or~~]

(2) on the filing of a written motion before trial by an attorney representing the state, order the property delivered to whoever has the superior right to possession, subject to the condition that the property be made available to the prosecuting authority should it be needed in future prosecutions; or

(3) order the property awarded to the custody of the peace officer, pending resolution of criminal investigations regarding the property.

(d) Venue for a hearing under this article is in any justice, county, statutory county, or district court in the county in which the property is seized or in which the property was alleged to have been stolen or in any municipal court in any municipality in which the property is seized or in which the property was alleged to have been stolen, except that the court may transfer venue to a court in another county on the motion of any interested party.

(e) The person who has the superior right to possession of the property, as determined in a hearing under Subsection (a), is responsible for any transportation necessary to deliver the property to the person as ordered under that subsection.

SECTION ____ . Article 47.02, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) On written consent of the prosecuting attorney and following an order described by Subsection (a), any magistrate having jurisdiction in the county in which the property was alleged to have been stolen or, if the [a] criminal action for theft or any other offense involving the illegal acquisition of property is pending in another county, the county in which the action is pending may hold a hearing to determine the right to possession of the property. If it is proved to the satisfaction of the magistrate that any person is a true owner of the property alleged to have been stolen, and the property is under the control of a peace officer, the magistrate may, by written order, direct the property to be restored to that person.

(c) The owner of the property is responsible for any transportation necessary to restore the property to the owner as ordered under this article.

The amendment to **CSHB 4180** 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. 17.

Senator Buckingham offered the following amendment to the bill:

Floor Amendment No. 18

Amend **CSHB 4180** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Chapter 654, Acts of the 71st Legislature, Regular Session, 1989, is amended by adding Section 6A to read as follows:

Sec. 6A. ABANDONED, DETERIORATED, OPEN, OR UNCOVERED WATER WELLS. (a) In this section:

(1) "Abandoned well" and "deteriorated well" have the meanings assigned by Section 1901.255, Occupations Code.

(2) "Open or uncovered well" has the meaning assigned by Section 36.118, Water Code.

(b) The district may enter into a contract with a licensed water well driller to or a district employee may:

- (1) cap an open, uncovered, or abandoned well; or
- (2) plug and permanently close a deteriorated well.

(c) A district employee may plug a well under Subsection (b) only if the employee has received training in the proper method of plugging a well located in a karst topographic area.

(d) The district may require the owner or lessee of land on which an open or uncovered well is located to keep the well permanently closed or capped as provided by Section 36.118, Water Code.

(e) The district may use any money available to the district, including money from grants, fees, or tax revenues, to pay reasonable expenses incurred by the district in plugging or capping wells on land in the district under this section of this Act. The reasonable expenses constitute a lien on the land on which the well is located in accordance with Section 36.118(e), Water Code.

(f) The district may enforce this section against any person by injunction, mandatory injunction, or other appropriate remedy in a court of competent jurisdiction as provided by Section 36.102, Water Code.

The amendment to **CSHB 4180** 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. 18.

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 19

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION ____ . Subchapter Z, Chapter 341, Local Government Code, is amended by adding Section 341.906 to read as follows:

Sec. 341.906. LIMITATIONS ON REGISTERED SEX OFFENDERS IN GENERAL-LAW MUNICIPALITIES. (a) In this section:

(1) "Child safety zone" means premises where children commonly gather. The term includes a school, day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children. The term does not include a church, as defined by Section 544.251, Insurance Code.

(2) "Playground," "premises," "school," "video arcade facility," and "youth center" have the meanings assigned by Section 481.134, Health and Safety Code.

(3) "Registered sex offender" means an individual who is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.

(b) To provide for the public safety, the governing body of a general-law municipality by ordinance may restrict a registered sex offender from going in, on, or within a specified distance of a child safety zone in the municipality.

(c) It is an affirmative defense to prosecution of an offense under the ordinance that the registered sex offender was in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes.

(d) The ordinance may establish a distance requirement described by Subsection (b) at any distance of not more than 1,000 feet.

(e) The ordinance shall establish procedures for a registered sex offender to apply for an exemption from the ordinance.

(f) The ordinance must exempt a registered sex offender who established residency in a residence located within the specified distance of a child safety zone before the date the ordinance is adopted. The exemption must apply only to:

(1) areas necessary for the registered sex offender to have access to and to live in the residence; and

(2) the period the registered sex offender maintains residency in the residence.

The amendment to **CSHB 4180** 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. 19.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 20

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering remaining SECTIONS of the bill accordingly:

SECTION __ Section 41.45, Tax Code, is amended by amending Subsections (h) and (o) and adding Subsection (p) to read as follows:

(h) Before the hearing on a protest or immediately after the hearing begins, the chief appraiser and the property owner or the owner's agent shall each provide the other with a copy of any written material or material preserved on a ~~[any]~~ portable device designed to maintain a ~~[an electronic, magnetic, or digital]~~ reproduction of a document or image that the person intends to offer or submit to the appraisal review board at the hearing. Each person must provide the copy of material in the manner and form prescribed by comptroller rule.

(o) If the chief appraiser uses audiovisual equipment at a hearing on a protest, the appraisal office shall provide audiovisual equipment of the same general type, kind, and character, as prescribed by comptroller rule, for use during the hearing by the property owner or the property owner's agent.

(p) The comptroller by rule shall prescribe:

(1) the manner and form, including security requirements, in which a person must provide a copy of material under Subsection (h), which must allow the appraisal review board to retain the material as part of the board's hearing record; and

(2) specifications for the audiovisual equipment provided by an appraisal district for use by a property owner or the property owner's agent under Subsection (o).

SECTION __ Section 41A.061(c), Tax Code, is amended to read as follows:

(c) The comptroller shall remove a person from the registry if:

(1) the person fails or declines to renew the person's agreement to serve as an arbitrator in the manner required by this section; or

(2) the comptroller determines by clear and convincing evidence that there is good cause to remove the person from the registry, including evidence of repeated bias or misconduct by the person while acting as an arbitrator.

SECTION __ Section 41A.07, Tax Code, is amended by amending Subsection (a) and adding Subsections (e), (f), and (g) to read as follows:

(a) On receipt of the request and deposit under Section 41A.05, the comptroller shall:

(1) appoint an eligible arbitrator who is listed in the comptroller's registry; and

(2) send notice to the appointed arbitrator requesting the individual to conduct the hearing on the arbitration [send the property owner and the appraisal district a copy of the comptroller's registry of qualified arbitrators and request that the parties select an arbitrator from the registry. The comptroller may send a copy of the registry to the parties by regular mail in paper form or may send the parties written notice of the Internet address of a website at which the registry is maintained and may be accessed. The parties shall attempt to select an arbitrator from the registry].

(e) To be eligible for appointment as an arbitrator under Subsection (a), the arbitrator must reside:

(1) in the county in which the property that is the subject of the appeal is located; or

(2) in this state if no available arbitrator on the registry resides in that county.

(f) A person is not eligible for appointment as an arbitrator under Subsection (a) if at any time during the preceding five years, the person has:

(1) represented a person for compensation in a proceeding under this title in the appraisal district in which the property that is the subject of the appeal is located;

(2) served as an officer or employee of that appraisal district; or

(3) served as a member of the appraisal review board for that appraisal district.

(g) The comptroller may not appoint an arbitrator under Subsection (a) if the comptroller determines that there is good cause not to appoint the arbitrator, including information or evidence indicating repeated bias or misconduct by the person while acting as an arbitrator.

SECTION __ Sections 41A.07(b) and (c), Tax Code, are repealed.

SECTION __ The comptroller shall adopt rules as provided by Section 41.45(p), Tax Code, as added by this Act, not later than January 1, 2018.

SECTION __ The changes in law made by this Act to Section 41.45, Tax Code, apply only to a protest for which the notice of protest was filed by a property owner with the appraisal review board established for an appraisal district on or after January 1, 2018.

SECTION __ The changes in law made by this Act to Section 41A.07, Tax Code, apply only to a request for binding arbitration received by the comptroller from an appraisal district on or after the effective date of this Act.

The amendment to **CSHB 4180** 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. 20.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 21

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 75.001(3), Civil Practice and Remedies Code, is amended to read as follows:

(3) "Recreation" means an activity such as:

- (A) hunting;
- (B) fishing;
- (C) swimming;
- (D) boating;
- (E) camping;
- (F) picnicking;
- (G) hiking;
- (H) pleasure driving, including off-road motorcycling and off-road automobile driving and the use of all-terrain vehicles and recreational off-highway vehicles;
- (I) nature study, including bird-watching;
- (J) cave exploration;
- (K) waterskiing and other water sports;
- (L) any other activity associated with enjoying nature or the outdoors;
- (M) bicycling and mountain biking;
- (N) disc golf;
- (O) on-leash and off-leash walking of dogs; [~~or~~]
- (P) radio control flying and related activities; or
- (Q) rock climbing.

SECTION _____. Section 75.001(3), 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 accrued 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.

The amendment to **CSHB 4180** 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. 21.

Senator Miles offered the following amendment to the bill:

Floor Amendment No. 22

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) In this section, "task force" means the task force on flood control infrastructure established under this section.

(b) Subject to Subsection (i) of this section, the task force is established to conduct a comprehensive flood control infrastructure study for Harris County. The study must:

(1) assess the existing infrastructure in Harris County with respect to flood control; and

(2) identify infrastructure improvements necessary to mitigate flooding in that county.

(c) The task force is composed of 11 members as follows:

(1) one person appointed by the governor;

(2) one person appointed by the lieutenant governor;

(3) one person appointed by the speaker of the house of representatives;

(4) two representatives of the University of Houston's Hobby School of Public Affairs or Cullen College of Engineering, one of whom is appointed by the author of this Act and one of whom is appointed by the sponsor of this Act;

(5) two representatives of Texas Southern University's Barbara Jordan-Mickey Leland School of Public Affairs or Department of Transportation Studies, one of whom is appointed by the author of this Act and one of whom is appointed by the sponsor of this Act;

(6) one representative of the mayor of the City of Houston, appointed by the mayor;

(7) one representative of the Harris County Commissioners Court, appointed by the commissioners court;

(8) one other person appointed by the author of this Act; and

(9) one other person appointed by the sponsor of this Act.

(d) One member appointed under Subsection (c)(4) of this section serves as the presiding officer of the task force, and one member appointed under Subsection (c)(5) of this section serves as the assistant presiding officer.

(e) The Hobby School of Public Affairs and the Cullen College of Engineering of the University of Houston shall provide necessary staff and administrative support to the task force.

(f) The Harris County Flood Control District shall serve as an advisor to the task force by reviewing task force work products and providing data and other information necessary to conduct the study.

(g) The task force shall prepare a report that includes:

(1) a description of the activities of the task force;

(2) the findings and recommendations of the task force, including any proposed policy recommendations; and

(3) any proposals for legislation or other matters the task force considers appropriate.

(h) Not later than December 1, 2018, the task force shall submit the report prepared under this section to:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives; and
- (4) the presiding officers of the standing committees of the senate and house

of representatives having primary jurisdiction over issues relating to flood control infrastructure.

(i) This section does not make an appropriation. Subsections (b)-(h) of this section are not mandatory unless:

- (1) the legislature makes a specific appropriation to implement this section;

or

- (2) grants or private donations are made for the purpose of implementing this section.

(j) If a study is not conducted under Subsection (b) of this section, the University of Houston's Hobby School of Public Affairs and Cullen College of Engineering jointly may prepare a comprehensive flood control infrastructure study plan for Harris County. A plan prepared under this subsection must identify potential infrastructure improvements that should be the subject of a comprehensive study regarding flood mitigation in Harris County.

(k) The University of Houston's Hobby School of Public Affairs and Cullen College of Engineering shall submit a plan prepared under Subsection (j) of this section to the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over issues relating to flood control infrastructure.

(l) This section expires and the task force is abolished January 1, 2019.

The amendment to **CSHB 4180** 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. 22.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 23

Amend **CSHB 4180** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill appropriately:

SECTION _____. Section 2206.154, Government Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) Except as provided by Subsections [Subsection] (b) and (b-1), not later than February 1 of each year, an entity described by Section 2206.151 shall submit to the comptroller a report containing records and other information specified by this subchapter for the purpose of providing the comptroller with information to maintain the eminent domain database under Section 2206.153. The entity shall submit the report in a form and in the manner prescribed by the comptroller.

(b-1) A public school district located in a county with a population of less than 25,000 is required to file an annual report under Subsection (a) only if the district's eminent domain authority information has changed from the information reported in the most recent report filed by the district under this section. If for the current annual reporting period the district's eminent domain authority information is the same as the information reflected for the district in the eminent domain database for the previous annual reporting period, the district, not later than February 1 of the current annual reporting period, shall confirm the accuracy of the information by electronically updating the district's previously filed report with the comptroller in the manner prescribed by the comptroller.

The amendment to **CSHB 4180** 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. 23.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 24

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Effective September 1, 2017, Sections 62.001(a), (b), (c), (f), (g), and (h), Government Code, are amended to read as follows:

(a) The jury wheel must be reconstituted by using, as the source:

(1) the names of all persons on the current statewide voter registration list maintained as required under Section 18.061, Election Code, [lists] from all the precincts in the county; and

(2) all names on a current list to be furnished by the Department of Public Safety as required by Subsection (f), showing the residents [citizens] of the county who:

(A) hold a valid Texas driver's license or a valid personal identification card or certificate issued by the department; and

(B) are not disqualified from jury service under Section 62.102(1), (2), (3), or (8) [~~7~~].

(b) Notwithstanding Subsection (a), the following names [of persons listed on a register of persons exempt from jury service] may not be placed in the jury wheel:

(1) the names of persons listed on a registrar of persons exempt from jury service [5] as provided by Sections 62.108 and 62.109; and

(2) the names of persons on the suspense list maintained by the voter registrar under Section 15.081, Election Code.

(c) Each year not later than the third Tuesday in November or the date provided by Section 16.032, Election Code, for the cancellation of voter registrations, whichever is earlier, the voter registrar of each county shall furnish to the secretary of state a list of people exempted from jury service under Subsection (b) [current voter registration list from all the precincts in the county that, except as provided by Subsection (d), includes:

~~[(1) the complete name, mailing address, date of birth, voter registration number, and precinct number for each voter;~~

~~[(2) if available, the Texas driver's license number or personal identification card or certificate number and social security number for each voter; and~~

~~[(3) any other information included on the voter registration list of the county].~~

(f) The Department of Public Safety shall furnish a list to the secretary of state that shows the names required under Subsection (a)(2) and that contains any ~~[of the]~~ information ~~[enumerated in Subsection (c) that is]~~ available to the department regarding a person's residential address, mailing address, date of birth, Texas driver's license number or personal identification card or certificate number, social security number, ~~[including]~~ citizenship status, and county of residence. The list shall exclude the names of convicted felons, persons who are not citizens of the United States, persons residing outside the county, and the duplicate name of any registrant. The department shall furnish the list to the secretary of state on or before the first Monday in October of each year.

(g) The secretary of state shall accept the lists furnished as provided by Subsections (c) and ~~[(e) through]~~ (f). The secretary of state shall combine the list furnished under Subsection (f) with the information on the statewide voter registration list maintained by the voter registrar as required under Section 18.061, Election Code, eliminate duplicate names and names of exempt persons on the list provided to the secretary of state under Subsection (c) [lists, eliminate duplicate names], and send the combined list to each county on or before December 31 of each year or as may be required under a plan developed in accordance with Section 62.011. The district clerk or bailiff designated as the officer in charge of the jury selection process for a county that has adopted a plan under Section 62.011 shall give the secretary of state notice not later than the 90th day before the date the list is required. The list furnished the county ~~[must be in a format, electronic or printed copy, as requested by the county and]~~ must be certified by the secretary of state stating that the list contains the names required by Subsection (a) and excludes the names of exempt persons provided to the secretary of state under Subsection ~~[Subsections (e) through]~~ (f), eliminating duplications. The secretary of state shall furnish the electronic list free of charge.

(h) If the secretary of state is unable to furnish the list as provided in this section because of the failure of the voter registrar to furnish the information necessary to maintain the statewide voter registration list as required under Section 18.061, Election Code [county voter registration list to the secretary of state], the county tax assessor-collector, sheriff, county clerk, and district clerk in the county shall meet at the county courthouse between January 1 and January 15 of the following year and shall reconstitute the jury wheel for the county, except as provided under a plan adopted under Section 62.011. The deadlines included in the plan control for preparing the list and reconstituting the wheel. The secretary of state shall send the list furnished by the Department of Public Safety as provided by Subsection (f) to the voter registrar, who shall combine the lists as described in this section for use as the juror source and certify the combined list as required of the secretary of state under Subsection (g).

SECTION _____. Effective September 1, 2017, Section 62.011, Government Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) A state agency or the secretary of state may not charge a fee for furnishing an electronic [a] list of names required by Section 62.001.

(e) The commissioners court of a county that has adopted a jury selection plan must file with the Office of Court Administration of the Texas Judicial System a copy of the plan and any modification to the plan.

SECTION _____. Effective September 1, 2017, Section 62.113, Government Code, is amended by adding Subsection (b-1) and amending Subsection (e) to read as follows:

(b-1) The list of persons excused or disqualified because of citizenship as required by Subsection (b) may not be combined with or submitted simultaneously with any other list required to be submitted to the voter registrar of the county, including a list submitted under Section 62.114.

(e) The information required to be filed with the secretary of state under this section must be filed electronically in the format prescribed by the secretary of state. The secretary of state may waive this requirement on application for a waiver submitted by the clerk.

SECTION _____. Effective September 1, 2017, Section 62.114, Government Code, is amended by adding Subsection (e) to read as follows:

(e) The list compiled under this section of persons excused or disqualified because the person is not a resident of the county may not be combined with or submitted simultaneously with any other list required to be submitted to the voter registrar of the county, including a list submitted under Section 62.113.

SECTION _____. Effective September 1, 2017, Sections 62.001(d) and (e), Government Code, are repealed.

The amendment to **CSHB 4180** 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. 24.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 25

Amend **CSHB 4180** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Effective September 1, 2017, Subtitle F, Title 2, Health and Safety Code, is amended by adding Chapter 120 to read as follows:

CHAPTER 120. TASK FORCE OF BORDER HEALTH OFFICIALS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 120.001. DEFINITIONS. In this chapter:

(1) "Border region" means the area consisting of the counties immediately adjacent to the international boundary between the United States and Mexico.

(2) "Task force" means the Task Force of Border Health Officials.

Sec. 120.002. SUNSET PROVISION. The task force is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the task force is abolished and this chapter expires September 1, 2029.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 120.051. TASK FORCE; DUTIES. (a) The department shall establish the Task Force of Border Health Officials to advise the commissioner:

(1) on policy priorities addressing major issues affecting the border region residents' health and health conditions;

(2) on raising public awareness of the issues described by Subdivision (1);
and

(3) on other health issues impacting the border region as determined by the commissioner, including:

(A) barriers to accessing health care;

(B) health problems affecting the region, including:

(i) diabetes;

(ii) infant mortality;

(iii) heart disease and stroke;

(iv) obesity;

(v) cervical cancer; and

(vi) communicable diseases, including tuberculosis;

(C) factors that impede access to health care, including:

(i) socioeconomic conditions;

(ii) linguistic and cultural barriers;

(iii) low population density; and

(iv) lack of health insurance;

(D) surveillance and tracking of communicable diseases, environmental factors, and other factors negatively influencing health;

(E) standardization of data to ensure compatibility with data collected by border states on both sides of the international border with Mexico;

(F) public health infrastructure that includes education and research institutions to train culturally competent health care providers;

(G) establishment of local and regional public health programs that build on local resources and maximize the use of public dollars to address the needs of the indigent population; and

(H) collaboration and cooperation with Mexican counterparts of the task force at the state and federal level, and collaboration with federal counterparts in the United States.

(b) The task force shall study and make recommendations relating to the health problems, conditions, challenges, and needs of the population in the border region.

(c) The task force shall submit a report of recommendations to the commissioner for short-term and long-term border plans, as described by Subchapter C, not later than November 1 of each even-numbered year.

Sec. 120.052. COLLABORATION WITH OFFICE OF BORDER HEALTH. The Office of Border Health established under Section 12.071 shall provide staff support to the task force and any other assistance as needed or required by the task force, if practicable.

Sec. 120.053. COMPOSITION; TERMS. (a) The task force is composed of:

(1) the health department directors appointed under Section 121.033 from:

(A) each county in the border region; and

(B) each municipality in the border region that has a sister city in

Mexico;

(2) two ex officio nonvoting members who are members of the legislature:

(A) one of whom is appointed by the lieutenant governor; and

(B) one of whom is appointed by the speaker of the house of

representatives; and

(3) additional members appointed by the commissioner.

(b) The commissioner shall designate a chair and vice chair of the task force from among the task force members.

(c) The members appointed by the lieutenant governor and the speaker of the house of representatives serve three-year terms.

Sec. 120.054. MEETINGS. (a) The task force shall meet at least quarterly each fiscal year. Members may hold meetings by conference calls and through videoconference in accordance with Section 551.127, Government Code.

(b) Section 551.125, Government Code, applies to a meeting held by conference call under this section, except that Section 551.125(b), Government Code, does not apply.

Sec. 120.055. COMPENSATION AND REIMBURSEMENT. A task force member is not entitled to compensation or reimbursement for expenses incurred in performing the member's duties.

SUBCHAPTER C. BORDER HEALTH IMPROVEMENT PLAN

Sec. 120.101. SHORT-TERM AND LONG-TERM PLANS. (a) The task force shall make recommendations to the commissioner for short-term and long-term border health improvement plans. The short-term plan shall identify health objectives proposed to be accomplished before the fourth anniversary of the date the plan is adopted. The long-term plan shall identify health objectives proposed to be accomplished before the ninth anniversary of the date the plan is adopted.

(b) The commissioner shall review the task force's recommendations and, based on those recommendations, recommend short-term and long-term border health improvement plans to the executive commissioner, identifying specific health objectives that may be implemented under existing law.

(c) The executive commissioner shall adopt short-term and long-term border health improvement plans and direct the department to implement the portions of the plans that may be implemented within existing appropriations under existing law.

(d) Not later than September 1 of each even-numbered year, the executive commissioner shall submit a report detailing the actions taken by the task force. The report must include:

(1) the status of all projects and activities involving the health issues described under Section 120.051(a)(3);

(2) the funding for the expenditures; and

(3) recommendations for legislation necessary to implement the short-term and long-term border health improvement plans.

Sec. 120.102. APPLICATION OF OTHER LAW. Chapter 2110, Government Code, does not apply to the task force.

Sec. 120.103. ASSISTANCE FROM STATE AGENCIES AND POLITICAL SUBDIVISIONS. At the request of the task force, a state agency or political subdivision of this state may cooperate with the task force to the greatest extent practicable to fully implement the task force's statutory duties.

SECTION _____. Effective September 1, 2017, Chapter 344, Health and Safety Code, is amended by designating Sections 344.001 through 344.007 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. ESTABLISHMENT, OPERATION, AND DISSOLUTION OF MOSQUITO CONTROL DISTRICTS

SECTION _____. Effective September 1, 2017, Chapter 344, Health and Safety Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. ESTABLISHMENT OF URGENT PUBLIC HEALTH MOSQUITO CONTROL DISTRICTS AND URGENT PUBLIC HEALTH CENTERS

Sec. 344.051. DEFINITION. In this subchapter, "department" means the Department of State Health Services.

Sec. 344.052. LEGISLATIVE FINDINGS. The legislature finds that:

(1) scientists have concluded the Zika virus is a cause for microcephaly and other severe fetal brain defects;

(2) the department has reported that counties in the Gulf Coast region and on the international border with Mexico are at the highest risk in this state of developing localized cases of the Zika virus;

(3) Cameron County, which is located on the international border with Mexico, has had as of December 2016 at least five documented cases of locally transmitted Zika virus;

(4) the powers of a mosquito control district may be effective in combating the increased risk of transmission of the Zika virus; and

(5) there is an urgent public health purpose for establishing a mosquito control district in Cameron and Hidalgo Counties and other high-risk counties to contain, eradicate, and treat problems associated with communicable diseases, including the Zika virus, the dengue virus, and the chikungunya virus, that are carried by mosquitoes.

Sec. 344.053. APPLICABILITY. (a) This subchapter applies only to a county located on the international border with Mexico:

(1) for which the department has documented a locally transmitted case of the Zika virus; or

(2) that is adjacent to a county described by Subdivision (1).

(b) Except as otherwise provided by this subchapter, Subchapter A applies to an urgent public health mosquito control district established under this subchapter.

Sec. 344.054. ESTABLISHMENT. The commissioners court of or the county judge of a county described by Section 344.053 may order an election under Section 344.001 for the establishment of an urgent public health mosquito control district on a resolution by the commissioners court or an order by the county judge stating that an urgent public health purpose requires establishment of the district.

Sec. 344.055. DUTIES OF COUNTY ESTABLISHING DISTRICT. A county that establishes an urgent public health mosquito control district under this subchapter shall:

- (1) conduct surveillance of vectors carrying communicable disease;
- (2) address the capacity of the county public health infrastructure, including

by:

(A) establishing and operating communicable disease and illness identification laboratories;

(B) training and hiring public health personnel and research fellows;

(C) matching state, federal, and private initiatives and efforts aimed at addressing and mitigating health and environmental conditions that contribute to the breeding, development, and spread of vectors carrying communicable disease;

(D) testing county residents for communicable diseases and providing medical treatment to county residents who have communicable diseases; and

(E) funding prevention measures and initiatives to protect county residents from vectors carrying communicable disease; and

(3) address the prevention and spread of vectors carrying communicable disease by funding efforts to inform people about the prevention and spread through community campaigns and regional information efforts.

Sec. 344.056. SPECIAL PUBLIC HEALTH ADVISORY COMMITTEE.

(a) In this section, "committee" means the special public health advisory committee established under this section.

(b) Notwithstanding Section 344.004, the commissioners court of a county that establishes an urgent public health mosquito control district under this subchapter shall establish a special public health advisory committee.

(c) The commissioners court shall appoint seven members to the committee as follows:

(1) one member who is the county public health administrator;

(2) three members who are public health administrators at the executive director level in the most populated municipalities in the county; and

(3) three members who are property taxpaying voters of the county.

(d) The commissioner of state health services shall appoint one delegate to serve as a nonvoting, ex officio member of the committee.

(e) The county judge shall designate one committee member appointed under Subsection (c) as the presiding officer of the committee. The committee meets at the call of the presiding officer.

(f) A committee member serves without compensation.

(g) A committee member must take an oath of office prescribed by the commissioners court.

(h) The committee shall:

(1) make written recommendations to the commissioners court that the committee considers necessary to:

(A) address the urgent public health purpose of the mosquito control district established under this subchapter; and

(B) implement the district's duties; and

(2) perform any other duty assigned to the committee by the commissioners court.

Sec. 344.057. MOSQUITO CONTROL PERSONNEL. The commissioners court of a county that establishes an urgent public health mosquito control district under this subchapter may appoint:

(1) a mosquito control engineer as provided by Section 344.005; or

(2) any other public health professional the commissioners court determines is necessary to carry out the duties of the district and to address the recommendations of the special public health advisory committee established under Section 344.056.

Sec. 344.058. URGENT PUBLIC HEALTH CENTER. (a) The department may establish an urgent public health center in a county that has established an urgent public health mosquito control district under this subchapter if:

(1) the county has at least one locally transmitted case of the Zika virus;

(2) the department determines that federal funds are available to assist local communities in controlling communicable diseases, including diseases caused by vectors that carry the Zika virus;

(3) the county or a municipality wholly or partly located in the county donates land to the department for the purpose of establishing the center; and

(4) the county or a municipality wholly or partly located in the county provides matching funds for the purpose of establishing the center.

(b) The department may establish only one urgent public health center for each public health region containing an urgent public health mosquito control district established under this subchapter.

(c) An urgent public health center established under this section for a county with an urgent public health mosquito control district established under this subchapter may:

(1) assist the county in fulfilling the county's duties under Section 344.055;

(2) provide a central repository of vector control resources for municipalities wholly or partly located in the county or a county adjacent to the county;

(3) develop local surveillance, outreach, and response campaigns to address communicable disease and potential vectors carrying communicable disease;

(4) provide local, regional, and international health-related briefings;

(5) cooperate with local, regional, state, and international officials to:

(A) increase environmental awareness to reduce sources for vector development; and

(B) develop recommendations for implementing nuisance abatement policies;

(6) with the assistance of appropriate authorities, facilitate any necessary method of vector control, including trapping, adulticiding, and larviciding of vector populations along the international border;

(7) provide to health care professionals current information, including health advisories and guidance with communicable disease case management, regarding communicable disease and potential vectors carrying communicable disease;

(8) in cooperation with state, federal, and international partners, educate and provide health care screenings to populations at high risk of contracting a communicable disease and that are traditionally difficult to contact; and

(9) facilitate information sharing between local, state, and international entities.

SECTION _____. (a) The commissioner of state health services, lieutenant governor, and speaker of the house of representatives shall appoint the members of the Task Force of Border Health Officials established by Section 120.051, Health and Safety Code, as added by this Act, not later than October 1, 2017.

(b) The initial short-term border health improvement plan adopted under Section 120.101, Health and Safety Code, as added by this Act, must include a border health improvement plan for implementation beginning not later than September 1, 2018. The Department of State Health Services shall implement the initiatives in the short-term border health improvement plan, as directed by the executive commissioner of the Health and Human Services Commission, not later than September 1, 2022.

(c) The initial long-term border health improvement plan adopted under Section 120.101, Health and Safety Code, as added by this Act, must include a border health improvement plan for implementation beginning not later than September 1, 2020. The Department of State Health Services shall implement the initiatives in the long-term border health improvement plan, as directed by the executive commissioner of the Health and Human Services Commission, not later than September 1, 2027.

The amendment to **CSHB 4180** 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. 25.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 26

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTION of the bill accordingly:

SECTION _____. (a) The county department of education in a county with a population of four million or more according to the most recent federal decennial census is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if the department were a state agency, but the department may not be abolished under that chapter. The review shall be conducted as if the department were scheduled to be abolished September 1, 2019.

(b) The review must assess the department's governance, management, and operating structure, and the department's compliance with legislative requirements.

(c) The department shall pay the cost incurred by the Sunset Advisory Commission in performing a review of the department under this section. The Sunset Advisory Commission shall determine the cost, and the department shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

(d) This Section expires September 1, 2021.

The amendment to **CSHB 4180** 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. 26.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 27

Amend **CSHB 4180** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 43, Local Government Code, is amended by adding Section 43.0755 to read as follows:

Sec. 43.0755. PROCEDURES FOR INCORPORATION OR ESTABLISHMENT OF ANOTHER FORM OF LOCAL GOVERNMENT FOR CERTAIN AREAS SUBJECT TO REGIONAL PARTICIPATION AGREEMENT.
(a) In this section, "district," "eligible municipality," and "regional participation agreement" have the meanings assigned by Section 43.0754.

(b) This section applies only to a district and an eligible municipality that have entered into a regional participation agreement under Section 43.0754 that authorizes any of the actions described by Section 43.0754(c)(6), (7), or (8).

(c) Notwithstanding any other law, including laws prescribing population or territorial requirements for incorporation under Section 5.901, 6.001, 7.001, or 8.001, the governing body of a district may order an election as provided by this subsection to be held on a uniform election date prescribed by Section 41.001, Election Code. An election under this subsection may, consistent with the regional participation agreement, be ordered for the purpose of:

(1) submitting to the qualified voters of the district the question of whether the territory of the district should be incorporated as a municipality;

(2) submitting to the qualified voters of a designated area of the district the question of whether that designated area should be incorporated as a municipality;

(3) submitting to the qualified voters of the district the question of whether the territory of the district should adopt a specific alternate form of local government other than a municipality; or

(4) submitting to the qualified voters of a designated area of the district the question of whether that designated area should adopt a specific alternate form of local government other than a municipality.

(d) Notwithstanding any other law:

(1) the authority of the governing body of a district to order an election under Subsection (c) is separate and independent and is the exclusive means of ordering any such election;

(2) all or any part of the territory of a district may be incorporated as a Type A, Type B, or Type C municipality, as determined by the governing body of the district ordering the incorporation election under Subsection (c)(1) or (2); and

(3) the requirements of Sections 7.002 and 8.002 do not apply to an election ordered under Subsection (c)(1) or (2).

(e) In an election ordered under Subsection (c)(2) or (4), the governing body of the district may order elections in multiple designated areas on the same date or order elections in designated areas periodically on a uniform election date.

(f) In any election ordered under Subsection (c), the governing body of the district shall also submit for confirmation to the voters voting in the election the proposed initial property tax rate determined for the municipality or alternate form of government, as applicable, which may not exceed the maximum rate authorized by law. The ballot in an election held under Subsection (c) shall be printed to permit voting for or against the proposition: "Authorizing the (specify the incorporation of or the adoption of an alternate form of local government for) (insert name of local government) and the adoption of an initial property tax rate of not more than (specify the maximum rate determined)."

(g) In any election ordered under Subsection (c), the governing body of the district may also submit to the voters voting in the election any other measure the governing body considers necessary and convenient to effectuate the transition to a municipal or alternate form of local government, including a measure on the question of whether, on incorporation as a municipality or establishment of an alternate form of local government, any rights, powers, privileges, duties, purposes, functions, or responsibilities of the district or the district's authority to issue bonds and impose a tax is transferred to the municipality or alternate form of local government.

(h) If a majority of the voters voting in an election under Subsection (c)(2) or (4) approve the proposition submitted on the form of local government, the county judge of the county in which the municipality or alternate form of local government is located shall order an election for the governing body of the municipality or alternate form of local government to be held on a date that complies with the provisions of the Election Code, except that Section 41.001(a), Election Code, does not apply. A municipality or alternate form of local government resulting from an election described by this subsection is incorporated or established on the date a majority of the members of the governing body qualify and take office.

(i) If a majority of the voters voting in an election under Subsection (c)(1) or (3) approve the proposition submitted on the form of local government, the district is dissolved and the governing body of the district will serve as the temporary governing body of the municipality or alternate form of local government until a permanent governing body is elected as provided by Subsection (j).

(j) The temporary governing body under Subsection (i) shall order an election to elect the permanent governing body of the municipality or alternate form of local government to occur on a date that complies with the provisions of the Election Code, except that Section 41.001(a), Election Code, does not apply.

(k) An election ordered under Subsection (h) or (j) to elect members of the governing body of a municipality must be held under the applicable provisions of Chapter 22, 23, or 24, to the extent consistent with this section. An election for members of the governing body of an alternate form of government must be held under the law applicable to that form of government, to the extent consistent with this section.

(l) If a majority of the voters voting in an election under Subsection (c)(1) or (3) approve the proposition submitted on the form of local government for the territory of the district, the assets, liabilities, and obligations of the district are transferred to the form of government approved at the election.

(m) If a majority of the voters voting in an election under Subsection (c)(2) or (4) approve the proposition submitted on the form of local government in a designated area of the district and if, on the date of the election approving the form of local government, the district owes any debts, by bond or otherwise, the designated area is not released from its pro rata share of the indebtedness.

(n) For purposes of determining the initial tax rate of a municipality or an alternate form of local government, the tax rate of the district when the territory incorporated or established as an alternate form of government was part of the district is not considered for purposes of the calculations required by Section 26.04(c), Tax Code.

The amendment to **CSHB 4180** 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. 27.

Floor Amendment No. 1

Senator Kolkhorst again offered Floor Amendment No. 1 to **CSHB 4180**.

On motion of Senator Kolkhorst, the amendment was adopted by a viva voce vote.

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

Senator Rodríguez offered the following amendment to the bill:

Floor Amendment No. 28

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 79.014(b), Government Code, is amended to read as follows:

(b) The board members serve staggered terms of six [~~two~~] years, with one or two members' terms expiring February 1 of each odd-numbered year [~~and three members' terms expiring February 1 of each even-numbered year~~].

SECTION _____. The members of the board of the Texas Indigent Defense Commission serving on the effective date of this Act may draw lots or use another method to determine the members who shall serve terms that expire on February 1, 2023, the members who shall serve terms that expire on February 1, 2021, and the members who shall serve terms that expire on February 1, 2019. The members of the board appointed to succeed the members serving on the effective date of this Act shall serve six-year terms.

The amendment to **CSHB 4180** 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. 28.

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

Floor Amendment No. 29

Amend **CSHB 4180** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION _____. The heading to Chapter 251, Agriculture Code, is amended to read as follows:

CHAPTER 251. EFFECT OF NUISANCE ACTIONS AND GOVERNMENTAL REQUIREMENTS ON CERTAIN [~~PREEXISTING~~] AGRICULTURAL OPERATIONS

SECTION _____. Chapter 251, Agriculture Code, is amended by adding Section 251.007 to read as follows:

Sec. 251.007. SIX CHICKENS ALLOWED. (a) Notwithstanding any other law and except as provided by Subsection (b), a political subdivision may not impose a governmental requirement that prohibits an individual from raising or keeping six or fewer chickens in the boundaries of the political subdivision.

(b) A municipality may impose reasonable governmental requirements on the raising or keeping of poultry in the boundaries of the municipality that do not have the effect of prohibiting the raising or keeping of six or fewer chickens, including:

(1) a limit on the number of chickens an individual may raise or keep in excess of six;

(2) a prohibition on breeding poultry;

(3) a prohibition on raising or keeping roosters; or

(4) the minimum distance an individual must maintain between a chicken coop and a residential structure.

(c) A governmental requirement adopted by a political subdivision that violates Subsection (a) is void.

SECTION _____. Section 251.007, Agriculture Code, as added by this Act, applies to a governmental requirement adopted before, on, or after the effective date of this Act.

The amendment to **CSHB 4180** 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. 29.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 30

Amend **CSHB 4180** (senate committee report) by adding the following SECTION to the bill, numbered appropriately, and renumbering accordingly the SECTIONS of the bill:

SECTION _____. (a) Effective September 1, 2017, Sections 54.016(a), (b), and (f), Water Code, are amended to read as follows:

(a) No land within the corporate limits of a city or within the extraterritorial jurisdiction of a city, shall be included in a district unless the city grants its written consent, by resolution or ordinance, to the inclusion of the land within the district in accordance with Section 42.042, Local Government Code, and this section. The

request to a city for its written consent to the creation of a district, shall be signed by a majority in value of the holders of title of the land within the proposed district as indicated by the county tax rolls or, if there are more than 50 persons holding title to the land in the proposed district as indicated by the county tax rolls, the request to the city will be sufficient if it is signed by 50 holders of title to the land in the district. A petition for the written consent of a city to the inclusion of land within a district shall describe the boundaries of the land to be included in the district by metes and bounds or by lot and block number, if there is a recorded map or plat and survey of the area, and state the general nature of the work proposed to be done, the necessity for the work, and the cost of the project as then estimated by those filing the petition. If, at the time a petition is filed with a city for creation of a district, the district proposes to connect to a city's water or sewer system or proposes to contract with a regional water and wastewater provider which has been designated as such by the commission as of the date such petition is filed, to which the city has made a capital contribution for the water and wastewater facilities serving the area, the proposed district shall be designated as a "city service district." If such proposed district does not meet the criteria for a city service district at the time the petition seeking creation is filed, such district shall be designated as a "noncity service district." The city's consent shall not place any restrictions or conditions on the creation of a noncity service district as defined by this chapter [~~Chapter 54 of the Texas Water Code~~] other than those expressly provided in Subsection (e) of this section and shall specifically not limit the amounts of the district's bonds. A city may not require annexation as a consent to creation of any district. A city shall not refuse to approve a district bond issue for any reason except that the district is not in compliance with valid consent requirements applicable to the district. If a city grants its written consent without the concurrence of the applicant to the creation of a noncity service district containing conditions or restrictions that the petitioning land owner or owners reasonably believe exceed the city's powers, such land owner or owners may petition the commission to create the district and to modify the conditions and restrictions of the city's consent. The commission may declare any provision of the consent to be null and void. The commission may approve the creation of a district that includes any portion of the land covered by the city's consent to creation of the district. The legislature may create and may validate the creation of a district that includes any portion of the land covered by the city's consent to the creation of the district.

(b) If the governing body of a city fails or refuses to grant permission for the inclusion of land within its extraterritorial jurisdiction in a district, including a district created by a special act of the legislature, within 90 days after receipt of a written request, a majority of the electors in the area proposed to be included in the district or the owner or owners of 50 percent or more of the land to be included may petition the governing body of the city and request the city to make available to the land the water or sanitary sewer service contemplated to be provided by the district.

(f) A city may provide in its written consent for the inclusion of land in a district that is initially located wholly or partly outside the corporate limits of the city that a contract ("allocation agreement") between the district and the city be entered into prior to the first issue of bonds, notes, warrants, or other obligations of the district. The allocation agreement shall contain the following provisions:

(1) a method by which the district shall continue to exist following the annexation of all territory within the district by the city, if the district is [~~initially~~] located outside the corporate limits of the city at the time the creation of the district is approved by the district's voters;

(2) an allocation of the taxes or revenues of the district or the city which will assure that, following the date of the inclusion of all the district's territory within the corporate limits of the city, the total annual ad valorem taxes collected by the city and the district from taxable property within the district does not exceed an amount greater than the city's ad valorem tax upon such property;

(3) an allocation of governmental services to be provided by the city or the district following the date of the inclusion of all of the district's territory within the corporate limits of the city; and

(4) such other terms and conditions as may be deemed appropriate by the city.

(b) The change in law made to Section 54.016(f), Water Code, as amended by this section, applies only to an agreement entered into on or after the effective date of this section. An agreement entered into before the effective date of this section is governed by the law in effect on the date the agreement was entered into, and the former law is continued in effect for that purpose.

The amendment to **CSHB 4180** 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. 30.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 31

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTION 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 **CSHB 4180** 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. 31 except as follows:

Nays: Garcia, Rodríguez.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 32

Amend **CSHB 4180** (senate committee printing) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Effective September 1, 2017, Section 152.905, Local Government Code, is amended by adding Subsection (e) to read as follows:

(e) This subsection applies only to a county auditor or assistant auditor appointed to serve a county located on an international border that has a population of less than 300,000 and contains one or more municipalities with a population of 200,000 or more. In setting the compensation for a county auditor or assistant auditor considered at a hearing under this section, the district judge or judges may not set the amount of compensation in an amount that is inconsistent with a wage and position classification plan adopted by the county.

(b) For a county auditor or assistant auditor appointed before the September 1, 2017, whose compensation does not conform to the person's position classification as provided by a wage and position classification plan adopted by the county that the person serves, the district judge or judges, in subsequent hearings setting the person's annual compensation, shall, without reducing the person's annual compensation, align the person's compensation with the wage and position classification plan adopted by the county.

The amendment to **CSHB 4180** 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. 32.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 33

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Effective January 1, 2018, Section 23.51(1), Tax Code, is amended to read as follows:

(1) "Qualified open-space land" means land that is currently devoted principally to agricultural use to the degree of intensity generally accepted in the area and that has been devoted principally to agricultural use or to production of timber or forest products for five of the preceding seven years or land that is used principally as an ecological laboratory by a public or private college or university. Qualified open-space land includes all appurtenances to the land. For the purposes of this subdivision, appurtenances to the land means private roads, dams, reservoirs, water wells, canals, ditches, terraces, and other reshaping of the soil, fences, and riparian water rights. Notwithstanding the other provisions of this subdivision:

(A) [] land that is currently devoted principally to wildlife management as defined by Subdivision (7)(B) or (C) to the degree of intensity generally accepted in the area qualifies for appraisal as qualified open-space land under this subchapter regardless of the manner in which the land was used in any preceding year; and

(B) land that is used principally as an ecological laboratory by a public or private college or university does not qualify for appraisal as qualified open-space land under this subchapter on the basis of that use unless the land was appraised as qualified open-space land under this subchapter on the basis of that use for the 2017 tax year.

(b) Section 23.51(l), Tax Code, as amended by this section, applies only to the appraisal of land for ad valorem tax purposes for a tax year that begins on or after January 1, 2018.

The amendment to **CSHB 4180** 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. 33.

Senator Campbell, on behalf of Senator Taylor of Galveston, offered the following amendment to the bill:

Floor Amendment No. 34

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 253.001, Local Government Code, is amended by adding Subsection (m) to read as follows:

(m) Subsection (b) does not apply to a conveyance of park land owned by a home-rule municipality that:

(1) is wholly located in a county with a population of more than three million; and

(2) has a population of more than 100,000.

The amendment to **CSHB 4180** 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. 34 except as follows:

Nays: Garcia, Rodríguez.

Senator Buckingham offered the following amendment to the bill:

Floor Amendment No. 35

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter A, Chapter 222, Transportation Code, is amended by adding Section 222.007 to read as follows:

Sec. 222.007. ALLOCATION OF MONEY FROM TRANSPORTATION PROJECT DELAYS. (a) The department shall establish a system to track liquidated damages, including road user costs, retained by the department associated with delayed transportation project contracts.

(b) The system must allow the department to correlate the liquidated damages with:

(1) the project that was the subject of the damages; and

(2) each department district in which the project that was the subject of the damages is located.

(c) Each year, the department shall:

(1) for each department district, determine the amount of money described by Subsection (a) retained in the previous year that is attributable to projects located in the district; and

(2) in addition to other amounts, allocate to each department district an amount of money equal to the amount determined for the district under Subdivision (1) to be used for transportation projects located in that district.

(d) If a transportation project that was the subject of liquidated damages is located in more than one department district, the department may reasonably allocate the amount of the liquidated damages from that project among the districts in which the project is located.

The amendment to **CSHB 4180** 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. 35.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 36

Amend **CSHB 4180** (senate committee report) by adding the following SECTION to the bill, numbered appropriately, and renumbering accordingly the SECTIONS of the bill and the cross-references within Section 7201.052, Special District Local Laws Code:

SECTION _____. (a) Effective January 1, 2018, Section 7201.052, Special District Local Laws Code, is amended by amending Subsections (a), (b), (c), and (l) and adding Subsection (m) to read as follows:

(a) Except as provided by Subsection (1), the district shall be governed by a board of seven directors, elected as follows:

(1) one director elected by the voters of the part of the City of Mission inside the district to represent that part of the city;

(2) one director elected by the voters of the City of Palmview to represent that city;

(3) one director elected by the voters of the City of Penitas to represent that city;

(4) one director elected by the voters of the City of Sullivan City to represent that city; ~~and~~

(5) one director elected by the voters of the part of the City of La Joya within the district to represent that part of the city; and

(6) two ~~three~~ directors elected at-large to numbered positions on the board by the district voters who do not reside in any of the municipalities listed in Subdivisions (1)-(5) [~~(1)-(4)~~] to represent the part of the district that is not included in those municipalities, unless the number of at-large directors is increased under Subsection (1).

(b) A candidate for one of the numbered director positions:

(1) must reside in the part of the service area of the district that is not included in any of the municipalities listed in Subsections (a)(1)-(5) [~~(a)(1)-(4)~~]; and

(2) must be eligible to hold office under Section 141.001, Election Code.

(c) A candidate for one of the director positions representing a municipality listed in Subsection (a)(1), (2), (3), ~~(4)~~, or (5):

(1) must reside in the municipality the candidate seeks to represent; and

(2) must be eligible to hold office under Section 141.001, Election Code.

(l) If, before the expiration of the term of a director elected to represent a municipality under Subsection (a)(1), (2), (3), ~~(4)~~, or (5), the district determines that all of the incorporated territory of the municipality is outside the boundaries of the district, the position immediately becomes an at-large numbered position to be filled at the next general election of the district in accordance with Subsections (a)(6) [~~(a)(5)~~] and (b).

(m) The board may not employ as an employee, as a consultant, or on a contract basis:

(1) an elected official of the largest public employer in the service area of the district; or

(2) a person related to an elected official described by Subdivision (1) within the third degree by consanguinity or affinity as determined under Chapter 573, Government Code.

(b) The position of director of the Agua Special Utility District elected at-large for a term that expires in 2018 becomes the position for the director elected from the City of La Joya on the election date in 2018 when the district elects new directors. The director of the Agua Special Utility District elected at-large to a term that expires in 2018 shall serve until a director elected from the City of La Joya has qualified following the director's election held in 2018. This subsection expires September 1, 2020.

(c) The legal notice of the intention to introduce a bill relating to the Agua Special Utility District, setting forth the general substance of this section, has been published as provided by law, and the notice and a copy of a bill relating to the Agua Special Utility District have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(d) The governor, one of the required recipients, has submitted the notice and a bill relating to the Agua Special Utility District to the Texas Commission on Environmental Quality.

(e) The Texas Commission on Environmental Quality has filed its recommendations relating to the substance of this section with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(f) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of the substance of this section are fulfilled and accomplished.

The amendment to **CSHB 4180** 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. 36.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 37

Amend **CSHB 4180** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 623, Transportation Code, is amended by adding Section 623.0172 to read as follows:

Sec. 623.0172. PERMIT FOR INTERMODAL SHIPPING CONTAINER.

(a) In this section, "intermodal shipping container" means an enclosed, standardized, reusable container that:

(1) is used to pack, ship, move, or transport cargo;

(2) is designed to be carried on a semitrailer and loaded onto or unloaded

from:

(A) a ship or vessel for international transportation; or

(B) a rail system for international transportation; and

(3) when combined with vehicles transporting the container, has a gross weight or axle weight that exceeds the limits allowed by law to be transported over a state highway or county or municipal road.

(b) The department shall issue an annual permit for the international transportation of an intermodal shipping container moving by a truck-tractor and semitrailer combination that has six total axles and is equipped with a roll stability support safety system and truck blind spot systems only if:

(1) the gross weight of the combination does not exceed 93,000 pounds;

(2) the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 647 inches;

(3) the truck-tractor is configured as follows:

(A) one single axle that does not exceed 13,000 pounds;

(B) one two-axle group that does not exceed 37,000 pounds, in which no axle in the group exceeds 18,500 pounds; and

(C) the distance between the individual axles on the two-axle group of the truck-tractor, measured longitudinally, is not less than 51 inches and not more than 52 inches; and

(4) the semitrailer is configured as follows:

(A) one three-axle group that does not exceed 49,195 pounds, in which no axle in the group exceeds 16,400 pounds; and

(B) the distance between the individual axles in the three-axle group of the semitrailer, measured longitudinally, is 60 inches.

(c) The department shall restrict vehicles operating under a permit issued under this section to routes that are:

(1) located in a county with a population of more than 90,000;

(2) on highways in the state highway system; and

(3) not more than five miles from the border between this state and

Arkansas.

(d) An intermodal shipping container being moved under a permit issued under this section must be continuously sealed from the point of origin to the point of destination with a seal that is required by:

(1) the United States Customs and Border Protection;

(2) the United States Food and Drug Administration; or

(3) federal law or regulation.

(e) A permit issued under this section does not authorize the operation of a vehicle combination described by Subsection (b) on:

(1) load-restricted roads or bridges, including a road or bridge for which a maximum weight and load limit has been established and posted by the Texas Department of Transportation under Section 621.102; or

(2) routes for which the Texas Department of Transportation has not authorized the operation of a vehicle combination described by Subsection (b).

(f) A permit issued under this subchapter does not authorize the transportation of a material designated as of January 1, 2017, as a hazardous material by the United States secretary of transportation under 49 U.S.C. Section 5103(a).

(g) An applicant for a permit under this section must designate each Texas Department of Transportation district in which the permit will be used.

(h) The department shall initially set the fee for a permit issued under this section in an amount not to exceed \$2,000. Beginning in 2022, on September 1 of each even-numbered year the department shall set the fee for a permit issued under this section in an amount based on a reasonable estimate of the costs associated with the operation of vehicles issued a permit under this section over routes described by Subsection (c), including any increase in the costs necessary to maintain or repair those highways. The estimate shall be based on the results of the study conducted under Subsection (l).

(i) Of the fee collected under this section for a permit:

(1) 90 percent shall be deposited to the credit of the state highway fund;

(2) 5 percent shall be deposited to the credit of the Texas Department of Motor Vehicles fund; and

(3) 5 percent shall be deposited to the appropriate county road and bridge fund.

(j) A fee deposited under Subsection (i)(1) may only be used for transportation projects in the Texas Department of Transportation district designated in the permit application for which the fee was assessed.

(k) The department may suspend a permit issued under this section if the department receives notice from the Federal Highway Administration that the operation of a vehicle under a permit authorized by this section would result in the loss of federal highway funding.

(l) Beginning in 2022, not later than September 1 of each even-numbered year, the Texas Department of Transportation shall conduct a study concerning vehicles operating under a permit issued under this section and publish the results of the study. In conducting the study, the Texas Department of Transportation shall collect and examine the following information:

(1) the weight and configuration of vehicles operating under a permit under this section that are involved in a motor vehicle accident;

(2) the types of vehicles operating under a permit issued under this section;

(3) traffic volumes and variations of vehicles operating under a permit issued under this section;

(4) weigh-in-motion data for highways located in and around the area described by Subsection (c);

(5) impacts to state and local bridges, including long-term bridge performance, for bridges located in and around the area described by Subsection (c); and

(6) impacts to state and local roads, including changes in pavement design standards, construction specification details, maintenance frequency and types, and properties of pavement and underlying soils resulting from or necessitated by vehicles operating under a permit issued under this section.

The amendment to **CSHB 4180** 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. 37.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 38

Amend **CSHB 4180** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Title 3, Labor Code, is amended by adding Chapter 106 to read as follows:

CHAPTER 106. CRIMINAL HISTORY RECORD INFORMATION OF EMPLOYMENT APPLICANT OR EMPLOYEE

Sec. 106.001. DEFINITIONS. In this chapter:

(1) "Applicant" means a person who has made an oral or written application with a private employer, or has sent a resume or other correspondence to a private employer, indicating an interest in employment.

(2) "Criminal history record information" means information collected by a criminal justice agency about a person's arrests, detentions, and criminal charges and the dispositions of those criminal charges.

Sec. 106.002. CERTAIN LOCAL REGULATION OF PRIVATE EMPLOYERS PROHIBITED. A political subdivision of this state may not adopt or enforce any ordinance or other local regulation that prohibits, limits, delays, or otherwise regulates a private employer's ability to inquire about, request, consider, or take employment action based on the criminal history record information of an applicant or employee or criminal history provided by an applicant or employee.

Sec. 106.003. NONAPPLICABILITY. This chapter does not prevent a political subdivision of this state from adopting or enforcing an ordinance or other local regulation relating to the access to or consideration of the criminal history record information of an individual or criminal history provided by an individual:

(1) entering into a contract or other agreement with the political subdivision as it relates to hiring within the scope of performance of duties under that contract or agreement; or

(2) receiving a grant from the political subdivision as it relates to hiring within the scope of performance of duties under that grant.

The amendment to **CSHB 4180** was read and was adopted by the following vote: Yeas 24, Nays 7.

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

Nays: Garcia, Miles, Rodríguez, Uresti, West, Whitmire, Zaffirini.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 39

Amend **CSHB 4180** by Kolkhorst (Senate committee report) by inserting the appropriately numbered section:

SECTION _____. The following provisions are repealed:

- (1) Section 54.04011(f), Family Code; and
- (2) Sections 152.0016(l) and 261.101(f), Human Resources Code.

The amendment to **CSHB 4180** 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. 39.

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

Floor Amendment No. 40

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Effective September 1, 2017, Chapter 103, Code of Criminal Procedure, is amended by adding Article 103.0081 to read as follows:

Art. 103.0081. UNCOLLECTIBLE FEES. (a) Any officer authorized by this chapter to collect a fee or item of cost may request the trial court in which a criminal action or proceeding was held to make a finding that a fee or item of cost imposed in the action or proceeding is uncollectible if the officer believes:

(1) the defendant is deceased;

(2) the defendant is serving a sentence for imprisonment for life or life without parole; or

(3) the fee has been unpaid for at least 15 years.

(b) On a finding by a court that any condition described by Subsections (a)(1)-(3) is true, the court may order the officer to designate the fee or item of cost as uncollectible in the fee record. The officer shall attach a copy of the court's order to the fee record.

(c) This article applies only to a county with a population of more than 780,000 but less than 790,000.

The amendment to **CSHB 4180** 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. 40.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 41

Amend **CSHB 4180** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 411, Government Code, is amended by adding Subchapter P to read as follows:

SUBCHAPTER P. CAMO ALERT FOR MISSING MILITARY MEMBERS

Sec. 411.441. DEFINITIONS. In this subchapter:

(1) "Alert" means the statewide camo alert for missing military members that is developed and implemented under this subchapter.

(2) "Law enforcement agency" means a law enforcement agency with jurisdiction over the investigation of a missing military member.

(3) "Military member" means a person who is a current or former member of the United States armed forces, including the National Guard or a reserve or auxiliary unit of any branch of the armed forces.

Sec. 411.442. CAMO ALERT FOR MISSING MILITARY MEMBERS. With the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies in this state, the department shall

develop and implement a statewide camo alert to be activated on behalf of a missing military member who suffers from a mental illness, including post-traumatic stress disorder, or a traumatic brain injury.

Sec. 411.443. ADMINISTRATION. (a) The director is the statewide coordinator of the alert.

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the alert. The rules and directives must include:

(1) the procedures to be used by a law enforcement agency to verify whether a military member:

(A) is missing; and

(B) suffers from a mental illness, including post-traumatic stress disorder, or a traumatic brain injury;

(2) a description of the circumstances under which a law enforcement agency is required to report a missing military member to the department;

(3) the procedures to be used by an individual or entity to report information about a missing military member to designated media outlets in this state;

(4) guidelines for protecting the privacy of a missing military member for whom an alert has been issued; and

(5) the procedures to be used by a military member to opt out of any activation of the alert system with respect to the member.

(c) The director shall prescribe forms for use by law enforcement agencies in requesting activation of the alert system.

Sec. 411.444. DEPARTMENT TO RECRUIT PARTICIPANTS. The department shall recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert system.

Sec. 411.445. STATE AGENCIES. (a) A state agency participating in the alert system shall:

(1) cooperate with the department and assist in developing and implementing the alert system; and

(2) establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the alert system has been activated.

(b) In addition to its duties as a state agency under Subsection (a), the Texas Department of Transportation shall establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state.

Sec. 411.446. NOTIFICATION TO DEPARTMENT OF MISSING MILITARY MEMBER. (a) A law enforcement agency shall notify the department if the agency:

(1) receives notice of a missing military member;

(2) verifies that at the time the military member is reported missing:

(A) the person reported missing is a military member;

(B) the military member's location is unknown;

(C) the military member's domicile is in this state; and

(D) the military member suffers from a mental illness, including post-traumatic stress disorder, or a traumatic brain injury; and

(3) determines that the military member's disappearance poses a credible threat to the military member's health and safety or the health and safety of another.

(b) The law enforcement agency shall:

(1) require the family or legal guardian of the missing military member to provide documentation of the military member's mental illness to verify the condition as required by Subsection (a)(2)(D); and

(2) as soon as practicable, determine whether the military member's disappearance poses a credible threat to the military member's health and safety or the health and safety of another for purposes of Subsection (a)(3).

Sec. 411.447. ACTIVATION OF CAMO ALERT. (a) When a law enforcement agency notifies the department under Section 411.446, the department shall confirm the accuracy of the information and, if confirmed, immediately issue an alert under this subchapter in accordance with department rules.

(b) In issuing the alert, the department shall send the alert to designated media outlets in this state. Following receipt of the alert, participating radio stations and television stations and other participating media outlets may issue the alert at designated intervals to assist in locating the missing military member.

Sec. 411.448. CONTENT OF CAMO ALERT. The alert must include:

(1) all appropriate information that is provided by the law enforcement agency under Section 411.446 and that may lead to the safe recovery of the missing military member; and

(2) a statement instructing any person with information related to the missing military member to contact a law enforcement agency.

Sec. 411.449. TERMINATION OF CAMO ALERT. (a) The director shall terminate any activation of the alert with respect to a particular missing military member not later than the earlier of the date on which:

(1) the missing military member is located or the situation is otherwise resolved; or

(2) the notification period ends, as determined by department rule.

(b) A law enforcement agency that locates a missing military member who is the subject of an alert under this subchapter shall notify the department as soon as possible that the missing military member has been located.

The amendment to **CSHB 4180** 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. 41.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 42

Amend **CSHB 4180** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Section 615.121(a), Government Code, is amended to read as follows:

(a) The state shall pay the following benefits to an eligible surviving spouse of a peace officer, a jailer, a county jailer or guard, or an employee of the Texas Department of Criminal Justice, as described by Section 615.003(1), (4), ~~(6)~~, or (7), who was killed in the line of duty and who had not qualified for an annuity under an employees' retirement plan:

(1) funeral expenses related to the deceased person ~~[officer or employee]~~; and

(2) monthly payments that equal the greater of:

(A) the monthly annuity payment the deceased person ~~[officer or employee]~~ would have received if the deceased person ~~[officer or employee]~~ had survived, had retired on the last day of the month in which the person ~~[officer or employee]~~ died, and had been eligible to receive an annuity under an employees' retirement plan; or

(B) the minimum monthly annuity payment the deceased person ~~[officer or employee]~~ would have received if the person ~~[officer or employee]~~ had been employed by the state for 10 years, had been paid a salary at the lowest amount provided by the General Appropriations Act for a position of peace officer, jailer, county jailer or guard, or employee of the Texas Department of Criminal Justice, as described by Section 615.003(1), (4), ~~(6)~~, or (7), and had been eligible to retire under the Employees Retirement System of Texas.

The amendment to **CSHB 4180** 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. 42.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 43

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Sections 2158.004(a), (b), (c), and (d), Government Code, are amended to read as follows:

(a) A state agency operating a fleet of more than 15 vehicles, excluding law enforcement and emergency vehicles, may not purchase or lease a motor vehicle unless that vehicle uses compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, hydrogen fuel cells, or electricity, including electricity to power a plug-in hybrid motor vehicle.

(b) A state agency may obtain equipment or refueling facilities necessary to operate vehicles using compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, hydrogen fuel cells, or electricity, including electricity to power a plug-in hybrid motor vehicle:

(1) by purchase or lease as authorized by law;

(2) by gift or loan of the equipment or facilities; or

(3) by gift or loan of the equipment or facilities or by another arrangement under a service contract for the supply of compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, hydrogen fuel cells, or electricity, including electricity to power a plug-in hybrid motor vehicle.

(c) If the equipment or facilities are donated, loaned, or provided through another arrangement with the supplier of compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, hydrogen fuel cells, or electricity, including electricity to power a plug-in hybrid motor vehicle, the supplier is entitled to recoup its actual cost of donating, loaning, or providing the equipment or facilities through its fuel charges under the supply contract.

(d) The commission may waive the requirements of this section for a state agency on receipt of certification supported by evidence acceptable to the commission that:

(1) the agency's vehicles will be operating primarily in an area in which neither the agency nor a supplier has or can reasonably be expected to establish adequate refueling for compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, hydrogen fuel cells, or electricity, including electricity to power a plug-in hybrid motor vehicle; or

(2) the agency is unable to obtain equipment or refueling facilities necessary to operate vehicles using compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, hydrogen fuel cells, or electricity, including electricity to power a plug-in hybrid motor vehicle, at a projected cost that is reasonably expected to be no greater than the net costs of continued use of conventional gasoline or diesel fuels, measured over the expected useful life of the equipment or facilities supplied.

SECTION _____. Subchapter A, Chapter 2158, Government Code, is amended by adding Section 2158.0051 to read as follows:

Sec. 2158.0051. ALTERNATIVE FUEL FLEETS. (a) In this section, "political subdivision" has the meaning assigned by Section 395.001, Health and Safety Code.

(b) Notwithstanding the purchase requirements of Section 2158.004:

(1) the vehicle fleet of a state agency that operates a fleet of more than 15 motor vehicles, subject to the availability of funds, may be replaced with motor vehicles that use compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen fuel cells, or electricity, including both fully electric motor vehicles and plug-in hybrid motor vehicles;

(2) a political subdivision that operates a vehicle fleet of more than 15 motor vehicles is authorized, but is not required, to replace the fleet with motor vehicles that use compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen fuel cells, or electricity, including both fully electric motor vehicles and plug-in hybrid motor vehicles; and

(3) motor vehicles of a state agency or political subdivision described by Subdivisions (1) and (2) that are capable of using fuels described by those subdivisions shall be primarily operated with those fuels.

(b) In complying with Subsection (a), a state agency to which this section applies shall prioritize:

(1) the purchase or lease of new motor vehicles, including new motor vehicles that are converted to operate on an alternative fuel described by Subsection (a)(1), when replacing vehicles or adding vehicles to the fleet;

(2) the purchase of new motor vehicles, including new motor vehicles that are converted to operate on an alternative fuel described by Subsection (a)(1), to replace vehicles that have the highest total mileage and do not use a fuel described by Subsection (a)(1); and

(3) to the extent feasible, obtaining, whether by purchase, purchase and conversion, or lease, motor vehicles that use compressed natural gas, liquefied natural gas, or liquefied petroleum gas.

(c) Subsection (a)(1) does not apply to law enforcement or emergency vehicles.

SECTION _____. Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Section 382.037 to read as follows:

Sec. 382.037. NOTICE IN TEXAS REGISTER REGARDING NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE. (a) This section applies only if:

(1) with respect to each active or revoked national ambient air quality standard for ozone referenced in 40 C.F.R. Section 81.344, the United States Environmental Protection Agency has, for each designated area referenced in that section:

(A) designated the area as attainment or unclassifiable/attainment; or

(B) approved a redesignation substitute making a finding of attainment for the area; and

(2) for each designated area described by Subdivision (1), with respect to an action of the United States Environmental Protection Agency described by Subdivision (1)(A) or (B):

(A) the action has been fully and finally upheld following judicial review or the limitations period to seek judicial review of the action has expired; and

(B) the rules under which the action was approved by the agency have been fully and finally upheld following judicial review or the limitations period to seek judicial review of those rules has expired.

(b) Not later than the 30th day after the date the conditions described by Subsection (a) have been met, the commission shall publish notice in the Texas Register that, with respect to each active or revoked national ambient air quality

standard for ozone referenced in 40 C.F.R. Section 81.344, the United States Environmental Protection Agency has, for each designated area referenced in that section:

(1) designated the area as attainment or unclassifiable/attainment; or

(2) approved a redesignation substitute making a finding of attainment for the area.

SECTION _____. Section 386.001(3), Health and Safety Code, is amended to read as follows:

(3) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION _____. Section 386.002, Health and Safety Code, is amended to read as follows:

Sec. 386.002. EXPIRATION. This chapter expires on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037 [August 31, 2019].

SECTION _____. Section 386.051(b), Health and Safety Code, is amended to read as follows:

(b) Under the plan, the commission and the comptroller shall provide grants or other funding for:

(1) the diesel emissions reduction incentive program established under Subchapter C, including for infrastructure projects established under that subchapter;

(2) the motor vehicle purchase or lease incentive program established under Subchapter D;

(3) the air quality research support program established under Chapter 387;

(4) the clean school bus program established under Chapter 390;

(5) the new technology implementation grant program established under Chapter 391;

(6) the regional air monitoring program established under Section 386.252(a);

(7) a health effects study as provided by Section 386.252(a);

(8) air quality planning activities as provided by Section 386.252(d) ~~[386.252(a)]~~;

(9) a contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station for computation of creditable statewide emissions reductions as provided by Section 386.252(a) ~~[386.252(a)(14)]~~;

(10) the clean fleet program established under Chapter 392;

(11) the alternative fueling facilities program established under Chapter 393;

(12) the natural gas vehicle grant program ~~[and clean transportation triangle program]~~ established under Chapter 394;

(13) other programs the commission may develop that lead to reduced emissions of nitrogen oxides, particulate matter, or volatile organic compounds in a nonattainment area or affected county;

(14) other programs the commission may develop that support congestion mitigation to reduce mobile source ozone precursor emissions; ~~[and]~~

(15) the seaport and rail yard areas emissions reduction ~~[drayage truck incentive]~~ program established under Subchapter D-1;

(16) conducting research and other activities associated with making any necessary demonstrations in the state's air quality state implementation plan submitted to the United States Environmental Protection Agency that account for the impact of foreign emissions or an exceptional event;

(17) studies of or pilot programs for incentives for port authorities located in nonattainment areas or affected counties as provided by Section 386.252(a); and

(18) the governmental alternative fuel fleet grant program established under Chapter 395.

SECTION _____. Sections 386.0515(a) and (c), Health and Safety Code, are amended to read as follows:

(a) In this section:

(1) "Agricultural[~~—~~agricultural] product transportation" means the transportation of a raw agricultural product from the place of production using a heavy-duty truck to:

(A) [~~(1)~~] a nonattainment area;

(B) [~~(2)~~] an affected county;

(C) [~~(3)~~] a destination inside the clean transportation zone [~~triangle~~]; or

(D) [~~(4)~~] a county adjacent to a county described by Paragraph (B) [~~Subdivision (2)~~] or that contains an area described by Paragraph (A) or (C) [~~Subdivision (1) or (3)~~].

(2) "Clean transportation zone" has the meaning assigned by Section 393.001.

(c) The determining factor for eligibility for participation in a program established under Chapter 392 or [~~Chapter~~] 394[~~— as added by Chapter 892 (Senate Bill No. 385), Acts of the 82nd Legislature, Regular Session, 2011,~~] for a project relating to agricultural product transportation is the overall accumulative net reduction in emissions of oxides of nitrogen in a nonattainment area, an affected county, or the clean transportation zone [~~triangle~~].

SECTION _____. Section 386.103, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) To reduce the administrative burden for the commission and applicants, the commission may streamline the application process by:

(1) reducing data entry and the copying and recopying of applications; and

(2) developing, maintaining, and periodically updating a system to accept applications electronically through the commission's Internet website.

SECTION _____. Section 386.104(j), Health and Safety Code, is amended to read as follows:

(j) The executive director may [~~shall~~] waive any eligibility requirements established under this section on a finding of good cause, which may include a waiver for short lapses in registration or operation attributable to economic conditions, seasonal work, or other circumstances.

SECTION _____. Sections 386.116(a), (b), and (c), Health and Safety Code, are amended to read as follows:

(a) In this section, "small business" means a business owned by a person who:

(1) owns and operates not more than five [~~two~~] vehicles, one of which is:

(A) an on-road diesel [~~with a pre-1994 engine model~~]; or

(B) a non-road diesel [~~with an engine with uncontrolled emissions~~]; and
 (2) has owned the vehicle described by Subdivision (1)(A) or (B) for more than two years [~~one year~~].

(b) The commission [~~by rule~~] shall develop a method of providing fast and simple access to grants under this subchapter for a small business. The method must:

(1) create a separate small business grant program; or
 (2) require the commission to give special consideration to small businesses when implementing another program established under this subchapter.

(c) The commission shall publicize and promote the availability of grants under this subchapter for small businesses [~~section~~] to encourage the use of vehicles that produce fewer emissions.

SECTION _____. Chapter 386, Health and Safety Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. MOTOR VEHICLE PURCHASE OR LEASE INCENTIVE PROGRAM

Sec. 386.151. DEFINITIONS. In this subchapter:

(1) "Light-duty motor vehicle" means a motor vehicle with a gross vehicle weight rating of less than 10,000 pounds.

(2) "Motor vehicle" means a self-propelled device designed for transporting persons or property on a public highway that is required to be registered under Chapter 502, Transportation Code.

Sec. 386.152. APPLICABILITY. The provisions of this subchapter relating to a lessee do not apply to a person who rents or leases a light-duty motor vehicle for a term of 30 days or less.

Sec. 386.153. COMMISSION DUTIES REGARDING LIGHT-DUTY MOTOR VEHICLE PURCHASE OR LEASE INCENTIVE PROGRAM. (a) The commission shall develop a purchase or lease incentive program for new light-duty motor vehicles and shall adopt rules necessary to implement the program.

(b) The program shall authorize statewide incentives for the purchase or lease of new light-duty motor vehicles powered by compressed natural gas, liquefied petroleum gas, or hydrogen fuel cell or other electric drives for a purchaser or lessee who agrees to register and operate the vehicle in this state for a minimum period of time to be established by the commission.

(c) Only one incentive will be provided for each new light-duty motor vehicle. The incentive shall be provided to the lessee and not to the purchaser if the motor vehicle is purchased for the purpose of leasing the vehicle to another person.

(d) The commission by rule may revise the standards for the maximum unloaded vehicle weight rating and gross vehicle weight rating of an eligible vehicle to ensure that all of the vehicle weight configurations available under one general vehicle model may be eligible for an incentive.

Sec. 386.154. LIGHT-DUTY MOTOR VEHICLE PURCHASE OR LEASE INCENTIVE REQUIREMENTS. (a) A new light-duty motor vehicle powered by compressed natural gas or liquefied petroleum gas is eligible for a \$5,000 incentive if the vehicle:

(1) has four wheels;

(2) was originally manufactured to comply with and has been certified by an original equipment manufacturer or intermediate or final state vehicle manufacturer as complying with, or has been altered to comply with, federal motor vehicle safety standards, state emissions regulations, and any additional federal or state regulations applicable to vehicles powered by compressed natural gas or liquefied petroleum gas;

(3) was manufactured for use primarily on public streets, roads, and highways;

(4) has a dedicated or bi-fuel compressed natural gas or liquefied petroleum gas fuel system:

(A) installed prior to first sale or within 500 miles of operation of the vehicle following first sale; and

(B) with a range of at least 125 miles as estimated, published, and updated by the United States Environmental Protection Agency;

(5) has, as applicable, a:

(A) compressed natural gas fuel system that complies with the:

(i) 2013 NFPA 52 Vehicular Gaseous Fuel Systems Code; and

(ii) American National Standard for Basic Requirements for Compressed Natural Gas Vehicle (NGV) Fuel Containers, commonly cited as "ANSI/CSA NGV2"; or

(B) liquefied petroleum gas fuel system that complies with:

(i) the 2011 NFPA 58 Liquefied Petroleum Gas Code; and

(ii) Section VII of the 2013 ASME Boiler and Pressure Vessel Code; and

(6) was acquired on or after September 1, 2013, or a later date established by the commission, by the person applying for the incentive under this subsection and for use or lease by that person and not for resale.

(b) If the commission determines that an updated version of a code or standard described by Subdivision (a)(5) is more stringent than the version of the code or standard described by Subdivision (a)(5), the commission by rule may provide that a vehicle for which a person applies for an incentive under Subsection (a) is eligible for the incentive only if the vehicle complies with the updated version of the code or standard.

(c) The incentive under Subsection (a) is limited to 1,000 vehicles for each state fiscal biennium.

(d) A new light-duty motor vehicle powered by an electric drive is eligible for a \$2,500 incentive if the vehicle:

(1) has four wheels;

(2) was manufactured for use primarily on public streets, roads, and highways;

(3) has not been modified from the original manufacturer's specifications;

(4) has a maximum speed capability of at least 55 miles per hour;

(5) is propelled to a significant extent by an electric motor that draws electricity from a hydrogen fuel cell or from a battery that:

(A) has a capacity of not less than four kilowatt hours; and

(B) is capable of being recharged from an external source of electricity;

and

(6) was acquired on or after September 1, 2013, or a later date as established by the commission, by the person applying for the incentive under this subsection and for use or lease by that person and not for resale.

(e) The incentive under Subsection (d) is limited to 2,000 vehicles for each state fiscal biennium.

Sec. 386.155. MANUFACTURER'S REPORT. (a) At the beginning of but not later than July 1 of each year preceding the vehicle model year, a manufacturer of motor vehicles, an intermediate or final state vehicle manufacturer, or a manufacturer of compressed natural gas or liquefied petroleum gas systems shall provide to the commission a list of the new vehicle or natural gas or liquefied petroleum gas systems models that the manufacturer intends to sell in this state during that model year that meet the incentive requirements established under Section 386.154. The manufacturer or installer may supplement the list provided to the commission under this section as necessary to include additional new vehicle models the manufacturer intends to sell in this state during the model year.

(b) The commission may supplement the information provided under Subsection (a) with additional information on available vehicle models, including information provided by manufacturers or installers of systems to convert new motor vehicles to operate on natural gas or liquefied petroleum gas before sale as a new vehicle or within 500 miles of operation of the vehicle following first sale.

Sec. 386.156. LIST OF ELIGIBLE MOTOR VEHICLES. (a) On August 1 of each year the commission shall publish a list of new motor vehicle models eligible for inclusion in an incentive under this subchapter. The commission shall publish supplements to that list as necessary to include additional new vehicle models.

(b) The commission shall publish the list of eligible motor vehicle models on the commission's Internet website.

Sec. 386.157. LIGHT-DUTY MOTOR VEHICLE PURCHASE OR LEASE INCENTIVE. (a) A person who purchases or leases a new light-duty motor vehicle described by Section 386.154 and listed under Section 386.156(a) is eligible to apply for an incentive under this subchapter.

(b) A lease incentive for a new light-duty motor vehicle shall be prorated based on a three-year lease term.

(c) To receive money under an incentive program provided by this subchapter, the purchaser or lessee of a new light-duty motor vehicle who is eligible to apply for an incentive under this subchapter shall apply for the incentive in the manner provided by law or by rule of the commission.

Sec. 386.158. COMMISSION TO ACCOUNT FOR MOTOR VEHICLE PURCHASE OR LEASE INCENTIVES. (a) The commission by rule shall develop a method to administer and account for the motor vehicle purchase or lease incentives authorized by this subchapter and to pay incentive money to the purchaser or lessee of a new motor vehicle, on application of the purchaser or lessee as provided by this subchapter.

(b) The commission shall develop and publish forms and instructions for the purchaser or lessee of a new motor vehicle to use in applying to the commission for an incentive payment under this subchapter. The commission shall make the forms available to new motor vehicle dealers and leasing agents. Dealers and leasing agents shall make the forms available to their prospective purchasers or lessees.

(c) The commission may require the submission of forms and documentation as needed to verify eligibility for an incentive under this subchapter.

Sec. 386.159. PURCHASE OR LEASE INCENTIVES INFORMATION.

(a) The commission shall establish a toll-free telephone number available to motor vehicle dealers and leasing agents for the dealers and agents to call to verify that incentives are available. The commission may provide for issuing verification numbers over the telephone line.

(b) Reliance by a dealer or leasing agent on information provided by the commission is a complete defense to an action involving or based on eligibility of a vehicle for an incentive or availability of vehicles eligible for an incentive.

Sec. 386.160. RESERVATION OF INCENTIVES. The commission may provide for dealers and leasing agents to reserve for a limited time period incentives for vehicles that are not readily available and must be ordered, if the dealer or leasing agent has a purchase or lease order signed by an identified customer.

SECTION _____. The heading to Subchapter D-1, Chapter 386, Health and Safety Code, is amended to read as follows:

SUBCHAPTER D-1. SEAPORT AND RAIL YARD AREAS EMISSIONS
REDUCTION [~~DRAYAGE TRUCK INCENTIVE~~] PROGRAM

SECTION _____. The heading to Section 386.181, Health and Safety Code, is amended to read as follows:

Sec. 386.181. DEFINITIONS [~~DEFINITION~~]; RULES.

SECTION _____. Section 386.181(a), Health and Safety Code, is amended to read as follows:

(a) In this subchapter:

(1) "Cargo handling equipment" means any heavy-duty non-road, self-propelled vehicle or land-based equipment used at a seaport or rail yard to lift or move cargo, such as containerized, bulk, or break-bulk goods.

(2) "Drayage [~~drayage~~] truck" means a heavy-duty on-road or non-road vehicle that is used for drayage activities and that operates in or transgresses through [~~truck that transports a load to or from~~] a seaport or rail yard for the purpose of loading, unloading, or transporting cargo, including transporting empty containers and chassis.

(3) "Repower" means to replace an old engine powering a vehicle with a new engine, a used engine, a remanufactured engine, or electric motors, drives, or fuel cells.

SECTION _____. Section 386.182, Health and Safety Code, is amended to read as follows:

Sec. 386.182. COMMISSION DUTIES. (a) The commission shall:

(1) develop a purchase incentive program to encourage owners to:

(A) replace older drayage trucks and cargo handling equipment [~~with pre 2007 model year engines~~] with newer drayage trucks and cargo handling equipment; or

(B) repower drayage trucks and cargo handling equipment; and

(2) [~~shall~~] adopt guidelines necessary to implement the program described by Subdivision (1).

(b) The commission by rule and guideline shall establish criteria for the engines the models of drayage trucks and cargo handling equipment that are eligible for inclusion in an incentive program under this subchapter. [~~The guidelines must provide that a drayage truck owner is not eligible for an incentive payment under this subchapter unless the truck being replaced contains a pre 2007 model year engine and the replacement truck's engine is from model year 2010 or later as determined by the commission and that the truck operates at a seaport or rail yard.~~]

SECTION _____. The heading to Section 386.183, Health and Safety Code, is amended to read as follows:

Sec. 386.183. DRAYAGE TRUCK AND CARGO HANDLING EQUIPMENT PURCHASE INCENTIVE.

SECTION _____. Section 386.183, Health and Safety Code, is amended by amending Subsections (a), (b), (c), (d), and (e) and adding Subsection (a-1) to read as follows:

(a) To be eligible for an incentive under this subchapter, a person must:

(1) purchase a replacement drayage truck, piece of cargo handling equipment, or engine that under Subsection (a-1)(1)(A) or (2)(A), as applicable, and the guidelines adopted by the commission under Section 386.182 is eligible for inclusion in the program for an incentive under this subchapter; and

(2) agree to:

(A) register the drayage truck in this state, if the replacement or repowered vehicle is an on-road drayage truck;

(B) operate the replacement or repowered drayage truck or cargo handling equipment in and within a maximum distance established by the commission of a seaport or rail yard in a nonattainment area of this state for not less than 50 percent of the truck's or equipment's [~~vehicle's~~] annual mileage or hours of operation, as determined by the commission; and

(C) permanently remove the [~~a pre 2007~~] drayage truck, cargo handling equipment, or engine replaced under the program [~~containing a pre 2007 engine owned by the person~~] from operation in a nonattainment area of this state by destroying the engine in accordance with guidelines established by the commission, and if the incentive is for a replacement drayage truck or cargo handling equipment, scrapping the truck or equipment after the purchase of the replacement [~~new~~] truck or equipment in accordance with guidelines established by the commission.

(a-1) To be eligible for purchase under this program:

(1) a drayage truck or cargo handling equipment must:

(A) be powered by an electric motor or contain an engine certified to the current federal emissions standards applicable to that type of engine, as determined by the commission; and

(B) emit oxides of nitrogen at a rate that is at least 25 percent less than the rate at which the truck or equipment being replaced under the program emits such pollutants;

(2) an engine repowering a drayage truck or cargo handling equipment must:

(A) be an electric motor or an engine certified to the current federal emissions standards applicable to that type of engine, as determined by the commission; and

(B) emit oxides of nitrogen at a rate that is at least 25 percent less than the rate at which the former engine in the truck or equipment being repowered under the program emits such pollutants.

(b) To receive money under an incentive program provided by this subchapter, the purchaser of a drayage truck, piece of cargo handling equipment, or engine eligible for inclusion in the program must apply for the incentive in the manner provided by law, rule, or guideline of the commission.

(c) Not more than one incentive may be provided for each drayage truck or piece of cargo handling equipment purchased or repowered.

(d) An incentive provided under this subchapter may be used to fund not more than 80 percent of, as applicable, the purchase price of:

(1) the drayage truck or cargo handling equipment; or

(2) the engine and any other eligible costs associated with repowering the drayage truck or cargo handling equipment, as determined by the commission.

(e) The commission shall establish procedures to verify that a person who receives an incentive:

(1) has operated in a seaport or rail yard and owned or leased the drayage truck or cargo handling equipment to be replaced or repowered for at least two years prior to receiving the grant; and

(2) as applicable:

(A) after the purpose of the replacement drayage truck or cargo handling equipment, permanently destroys the engine and scraps the [drayage] truck or equipment replaced under the program [that contained the pre-2007 engine owned or leased by the person], in accordance with guidelines established by the commission; or

(B) after repowering the drayage truck or cargo handling equipment, permanently destroys the engine that was contained in the truck or equipment in accordance with the guidelines established by the commission [after the purchase of the new truck].

SECTION _____. Section 386.252, Health and Safety Code, is amended to read as follows:

Sec. 386.252. USE OF FUND. (a) Money in the fund may be used only to implement and administer programs established under the plan. Subject to the reallocation of funds by the commission under Subsection (g), money [Money] appropriated to the commission to be used for the programs under Section 386.051(b) shall initially be allocated as follows:

(1) [not more than] four percent may be used for the clean school bus program under Chapter 390;

(2) ~~[not more than]~~ three percent may be used for the new technology implementation grant program under Chapter 391, from which at least \$1 million will be set aside for electricity storage projects related to renewable energy;

(3) five percent may ~~[shall]~~ be used for the clean fleet program under Chapter 392;

(4) not more than \$3 million may be used by the commission to fund a regional air monitoring program in commission Regions 3 and 4 to be implemented under the commission's oversight, including direction regarding the type, number, location, and operation of, and data validation practices for, monitors funded by the program through a regional nonprofit entity located in North Texas having representation from counties, municipalities, higher education institutions, and private sector interests across the area;

(5) 10 ~~[not less than 16]~~ percent may ~~[shall]~~ be used for the Texas natural gas vehicle grant program under Chapter 394;

(6) not more than \$6 million ~~[five percent]~~ may be used ~~[to provide grants for natural gas fueling stations under the clean transportation triangle program under Section 394.010;~~

~~[(7) not more than five percent may be used]~~ for the Texas alternative fueling facilities program under Chapter 393, of which a specified amount may be used for fueling stations to provide natural gas fuel, except that money may not be allocated for the Texas alternative fueling facilities program for the state fiscal year ending August 31, 2019;

(7) ~~[(8)]~~ not more than \$750,000 ~~[a specified amount]~~ may be used each year to support research related to air quality as provided by Chapter 387;

(8) ~~[(9)]~~ not more than \$200,000 may be used for a health effects study[;

~~[(10) \$500,000 is to be deposited in the state treasury to the credit of the clean air account created under Section 382.0622 to supplement funding for air quality planning activities in affected counties];~~

(9) ~~[(11)]~~ at least \$6 ~~[\$4]~~ million but not more than \$8 ~~[and up to four percent to a maximum of \$7]~~ million~~[, whichever is greater,]~~ is allocated to the commission for administrative costs, including all direct and indirect costs for administering the plan and costs for conducting outreach and education activities, and costs attributable to the review or approval of applications for marketable emissions reduction credits;

(10) six ~~[(12) at least two]~~ percent ~~[and up to five percent of the fund is to]~~ may be used by the commission for the seaport and rail yard areas emissions reduction ~~[drayage truck incentive]~~ program established under Subchapter D-1;

(11) ~~[(13) not more than]~~ five percent may be used for the light-duty motor vehicle purchase or lease incentive program established under Subchapter D;

(12) ~~[(14)]~~ not more than \$216,000 is allocated to the commission to contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station annually for the development and annual computation of creditable statewide emissions reductions obtained through wind and other renewable energy resources for the state implementation plan;

(13) not more than \$500,000 may be used for studies of or pilot programs for incentives for port authorities located in nonattainment areas or affected counties to encourage cargo movement that reduces emissions of nitrogen oxides and particulate matter;~~[(15) 1.5 percent of the money in the fund is allocated for administrative costs incurred by the laboratory];~~ and

(14) ~~[(16)]~~ the balance is to be used by the commission for the diesel emissions reduction incentive program under Subchapter C as determined by the commission.

~~(b) [The commission may allocate unexpended money designated for the clean fleet program under Chapter 392 to other programs described under Subsection (a) after the commission allocates money to recipients under the clean fleet program.~~

~~[(c) The commission may allocate unexpended money designated for the Texas alternative fueling facilities program under Chapter 393 to other programs described under Subsection (a) after the commission allocates money to recipients under the alternative fueling facilities program.~~

~~[(d) The commission may reallocate money designated for the Texas natural gas vehicle grant program under Chapter 394 to other programs described under Subsection (a) if:~~

~~[(1) the commission, in consultation with the governor and the advisory board, determines that the use of the money in the fund for that program will cause the state to be in noncompliance with the state implementation plan to the extent that federal action is likely; and~~

~~[(2) the commission finds that the reallocation of some or all of the funding for the program would resolve the noncompliance.~~

~~[(e) Under Subsection (d), the commission may not reallocate more than the minimum amount of money necessary to resolve the noncompliance.~~

~~[(e-1) Money allocated under Subsection (a) to a particular program may be used for another program under the plan as determined by the commission.~~

~~[(f)]~~ Money in the fund may be used by the commission for programs under Sections 386.051(b)(13), (b)(14), and (b-1) as may be appropriated for those programs.

(c) ~~[(g)]~~ If the legislature does not specify amounts or percentages from the total appropriation to the commission to be allocated under Subsection (a) or (b) ~~[(f)]~~, the commission shall determine the amounts of the total appropriation to be allocated under each of those subsections, such that the total appropriation is expended while maximizing emissions reductions.

(d) To supplement funding for air quality planning activities in affected counties, \$500,000 from the fund is to be deposited annually in the state treasury to the credit of the clean air account created under Section 382.0622.

(e) Money in the fund may be allocated for administrative costs incurred by the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station as may be appropriated by the legislature.

(f) To the extent that money is appropriated from the fund for that purpose, not more than \$2.5 million may be used by the commission to conduct research and other activities associated with making any necessary demonstrations to the United States Environmental Protection Agency to account for the impact of foreign emissions or an exceptional event.

(g) To the extent that money is appropriated from the fund for that purpose, the commission may use that money to award grants under the governmental alternative fuel fleet grant program established under Chapter 395, except that the commission may not use for that purpose more than three percent of the balance of the fund as of September 1 of each state fiscal year of the biennium for the governmental alternative fuel fleet grant program in that fiscal year.

(g) ~~(h)~~ Subject to the limitations outlined in this section and any additional limitations placed on the use of the appropriated funds, money allocated under this section to a particular program may be used for another program under the plan as determined by the commission, based on demand for grants for eligible projects under particular programs after the commission solicits projects to which to award grants according to the initial allocation provisions of this section.

SECTION _____. Section 390.001, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Commission" means the Texas Commission on Environmental Quality.

SECTION _____. Section 390.002(b), Health and Safety Code, is amended to read as follows:

(b) Projects that may be considered for a grant under the program include:

(1) diesel oxidation catalysts for school buses built before 1994;

(2) diesel particulate filters for school buses built from 1994 to 1998;

(3) the purchase and use of emission-reducing add-on equipment for school buses, including devices that reduce crankcase emissions;

(4) the use of qualifying fuel; ~~and~~

(5) other technologies that the commission finds will bring about significant emissions reductions; and

(6) replacement of a pre-2007 model year school bus.

SECTION _____. Section 390.004, Health and Safety Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) A school bus proposed for replacement must:

(1) be of model year 2006 or earlier;

(2) have been owned and operated by the applicant for at least the two years before submission of the grant application;

(3) be in good operational condition; and

(4) be currently used on a regular, daily route to and from a school.

(d) A school bus proposed for purchase to replace a pre-2007 model year school bus must be of the current model year or the year before the current model year at the time of submission of the grant application.

SECTION _____. Section 390.005, Health and Safety Code, is amended to read as follows:

Sec. 390.005. RESTRICTION ON USE OF GRANT. (a) A recipient of a grant under this chapter shall use the grant to pay the incremental costs of the project for which the grant is made, which may include the reasonable and necessary expenses incurred for the labor needed to install emissions-reducing equipment. The recipient may not use the grant to pay the recipient's administrative expenses.

(b) A school bus acquired to replace an existing school bus must be purchased and the grant recipient must agree to own and operate the school bus on a regular, daily route to and from a school for at least five years after a start date established by the commission, based on the date the commission accepts documentation of the permanent destruction or permanent removal of the school bus being replaced.

(c) A school bus replaced under this program must be rendered permanently inoperable by crushing the bus, by making a hole in the engine block and permanently destroying the frame of the bus, or by another method approved by the commission, or be permanently removed from operation in this state. The commission shall establish criteria for ensuring the permanent destruction or permanent removal of the engine or bus. The commission shall enforce the destruction and removal requirements. In this section, "permanent removal" means the permanent export of a school bus or the engine of a school bus to a destination outside of the United States, Canada, or the United Mexican States.

SECTION _____. Section 390.006, Health and Safety Code, is amended to read as follows:

Sec. 390.006. EXPIRATION. This chapter expires on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037 [August 31, 2019].

SECTION _____. Section 391.002(b), Health and Safety Code, is amended to read as follows:

(b) Projects that may be considered for a grant under the program include:

(1) advanced clean energy projects, as defined by Section 382.003;

(2) new technology projects that reduce emissions of regulated pollutants from stationary [point] sources;

(3) new technology projects that reduce emissions from upstream and midstream oil and gas production, completions, gathering, storage, processing, and transmission activities through:

(A) the replacement, repower, or retrofit of stationary compressor engines;

(B) the installation of systems to reduce or eliminate the loss of gas, flaring of gas, or burning of gas using other combustion control devices; or

(C) the installation of systems that reduce flaring emissions and other site emissions by capturing waste heat to generate electricity solely for on-site service;
and

(4) [~~3~~] electricity storage projects related to renewable energy, including projects to store electricity produced from wind and solar generation that provide efficient means of making the stored energy available during periods of peak energy use.

SECTION _____. Section 391.102(f), Health and Safety Code, is amended to read as follows:

(f) In reviewing a grant application under this chapter [~~coordinating interagency application review procedures~~], the commission may ~~shall~~:

(1) solicit review and comments from:

(A) the comptroller to assess:

(i) the financial stability of the applicant;

(ii) the economic benefits and job creation potential associated with

the project; and

(iii) any other information related to the duties of that office;

(B) the Public Utility Commission of Texas to assess:

(i) the reliability of the proposed technology;

(ii) the feasibility and cost-effectiveness of electric transmission associated with the project; and

(iii) any other information related to the duties of that agency; and

(C) the Railroad Commission of Texas to assess:

(i) the availability and cost of the fuel involved with the project;

and

(ii) any other information related to the duties of that agency; and

(2) consider the comments received under Subdivision (1) in the commission's grant award decision process[~~;~~ and

~~(3) as part of the report required by Section 391.104, justify awards made to projects that have been negatively reviewed by agencies under Subdivision (1)].~~

SECTION _____. Section 391.104, Health and Safety Code, is amended to read as follows:

Sec. 391.104. REPORTING REQUIREMENTS. The commission [~~annually~~] shall include in the biennial plan report required by Section 386.057(b) information [~~prepare a report~~] that summarizes the applications received and grants awarded in the preceding biennium [~~year~~]. Preparation of the information for the report may [~~must~~] include the participation of any [~~the~~] state agency [~~agencies~~] involved in the review of applications under Section 391.102, if the commission determines participation of the agency is needed.

SECTION _____. Section 391.205(a), Health and Safety Code, is amended to read as follows:

(a) Except as provided by Subsection (c), in awarding grants under this chapter the commission shall give preference to projects that:

(1) involve the transport, use, recovery for use, or prevention of the loss of natural resources originating or produced in this state;

(2) contain an energy efficiency component; [~~or~~]

(3) include the use of solar, wind, or other renewable energy sources; or

(4) recover waste heat from the combustion of natural resources and use the heat to generate electricity.

SECTION _____. Section 391.304, Health and Safety Code, is amended to read as follows:

Sec. 391.304. EXPIRATION. This chapter expires on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037 [August 31, 2019].

SECTION _____. Section 392.001(1), Health and Safety Code, is amended to read as follows:

(1) "Alternative fuel" means a fuel other than gasoline or diesel fuel, including electricity, compressed natural gas, liquefied ~~liquified~~ natural gas, hydrogen, propane, or a mixture of fuels containing at least 85 percent methanol by volume.

SECTION _____. Sections 392.002(b) and (c), Health and Safety Code, are amended to read as follows:

(b) An entity that places 10 ~~20~~ or more qualifying vehicles in service for use entirely in this state during a calendar year is eligible to participate in the program.

(c) Notwithstanding Subsection (b), an entity that submits a grant application for 10 ~~20~~ or more qualifying vehicles is eligible to participate in the program even if the commission denies approval for one or more of the vehicles during the application process.

SECTION _____. Section 392.003(a), Health and Safety Code, is amended to read as follows:

(a) A vehicle is a qualifying vehicle that may be considered for a grant under the program if during the eligibility period established by the commission ~~calendar year~~ the entity purchases a new on-road vehicle that:

(1) is certified to the appropriate current federal emissions standards as determined by the commission;

(2) replaces a diesel-powered on-road vehicle of the same weight classification and use; and

(3) is a hybrid vehicle or fueled by an alternative fuel.

SECTION _____. Section 392.004(d), Health and Safety Code, is amended to read as follows:

(d) The commission shall minimize, to the maximum extent possible, the amount of paperwork required for an application. ~~[An applicant may be required to submit a photograph or other documentation of a vehicle identification number, registration information, inspection information, tire condition, or engine block identification only if the photograph or documentation is requested by the commission after the commission has decided to award a grant to the applicant under this chapter.]~~

SECTION _____. Section 392.005, Health and Safety Code, is amended by amending Subsections (c) and (i) and adding Subsection (c-1) to read as follows:

(c) As a condition of receiving a grant, the qualifying vehicle must be continuously owned, registered, and operated in the state by the grant recipient until the earlier of the fifth anniversary of the activity start date established by the commission ~~[the date of reimbursement of the grant funded expenses]~~ or ~~[until]~~ the date the vehicle has been in operation for 400,000 miles after the activity start date established by the commission ~~[of reimbursement]~~. Not less than 75 percent of the annual use of the qualifying vehicle, either mileage or fuel use as determined by the commission, must occur in the state.

(c-1) For purposes of Subsection (c), the commission shall establish the activity start date based on the date the commission accepts verification of the disposition of the vehicle being replaced.

(i) The executive director may ~~shall~~ waive the requirements of Subsection (b)(2)(A) on a finding of good cause, which may include a waiver for short lapses in registration or operation attributable to economic conditions, seasonal work, or other circumstances.

SECTION _____. Section 392.008, Health and Safety Code, is amended to read as follows:

Sec. 392.008. EXPIRATION. This chapter expires on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037 ~~[August 31, 2017]~~.

SECTION _____. Section 393.001, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Alternative fuel" means a fuel other than gasoline or diesel fuel, other than biodiesel fuel, including electricity, compressed natural gas, liquefied ~~[liquefied]~~ natural gas, hydrogen, propane, or a mixture of fuels containing at least 85 percent methanol by volume.

(1-a) "Clean transportation zone" means:

(A) counties containing or intersected by a portion of an interstate highway connecting the cities of Houston, San Antonio, Dallas, and Fort Worth;

(B) counties located within the area bounded by the interstate highways described by Paragraph (A);

(C) counties containing or intersected by a portion of:

(i) an interstate highway connecting San Antonio to Corpus Christi or Laredo;

(ii) the most direct route using highways in the state highway system connecting Corpus Christi and Laredo; or

(iii) a highway or corridor connecting Corpus Christi and Houston;

(D) counties located within the area bounded by the highways described by Paragraph (C);

(E) counties in this state all or part of which are included in a nonattainment area designated under Section 107(d) of the federal Clean Air Act (42 U.S.C. Section 7407); and

(F) counties designated as affected counties under Section 386.001.

SECTION _____. Section 393.002, Health and Safety Code, is amended to read as follows:

Sec. 393.002. PROGRAM. (a) The commission shall establish and administer the Texas alternative fueling facilities program to provide fueling facilities for alternative fuel in the clean transportation zone ~~[nonattainment areas]~~. Under the program, the commission shall provide a grant for each eligible facility to offset the cost of those facilities.

(b) An entity that constructs or ~~[reconstructs, or acquires]~~ an alternative fueling facility is eligible to participate in the program.

(c) To ensure that alternative fuel vehicles have access to fuel and to build the foundation for a self-sustaining market for alternative fuels in Texas, the commission shall provide for strategically placed fueling facilities in the clean transportation zone to enable an alternative fuel vehicle to travel in those areas relying solely on the alternative fuel.

(d) The commission shall maintain a listing to be made available to the public online of all vehicle fueling facilities that have received grant funding, including location and hours of operation.

SECTION _____. Section 393.003, Health and Safety Code, is amended by amending Subsections (a) and (b) and adding Subsections (d) and (e) to read as follows:

(a) An entity operating in this state that constructs or~~reconstructs~~~~or acquires~~ a facility to ~~store, compress, or~~ dispense alternative fuels may apply for and receive a grant under the program.

(b) The commission may ~~adopt guidelines to~~ allow a regional planning commission, council of governments, or similar regional planning agency created under Chapter 391, Local Government Code, or a private nonprofit organization to apply for and receive a grant to improve the ability of the program to achieve its goals.

(d) An application for a grant under the program must include a certification that the applicant complies with laws, rules, guidelines, and requirements applicable to taxation of fuel provided by the applicant at each fueling facility owned or operated by the applicant. The commission may terminate a grant awarded under this section without further obligation to the grant recipient if the commission determines that the recipient did not comply with a law, rule, guideline, or requirement described by this subsection. This subsection does not create a cause of action to contest an application or award of a grant.

(e) The commission shall disburse grants under the program through a competitive application selection process to offset a portion of the eligible costs.

SECTION _____. Section 393.004, Health and Safety Code, is amended to read as follows:

Sec. 393.004. ELIGIBILITY OF FACILITIES FOR GRANTS. (a) In addition to the requirements of this chapter, the commission shall establish additional eligibility and prioritization criteria as needed to implement the program ~~The commission by rule shall establish criteria for prioritizing facilities eligible to receive grants under this chapter. The commission shall review and revise the criteria as appropriate~~.

(b) The prioritization criteria established under Subsection (a) must provide that, for each grant round, the commission may not award a grant to an entity that does not ~~To be eligible for a grant under the program, the entity receiving the grant must~~ agree to make the alternative fueling facility accessible and available to the public ~~persons not associated with the entity~~ at times designated by the grant contract until each eligible entity that does agree to those terms has been awarded a grant ~~agreement~~.

(c) The commission may not award more than one grant for each facility.

(d) The commission may give preference to or otherwise limit grant selections

to:

(1) fueling facilities providing specific types of alternative fuels;

(2) fueling facilities in a specified area or location; and

(3) fueling facilities meeting other specified prioritization criteria

established by the commission.

(e) For fueling facilities to provide natural gas, the commission shall give preference to:

(1) facilities providing both liquefied natural gas and compressed natural gas at a single location;

(2) facilities located not more than one mile from an interstate highway system;

(3) facilities located in the area in and between the Houston, San Antonio, and Dallas-Fort Worth areas; and

(4) facilities located in the area in and between the Corpus Christi, Laredo, and San Antonio areas ~~[A recipient of a grant under this chapter is not eligible to receive a second grant under this chapter for the same facility].~~

SECTION _____. Section 393.005, Health and Safety Code, is amended to read as follows:

Sec. 393.005. RESTRICTION ON USE OF GRANT. (a) A recipient of a grant under this chapter shall use the grant only to pay the costs of the facility for which the grant is made. The recipient may not use the grant to pay the recipient's:

(1) administrative expenses;

(2) expenses for the purchase of land or an interest in land; or

(3) expenses for equipment or facility improvements that are not directly related to the delivery, storage, compression, or dispensing of the alternative fuel at the facility.

(b) Each grant must be awarded using a contract that requires the recipient to meet operational, maintenance, and reporting requirements as specified by the commission.

SECTION _____. Section 393.006, Health and Safety Code, is amended to read as follows:

Sec. 393.006. AMOUNT OF GRANT. (a) Grants awarded under this chapter for a facility to provide alternative fuels other than natural gas may not exceed ~~[For each eligible facility for which a recipient is awarded a grant under the program, the commission shall award the grant in an amount equal to]~~ the lesser of:

(1) 50 percent of the sum of the actual eligible costs incurred by the grant recipient within deadlines established by the commission ~~[to construct, reconstruct, or acquire the facility]; or~~

(2) \$600,000.

(b) Grants awarded under this chapter for a facility to provide natural gas may not exceed:

(1) \$400,000 for a compressed natural gas facility;

(2) \$400,000 for a liquefied natural gas facility; or

(3) \$600,000 for a facility providing both liquefied and compressed natural gas.

SECTION _____. Section 393.007, Health and Safety Code, is amended to read as follows:

Sec. 393.007. EXPIRATION. This chapter expires on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037 ~~[August 31, 2018].~~

SECTION _____. Section 394.001, Health and Safety Code, is amended by amending Subdivisions (1), (4), (5), and (8) and adding Subdivisions (1-a) and (7-a) to read as follows:

(1) "Clean transportation zone" has the meaning assigned by Section 393.001 [~~"Advisory board" means the Texas Emissions Reduction Plan Advisory Board~~].

(1-a) "Certified" includes:

(A) new vehicle or new engine certification by the United States Environmental Protection Agency; or

(B) certification or approval by the United States Environmental Protection Agency of a system to convert a vehicle or engine to operate on an alternative fuel and a demonstration by the emissions data used to certify or approve the vehicle or engine, if the commission determines the testing used to obtain the emissions data is consistent with the testing required for approval of an alternative fuel conversion system for new and relatively new vehicles or engines under 40 C.F.R. Part 85.

(4) "Heavy-duty motor vehicle" means a motor vehicle that ~~[with]~~:

(A) has a gross vehicle weight rating of more than 8,500 pounds; and

(B) is certified to or has an engine certified to the United States Environmental Protection Agency's emissions standards for heavy-duty vehicles or engines.

(5) "Incremental cost" has the meaning assigned by Section 386.001 [~~means the difference between the manufacturer's suggested retail price of a baseline vehicle, the documented dealer price of a baseline vehicle, cost to lease or otherwise commercially finance a baseline vehicle, cost to repower with a baseline engine, or other appropriate baseline cost established by the commission, and the actual cost of the natural gas vehicle purchase, lease, or other commercial financing, or repower~~].

(7-a) "Natural gas engine" means an engine that operates:

(A) solely on natural gas, including compressed natural gas, liquefied natural gas, or liquefied petroleum gas; or

(B) on a combination of diesel fuel and natural gas, including compressed natural gas, liquefied natural gas, or liquefied petroleum gas, and is capable of achieving at least 60 percent displacement of diesel fuel with natural gas.

(8) "Natural gas vehicle" means a motor vehicle that is powered by a natural gas engine [~~receives not less than 75 percent of its power from compressed or liquefied natural gas~~].

SECTION _____. Section 394.003(a), Health and Safety Code, is amended to read as follows:

(a) A vehicle is a qualifying vehicle that may be considered for a grant under the program if during the eligibility period established by the commission [~~calendar year~~] the entity:

(1) purchased, leased, or otherwise commercially financed the vehicle as a new on-road heavy-duty or medium-duty motor vehicle that:

(A) is a natural gas vehicle;

(B) is certified to the appropriate current federal emissions standards as determined by the commission; and

(C) replaces an on-road heavy-duty or medium-duty motor vehicle of the same weight classification and use; ~~and~~

~~[(D) is powered by an engine certified to:~~

~~(i) emit not more than 0.2 grams of nitrogen oxides per brake horsepower hour; or~~

~~[(ii) meet or exceed the United States Environmental Protection Agency's Bin 5 standard for light duty engines when powering the vehicle;] or~~

(2) repowered the on-road motor vehicle to a natural gas vehicle powered by a natural gas engine that[~~:~~

~~[(A) is certified to the appropriate current federal emissions standards as determined by the commission]; and~~

~~[(B) is:~~

~~(i) a heavy duty engine that is certified to emit not more than 0.2 grams of nitrogen oxides per brake horsepower hour; or~~

~~[(ii) certified to meet or exceed the United States Environmental Protection Agency's Bin 5 standard for light duty engines when powering the vehicle].~~

SECTION _____. Section 394.005, Health and Safety Code, is amended by amending Subsections (a), (b), (c), (f), (g), and (i) and adding Subsection (c-1) to read as follows:

(a) The commission ~~[by rule]~~ shall establish criteria for prioritizing qualifying vehicles eligible to receive grants under this chapter. The commission shall review and revise the criteria as appropriate ~~[after consultation with the advisory board].~~

(b) To be eligible for a grant under the program:

(1) the use of the qualifying vehicle must be projected to result in a reduction in emissions of nitrogen oxides of at least 25 percent as compared to the motor vehicle or engine being replaced, based on:

(A) the baseline emission level set by the commission under Subsection (g); and

(B) the certified emission rate of the new vehicle; and

(2) the qualifying vehicle must:

(A) replace a heavy-duty or medium-duty motor vehicle that:

(i) is an on-road vehicle that has been owned, leased, or otherwise commercially financed and registered and operated by the applicant in Texas for at least the two years immediately preceding the submission of a grant application;

(ii) satisfies any minimum average annual mileage or fuel usage requirements established by the commission;

(iii) satisfies any minimum percentage of annual usage requirements established by the commission; and

(iv) is in operating condition and has at least two years of remaining useful life, as determined in accordance with criteria established by the commission; ~~[or]~~

(B) replace a heavy-duty or medium-duty motor vehicle that:

(i) is owned by the applicant;

(ii) is an on-road vehicle that has been:

(a) owned, leased, or otherwise commercially financed and operated in Texas as a fleet vehicle for at least the two years immediately preceding the submission of a grant application; and

(b) registered in a county located in the clean transportation zone for at least the two years immediately preceding the submission of a grant application; and

(iii) otherwise satisfies the mileage, usage, and useful life requirements established under Paragraph (A) as determined by documentation associated with the vehicle; or

(C) be a heavy-duty or medium-duty motor vehicle repowered with a natural gas engine that:

(i) is installed in an on-road vehicle that has been owned, leased, or otherwise commercially financed and registered and operated by the applicant in Texas for at least the two years immediately preceding the submission of a grant application;

(ii) satisfies any minimum average annual mileage or fuel usage requirements established by the commission;

(iii) satisfies any minimum percentage of annual usage requirements established by the commission; and

(iv) is installed in an on-road vehicle that, at the time of the vehicle's repowering, was in operating condition and had at least two years of remaining useful life, as determined in accordance with criteria established by the commission.

(c) As a condition of receiving a grant, the qualifying vehicle must be continuously owned, leased, or otherwise commercially financed and registered and operated in the state by the grant recipient until the earlier of the fourth anniversary of the activity start date established by the commission [~~the date of reimbursement of the grant funded expenses~~] or [~~until~~] the date the vehicle has been in operation for 400,000 miles after the activity start date established by the commission [~~of reimbursement~~]. Not less than 75 percent of the annual use of the qualifying vehicle, either mileage or fuel use as determined by the commission, must occur in the clean transportation zone[+]

~~[(1) the counties any part of which are included in the area described by Section 394.010(a); or~~

~~[(2) counties designated as nonattainment areas within the meaning of Section 107(d) of the federal Clean Air Act (42 U.S.C. Section 7407)].~~

(c-1) For purposes of Subsection (c), the commission shall establish the activity start date based on the date the commission accepts verification of the disposition of the vehicle or engine.

(f) A heavy-duty or medium-duty motor vehicle replaced under this program must be rendered permanently inoperable by crushing the vehicle, by making a hole in the engine block and permanently destroying the frame of the vehicle, or by another method approved by the commission, or be [~~that~~] permanently removed [~~removes the vehicle~~] from operation in this state. The commission shall establish criteria for ensuring the permanent destruction or permanent removal of the engine or vehicle. The commission shall enforce the destruction and removal requirements. For purposes

of this subsection, "permanent removal" means the permanent export of the vehicle or engine to a destination outside of the United States, Canada, or the United Mexican States.

(g) The commission shall establish baseline emission levels for emissions of nitrogen oxides for on-road heavy-duty or medium-duty motor vehicles being replaced or repowered by using the emission certification for the engine or vehicle being replaced. The commission may consider deterioration of the emission performance of the engine of the vehicle being replaced in establishing the baseline emission level. The commission may consider and establish baseline emission rates for additional pollutants of concern~~[, as determined by the commission after consultation with the advisory board].~~

(i) The executive director may ~~[shall]~~ waive the requirements of Subsection (b)(2)(A)(i) or (B)(ii) on a finding of good cause, which may include short lapses in registration or operation due to economic conditions, seasonal work, or other circumstances.

SECTION _____. Section 394.006, Health and Safety Code, is amended to read as follows:

Sec. 394.006. RESTRICTION ON USE OF GRANT. A recipient of a grant under this chapter shall use the grant to pay the incremental costs of the replacement or vehicle repower for which the grant is made, which may include a portion of the initial cost of the natural gas vehicle or natural gas engine, including the cost of the natural gas fuel system and installation ~~[and the reasonable and necessary expenses incurred for the labor needed to install emissions reducing equipment]~~. The recipient may not use the grant to pay the recipient's administrative expenses.

SECTION _____. Section 394.007(c), Health and Safety Code, is amended to read as follows:

(c) A person may not receive a grant under this chapter that, when combined with any other grant, tax credit, or other governmental incentive, exceeds the incremental cost of the vehicle or vehicle repower for which the grant is awarded. A person shall return to the commission the amount of a grant awarded under this chapter that, when combined with any other grant, tax credit, or other governmental incentive, exceeds the incremental cost of the vehicle or vehicle repower for which the grant is awarded.

SECTION _____. Sections 394.008(a) and (b), Health and Safety Code, are amended to read as follows:

(a) The commission shall establish ~~[adopt]~~ procedures for:

(1) awarding grants under this chapter to reimburse eligible costs; ~~[in the form of rebates; and]~~

(2) streamlining the grant application, contracting, reimbursement, and reporting process for qualifying natural gas vehicle purchases or repowers; and

(3) preapproving the award of grants to applicants who propose to purchase and replace motor vehicles described by Section 394.005(b)(2)(B).

(b) Procedures established ~~[adopted]~~ under this section must:

(1) provide for the commission to compile and regularly update a listing of potentially eligible [preapproved] natural gas vehicles and natural gas engines that are certified to the appropriate current federal emissions standards as determined by the commission[-

~~(A) powered by natural gas engines certified to emit not more than 0.2 grams of nitrogen oxides per brake horsepower hour; or~~

~~(B) certified to the United States Environmental Protection Agency's light duty Bin 5 standard or better~~];

(2) ~~[if a federal standard for the calculation of emissions reductions exists,]~~ provide a method to calculate the reduction in emissions of nitrogen oxides, volatile organic compounds, carbon monoxide, particulate matter, and sulfur compounds for each replacement or repowering;

(3) assign a standardized grant [rebate] amount for each qualifying vehicle or engine repower under Section 394.007;

(4) allow for processing applications [rebates] on an ongoing first-come, first-served basis;

(5) ~~[provide for contracts between the commission and participating dealers under Section 394.009;~~

~~[(6) allow grant recipients to assign their grant funds to participating dealers to offset the purchase or lease price;~~

~~[(7) require grant applicants to identify natural gas fueling stations that are available to fuel the qualifying vehicle in the area of its use;~~

(6) [(8)] provide for payment not later than the 30th day after the date the request for reimbursement for an approved grant is received;

(7) [(9)] provide for application submission and application status checks using procedures established by the commission, which may include application submission and status checks to be made over the Internet; and

(8) [(10)] consolidate, simplify, and reduce the administrative work for applicants and the commission associated with grant application, contracting, reimbursement, and reporting requirements.

SECTION ____ . Section 394.012, Health and Safety Code, is amended to read as follows:

Sec. 394.012. EXPIRATION. This chapter expires on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037 [August 31, 2017].

SECTION ____ . Subtitle C, Title 5, Health and Safety Code, is amended by adding Chapter 395 to read as follows:

CHAPTER 395. GOVERNMENTAL ALTERNATIVE FUEL FLEET GRANT PROGRAM

Sec. 395.001. DEFINITIONS. In this chapter:

(1) "Alternative fuel" means compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen fuel cells, or electricity, including electricity to power fully electric motor vehicles and plug-in hybrid motor vehicles.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Incremental cost" has the meaning assigned by Section 386.001.

(4) "Motor vehicle" means a self-propelled device designed for transporting persons or property on a public highway that is required to be registered under Chapter 502, Transportation Code.

(5) "Plug-in hybrid vehicle" has the meaning assigned by Section 2158.001, Government Code, and includes the commission.

(6) "Political subdivision" means a county, municipality, school district, junior college district, river authority, water district or other special district, or other political subdivision created under the constitution or a statute of this state.

(7) "Program" means the governmental alternative fuel fleet grant program established under this chapter.

(8) "State agency" has the meaning assigned by Section 2151.002, Government Code.

Sec. 395.002. PROGRAM. (a) The commission shall establish and administer a governmental alternative fuel fleet grant program to assist an eligible applicant described by Section 395.003 in purchasing or leasing new motor vehicles that operate primarily on an alternative fuel.

(b) The program may provide a grant to an applicant described by Section 395.003 to:

(1) purchase or lease a new motor vehicle described by Section 395.004; or

(2) purchase, lease, or install refueling infrastructure or equipment or procure refueling services as described by Section 395.005 to store and dispense alternative fuel needed for a motor vehicle described by Subdivision (1) of this subsection.

Sec. 395.003. ELIGIBLE APPLICANTS. (a) A state agency or political subdivision is eligible to apply for a grant under the program if the entity operates a fleet of more than 15 motor vehicles, excluding motor vehicles that are owned and operated by a private company or other third party under a contract with the entity.

(b) A mass transit or school transportation provider or other public entity established to provide public or school transportation services is eligible for a grant under the program.

Sec. 395.004. MOTOR VEHICLE REQUIREMENTS. (a) A grant recipient may purchase or lease with money from a grant under the program a new motor vehicle that is originally manufactured to operate using one or more alternative fuels or is converted to operate using one or more alternative fuels before the first retail sale of the vehicle, and that:

(1) has a dedicated system, dual-fuel system, or bi-fuel system; and

(2) if the motor vehicle is a fully electric motor vehicle or plug-in hybrid motor vehicle, has a United States Environmental Protection Agency rating of at least 75 miles per gallon equivalent or a 75-mile combined city and highway range.

(b) A grant recipient may not use money from a grant under the program to replace a motor vehicle, transit bus, or school bus that operates on an alternative fuel unless the replacement vehicle produces fewer emissions and has greater fuel efficiency than the vehicle being replaced.

Sec. 395.005. REFUELING INFRASTRUCTURE, EQUIPMENT, AND SERVICES. A grant recipient may purchase, lease, or install refueling infrastructure or equipment or procure refueling services with money from a grant under the program if:

(1) the purchase, lease, installation, or procurement is made in conjunction with the purchase or lease of a motor vehicle as described by Section 395.004 or the conversion of a motor vehicle to operate primarily on an alternative fuel;

(2) the grant recipient demonstrates that a refueling station that meets the needs of the recipient is not available within five miles of the location at which the recipient's vehicles are stored or primarily used; and

(3) for the purchase or installation of refueling infrastructure or equipment, the infrastructure or equipment will be owned and operated by the grant recipient, and for the lease of refueling infrastructure or equipment or the procurement of refueling services, a third-party service provider engaged by the grant recipient will provide the infrastructure, equipment, or services.

Sec. 395.006. ELIGIBLE COSTS. (a) A motor vehicle lease agreement paid for with money from a grant under the program must have a term of at least three years.

(b) Refueling infrastructure or equipment purchased or installed with money from a grant under the program must be used specifically to store or dispense alternative fuel, as determined by the commission.

(c) A lease of or service agreement for refueling infrastructure, equipment, or services paid for with money from a grant under the program must have a term of at least three years.

Sec. 395.007. GRANT AMOUNTS. (a) The commission may establish standardized grant amounts based on the incremental costs associated with the purchase or lease of different categories of motor vehicles, including the type of fuel used, vehicle class, and other categories the commission considers appropriate.

(b) In determining the incremental costs and setting the standardized grant amounts, the commission may consider the difference in cost between a new motor vehicle operated using conventional gasoline or diesel fuel and a new motor vehicle operated using alternative fuel.

(c) The amount of a grant for the purchase or lease of a motor vehicle may not exceed the amount of the incremental cost of the purchase or lease.

(d) The commission may establish grant amounts to reimburse the full cost of the purchase, lease, installation, or procurement of refueling infrastructure, equipment, or services or may establish criteria for reimbursing a percentage of the cost.

(e) A grant under the program may be combined with funding from other sources, including other grant programs, except that a grant may not be combined with other funding or grants from the Texas emissions reduction plan. When combined with other funding sources, a grant may not exceed the total cost to the grant recipient.

(f) In providing a grant for the lease of a motor vehicle under this chapter, the commission shall establish criteria:

(1) to offset incremental costs through an up-front payment to lower the cost basis of the lease; or

(2) if determined appropriate by the commission, to provide for reimbursement of lease payments over no more than the period of availability of the contracted funds under applicable state law and regulation, which may be less than the required three-year lease term.

(g) In providing a grant for the lease of refueling infrastructure, equipment, or services, the commission shall establish criteria:

(1) to offset incremental costs through an up-front payment to lower the cost basis of the lease; or

(2) if determined appropriate by the commission, to provide for reimbursement of lease payments over no more than the period of availability of the contracted funds under applicable state law and regulation, which may be less than the required three-year lease term.

(h) Notwithstanding Subsection (d), the commission is not obligated to fund the full cost of the purchase, lease, installation, or procurement of refueling infrastructure, equipment, or services if those costs cannot be incurred and reimbursed over the period of availability of the funds under applicable state law and regulation.

Sec. 395.008. AVAILABILITY OF EMISSIONS REDUCTION CREDITS.

(a) A project that is funded from a grant under the program and that would generate marketable emissions reduction credits under a state or federal emissions reduction credit averaging, banking, or trading program is not eligible for funding under the program unless:

(1) the project includes the transfer of the credits, or the reductions that would otherwise be marketable credits, to the commission and, if applicable, the state implementation plan; and

(2) the credits or reductions, as applicable, are permanently retired.

(b) An emissions reduction generated by a purchase or lease under this chapter may be used to demonstrate conformity with the state implementation plan.

Sec. 395.009. USE OF GRANT MONEY BY POLITICAL SUBDIVISION. A political subdivision shall prioritize the actions listed in Section 2158.0051(b), Government Code, when using money from a grant under the program.

Sec. 395.010. GRANT PROCEDURES AND CRITERIA. (a) The commission shall establish specific criteria and procedures in order to implement and administer the program, including the creation and provision of application forms and guidance on the application process.

(b) The commission shall award a grant through a contract between the commission and the grant recipient.

(c) The commission shall provide an online application process for the submission of all required application documents.

(d) The commission may limit funding for a particular period according to priorities established by the commission, including limiting the availability of grants to specific entities, for certain types of vehicles and infrastructure, or to certain geographic areas to ensure equitable distribution of grant funds across the state.

(e) In awarding grants under the program, the commission shall prioritize projects in the following order:

(1) projects that are proposed by a state agency;

(2) projects that are in or near a nonattainment area;

(3) projects that are in an affected county, as that term is defined by Section 386.001; and

(4) projects that will produce the greatest emissions reductions.

(f) In addition to the requirements under Subsection (e), in awarding grants under the program, the commission shall consider:

(1) the effectiveness of a proposed project in assisting an applicant in complying with Section 2158.0051, Government Code;

(2) the total amount of the emissions reduction that would be achieved from the project;

(3) the type and number of vehicles purchased or leased;

(4) the location of the fleet and the refueling infrastructure or equipment;

(5) the number of vehicles served and the rate at which vehicles are served by the refueling infrastructure or equipment;

(6) the amount of any matching funds committed by the applicant; and

(7) the schedule for project completion.

(g) The commission may not award more than 10 percent of the total amount awarded under the program in any fiscal year for purchasing, leasing, installing, or procuring refueling infrastructure, equipment, or services.

Sec. 395.011. FUNDING. The legislature may appropriate money to the commission from the Texas emissions reduction plan fund established under Section 386.251 to administer the program.

Sec. 395.012. ADMINISTRATIVE COSTS. In each fiscal year, the commission may use up to 1.5 percent of the total amount of money allocated to the program in that fiscal year, but not more than \$1 million, for the administrative costs of the program.

Sec. 395.013. RULES. The commission may adopt rules as necessary to implement this chapter.

Sec. 395.014. REPORT REQUIRED. On or before November 1 of each even-numbered year, the commission shall submit to the governor, lieutenant governor, and members of the legislature a report that includes the following information regarding awards made under the program during the preceding state fiscal biennium:

(1) the number of grants awarded under the program;

(2) the recipient of each grant awarded;

(3) the number of vehicles replaced;

(4) the number, type, and location of any refueling infrastructure, equipment, or services funded under the program;

(5) the total emissions reductions achieved under the program; and

(6) any other information the commission considers relevant.

Sec. 395.015. EXPIRATION. This chapter expires on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037.

SECTION _____. Sections 394.009, 394.010, and 394.011, Health and Safety Code, are repealed.

SECTION _____. As soon as practicable after the effective date of this Act, the Texas Commission on Environmental Quality shall implement the online application process required by Section 395.010(c), Health and Safety Code, as added by this Act. Prior to the implementation of the online application process, the commission may accept applications for a grant under Chapter 395, Health and Safety Code, as added by this Act, in any manner provided by the commission.

SECTION _____. (a) The changes in law made by this Act apply only to a Texas emissions reduction plan grant awarded on or after the effective date of this Act. A grant awarded before the effective date of this Act is governed by the law in effect on the date the award was made, and the former law is continued in effect for that purpose.

(b) The changes in law made by this Act to Section 501.138, Transportation Code, apply only to a fee collected on or after the effective date of this Act. A fee collected before the effective date of this Act is governed by the law in effect when the fee was collected, and the former law is continued in effect for that purpose.

The amendment to **CSHB 4180** was read and was adopted by the following vote: Yeas 29, Nays 2.

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

Nays: Burton, Huffines.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 44

Amend **CSHB 4180** (senate committee report) by adding the following SECTIONS and renumbering SECTIONS accordingly:

SECTION _____. Section 212.073, Local Government Code, is amended to read as follows:

Sec. 212.073. PERFORMANCE BOND; LETTER OF CREDIT. (a) Except as provided by Subsection (b), the [The] developer must execute a performance bond for the construction of the improvements that are the subject of the contract under Section 212.071 to ensure completion of the project. The bond must be executed by a corporate surety in accordance with Chapter 2253, Government Code. The amount of the bond must be for the contract price for the improvements. The municipality may not require the developer to include in the amount of the bond any other improvement related to the development that the developer did not contract with the municipality to construct under Section 212.071.

(b) The municipality and developer may agree that, instead of a performance bond under Subsection (a), the developer may submit to the municipality an irrevocable letter of credit in the amount required under Subsection (a) for the bond. As part of the agreement, the municipality may not pay any amount to the developer, issue a building permit related to the development other than a permit necessary for the improvements that are the subject of the contract, or approve a subdivision plat for the developer until:

(1) the improvements are:

(A) complete; or

(B) in the final phase of construction if the improvements are constructed in phases; and

(2) the developer has submitted to the municipality an affidavit stating that the developer has paid all costs associated with the construction.

SECTION ____ . Section 212.073, Local Government Code, as amended by this Act, applies only to a contract entered into under Section 212.071, Local Government Code, on or after the effective date of this Act. A contract entered into under Section 212.071, Local Government Code, before the effective date of this Act is governed by the law applicable to the contract immediately before the effective date of this Act, and that law is continued in effect for that purpose.

The amendment to **CSHB 4180** 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. 44.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 45

Amend **CSHB 4180** (senate committee report) by adding the following SECTIONS and renumbering SECTIONS accordingly:

SECTION ____ . Section 241.022(b), Health and Safety Code, is amended to read as follows:

(b) The application must contain:

(1) the name and social security number of the sole proprietor, if the applicant is a sole proprietor;

(2) the name and social security number of each general partner who is an individual, if the applicant is a partnership;

(3) the name and social security number of any individual who has an ownership interest of more than five [~~25~~] percent in the corporation, if the applicant is a corporation; and

(4) any other information that the department may reasonably require.

SECTION ____ . Subchapter B, Chapter 241, Health and Safety Code, is amended by adding Section 241.0221 to read as follows:

Sec. 241.0221. CRIMINAL HISTORY BACKGROUND CHECK FOR LICENSE APPLICANTS. (a) This section does not apply to a governmental unit required to obtain a license under this chapter.

(b) The department shall conduct a criminal history background check on each applicant for a license under this chapter and, if the applicant is a partnership or corporation, each individual named in the application under Section 241.022(b).

(c) The executive commissioner by rule shall:

(1) determine the manner by which an applicant or individual is required to submit information for purposes of a criminal history background check under this section; and

(2) establish criteria for determining whether an applicant is eligible for a license under this chapter based on the criminal history background check conducted under this section.

(d) The department may enter into an agreement with the Department of Public Safety to conduct the criminal history background check required under this section.

SECTION ____. Subchapter B, Chapter 241, Health and Safety Code, is amended by adding Section 241.0261 to read as follows:

Sec. 241.0261. INFORMATION SHARING WITH OFFICE OF INSPECTOR GENERAL. (a) The department in accordance with department rules may share with the office of inspector general of the commission information relating to an applicant for a hospital license under this chapter or a hospital license holder.

(b) Any information shared by the department under this section with the office of inspector general of the commission that is confidential under Section 241.051 must remain confidential and is not subject to disclosure under Chapter 552, Government Code.

(c) The executive commissioner shall adopt the rules necessary to implement this section.

SECTION ____. Section 241.051, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a) The department shall conduct an ~~may make any~~ inspection of each hospital licensed under this chapter as provided by Subsections (a-1) and (a-2), and the department may make any inspection, survey, or investigation ~~that~~ it considers necessary. A representative of the department may enter the premises of a hospital at any reasonable time to make an inspection, a survey, or an investigation to assure compliance with or prevent a violation of this chapter, the rules adopted under this chapter, an order or special order of the commissioner, a special license provision, a court order granting injunctive relief, or other enforcement procedures. The department shall maintain the confidentiality of hospital records as applicable under state or federal law.

(a-1) The department shall adopt a schedule for the inspection of each hospital licensed under this chapter so that 10 percent of the hospitals, or as near as possible to 10 percent, are scheduled to be inspected each year. In scheduling a hospital for inspection under this subsection, the department must consider an accreditation, validation, or other full survey and must prioritize the inspection of hospitals in accordance with risk factors the department considers important, including:

(1) the date on which a hospital was last inspected;

(2) the number of deficiencies noted during the previous inspection of a hospital; and

(3) the number of complaints received regarding a hospital.

(a-2) Notwithstanding Subsection (a-1), the department shall inspect a hospital licensed under this chapter at least once every three years if the hospital:

(1) is not accredited by an accreditation body that is approved by the Centers for Medicare and Medicaid Services; or

(2) does not meet the conditions of participation for certification under Title XVIII of the Social Security Act (42 U.S.C. Section 1395 et seq.).

(a-3) The department may request a copy of a hospital's latest accreditation survey at any time. The hospital shall comply with the department's request.

SECTION _____. Subchapter C, Chapter 241, Health and Safety Code, is amended by adding Section 241.0532 to read as follows:

Sec. 241.0532. EMERGENCY SUSPENSION. (a) The department may issue an emergency order to suspend a license issued under this chapter if the department has reasonable cause to believe that the conduct of a license holder creates an immediate danger to public health and safety. An emergency suspension is effective immediately without a hearing on notice to the license holder.

(b) Before issuing an emergency order to suspend a license under Subsection (a), the department must provide the license holder the opportunity to respond to the department's findings.

(c) After the issuance of an emergency order under this section, on written request of the license holder to the department for a hearing, the department shall refer the matter to the State Office of Administrative Hearings. An administrative law judge of the office shall conduct a hearing not earlier than the 10th day or later than the 30th day after the date the hearing request is received by the department to determine if the emergency suspension is to be continued, modified, or rescinded.

(d) The hearing and any appeal are governed by the department's rules for a contested case hearing and Chapter 2001, Government Code.

SECTION _____. Section 241.059, Health and Safety Code, is amended by amending Subsections (b) and (c) and adding Subsections (c-1), (c-2), and (c-3) to read as follows:

(b) In determining the amount of the penalty, the department shall consider:

- (1) the hospital's previous violations;
- (2) the seriousness of the violation;
- (3) any threat to the health, safety, or rights of the hospital's patients;
- (4) the demonstrated good faith of the hospital; ~~and~~
- (5) the effect of the penalty on the hospital's ability to continue to provide

services; and

(6) such other matters as justice may require.

(c) A ~~The~~ penalty assessed under this section may not exceed:

(1) \$10,000 [~~\$1,000~~] for each violation, if the hospital is a rural hospital with 75 beds or fewer; or

(2) \$25,000 for each violation for all other hospitals.

(c-1) Notwithstanding Subsection (c), ~~except that~~ the penalty for a violation of Section 166.004 shall be \$500.

(c-2) Each day of a continuing violation, other than a violation of Section 166.004, may be considered a separate violation.

(c-3) In this section, "rural hospital" means a hospital that:

(1) is designated as a critical access hospital under and in compliance with 42 U.S.C. Section 1395i-4;

(2) is classified as a rural referral center under 42 U.S.C. Section 1395ww(d)(5)(C)(i);

(3) is a sole community hospital, as defined by 42 U.S.C. Section 1395ww(d)(5)(D)(iii); or

(4) is located in a county with a population of 60,000 or less.

SECTION _____. Chapter 241, Health and Safety Code, is amended by adding Subchapters D and D-1 to read as follows:

SUBCHAPTER D. TRUSTEES FOR HOSPITALS

Sec. 241.081. INVOLUNTARY APPOINTMENT. (a) The department may request the attorney general to bring an action in the name and on behalf of the state for the appointment of a trustee to operate a hospital if:

(1) the hospital is operating without a license;

(2) the department has suspended or revoked the hospital's license;

(3) license suspension or revocation procedures against the hospital are pending and the department determines that an immediate danger to public health and safety exists;

(4) the department determines that an emergency exists that presents an immediate danger to public health and safety; or

(5) the hospital is closing and arrangements for relocation of the patients to other licensed institutions have not been made before closure.

(b) A trustee appointed under Subsection (a)(5) may only ensure an orderly and safe relocation of the hospital's patients as quickly as possible.

(c) After a hearing, a court shall appoint a trustee to take charge of a hospital if the court finds that involuntary appointment of a trustee is necessary.

(d) The court shall appoint as trustee an individual whose background includes institutional medical administration.

(e) Venue for an action brought under this section is in Travis County.

(f) A court having jurisdiction of a judicial review of the matter may not order arbitration, whether on the motion of any party or on the court's own motion, to resolve the legal issues of a dispute involving the:

(1) appointment of a trustee under this section; or

(2) conduct with respect to which the appointment of a trustee is sought.

Sec. 241.082. QUALIFICATIONS OF TRUSTEES. (a) A court may appoint a person to serve as a trustee under this subchapter only if the proposed trustee can demonstrate to the court that the proposed trustee will be:

(1) present at the hospital as required to perform the duties of a trustee; and

(2) available on call to appropriate staff at the hospital, the department, and the court as necessary during the time the trustee is not present at the hospital.

(b) A trustee shall report to the court in the event that the trustee is unable to satisfy the requirements of Subsection (a)(1) or (2).

(c) On the motion of any party or on the court's own motion, the court may replace a trustee who is unable to satisfy the requirements of Subsection (a)(1) or (2).

(d) A trustee's charges must separately identify personal hours worked for which compensation is claimed. A trustee's claim for personal compensation may include only compensation for activities related to the trusteeship and performed in or on behalf of the hospital.

Sec. 241.083. COMPENSATION; RELEASE OF FUNDS. (a) A trustee appointed under this subchapter is entitled to reasonable compensation as determined by the court. On the motion of any party, the court shall review the reasonableness of the trustee's compensation. The court shall reduce the amount if the court determines that the compensation is not reasonable.

(b) The trustee may petition the court to order the release to the trustee of any payment owed the trustee for care and services provided to the patients if the payment has been withheld, including a payment withheld by the commission at the recommendation of the department.

(c) Withheld payments may include payments withheld by a governmental agency or other entity during the appointment of the trustee, such as payments:

- (1) for Medicaid, Medicare, or insurance;
- (2) by another third party; or
- (3) for medical expenses borne by the patient.

(d) Payments withheld under 42 C.F.R. Section 455.23 or Section 531.102(g), Government Code, are not subject to release under this section.

Sec. 241.084. COMMUNICATIONS BY TRUSTEE. (a) Except as provided by Subsection (b), a trustee appointed under this subchapter shall provide periodic reports to the department and the governing body of the hospital regarding:

- (1) the status of the hospital following the emergency order to suspend the hospital's license and during the period the hospital is operated by the trustee; and
- (2) each activity performed by the trustee on behalf of the hospital.

(b) A trustee is not required to report to the governing body of the hospital any information that may limit or impair the authority or activities of the trustee.

Sec. 241.085. EXEMPTION. This subchapter does not apply to a hospital owned, operated, or leased by a governmental entity.

SUBCHAPTER D-1. HOSPITAL PERPETUAL CARE ACCOUNT; FEE

Sec. 241.091. HOSPITAL PERPETUAL CARE ACCOUNT. (a) The hospital perpetual care account is a dedicated account in the general revenue fund.

(b) The account consists of:

- (1) fees deposited to the credit of the account under this subchapter; and
- (2) money transferred or appropriated to the account by the legislature.

(c) The executive commissioner shall administer the account. Money in the account may be used only to pay for department costs associated with:

- (1) the storage of medical records by the department; and
- (2) any court-ordered appointment of a trustee to operate a hospital as provided under Section 241.081, including the payment of reasonable compensation to the trustee under Section 241.083.

Sec. 241.092. HOSPITAL PERPETUAL CARE FEE. (a) The executive commissioner may impose and the department may collect a fee from each hospital in an amount necessary to maintain a balance of \$5 million in the hospital perpetual care account at all times.

(b) The fee imposed under this section shall be deposited to the credit of the hospital perpetual care account.

(c) The department shall suspend collection of the fee for the duration of a period during which the balance of the hospital perpetual care account is \$5 million or more.

SECTION _____. (a) The executive commissioner of the Health and Human Services Commission shall adopt the rules required by Chapter 241, Health and Safety Code, as amended by this Act, not later than May 1, 2018.

(b) The changes in law made by this Act apply only to an application submitted under Section 241.022, Health and Safety Code, as amended by this Act, or the assessment or imposition of an administrative penalty under Section 241.059, Health and Safety Code, as amended by this Act, for a violation that occurs on or after the effective date of this Act. An application submitted under Section 241.022 before the effective date of this Act or the assessment or imposition of an administrative penalty under Section 241.059 for a violation that occurs before the effective date of this Act is governed by the law in effect on the date the application was submitted or the violation occurred, and that law is continued in effect for that purpose.

(c) Notwithstanding Section 6(e)(2)(B), Chapter 615 (S.B. 1367), Acts of the 83rd Legislature, Regular Session, 2013, on January 1, 2018, the commissioner of insurance shall transfer \$5 million from the fund established under Subchapter F, Chapter 1508, Insurance Code, to the hospital perpetual care account established under Section 241.091, Health and Safety Code, as added by this Act.

SECTION _____. Section 241.0221, Health and Safety Code, as added by this Act, applies only to an application for an original license submitted on or after the effective date of this Act. An application submitted before that date 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.

SECTION _____. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement Section 241.0221, Health and Safety Code, as added by this Act.

The amendment to **CSHB 4180** 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. 45.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 46

Amend **CSHB 4180** as follows:

(1) Designate the existing sections of the bill as Article 1 of the bill, change any references to "this Act" in those sections as "this article," and make any other changes as appropriate to reflect the designation.

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

ARTICLE ____

SECTION _____. This article may be cited as the Texas Property Tax Reform and Relief Act of 2017.

SECTION _____. Chapter 5, Tax Code, is amended by adding Section 5.01 to read as follows:

Sec. 5.01. PROPERTY TAX ADMINISTRATION ADVISORY BOARD.

(a) The comptroller shall appoint the property tax administration advisory board to advise the comptroller with respect to the division or divisions within the office of the comptroller with primary responsibility for state administration of property taxation and state oversight of appraisal districts and local tax offices. The advisory board may make recommendations to the comptroller regarding improving the effectiveness and efficiency of the property tax system, best practices, and complaint resolution procedures.

(b) The advisory board is composed of at least six members appointed by the comptroller. The members of the board should include:

(1) representatives of property tax payers, appraisal districts, and school districts; and

(2) a person who has knowledge or experience in conducting ratio studies.

(c) The members of the advisory board serve at the pleasure of the comptroller.

(d) Any advice to the comptroller relating to a matter described by Subsection (a) that is provided by a member of the advisory board must be provided at a meeting called by the comptroller.

(e) Chapter 2110, Government Code, does not apply to the advisory board.

SECTION ____. Section 5.05, Tax Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) An appraisal district shall appraise property in accordance with any appraisal manuals prepared and issued by the comptroller under this section.

SECTION ____. Sections 5.102(a) and (c), Tax Code, are amended to read as follows:

(a) At least once every two years, the comptroller shall review the governance of each appraisal district, taxpayer assistance provided, and the operating and appraisal standards, procedures, and methodology used by each appraisal district, to determine compliance with generally accepted standards, procedures, and methodology, including compliance with standards, procedures, and methodology prescribed by appraisal manuals prepared and issued by the comptroller. After consultation with the property tax administration advisory board [~~committee created under Section 403.302, Government Code~~], the comptroller by rule may establish procedures and standards for conducting and scoring the review.

(c) At the conclusion of the review, the comptroller shall, in writing, notify the appraisal district concerning its performance in the review. If the review results in a finding that an appraisal district is not in compliance with generally accepted standards, procedures, and methodology, including compliance with standards, procedures, and methodology prescribed by appraisal manuals prepared and issued by the comptroller, the comptroller shall deliver a report that details the comptroller's findings and recommendations for improvement to:

(1) the appraisal district's chief appraiser and board of directors; and

(2) the superintendent and board of trustees of each school district participating in the appraisal district.

SECTION ____. Section 5.13(d), Tax Code, is amended to read as follows:

(d) In conducting a general audit, the comptroller shall consider and report on:

(1) the extent to which the district complies with applicable law or generally accepted standards of appraisal or other relevant practice, including appraisal standards and practices prescribed by appraisal manuals prepared and issued by the comptroller;

(2) the uniformity and level of appraisal of major kinds of property and the cause of any significant deviations from ideal uniformity and equality of appraisal of major kinds of property;

(3) duplication of effort and efficiency of operation;

(4) the general efficiency, quality of service, and qualification of appraisal district personnel; and

(5) except as otherwise provided by Subsection (b) [~~of this section~~], any other matter included in the request for the audit.

SECTION _____. Section 6.035(a-1), Tax Code, is amended to read as follows:

(a-1) An individual is ineligible to serve on an appraisal district board of directors if the individual has engaged in the business of appraising property for compensation for use in proceedings under this title or of representing property owners for compensation in proceedings under this title in the appraisal district at any time during the preceding three [five] years.

SECTION _____. Section 6.15, Tax Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Subsections (a) and (b) do not prohibit a member of the board of directors of an appraisal district from transmitting to the chief appraiser without comment a complaint by a property owner or taxing unit about the appraisal of a specific property, provided that the transmission is in writing.

SECTION _____. Section 6.41, Tax Code, is amended by amending Subsections (b) and (d-9) and adding Subsections (b-1), (b-2), and (d-10) to read as follows:

(b) Except as provided by Subsection (b-1) or (b-2), an appraisal review [The] board consists of three members.

(b-1) An appraisal [However, the] district board of directors by resolution of a majority of the board's [its] members may increase the size of the district's appraisal review board to the number of members the board of directors considers appropriate.

(b-2) An appraisal district board of directors for a district established in a county described by Subsection (d-1) by resolution of a majority of the board's members shall increase the size of the district's appraisal review board to the number of members the board of directors considers appropriate to manage the duties of the appraisal review board, including the duties of each special panel established under Section 6.425.

(d-9) In selecting individuals who are to serve as members of the appraisal review board, the local administrative district judge shall select an adequate number of qualified individuals to permit the chairman of the appraisal review board to fill the positions on each special panel established under Section 6.425.

(d-10) Upon selection of the individuals who are to serve as members of the appraisal review board, the local administrative district judge shall enter an appropriate order designating such members and setting each member's respective term of office, as provided elsewhere in this section.

SECTION _____. Section 6.414(d), Tax Code, is amended to read as follows:

(d) An auxiliary board member may hear taxpayer protests before the appraisal review board. An auxiliary board member may not hear taxpayer protests before a special panel established under Section 6.425 unless the member is eligible to be appointed to the special panel. If one or more auxiliary board members sit on a panel established under Section 6.425 or 41.45 to conduct a protest hearing, the number of regular appraisal review board members required by that section to constitute the panel is reduced by the number of auxiliary board members sitting. An auxiliary board member sitting on a panel is considered a regular board member for all purposes related to the conduct of the hearing.

SECTION _____. Section 6.42, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) The concurrence of a majority of the members of the appraisal review board or a panel of the board present at a meeting of the board or panel is sufficient for a recommendation, determination, decision, or other action by the board or panel, and the concurrence of more than a majority of the members of the board or panel may not be required.

SECTION _____. Subchapter C, Chapter 6, Tax Code, is amended by adding Section 6.425 to read as follows:

Sec. 6.425. SPECIAL APPRAISAL REVIEW BOARD PANELS IN CERTAIN DISTRICTS. (a) This section applies only to the appraisal review board for an appraisal district described by Section 6.41(b-2).

(b) The appraisal review board shall establish a separate special panel for each of the following classifications of property to conduct protest hearings under Chapter 41 relating to property included in that classification:

- (1) commercial real and personal property;
- (2) real and personal property of utilities;
- (3) industrial and manufacturing real and personal property; and
- (4) multifamily residential real property.

(c) The chairman of the appraisal review board may establish additional special panels described by this section to conduct protest hearings relating to property included in a classification described by Subsection (b) if the chairman determines that additional panels are necessary.

(d) Each special panel described by this section consists of three members of the appraisal review board appointed by the chairman of the board.

(e) To be eligible to be appointed to a special panel described by this section, a member of the appraisal review board must:

- (1) hold a juris doctor or equivalent degree;
- (2) hold a master of business administration degree;
- (3) be licensed as a certified public accountant under Chapter 901, Occupations Code;
- (4) be accredited by the American Society of Appraisers as an accredited senior appraiser;
- (5) possess an MAI professional designation from the Appraisal Institute;
- (6) possess a Certified Assessment Evaluator (CAE) professional designation from the International Association of Assessing Officers;

(7) have at least 20 years of experience in property tax appraisal or consulting; or

(8) be licensed as a real estate broker or sales agent under Chapter 1101, Occupations Code.

(f) Notwithstanding Subsection (e), the chairman of the appraisal review board may appoint to a special panel described by this section a member of the appraisal review board who does not meet the qualifications prescribed by that subsection if:

(1) the number of persons appointed to the board by the local administrative district judge who meet those qualifications is not sufficient to fill the positions on each special panel; and

(2) the board member being appointed to the panel holds a bachelor's degree in any field.

SECTION _____. Section 11.4391(a), Tax Code, is amended to read as follows:

(a) The chief appraiser shall accept and approve or deny an application for an exemption for freeport goods under Section 11.251 after the deadline for filing it has passed if it is filed not later than June 1 [~~before the date the appraisal review board approves the appraisal records~~].

SECTION _____. Section 21.09(b), Tax Code, is amended to read as follows:

(b) A person claiming an allocation must apply for the allocation each year the person claims the allocation. A person claiming an allocation must file a completed allocation application form before April [~~May~~] 1 and must provide the information required by the form. If the property was not on the appraisal roll in the preceding year, the deadline for filing the allocation application form is extended to the 30th [~~45th~~] day after the date of receipt of the notice of appraised value required by Section 25.19(a)(3). For good cause shown, the chief appraiser shall extend the deadline for filing an allocation application form by written order for a period not to exceed 30 [~~60~~] days.

SECTION _____. Section 22.23, Tax Code, is amended to read as follows:

Sec. 22.23. FILING DATE. (a) Rendition statements and property reports must be delivered to the chief appraiser after January 1 and not later than April 1 [~~15~~], except as provided by Section 22.02.

(b) On written request by the property owner, the chief appraiser shall extend a deadline for filing a rendition statement or property report to a date not later than May 1 [~~15~~]. The chief appraiser may further extend the deadline an additional 15 days upon good cause shown in writing by the property owner.

(c) Notwithstanding any other provision of this section, rendition statements and property reports for property regulated by the Public Utility Commission of Texas, the Railroad Commission of Texas, the federal Surface Transportation Board, or the Federal Energy Regulatory Commission must be delivered to the chief appraiser not later than April 30, except as provided by Section 22.02. The chief appraiser may extend the filing deadline 15 days for good cause on written request by the property owner.

SECTION _____. Section 23.01(b), Tax Code, is amended to read as follows:

(b) The market value of property shall be determined by the application of generally accepted appraisal methods and techniques, including appraisal methods and techniques prescribed by appraisal manuals prepared and issued by the

comptroller. If the appraisal district determines the appraised value of a property using mass appraisal standards, the mass appraisal standards must comply with the Uniform Standards of Professional Appraisal Practice. The same or similar appraisal methods and techniques shall be used in appraising the same or similar kinds of property. However, each property shall be appraised based upon the individual characteristics that affect the property's market value, and all available evidence that is specific to the value of the property shall be taken into account in determining the property's market value.

SECTION _____. Section 25.19, Tax Code, is amended by amending Subsections (a) and (g) and adding Subsection (b-3) to read as follows:

(a) By April 15 [+] or as soon thereafter as practicable [~~if the property is a single family residence that qualifies for an exemption under Section 11.13, or by May 1 or as soon thereafter as practicable in connection with any other property~~], the chief appraiser shall deliver a clear and understandable written notice to a property owner of the appraised value of the property owner's property if:

- (1) the appraised value of the property is greater than it was in the preceding year;
- (2) the appraised value of the property is greater than the value rendered by the property owner;
- (3) the property was not on the appraisal roll in the preceding year; or
- (4) an exemption or partial exemption approved for the property for the preceding year was canceled or reduced for the current year.

(b-3) This subsection applies only to an appraisal district described by Section 6.41(b-2). In addition to the information required by Subsection (b), the chief appraiser shall state in a notice of appraised value of property included in a classification described by Section 6.425(b) that the property owner has the right to have a protest relating to the property heard by a special panel of the appraisal review board.

(g) By April 15 [+] or as soon thereafter as practicable [~~if the property is a single family residence that qualifies for an exemption under Section 11.13, or by May 1 or as soon thereafter as practicable in connection with any other property~~], the chief appraiser shall deliver a written notice to the owner of each property not included in a notice required to be delivered under Subsection (a), if the property was reappraised in the current tax year, if the ownership of the property changed during the preceding year, or if the property owner or the agent of a property owner authorized under Section 1.111 makes a written request for the notice. The chief appraiser shall separate real from personal property and include in the notice for each property:

- (1) the appraised value of the property in the preceding year;
 - (2) the appraised value of the property for the current year and the kind of each partial exemption, if any, approved for the current year;
 - (3) a detailed explanation of the time and procedure for protesting the value;
- and

- (4) the date and place the appraisal review board will begin hearing protests.

SECTION _____. Section 25.22(a), Tax Code, is amended to read as follows:

(a) By May 1 ~~[15]~~ or as soon thereafter as practicable, the chief appraiser shall submit the completed appraisal records to the appraisal review board for review and determination of protests. However, the chief appraiser may not submit the records until the chief appraiser has delivered the notices required by Subsection (d) of Section 11.45, Subsection (d) of Section 23.44, Subsection (d) of Section 23.57, Subsection (d) of Section 23.79, Subsection (d) of Section 23.85, Subsection (d) of Section 23.95, Subsection (d) of Section 23.9805, and Section 25.19.

SECTION _____. Sections 26.01(a) and (e), Tax Code, are amended to read as follows:

(a) By July 10 ~~[25]~~, the chief appraiser shall prepare and certify to the assessor for each taxing unit participating in the district that part of the appraisal roll for the district that lists the property taxable by the unit. The part certified to the assessor is the appraisal roll for the unit. The chief appraiser shall consult with the assessor for each taxing unit and notify each unit in writing by April 1 of the form in which the roll will be provided to each unit.

(e) Except as provided by Subsection (f), not later than May 15 ~~[April 30]~~, the chief appraiser shall prepare and certify to the assessor for each county, municipality, and school district participating in the appraisal district an estimate of the taxable value of property in that taxing unit. The chief appraiser shall assist each county, municipality, and school district in determining values of property in that taxing unit for the taxing unit's budgetary purposes.

SECTION _____. Section 26.012(9), Tax Code, is redesignated as Section 26.012(18), Tax Code, and amended to read as follows:

(18) "~~No-new-taxes~~ ~~[(9) "Effective]~~ maintenance and operations rate" means a rate expressed in dollars per \$100 of taxable value and calculated according to the following formula:

$$\text{NO-NEW-TAXES } \text{[EFFECTIVE]} \text{ MAINTENANCE AND OPERATIONS RATE} = (\text{LAST YEAR'S LEVY} - \text{LAST YEAR'S DEBT LEVY} - \text{LAST YEAR'S JUNIOR COLLEGE LEVY}) / (\text{CURRENT TOTAL VALUE} - \text{NEW PROPERTY VALUE})$$

SECTION _____. The heading to Section 26.04, Tax Code, is amended to read as follows:

Sec. 26.04. SUBMISSION OF ROLL TO GOVERNING BODY; ~~NO-NEW-TAXES~~ ~~[EFFECTIVE]~~ AND ROLLBACK TAX RATES.

SECTION _____. Section 26.04, Tax Code, is amended by amending Subsections (b), (c), (d), (e), (e-1), (f), (i), and (j) and adding Subsections (c-1), (d-1), (d-2), (d-3), (d-4), (e-2), and (h-1) to read as follows:

(b) The assessor shall submit the appraisal roll for the unit showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property to the governing body of the unit by July 15 ~~[August 1]~~ or as soon thereafter as practicable. By July 15 ~~[August 1]~~ or as soon thereafter as practicable, the taxing unit's collector shall certify ~~[an estimate of]~~ the anticipated collection rate for the current year to the governing body. If the collector certified an anticipated collection rate in the preceding year and the actual collection rate in that year exceeded the anticipated rate, the collector shall also certify the amount of debt taxes collected in excess of the anticipated amount in the preceding year.

(c) An officer or employee designated by the governing body shall calculate the no-new-taxes ~~[effective]~~ tax rate and the rollback tax rate for the unit, where:

(1) "No-new-taxes ~~[Effective]~~ tax rate" means a rate expressed in dollars per \$100 of taxable value calculated according to the following formula:

$$\text{NO-NEW-TAXES } \text{[EFFECTIVE]} \text{ TAX RATE} = (\text{LAST YEAR'S LEVY} - \text{LOST PROPERTY LEVY}) / (\text{CURRENT TOTAL VALUE} - \text{NEW PROPERTY VALUE})$$

; and

(2) "Rollback tax rate" means a rate expressed in dollars per \$100 of taxable value calculated according to the following formula:

$$\text{ROLLBACK TAX RATE} = (\text{NO-NEW-TAXES } \text{[EFFECTIVE]} \text{ MAINTENANCE AND OPERATIONS RATE} \times \text{1.05} \text{ [1.08]}) + \text{CURRENT DEBT RATE}$$

(c-1) Notwithstanding any other provision of this section, the governing body may direct the designated officer or employee to substitute "1.08" for "1.05" in the calculation of the rollback tax rate if any part of the taxing unit is located in an area declared a disaster area during the current tax year by the governor or by the president of the United States.

(d) The no-new-taxes ~~[effective]~~ tax rate for a county is the sum of the no-new-taxes ~~[effective]~~ tax rates calculated for each type of tax the county levies, and the rollback tax rate for a county is the sum of the rollback tax rates calculated for each type of tax the county levies.

(d-1) As soon as practicable after the designated officer or employee calculates the no-new-taxes tax rate and the rollback tax rate of the taxing unit, the designated officer or employee shall submit the worksheets used in calculating the rates to the county assessor-collector for each county in which all or part of the territory of the unit is located. The county assessor-collector or an employee designated by the county assessor-collector shall determine whether the values used in the calculation of those tax rates are the same as the values shown in the unit's appraisal roll and the tax rates have otherwise been calculated correctly. If the county assessor-collector or designated employee makes such a determination, the county assessor-collector shall:

(1) execute a written certification to that effect, attach the certification to each worksheet, and submit the worksheets to the governing body of the unit; and

(2) notify the unit's designated officer or employee of the submission of the worksheets with the attached certifications to the governing body.

(d-2) The designated officer or employee of the taxing unit may not submit the no-new-taxes tax rate and the rollback tax rate to the governing body of the unit and the governing body of the unit may not adopt a tax rate until the county assessor-collector for each county in which the unit is located submits to the governing body of the unit the worksheets used to calculate each tax rate with the certification described by Subsection (d-1) attached.

(d-3) The comptroller shall adopt rules governing the form of the certification described by Subsection (d-1) and the manner in which the worksheets with the attached certifications are required to be submitted to the governing body of the taxing unit.

(d-4) Notwithstanding Subsection (d-1), in the 2017 tax year, the designated officer or employee of each taxing unit shall submit to the county assessor-collector for each county in which all or part of the territory of the unit is located the worksheets used by the designated officer or employee to calculate the effective and rollback tax rates of the unit for the 2013-2017 tax years not later than October 1, 2017. This subsection expires December 31, 2018.

(e) By July 22 [~~August 7~~] or as soon thereafter as practicable, the designated officer or employee shall submit the rates and the worksheets used to calculate the rates to the governing body. By July 27, the designated officer or employee [He] shall deliver by mail to each property owner in the unit or publish in a newspaper in the form prescribed by the comptroller:

(1) the no-new-taxes [~~effective~~] tax rate, the rollback tax rate, and an explanation of how they were calculated;

(2) the estimated amount of interest and sinking fund balances and the estimated amount of maintenance and operation or general fund balances remaining at the end of the current fiscal year that are not encumbered with or by corresponding existing debt obligation;

(3) a schedule of the unit's debt obligations showing:

(A) the amount of principal and interest that will be paid to service the unit's debts in the next year from property tax revenue, including payments of lawfully incurred contractual obligations providing security for the payment of the principal of and interest on bonds and other evidences of indebtedness issued on behalf of the unit by another political subdivision and, if the unit is created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, payments on debts that the unit anticipates to incur in the next calendar year;

(B) the amount by which taxes imposed for debt are to be increased because of the unit's anticipated collection rate; and

(C) the total of the amounts listed in Paragraphs (A)-(B), less any amount collected in excess of the previous year's anticipated collections certified as provided in Subsection (b);

(4) the amount of additional sales and use tax revenue anticipated in calculations under Section 26.041;

(5) a statement that the adoption of a tax rate equal to the no-new-taxes [~~effective~~] tax rate would result in an increase or decrease, as applicable, in the amount of taxes imposed by the unit as compared to last year's levy, and the amount of the increase or decrease;

(6) in the year that a taxing unit calculates an adjustment under Subsection (i) or (j), a schedule that includes the following elements:

(A) the name of the unit discontinuing the department, function, or activity;

(B) the amount of property tax revenue spent by the unit listed under Paragraph (A) to operate the discontinued department, function, or activity in the 12 months preceding the month in which the calculations required by this chapter are made; and

(C) the name of the unit that operates a distinct department, function, or activity in all or a majority of the territory of a taxing unit that has discontinued operating the distinct department, function, or activity; and

(7) in the year following the year in which a taxing unit raised its rollback tax rate as required by Subsection (j), a schedule that includes the following elements:

(A) the amount of property tax revenue spent by the unit to operate the department, function, or activity for which the taxing unit raised the rollback tax rate as required by Subsection (j) for the 12 months preceding the month in which the calculations required by this chapter are made; and

(B) the amount published by the unit in the preceding tax year under Subdivision (6)(B).

(e-1) The tax rate certification requirements imposed by Subsections (d-1) and (d-2) and the notice requirements imposed by Subsections (e)(1)-(6) do not apply to a school district.

(e-2) The governing body of a taxing unit shall include as an appendix to the unit's budget for a fiscal year the worksheets used by the designated officer or employee of the unit to calculate the no-new-taxes tax rate and the rollback tax rate of the unit for the tax year in which the fiscal year begins.

(f) If as a result of consolidation of taxing units a taxing unit includes territory that was in two or more taxing units in the preceding year, the amount of taxes imposed in each in the preceding year is combined for purposes of calculating the no-new-taxes [effective] and rollback tax rates under this section.

(h-1) Notwithstanding Subsection (h), the assessor may not certify an anticipated collection rate under Subsection (b) that is lower than the lowest actual collection rate in the preceding three years.

(i) This subsection applies to a taxing unit that has agreed by written contract to transfer a distinct department, function, or activity to another taxing unit and discontinues operating that distinct department, function, or activity if the operation of that department, function, or activity in all or a majority of the territory of the taxing unit is continued by another existing taxing unit or by a new taxing unit. The rollback tax rate of a taxing unit to which this subsection applies in the first tax year in which a budget is adopted that does not allocate revenue to the discontinued department, function, or activity is calculated as otherwise provided by this section, except that last year's levy used to calculate the no-new-taxes [effective] maintenance and operations rate of the unit is reduced by the amount of maintenance and operations tax revenue spent by the taxing unit to operate the department, function, or activity for the 12 months preceding the month in which the calculations required by this chapter are made and in which the unit operated the discontinued department, function, or activity. If the unit did not operate that department, function, or activity for the full 12 months preceding the month in which the calculations required by this chapter are made, the unit shall reduce last year's levy used for calculating the no-new-taxes [effective] maintenance and operations rate of the unit by the amount of the revenue spent in the last full fiscal year in which the unit operated the discontinued department, function, or activity.

(j) This subsection applies to a taxing unit that had agreed by written contract to accept the transfer of a distinct department, function, or activity from another taxing unit and operates a distinct department, function, or activity if the operation of a substantially similar department, function, or activity in all or a majority of the territory of the taxing unit has been discontinued by another taxing unit, including a dissolved taxing unit. The rollback tax rate of a taxing unit to which this subsection applies in the first tax year after the other taxing unit discontinued the substantially similar department, function, or activity in which a budget is adopted that allocates revenue to the department, function, or activity is calculated as otherwise provided by this section, except that last year's levy used to calculate the no-new-taxes ~~[effective]~~ maintenance and operations rate of the unit is increased by the amount of maintenance and operations tax revenue spent by the taxing unit that discontinued operating the substantially similar department, function, or activity to operate that department, function, or activity for the 12 months preceding the month in which the calculations required by this chapter are made and in which the unit operated the discontinued department, function, or activity. If the unit did not operate the discontinued department, function, or activity for the full 12 months preceding the month in which the calculations required by this chapter are made, the unit may increase last year's levy used to calculate the no-new-taxes ~~[effective]~~ maintenance and operations rate by an amount not to exceed the amount of property tax revenue spent by the discontinuing unit to operate the discontinued department, function, or activity in the last full fiscal year in which the discontinuing unit operated the department, function, or activity.

SECTION _____. Section 26.041, Tax Code, is amended by amending Subsections (a), (b), (c), (e), (g), and (h) and adding Subsection (c-1) to read as follows:

(a) In the first year in which an additional sales and use tax is required to be collected, the no-new-taxes ~~[effective]~~ tax rate and rollback tax rate for the unit are calculated according to the following formulas:

$$\text{NO-NEW-TAXES } \text{[EFFECTIVE]} \text{ TAX RATE} = \left[\frac{\text{LAST YEAR'S LEVY} - \text{LOST PROPERTY LEVY}}{\text{CURRENT TOTAL VALUE} - \text{NEW PROPERTY VALUE}} \right] - \text{SALES TAX GAIN RATE}$$

and

$$\text{ROLLBACK TAX RATE} = \left(\frac{\text{NO-NEW-TAXES } \text{[EFFECTIVE]} \text{ MAINTENANCE AND OPERATIONS RATE} \times 1.05 \text{ [1.08]}}{\text{CURRENT DEBT RATE}} \right) - \text{SALES TAX GAIN RATE}$$

where "sales tax gain rate" means a number expressed in dollars per \$100 of taxable value, calculated by dividing the revenue that will be generated by the additional sales and use tax in the following year as calculated under Subsection (d) ~~[of this section]~~ by the current total value.

(b) Except as provided by Subsections (a) and (c) ~~[of this section]~~, in a year in which a taxing unit imposes an additional sales and use tax the rollback tax rate for the unit is calculated according to the following formula, regardless of whether the unit levied a property tax in the preceding year:

ROLLBACK TAX RATE = [(LAST YEAR'S MAINTENANCE AND OPERATIONS EXPENSE x 1.05 ~~[1.08]~~) / (~~[TOTAL]~~ CURRENT TOTAL VALUE - NEW PROPERTY VALUE)] + (CURRENT DEBT RATE - SALES TAX REVENUE RATE)

where "last year's maintenance and operations expense" means the amount spent for maintenance and operations from property tax and additional sales and use tax revenues in the preceding year, and "sales tax revenue rate" means a number expressed in dollars per \$100 of taxable value, calculated by dividing the revenue that will be generated by the additional sales and use tax in the current year as calculated under Subsection (d) ~~[of this section]~~ by the current total value.

(c) In a year in which a taxing unit that has been imposing an additional sales and use tax ceases to impose an additional sales and use tax the no-new-taxes [effective] tax rate and rollback tax rate for the unit are calculated according to the following formulas:

~~NO-NEW-TAXES [EFFECTIVE] TAX RATE = [(LAST YEAR'S LEVY - LOST PROPERTY LEVY) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE)] + SALES TAX LOSS RATE~~

and

ROLLBACK TAX RATE = [(LAST YEAR'S MAINTENANCE AND OPERATIONS EXPENSE x 1.05 ~~[1.08]~~) / (~~[TOTAL]~~ CURRENT TOTAL VALUE - NEW PROPERTY VALUE)] + CURRENT DEBT RATE

where "sales tax loss rate" means a number expressed in dollars per \$100 of taxable value, calculated by dividing the amount of sales and use tax revenue generated in the last four quarters for which the information is available by the current total value and "last year's maintenance and operations expense" means the amount spent for maintenance and operations from property tax and additional sales and use tax revenues in the preceding year.

(c-1) Notwithstanding any other provision of this section, the governing body may direct the designated officer or employee to substitute "1.08" for "1.05" in the calculation of the rollback tax rate if any part of the taxing unit is located in an area declared a disaster area during the current tax year by the governor or by the president of the United States.

(e) If a city that imposes an additional sales and use tax receives payments under the terms of a contract executed before January 1, 1986, in which the city agrees not to annex certain property or a certain area and the owners or lessees of the property or of property in the area agree to pay at least annually to the city an amount determined by reference to all or a percentage of the property tax rate of the city and all or a part of the value of the property subject to the agreement or included in the area subject to the agreement, the governing body, by order adopted by a majority vote of the governing body, may direct the designated officer or employee to add to the no-new-taxes [effective] and rollback tax rates the amount that, when applied to the total taxable value submitted to the governing body, would produce an amount of taxes equal to the difference between the total amount of payments for the tax year under contracts described by this subsection under the rollback tax rate calculated under this section and the total amount of payments for the tax year that would have been obligated to the city if the city had not adopted an additional sales and use tax.

(g) If the rate of the additional sales and use tax is increased, the designated officer or employee shall make two projections, in the manner provided by Subsection (d) [~~of this section~~], of the revenue generated by the additional sales and use tax in the following year. The first projection must take into account the increase and the second projection must not take into account the increase. The officer or employee shall then subtract the amount of the result of the second projection from the amount of the result of the first projection to determine the revenue generated as a result of the increase in the additional sales and use tax. In the first year in which an additional sales and use tax is increased, the no-new-taxes [~~effective~~] tax rate for the unit is the no-new-taxes [~~effective~~] tax rate before the increase minus a number the numerator of which is the revenue generated as a result of the increase in the additional sales and use tax, as determined under this subsection, and the denominator of which is the current total value minus the new property value.

(h) If the rate of the additional sales and use tax is decreased, the designated officer or employee shall make two projections, in the manner provided by Subsection (d) [~~of this section~~], of the revenue generated by the additional sales and use tax in the following year. The first projection must take into account the decrease and the second projection must not take into account the decrease. The officer or employee shall then subtract the amount of the result of the first projection from the amount of the result of the second projection to determine the revenue lost as a result of the decrease in the additional sales and use tax. In the first year in which an additional sales and use tax is decreased, the no-new-taxes [~~effective~~] tax rate for the unit is the no-new-taxes [~~effective~~] tax rate before the decrease plus a number the numerator of which is the revenue lost as a result of the decrease in the additional sales and use tax, as determined under this subsection, and the denominator of which is the current total value minus the new property value.

SECTION _____. The heading to Section 26.043, Tax Code, is amended to read as follows:

Sec. 26.043. ROLLBACK AND NO-NEW-TAXES [~~EFFECTIVE~~] TAX RATES [~~RATE~~] IN CITY IMPOSING MASS TRANSIT SALES AND USE TAX.

SECTION _____. Sections 26.043(a) and (b), Tax Code, are amended to read as follows:

(a) In the tax year in which a city has set an election on the question of whether to impose a local sales and use tax under Subchapter H, Chapter 453, Transportation Code, the officer or employee designated to make the calculations provided by Section 26.04 may not make those calculations until the outcome of the election is determined. If the election is determined in favor of the imposition of the tax, the representative shall subtract from the city's rollback and no-new-taxes [~~effective~~] tax rates the amount that, if applied to the city's current total value, would impose an amount equal to the amount of property taxes budgeted in the current tax year to pay for expenses related to mass transit services.

(b) In a tax year to which this section applies, a reference in this chapter to the city's no-new-taxes [~~effective~~] or rollback tax rate refers to that rate as adjusted under this section.

SECTION _____. The heading to Section 26.044, Tax Code, is amended to read as follows:

Sec. 26.044. ~~NO-NEW-TAXES [EFFECTIVE]~~ TAX RATE TO PAY FOR STATE CRIMINAL JUSTICE MANDATE.

SECTION _____. Sections 26.044(a), (b), and (c), Tax Code, are amended to read as follows:

(a) The first time that a county adopts a tax rate after September 1, 1991, in which the state criminal justice mandate applies to the county, the no-new-taxes [effective] maintenance and operation rate for the county is increased by the rate calculated according to the following formula:

(State Criminal Justice Mandate) / (Current Total Value - New Property Value)

(b) In the second and subsequent years that a county adopts a tax rate, if the amount spent by the county for the state criminal justice mandate increased over the previous year, the no-new-taxes [effective] maintenance and operation rate for the county is increased by the rate calculated according to the following formula:

(This Year's State Criminal Justice Mandate - Previous Year's State Criminal Justice Mandate) / (Current Total Value - New Property Value)

(c) The county shall include a notice of the increase in the no-new-taxes [effective] maintenance and operation rate provided by this section, including a description and amount of the state criminal justice mandate, in the information published under Section 26.04(e) and Section 26.06(b) ~~[of this code]~~.

SECTION _____. Sections 26.0441(a), (b), and (c), Tax Code, are amended to read as follows:

(a) In the first tax year in which a taxing unit adopts a tax rate after January 1, 2000, and in which the enhanced minimum eligibility standards for indigent health care established under Section 61.006, Health and Safety Code, apply to the taxing unit, the no-new-taxes [effective] maintenance and operations rate for the taxing unit is increased by the rate computed according to the following formula:

Amount of Increase = Enhanced Indigent Health Care Expenditures / (Current Total Value - New Property Value)

(b) In each subsequent tax year, if the taxing unit's enhanced indigent health care expenses exceed the amount of those expenses for the preceding year, the no-new-taxes [effective] maintenance and operations rate for the taxing unit is increased by the rate computed according to the following formula:

Amount of Increase = (Current Tax Year's Enhanced Indigent Health Care Expenditures - Preceding Tax Year's Indigent Health Care Expenditures) / (Current Total Value - New Property Value)

(c) The taxing unit shall include a notice of the increase in its no-new-taxes [effective] maintenance and operations rate provided by this section, including a brief description and the amount of the enhanced indigent health care expenditures, in the information published under Section 26.04(e) and, if applicable, Section 26.06(b).

SECTION _____. Section 26.05, Tax Code, is amended by amending Subsections (a), (b), (c), (d), and (g) and adding Subsection (e-1) to read as follows:

(a) The governing body of each taxing unit ~~[-, before the later of September 30 or the 60th day after the date the certified appraisal roll is received by the taxing unit,]~~ shall adopt a tax rate for the current tax year and shall notify the assessor for the unit of the rate adopted. The governing body must adopt a tax rate before the later of

September 30 or the 60th day after the date the certified appraisal roll is received by the taxing unit, except that the governing body must adopt a tax rate that exceeds the rollback tax rate before August 15. The tax rate consists of two components, each of which must be approved separately. The components are:

(1) for a taxing unit other than a school district, the rate that, if applied to the total taxable value, will impose the total amount published under Section 26.04(e)(3)(C), less any amount of additional sales and use tax revenue that will be used to pay debt service, or, for a school district, the rate calculated under Section 44.004(c)(5)(A)(ii)(b), Education Code; and

(2) the rate that, if applied to the total taxable value, will impose the amount of taxes needed to fund maintenance and operation expenditures of the unit for the next year.

(b) A taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. For a taxing unit other than a school district, the vote on the ordinance, resolution, or order setting a tax rate that exceeds the no-new-taxes [effective] tax rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance, resolution, or order. For a school district, the vote on the ordinance, resolution, or order setting a tax rate that exceeds the sum of the no-new-taxes [effective] maintenance and operations tax rate of the district as determined under Section 26.08(i) and the district's current debt rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance, resolution, or order. A motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the no-new-taxes [effective] tax rate must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the no-new-taxes [effective] tax rate) percent increase in the tax rate." If the ordinance, resolution, or order sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the taxing unit that exceeds the amount of taxes imposed for that purpose in the preceding year, the taxing unit must:

(1) include in the ordinance, resolution, or order in type larger than the type used in any other portion of the document:

(A) the following statement: "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE."; and

(B) if the tax rate exceeds the no-new-taxes [effective] maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-TAXES [EFFECTIVE] MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."; and

(2) include on the home page of any Internet website operated by the unit:

(A) the following statement: "(Insert name of unit) ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and

(B) if the tax rate exceeds the no-new-taxes ~~[effective]~~ maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-TAXES ~~[EFFECTIVE]~~ MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."

(c) If the governing body of a taxing unit does not adopt a tax rate before the date required by Subsection (a), the tax rate for the taxing unit for that tax year is the lower of the no-new-taxes ~~[effective]~~ tax rate calculated for that tax year or the tax rate adopted by the taxing unit for the preceding tax year. A tax rate established by this subsection is treated as an adopted tax rate. Before the fifth day after the establishment of a tax rate by this subsection, the governing body of the taxing unit must ratify the applicable tax rate in the manner required by Subsection (b).

(d) The governing body of a taxing unit other than a school district may not adopt a tax rate that exceeds the lower of the rollback tax rate or the no-new-taxes ~~[effective]~~ tax rate calculated as provided by this chapter until the governing body has held two public hearings on the proposed tax rate and has otherwise complied with Section 26.06 and Section 26.065. The governing body of a taxing unit shall reduce a tax rate set by law or by vote of the electorate to the lower of the rollback tax rate or the no-new-taxes ~~[effective]~~ tax rate and may not adopt a higher rate unless it first complies with Section 26.06.

(e-1) The governing body of a taxing unit that imposes an additional sales and use tax may not adopt the component of the tax rate of the unit described by Subsection (a)(1) of this section until the chief financial officer or the auditor for the unit submits to the governing body of the unit a written certification that the amount of additional sales and use tax revenue that will be used to pay debt service has been deducted from the total amount published under Section 26.04(e)(3)(C) as required by Subsection (a)(1) of this section. The comptroller shall adopt rules governing the form of the certification required by this subsection and the manner in which it is required to be submitted.

(g) Notwithstanding Subsection (a), the governing body of a school district that elects to adopt a tax rate before the adoption of a budget for the fiscal year that begins in the current tax year may adopt a tax rate for the current tax year before receipt of the certified appraisal roll for the school district if the chief appraiser of the appraisal district in which the school district participates has certified to the assessor for the school district an estimate of the taxable value of property in the school district as provided by Section 26.01(e). If a school district adopts a tax rate under this subsection, the no-new-taxes ~~[effective]~~ tax rate and the rollback tax rate of the district shall be calculated based on the certified estimate of taxable value.

SECTION _____. Section 26.052(e), Tax Code, is amended to read as follows:

(e) Public notice provided under Subsection (c) must specify:

(1) the tax rate that the governing body proposes to adopt;
 (2) the date, time, and location of the meeting of the governing body of the taxing unit at which the governing body will consider adopting the proposed tax rate; and

(3) if the proposed tax rate for the taxing unit exceeds the unit's no-new-taxes [effective] tax rate calculated as provided by Section 26.04, a statement substantially identical to the following: "The proposed tax rate is a tax increase and would increase total taxes in (name of taxing unit) by (percentage by which the proposed tax rate exceeds the no-new-taxes [effective] tax rate)."

SECTION _____. Section 26.06, Tax Code, is amended by amending Subsections (b), (d), and (e) and adding Subsections (b-1), (b-2), (b-3), and (b-4) to read as follows:

(b) The notice of a public hearing may not be smaller than one-quarter page of a standard-size or a tabloid-size newspaper, and the headline on the notice must be in 24-point or larger type. [~~The notice must contain a statement in the following form:~~

~~["NOTICE OF PUBLIC HEARING ON TAX INCREASE~~

~~["The (name of the taxing unit) will hold two public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax rate calculated under this chapter) percent. Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.~~

~~["The first public hearing will be held on (date and time) at (meeting place).~~

~~["The second public hearing will be held on (date and time) at (meeting place).~~

~~["(Names of all members of the governing body, showing how each voted on the proposal to consider the tax increase or, if one or more were absent, indicating the absences.)~~

~~["The average taxable value of a residence homestead in (name of taxing unit) last year was \$ ____ (average taxable value of a residence homestead in the taxing unit for the preceding tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older). Based on last year's tax rate of \$ ____ (preceding year's adopted tax rate) per \$100 of taxable value, the amount of taxes imposed last year on the average home was \$ ____ (tax on average taxable value of a residence homestead in the taxing unit for the preceding tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older).~~

~~["The average taxable value of a residence homestead in (name of taxing unit) this year is \$ ____ (average taxable value of a residence homestead in the taxing unit for the current tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older). If the governing body adopts the effective tax rate for this year of \$ ____ (effective tax rate) per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$ ____ (tax on average taxable value of a residence homestead in the taxing unit for the current tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older).~~

["If the governing body adopts the proposed tax rate of \$ _____ (proposed tax rate) per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$ _____ (tax on the average taxable value of a residence in the taxing unit for the current year disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older).

["Members of the public are encouraged to attend the hearings and express their views."]

(b-1) If the proposed tax rate exceeds the no-new-taxes tax rate and the rollback tax rate of the taxing unit, the notice must contain a statement in the following form:

"NOTICE OF PUBLIC HEARING ON TAX INCREASE

"PROPOSED TAX RATE \$ _____ per \$100

"NO-NEW-TAXES RATE \$ _____ per \$100

"ROLLBACK TAX RATE \$ _____ per \$100

"The no-new-taxes rate is the tax rate for the (current tax year) tax year that will raise the same amount of property tax revenue for (name of taxing unit) from the same properties in both the (preceding tax year) tax year and the (current tax year) tax year.

"The rollback tax rate is the highest tax rate that (name of taxing unit) may adopt without holding an election to ratify the rate.

"The proposed tax rate is greater than the no-new-taxes rate. This means that (name of taxing unit) is proposing to increase property taxes for the (current tax year) tax year.

"A public hearing on the proposed tax rate will be held on (date and time) at (meeting place).

"A second public hearing will be held on (date and time) at (meeting place).

"The proposed tax rate is also greater than the rollback tax rate. If (name of taxing unit) adopts the proposed tax rate, (name of taxing unit) is required to hold an election so that voters may accept or reject the proposed tax rate. If a majority of voters reject the proposed tax rate, the (name of taxing unit) will be required to adopt a new tax rate that is not greater than the rollback tax rate. The election will be held on (date of election). You may contact the (name of office responsible for administering the election) for information about voting locations. The hours of voting on election day are (voting hours).

"Your taxes owed under any of the tax rates mentioned above can be calculated as follows:

"Property tax amount = tax rate x taxable value of your property / 100

"(Names of all members of the governing body, showing how each voted on the proposal to consider the tax increase or, if one or more were absent, indicating the absences.)"

(b-2) If the proposed tax rate exceeds the no-new-taxes tax rate but does not exceed the rollback tax rate of the taxing unit, the notice must contain a statement in the following form:

"NOTICE OF PUBLIC HEARING ON TAX INCREASE

"PROPOSED TAX RATE \$ _____ per \$100

"NO-NEW-TAXES RATE \$ _____ per \$100

"ROLLBACK TAX RATE \$ _____ per \$100

"The no-new-taxes rate is the tax rate for the (current tax year) tax year that will raise the same amount of property tax revenue for (name of taxing unit) from the same properties in both the (preceding tax year) tax year and the (current tax year) tax year.

"The rollback tax rate is the highest tax rate that (name of taxing unit) may adopt without holding an election to ratify the rate.

"The proposed tax rate is greater than the no-new-taxes rate. This means that (name of taxing unit) is proposing to increase property taxes for the (current tax year) tax year.

"A public hearing on the proposed tax rate will be held on (date and time) at (meeting place).

"A second public hearing will be held on (date and time) at (meeting place).

"The proposed tax rate is not greater than the rollback tax rate. As a result, (name of taxing unit) is not required to hold an election at which voters may accept or reject the proposed tax rate. However, you may express your support for or opposition to the proposed tax rate by contacting the members of the (name of governing body) of (name of taxing unit) at their offices or by attending one of the public hearings mentioned above.

"Your taxes owed under any of the tax rates mentioned above can be calculated as follows:

"Property tax amount = tax rate x taxable value of your property / 100

"(Names of all members of the governing body, showing how each voted on the proposal to consider the tax increase or, if one or more were absent, indicating the absences.)"

(b-3) If the proposed tax rate does not exceed the no-new-taxes tax rate but exceeds the rollback tax rate of the taxing unit, the notice must contain a statement in the following form:

"NOTICE OF PUBLIC HEARING ON TAX INCREASE

"PROPOSED TAX RATE \$ _____ per \$100

"NO-NEW-TAXES RATE \$ _____ per \$100

"ROLLBACK TAX RATE \$ _____ per \$100

"The no-new-taxes rate is the tax rate for the (current tax year) tax year that will raise the same amount of property tax revenue for (name of taxing unit) from the same properties in both the (preceding tax year) tax year and the (current tax year) tax year.

"The rollback tax rate is the highest tax rate that (name of taxing unit) may adopt without holding an election to ratify the rate.

"The proposed tax rate is not greater than the no-new-taxes rate. This means that (name of taxing unit) is not proposing to increase property taxes for the (current tax year) tax year.

"A public hearing on the proposed tax rate will be held on (date and time) at (meeting place).

"A second public hearing will be held on (date and time) at (meeting place).

"The proposed tax rate is greater than the rollback tax rate. If (name of taxing unit) adopts the proposed tax rate, (name of taxing unit) is required to hold an election so that voters may accept or reject the proposed tax rate. If a majority of voters reject the proposed tax rate, the (name of taxing unit) will be required to adopt a new tax rate that is not greater than the rollback tax rate. The election will be held on (date of

election). You may contact the (name of office responsible for administering the election) for information about voting locations. The hours of voting on election day are (voting hours).

"Your taxes owed under any of the tax rates mentioned above can be calculated as follows:

"Property tax amount = tax rate x taxable value of your property / 100

"(Names of all members of the governing body, showing how each voted on the proposal to consider the tax increase or, if one or more were absent, indicating the absences.)"

(b-4) In addition to including the information described by Subsection (b-1), (b-2), or (b-3), as applicable, the notice must include the information described by Section 26.062.

(d) At the public hearings the governing body shall announce the date, time, and place of the meeting at which it will vote on the proposed tax rate. After each hearing the governing body shall give notice of the meeting at which it will vote on the proposed tax rate and the notice shall be in the same form as prescribed by Subsections (b) and (c), except that it must state the following:

"NOTICE OF TAX REVENUE INCREASE

"The (name of the taxing unit) conducted public hearings on (date of first hearing) and (date of second hearing) on a proposal to increase the total tax revenues of (name of the taxing unit) from properties on the tax roll in the preceding year by (percentage by which proposed tax rate exceeds lower of rollback tax rate or no-new-taxes ~~effective tax~~ rate calculated under this chapter) percent.

"The total tax revenue proposed to be raised last year at last year's tax rate of (insert tax rate for the preceding year) for each \$100 of taxable value was (insert total amount of taxes imposed in the preceding year).

"The total tax revenue proposed to be raised this year at the proposed tax rate of (insert proposed tax rate) for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, is (insert amount computed by multiplying proposed tax rate by the difference between current total value and new property value).

"The total tax revenue proposed to be raised this year at the proposed tax rate of (insert proposed tax rate) for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax roll this year, is (insert amount computed by multiplying proposed tax rate by current total value).

"The (governing body of the taxing unit) is scheduled to vote on the tax rate that will result in that tax increase at a public meeting to be held on (date of meeting) at (location of meeting, including mailing address) at (time of meeting).

"The (governing body of the taxing unit) proposes to use the increase in total tax revenue for the purpose of (description of purpose of increase)."

(e) The meeting to vote on the tax increase may not be earlier than the third day or later than the seventh ~~14th~~ day after the date of the second public hearing. The meeting must be held inside the boundaries of the taxing unit in a publicly owned building or, if a suitable publicly owned building is not available, in a suitable building to which the public normally has access. If the governing body does not adopt a tax rate that exceeds the lower of the rollback tax rate or the no-new-taxes

[effective] tax rate by the seventh ~~[14th]~~ day, it must give a new notice under Subsection (d) before it may adopt a rate that exceeds the lower of the rollback tax rate or the no-new-taxes [effective] tax rate.

SECTION _____. Chapter 26, Tax Code, is amended by adding Sections 26.061 and 26.062 to read as follows:

Sec. 26.061. NOTICE OF MEETING TO VOTE ON PROPOSED TAX RATE THAT DOES NOT EXCEED LOWER OF NO-NEW-TAXES OR ROLLBACK TAX RATE. (a) This section applies only to the governing body of a taxing unit other than a school district that proposes to adopt a tax rate that does not exceed the lower of the no-new-taxes tax rate or the rollback tax rate calculated as provided by this chapter.

(b) The notice of the meeting at which the governing body of the taxing unit will vote on the proposed tax rate must contain a statement in the following form:

"NOTICE OF MEETING TO VOTE ON TAX RATE

"PROPOSED TAX RATE \$ _____ per \$100

"NO-NEW-TAXES RATE \$ _____ per \$100

"ROLLBACK TAX RATE \$ _____ per \$100

"The no-new-taxes rate is the tax rate for the (current tax year) tax year that will raise the same amount of property tax revenue for (name of taxing unit) from the same properties in both the (preceding tax year) tax year and the (current tax year) tax year.

"The rollback tax rate is the highest tax rate that (name of taxing unit) may adopt without holding an election to ratify the rate.

"The proposed tax rate is not greater than the no-new-taxes rate. This means that (name of taxing unit) is not proposing to increase property taxes for the (current tax year) tax year.

"A public meeting to vote on the proposed tax rate will be held on (date and time) at (meeting place).

"The proposed tax rate is also not greater than the rollback tax rate. As a result, (name of taxing unit) is not required to hold an election at which voters may accept or reject the proposed tax rate. However, you may express your support for or opposition to the proposed tax rate by contacting the members of the (name of governing body) of (name of taxing unit) at their offices or by attending the public meeting mentioned above.

"Your taxes owed under any of the above rates can be calculated as follows:

"Property tax amount = tax rate x taxable value of your property / 100

"(Names of all members of the governing body, showing how each voted on the proposed tax rate or, if one or more were absent, indicating the absences.)"

(c) In addition to including the information described by Subsection (b), the notice must include the information described by Section 26.062.

Sec. 26.062. ADDITIONAL INFORMATION TO BE INCLUDED IN TAX RATE NOTICE. (a) In addition to the information described by Section 26.06(b-1), (b-2), or (b-3) or 26.061, as applicable, a notice required by that provision must include at the end of the notice:

(1) a statement in the following form:

"The following table compares the taxes imposed on the average residence homestead by (name of taxing unit) last year to the taxes proposed to be imposed on the average residence homestead by (name of taxing unit) this year:";

(2) a table in the form required by this section following the statement described by Subdivision (1); and

(3) a statement in the following form following the table:

(A) if the tax assessor for the taxing unit maintains an Internet website: "For assistance with tax calculations, please contact the tax assessor for (name of taxing unit) at (telephone number) or (e-mail address), or visit (Internet website address) for more information."; or

(B) if the tax assessor for the taxing unit does not maintain an Internet website: "For assistance with tax calculations, please contact the tax assessor for (name of taxing unit) at (telephone number) or (e-mail address)."

(b) The table must contain five rows and four columns.

(c) The first row must appear as follows:

(1) the first column of the first row must be left blank;

(2) the second column of the first row must state the year corresponding to the preceding tax year;

(3) the third column of the first row must state the year corresponding to the current tax year; and

(4) the fourth column of the first row must be entitled "Change".

(d) The second row must appear as follows:

(1) the first column of the second row must be entitled "Total tax rate (per \$100 of value)";

(2) the second column of the second row must state the adopted tax rate for the preceding tax year;

(3) the third column of the second row must state the proposed tax rate for the current tax year; and

(4) the fourth column of the second row must state the nominal and percentage difference between the adopted tax rate for the preceding tax year and the proposed tax rate for the current tax year as follows: "(increase or decrease, as applicable) of (nominal difference between tax rate stated in second column of second row and tax rate stated in third column of second row) per \$100, or (percentage difference between tax rate stated in second column of second row and tax rate stated in third column of second row)%".

(e) The third row must appear as follows:

(1) the first column of the third row must be entitled "Average homestead taxable value";

(2) the second column of the third row must state the average taxable value of a residence homestead in the taxing unit for the preceding tax year;

(3) the third column of the third row must state the average taxable value of a residence homestead in the taxing unit for the current tax year; and

(4) the fourth column of the third row must state the percentage difference between the average taxable value of a residence homestead in the taxing unit for the preceding tax year and the average taxable value of a residence homestead in the taxing unit for the current tax year as follows: "(increase or decrease, as applicable) of (percentage difference between amount stated in second column of third row and amount stated in third column of third row)%".

(f) The fourth row must appear as follows:

(1) the first column of the fourth row must be entitled "Tax on average homestead";

(2) the second column of the fourth row must state the amount of taxes imposed by the taxing unit in the preceding tax year on a residence homestead with a taxable value equal to the average taxable value of a residence homestead in the taxing unit in the preceding tax year;

(3) the third column of the fourth row must state the amount of taxes that would be imposed by the taxing unit in the current tax year on a residence homestead with a taxable value equal to the average taxable value of a residence homestead in the taxing unit in the current tax year if the taxing unit adopted the proposed tax rate; and

(4) the fourth column of the fourth row must state the nominal and percentage difference between the amount of taxes imposed by the taxing unit in the preceding tax year on a residence homestead with a taxable value equal to the average taxable value of a residence homestead in the taxing unit in the preceding tax year and the amount of taxes that would be imposed by the taxing unit in the current tax year on a residence homestead with a taxable value equal to the average taxable value of a residence homestead in the taxing unit in the current tax year if the taxing unit adopted the proposed tax rate, as follows: "(increase or decrease, as applicable) of (nominal difference between amount stated in second column of fourth row and amount stated in third column of fourth row), or (percentage difference between amount stated in second column of fourth row and amount stated in third column of fourth row)%".

(g) The fifth row must appear as follows:

(1) the first column of the fifth row must be entitled "Total tax levy on all properties";

(2) the second column of the fifth row must state the amount equal to last year's levy;

(3) the third column of the fifth row must state the amount computed by multiplying the proposed tax rate by the current total value and dividing the product by 100; and

(4) the fourth column of the fifth row must state the nominal and percentage difference between the total amount of taxes imposed by the taxing unit in the preceding tax year and the amount that would be imposed by the taxing unit in the current tax year if the taxing unit adopted the proposed tax rate, as follows: "(increase or decrease, as applicable) of (nominal difference between amount stated in second column of fifth row and amount stated in third column of fifth row), or (percentage difference between amount stated in second column of fifth row and amount stated in third column of fifth row)%".

(h) In calculating the average taxable value of a residence homestead in the taxing unit for the preceding tax year and the current tax year for purposes of Subsections (e) and (f), any residence homestead exemption available only to disabled persons, persons 65 years of age or older, or their surviving spouses must be disregarded.

SECTION _____. The heading to Section 26.08, Tax Code, is amended to read as follows:

Sec. 26.08. ELECTION TO RATIFY TAX RATE [~~SCHOOL TAXES~~].

SECTION _____. Sections 26.08(a), (b), (d), (d-1), (d-2), (e), (g), (h), (n), and (p), Tax Code, are amended to read as follows:

(a) If the governing body of a taxing unit [~~school district~~] adopts a tax rate that exceeds the taxing unit's [~~district's~~] rollback tax rate, the registered voters of the taxing unit [~~district~~] at an election held for that purpose must determine whether to approve the adopted tax rate. When increased expenditure of money by a taxing unit [~~school district~~] is necessary to respond to a disaster, including a tornado, hurricane, flood, or other calamity, but not including a drought, that has impacted the taxing unit [~~a school district~~] and the governor has requested federal disaster assistance for the area in which the taxing unit [~~school district~~] is located, an election is not required under this section to approve the tax rate adopted by the governing body for the year following the year in which the disaster occurs.

(b) The governing body shall order that the election be held in the taxing unit [~~school district~~] on the uniform election date prescribed by [~~a date not less than 30 or more than 90 days after the day on which it adopted the tax rate.~~] Section 41.001, Election Code, that occurs in November of the applicable tax year. The order calling the election may not be issued later than August 15 [~~does not apply to the election unless a date specified by that section falls within the time permitted by this section~~]. At the election, the ballots shall be prepared to permit voting for or against the proposition: "Approving the ad valorem tax rate of \$ ____ per \$100 valuation in (name of taxing unit [~~school district~~]) for the current year, a rate that is \$ ____ higher per \$100 valuation than the [~~school district~~] rollback tax rate of (name of taxing unit), for the purpose of (description of purpose of increase)." The ballot proposition must include the adopted tax rate and the difference between that rate and the rollback tax rate in the appropriate places.

(d) If the proposition is not approved as provided by Subsection (c), the governing body may not adopt a tax rate for the taxing unit [~~school district~~] for the current year that exceeds the taxing unit's [~~school district's~~] rollback tax rate.

(d-1) If, after tax bills for the taxing unit [~~school district~~] have been mailed, a proposition to approve the taxing unit's [~~school district's~~] adopted tax rate is not approved by the voters of the taxing unit [~~district~~] at an election held under this section, on subsequent adoption of a new tax rate by the governing body of the taxing unit [~~district~~], the assessor for the taxing unit [~~school~~] shall prepare and mail corrected tax bills. The assessor shall include with each bill a brief explanation of the reason for and effect of the corrected bill. The date on which the taxes become delinquent for the year is extended by a number of days equal to the number of days between the date the first tax bills were sent and the date the corrected tax bills were sent.

(d-2) If a property owner pays taxes calculated using the originally adopted tax rate of the taxing unit [~~school district~~] and the proposition to approve the adopted tax rate is not approved by the voters, the taxing unit [~~school district~~] shall refund the difference between the amount of taxes paid and the amount due under the subsequently adopted rate if the difference between the amount of taxes paid and the amount due under the subsequent rate is \$1 or more. If the difference between the amount of taxes paid and the amount due under the subsequent rate is less than \$1, the

taxing unit [~~school district~~] shall refund the difference on request of the taxpayer. An application for a refund of less than \$1 must be made within 90 days after the date the refund becomes due or the taxpayer forfeits the right to the refund.

(e) For purposes of this section, local tax funds dedicated to a junior college district under Section 45.105(e), Education Code, shall be eliminated from the calculation of the tax rate adopted by the governing body of a the school district. However, the funds dedicated to the junior college district are subject to Section 26.085.

(g) In a school district that received distributions from an equalization tax imposed under former Chapter 18, Education Code, the no-new-taxes tax [~~effective~~] rate of that tax as of the date of the county unit system's abolition is added to the district's rollback tax rate.

(h) For purposes of this section, increases in taxable values and tax levies occurring within a reinvestment zone under Chapter 311 (Tax Increment Financing Act), in which a school [~~the~~] district is a participant, shall be eliminated from the calculation of the tax rate adopted by the governing body of the school district.

(n) For purposes of this section, the rollback tax rate of a school district whose maintenance and operations tax rate for the 2005 tax year was \$1.50 or less per \$100 of taxable value is:

(1) for the 2006 tax year, the sum of the rate that is equal to 88.67 percent of the maintenance and operations tax rate adopted by the district for the 2005 tax year, the rate of \$0.04 per \$100 of taxable value, and the district's current debt rate; and

(2) for the 2007 and subsequent tax years, the lesser of the following:

(A) the sum of the following:

(i) the rate per \$100 of taxable value that is equal to the product of the state compression percentage, as determined under Section 42.2516, Education Code, for the current year and \$1.50;

(ii) the rate of \$0.04 per \$100 of taxable value;

(iii) the rate that is equal to the sum of the differences for the 2006 and each subsequent tax year between the adopted tax rate of the district for that year if the rate was approved at an election under this section and the rollback tax rate of the district for that year; and

(iv) the district's current debt rate; or

(B) the sum of the following:

(i) the no-new-taxes [~~effective~~] maintenance and operations tax rate of the district as computed under Subsection (i) [~~or (k), as applicable~~];

(ii) the rate per \$100 of taxable value that is equal to the product of the state compression percentage, as determined under Section 42.2516, Education Code, for the current year and \$0.06; and

(iii) the district's current debt rate.

(p) Notwithstanding Subsections (i), (n), and (o), if for the preceding tax year a school district adopted a maintenance and operations tax rate that was less than the district's no-new-taxes [~~effective~~] maintenance and operations tax rate for that preceding tax year, the rollback tax rate of the district for the current tax year is

calculated as if the district adopted a maintenance and operations tax rate for the preceding tax year that was equal to the district's no-new-taxes ~~[effective]~~ maintenance and operations tax rate for that preceding tax year.

SECTION _____. Section 26.08(i), Tax Code, as effective September 1, 2017, is amended to read as follows:

(i) For purposes of this section, the no-new-taxes ~~[effective]~~ maintenance and operations tax rate of a school district is the tax rate that, applied to the current total value for the district, would impose taxes in an amount that, when added to state funds that would be distributed to the district under Chapter 42, Education Code, for the school year beginning in the current tax year using that tax rate, would provide the same amount of state funds distributed under Chapter 42, Education Code, and maintenance and operations taxes of the district per student in weighted average daily attendance for that school year that would have been available to the district in the preceding year if the funding elements for Chapters 41 and 42, Education Code, for the current year had been in effect for the preceding year.

SECTION _____. The heading to Section 26.16, Tax Code, is amended to read as follows:

Sec. 26.16. POSTING OF TAX-RELATED INFORMATION ~~[TAX RATES]~~
ON COUNTY'S INTERNET WEBSITE.

SECTION _____. Section 26.16, Tax Code, is amended by amending Subsections (a) and (d) and adding Subsections (a-1), (d-1), (d-2), and (d-3) to read as follows:

(a) Each county shall maintain an Internet website. The county assessor-collector for each county ~~[that maintains an Internet website]~~ shall post on the Internet website maintained by ~~[of]~~ the county the following information for the most recent five tax years beginning with the 2012 tax year for each taxing unit all or part of the territory of which is located in the county:

- (1) the adopted tax rate;
- (2) the maintenance and operations rate;
- (3) the debt rate;
- (4) the no-new-taxes ~~[effective]~~ tax rate;
- (5) the no-new-taxes ~~[effective]~~ maintenance and operations rate; and
- (6) the rollback tax rate.

(a-1) For purposes of Subsection (a), a reference to the no-new-taxes tax rate or the no-new-taxes maintenance and operations rate includes the equivalent effective tax rate or effective maintenance and operations rate for a preceding year. This subsection expires January 1, 2024.

(d) The county assessor-collector shall post immediately below the table prescribed by Subsection (c) the following statement:

"The county is providing this table of property tax rate information as a service to the residents of the county. Each individual taxing unit is responsible for calculating the property tax rates listed in this table pertaining to that taxing unit and providing that information to the county.

"The adopted tax rate is the tax rate adopted by the governing body of a taxing unit.

"The maintenance and operations rate is the component of the adopted tax rate of a taxing unit that will impose the amount of taxes needed to fund maintenance and operation expenditures of the unit for the following year.

"The debt rate is the component of the adopted tax rate of a taxing unit that will impose the amount of taxes needed to fund the unit's debt service for the following year.

"The no-new-taxes ~~[effective tax]~~ rate is the tax rate that would generate the same amount of revenue in the current tax year as was generated by a taxing unit's adopted tax rate in the preceding tax year from property that is taxable in both the current tax year and the preceding tax year.

"The no-new-taxes ~~[effective]~~ maintenance and operations rate is the tax rate that would generate the same amount of revenue for maintenance and operations in the current tax year as was generated by a taxing unit's maintenance and operations rate in the preceding tax year from property that is taxable in both the current tax year and the preceding tax year.

"The rollback tax rate is the highest tax rate a taxing unit may adopt before requiring voter approval at an election. An ~~[In the case of a taxing unit other than a school district, the voters by petition may require that a rollback election be held if the unit adopts a tax rate in excess of the unit's rollback tax rate. In the case of a school district, an]~~ election will automatically be held if a taxing unit ~~[the district]~~ wishes to adopt a tax rate in excess of the unit's ~~[district's]~~ rollback tax rate."

(d-1) In addition to posting the information described by Subsection (a), the county assessor-collector shall post on the Internet website of the county for each taxing unit all or part of the territory of which is located in the county:

(1) the worksheets used by the designated officer or employee of each taxing unit to calculate the no-new-taxes and rollback tax rates of the unit for the most recent five tax years beginning with the 2018 tax year, as certified by the county assessor-collector under Section 26.04(d-1); and

(2) the name and official contact information for each member of the governing body of the taxing unit.

(d-2) Not later than August 1, the county assessor-collector shall post on the website the worksheets described by Subsection (d-1)(1) for the current tax year.

(d-3) Notwithstanding Subsection (d-2), the county assessor-collector for each county shall post the worksheets submitted to the county assessor-collector under Section 26.04(d-4) on the website of the county not later than October 1, 2017. This subsection expires December 31, 2018.

SECTION ____ . Sections 31.12(a) and (b), Tax Code, are amended to read as follows:

(a) If a refund of a tax provided by Section 11.431(b), 26.08(d-2) ~~[26.07(g)]~~, 26.15(f), 31.11, or 31.111 is paid on or before the 60th day after the date the liability for the refund arises, no interest is due on the amount refunded. If not paid on or before that 60th day, the amount of the tax to be refunded accrues interest at a rate of one percent for each month or part of a month that the refund is unpaid, beginning with the date on which the liability for the refund arises.

(b) For purposes of this section, liability for a refund arises:

(1) if the refund is required by Section 11.431(b), on the date the chief appraiser notifies the collector for the unit of the approval of the late homestead exemption;

(2) if the refund is required by Section 26.08(d-2) [~~26.07(g)~~], on the date the results of the election to reduce the tax rate are certified;

(3) if the refund is required by Section 26.15(f):

(A) for a correction to the tax roll made under Section 26.15(b), on the date the change in the tax roll is certified to the assessor for the taxing unit under Section 25.25; or

(B) for a correction to the tax roll made under Section 26.15(c), on the date the change in the tax roll is ordered by the governing body of the taxing unit;

(4) if the refund is required by Section 31.11, on the date the auditor for the taxing unit determines that the payment was erroneous or excessive or, if the amount of the refund exceeds the applicable amount specified by Section 31.11(a), on the date the governing body of the unit approves the refund; or

(5) if the refund is required by Section 31.111, on the date the collector for the taxing unit determines that the payment was erroneous.

SECTION _____. Section 33.08(b), Tax Code, is amended to read as follows:

(b) The governing body of the taxing unit or appraisal district, in the manner required by law for official action, may provide that taxes that become delinquent on or after June 1 under Section 26.08(d-1) [~~26.07(f)~~], 26.15(e), 31.03, 31.031, 31.032, 31.04, or 42.42 incur an additional penalty to defray costs of collection. The amount of the penalty may not exceed the amount of the compensation specified in the applicable contract with an attorney under Section 6.30 to be paid in connection with the collection of the delinquent taxes.

SECTION _____. Section 41.03(a), Tax Code, is amended to read as follows:

(a) A taxing unit is entitled to challenge before the appraisal review board:

(1) [~~the level of appraisals of any category of property in the district or in any territory in the district, but not the appraised value of a single taxpayer's property;~~

~~(2)~~ an exclusion of property from the appraisal records;

~~(2)~~ [~~(3)~~] a grant in whole or in part of a partial exemption;

~~(3)~~ [~~(4)~~] a determination that land qualifies for appraisal as provided by Subchapter C, D, E, or H, Chapter 23; or

~~(4)~~ [~~(5)~~] failure to identify the taxing unit as one in which a particular property is taxable.

SECTION _____. Section 41.11(a), Tax Code, is amended to read as follows:

(a) Not later than the date the appraisal review board approves the appraisal records as provided by Section 41.12, the secretary of the board shall deliver written notice to a property owner of any change in the records that is ordered by the board as provided by this subchapter and that will result in an increase in the tax liability of the property owner. An owner who receives a notice as provided by this section shall be entitled to protest such action as provided by Section 41.44(a)(2) [~~41.44(a)(3)~~].

SECTION _____. Section 41.12(a), Tax Code, is amended to read as follows:

(a) By July 5 [~~20~~], the appraisal review board shall:

(1) hear and determine all or substantially all timely filed protests;

(2) determine all timely filed challenges;

(3) submit a list of its approved changes in the records to the chief appraiser; and

(4) approve the records.

SECTION _____. Sections 41.44(a), (c), and (d), Tax Code, are amended to read as follows:

(a) Except as provided by Subsections (b), ~~[(b-1)]~~ (c), (c-1), and (c-2), to be entitled to a hearing and determination of a protest, the property owner initiating the protest must file a written notice of the protest with the appraisal review board having authority to hear the matter protested:

(1) not later than the later of:

(A) ~~[before]~~ May 15; ~~[4]~~ or

(B) ~~[not later than]~~ the 30th day after the date that notice to the property owner was delivered to the property owner as provided by Section 25.19~~[-if the property is a single family residence that qualifies for an exemption under Section 11.13, whichever is later];~~

~~(2) ~~[before June 1 or not later than the 30th day after the date that notice was delivered to the property owner as provided by Section 25.19 in connection with any other property, whichever is later;~~~~

~~[(3)]~~ in the case of a protest of a change in the appraisal records ordered as provided by Subchapter A of this chapter or by Chapter 25, not later than the 30th day after the date notice of the change is delivered to the property owner;

(3) ~~[(4)]~~ in the case of a determination that a change in the use of land appraised under Subchapter C, D, E, or H, Chapter 23, has occurred, not later than the 30th day after the date the notice of the determination is delivered to the property owner; or

(4) ~~[(5)]~~ in the case of a determination of eligibility for a refund under Section 23.1243, not later than the 30th day after the date the notice of the determination is delivered to the property owner.

(c) A property owner who files notice of a protest authorized by Section 41.411 is entitled to a hearing and determination of the protest if the property owner files the notice prior to the date the taxes on the property to which the notice applies become delinquent. An owner of land who files a notice of protest under Subsection (a)(3) ~~[(a)(4)]~~ is entitled to a hearing and determination of the protest without regard to whether the appraisal records are approved.

(d) A notice of protest is sufficient if it identifies the protesting property owner, including a person claiming an ownership interest in the property even if that person is not listed on the appraisal records as an owner of the property, identifies the property that is the subject of the protest, and indicates apparent dissatisfaction with some determination of the appraisal office. The notice need not be on an official form, but the comptroller shall prescribe a form that provides for more detail about the nature of the protest. The form must permit a property owner to include each property in the appraisal district that is the subject of a protest. The form must permit a property owner to request that the protest be heard by a special panel established under Section 6.425 if the protest will be determined by an appraisal review board to which that

section applies and the property is included in a classification described by that section. The comptroller, each appraisal office, and each appraisal review board shall make the forms readily available and deliver one to a property owner on request.

SECTION _____. Section 41.45, Tax Code, is amended by amending Subsection (d) and adding Subsections (d-1), (d-2), and (d-3) to read as follows:

(d) This subsection does not apply to a special panel established under Section 6.425. An appraisal review board consisting of more than three members may sit in panels of not fewer than three members to conduct protest hearings. ~~[However, the determination of a protest heard by a panel must be made by the board.]~~ If the recommendation of a panel is not accepted by the board, the board may refer the matter for rehearing to a panel composed of members who did not hear the original hearing or, if there are not at least three members who did not hear the original protest, the board may determine the protest. ~~[Before determining a protest or conducting a rehearing before a new panel or the board, the board shall deliver notice of the hearing or meeting to determine the protest in accordance with the provisions of this subchapter.]~~

(d-1) An appraisal review board to which Section 6.425 applies shall sit in special panels established under that section to conduct protest hearings. A special panel may conduct a protest hearing relating to property only if the property is included in the classification for which the panel was established and the property owner has requested that the panel conduct the hearing. The board may rehear a protest heard by a special panel if the board elects not to accept the recommendation of the panel.

(d-2) The determination of a protest heard by a panel under Subsection (d) or (d-1) must be made by the board.

(d-3) The board must deliver notice of a hearing or meeting to determine a protest heard by a panel, or to rehear a protest, under Subsection (d) or (d-1) in accordance with the provisions of this subchapter.

SECTION _____. Section 41.66, Tax Code, is amended by amending Subsection (k) and adding Subsection (k-1) to read as follows:

(k) This subsection does not apply to a special panel established under Section 6.425. If an appraisal review board sits in panels to conduct protest hearings, protests shall be randomly assigned to panels, except that the board may consider the type of property subject to the protest or the ground of the protest for the purpose of using the expertise of a particular panel in hearing protests regarding particular types of property or based on particular grounds. If a protest is scheduled to be heard by a particular panel, the protest may not be reassigned to another panel without the consent of the property owner or designated agent. If the appraisal review board has cause to reassign a protest to another panel, a property owner or designated agent may agree to reassignment of the protest or may request that the hearing on the protest be postponed. The board shall postpone the hearing on that request. A change of members of a panel because of a conflict of interest, illness, or inability to continue participating in hearings for the remainder of the day does not constitute reassignment of a protest to another panel.

(k-1) On the request of a property owner, an appraisal review board to which Section 6.425 applies shall assign a protest relating to property included in a classification described by that section to the special panel established to conduct protest hearings relating to property included in that classification. If the board has established more than one special panel to conduct protest hearings relating to property included in a particular classification, protests relating to property included in that classification shall be randomly assigned to those special panels. If a protest is scheduled to be heard by a particular special panel, the protest may not be reassigned to another special panel without the consent of the property owner or designated agent. If the board has cause to reassign a protest to another special panel, a property owner or designated agent may agree to reassignment of the protest or may request that the hearing on the protest be postponed. The board shall postpone the hearing on that request. A change of members of a special panel because of a conflict of interest, illness, or inability to continue participating in hearings for the remainder of the day does not constitute reassignment of a protest to another special panel.

SECTION _____. Section 41.71, Tax Code, is amended to read as follows:

Sec. 41.71. EVENING AND WEEKEND HEARINGS. (a) An appraisal review board by rule shall provide for hearings on protests [~~in the evening or~~] on a Saturday or after 5 p.m. on a weekday [Sunday].

(b) The board may not schedule:

(1) the first hearing on a protest held on a weekday evening to begin after 7 p.m.; or

(2) a hearing on a protest on a Sunday.

SECTION _____. Section 41A.01, Tax Code, is amended to read as follows:

Sec. 41A.01. RIGHT OF APPEAL BY PROPERTY OWNER. As an alternative to filing an appeal under Section 42.01, a property owner is entitled to appeal through binding arbitration under this chapter an appraisal review board order determining a protest filed under Section 41.41(a)(1) or (2) concerning the appraised or market value of property if:

(1) the property qualifies as the owner's residence homestead under Section 11.13; or

(2) the appraised or market value, as applicable, of the property as determined by the order is \$5 [~~\$3~~] million or less.

SECTION _____. Section 41A.03(a), Tax Code, is amended to read as follows:

(a) To appeal an appraisal review board order under this chapter, a property owner must file with the appraisal district not later than the 45th day after the date the property owner receives notice of the order:

(1) a completed request for binding arbitration under this chapter in the form prescribed by Section 41A.04; and

(2) an arbitration deposit made payable to the comptroller in the amount of:

(A) \$450, if the property qualifies as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is \$500,000 or less, as determined by the order;

(B) \$500, if the property qualifies as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$500,000, as determined by the order;

(C) \$500, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is \$1 million or less, as determined by the order;

(D) \$800, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$1 million but not more than \$2 million, as determined by the order; ~~or~~

(E) \$1,050, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$2 million but not more than \$3 million, as determined by the order; or

(F) \$1,250, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$3 million but not more than \$5 million, as determined by the order.

SECTION _____. Section 41A.06(b), Tax Code, is amended to read as follows:

(b) To initially qualify to serve as an arbitrator under this chapter, a person must:

(1) meet the following requirements, as applicable:

(A) be licensed as an attorney in this state; or

(B) have:

(i) completed at least 30 hours of training in arbitration and alternative dispute resolution procedures from a university, college, or legal or real estate trade association; and

(ii) been licensed or certified continuously during the five years preceding the date the person agrees to serve as an arbitrator as:

(a) a real estate broker or sales agent ~~[salesperson]~~ under Chapter 1101, Occupations Code;

(b) a real estate appraiser under Chapter 1103, Occupations Code; or

(c) a certified public accountant under Chapter 901, Occupations Code; and

(2) agree to conduct an arbitration for a fee that is not more than:

(A) \$400, if the property qualifies as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is \$500,000 or less, as determined by the order;

(B) \$450, if the property qualifies as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$500,000, as determined by the order;

(C) \$450, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is \$1 million or less, as determined by the order;

(D) \$750, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$1 million but not more than \$2 million, as determined by the order; ~~or~~

(E) \$1,000, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$2 million but not more than \$3 million, as determined by the order; or

(F) \$1,200, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$3 million but not more than \$5 million, as determined by the order.

SECTION _____. Section 45.105(e), Education Code, is amended to read as follows:

(e) The governing body of an independent school district that governs a junior college district under Subchapter B, Chapter 130, in a county with a population of more than two million may dedicate a specific percentage of the local tax levy to the use of the junior college district for facilities and equipment or for the maintenance and operating expenses of the junior college district. To be effective, the dedication must be made by the governing body on or before the date on which the governing body adopts its tax rate for a year. The amount of local tax funds derived from the percentage of the local tax levy dedicated to a junior college district from a tax levy may not exceed the amount that would be levied by five percent of the no-new-taxes ~~effective~~ tax rate for the tax year calculated as provided by Section 26.04, Tax Code, on all property taxable by the school district. All real property purchased with these funds is the property of the school district, but is subject to the exclusive control of the governing body of the junior college district for as long as the junior college district uses the property for educational purposes.

SECTION _____. Section 130.016(b), Education Code, is amended to read as follows:

(b) If the board of trustees of an independent school district that divests itself of the management, control, and operation of a junior college district under this section or under Section 130.017 ~~[of this code]~~ was authorized by ~~[Subsection (e) of]~~ Section 45.105(e) or under former Section 20.48(e) ~~[20.48 of this code]~~ to dedicate a portion of its tax levy to the junior college district before the divestment, the junior college district may levy an ad valorem tax from and after the divestment. In the first two years in which the junior college district levies an ad valorem tax, the tax rate adopted by the governing body may not exceed the rate that, if applied to the total taxable value submitted to the governing body under Section 26.04, Tax Code, would impose an amount equal to the amount of taxes of the school district dedicated to the junior college under ~~[Subsection (e) of]~~ Section 45.105(e) or former Section 20.48(e) ~~[20.48 of this code]~~ in the last dedication before the divestment. In subsequent years, the tax rate of the junior college district is subject to Section 26.08 ~~[26.07]~~, Tax Code.

SECTION _____. Section 403.302(o), Government Code, is amended to read as follows:

(o) The comptroller shall adopt rules governing the conduct of the study after consultation with the comptroller's property tax administration advisory board ~~[Comptroller's Property Value Study Advisory Committee]~~.

SECTION _____. Sections 281.124(d) and (e), Health and Safety Code, are amended to read as follows:

(d) If a majority of the votes cast in the election favor the proposition, the tax rate for the specified tax year is the rate approved by the voters, and that rate is not subject to ~~a rollback election under~~ Section 26.08 ~~[26.07]~~, Tax Code. The board shall adopt the tax rate as provided by Chapter 26, Tax Code.

(e) If the proposition is not approved as provided by Subsection (c), the board may not adopt a tax rate for the district for the specified tax year that exceeds the rate that was not approved, and Section 26.08 ~~[26.07]~~, Tax Code, applies to the adopted rate if that rate exceeds the district's rollback tax rate.

SECTION _____. Section 102.007(d), Local Government Code, is amended to read as follows:

(d) An adopted budget must contain a cover page that includes:

(1) one of the following statements in 18-point or larger type that accurately describes the adopted budget:

(A) "This budget will raise more revenue from property taxes than last year's budget by an amount of (insert total dollar amount of increase), which is a (insert percentage increase) percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(B) "This budget will raise less revenue from property taxes than last year's budget by an amount of (insert total dollar amount of decrease), which is a (insert percentage decrease) percent decrease from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll)."; or

(C) "This budget will raise the same amount of revenue from property taxes as last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(2) the record vote of each member of the governing body by name voting on the adoption of the budget;

(3) the municipal property tax rates for the preceding fiscal year, and each municipal property tax rate that has been adopted or calculated for the current fiscal year, including:

- (A) the property tax rate;
- (B) the no-new-taxes ~~[effective]~~ tax rate;
- (C) the no-new-taxes ~~[effective]~~ maintenance and operations tax rate;
- (D) the rollback tax rate; and
- (E) the debt rate; and

(4) the total amount of municipal debt obligations.

SECTION _____. Section 111.008(d), Local Government Code, is amended to read as follows:

(d) An adopted budget must contain a cover page that includes:

(1) one of the following statements in 18-point or larger type that accurately describes the adopted budget:

(A) "This budget will raise more revenue from property taxes than last year's budget by an amount of (insert total dollar amount of increase), which is a (insert percentage increase) percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(B) "This budget will raise less revenue from property taxes than last year's budget by an amount of (insert total dollar amount of decrease), which is a (insert percentage decrease) percent decrease from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll)."; or

(C) "This budget will raise the same amount of revenue from property taxes as last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(2) the record vote of each member of the commissioners court by name voting on the adoption of the budget;

(3) the county property tax rates for the preceding fiscal year, and each county property tax rate that has been adopted or calculated for the current fiscal year, including:

(A) the property tax rate;

(B) the no-new-taxes [effective] tax rate;

(C) the no-new-taxes [effective] maintenance and operations tax rate;

(D) the rollback tax rate; and

(E) the debt rate; and

(4) the total amount of county debt obligations.

SECTION ____ . Section 111.039(d), Local Government Code, is amended to read as follows:

(d) An adopted budget must contain a cover page that includes:

(1) one of the following statements in 18-point or larger type that accurately describes the adopted budget:

(A) "This budget will raise more revenue from property taxes than last year's budget by an amount of (insert total dollar amount of increase), which is a (insert percentage increase) percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(B) "This budget will raise less revenue from property taxes than last year's budget by an amount of (insert total dollar amount of decrease), which is a (insert percentage decrease) percent decrease from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll)."; or

(C) "This budget will raise the same amount of revenue from property taxes as last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(2) the record vote of each member of the commissioners court by name voting on the adoption of the budget;

(3) the county property tax rates for the preceding fiscal year, and each county property tax rate that has been adopted or calculated for the current fiscal year, including:

(A) the property tax rate;

(B) the no-new-taxes [effective] tax rate;

(C) the no-new-taxes [effective] maintenance and operations tax rate;

(D) the rollback tax rate; and

(E) the debt rate; and

(4) the total amount of county debt obligations.

SECTION _____. Section 111.068(c), Local Government Code, is amended to read as follows:

(c) An adopted budget must contain a cover page that includes:

(1) one of the following statements in 18-point or larger type that accurately describes the adopted budget:

(A) "This budget will raise more revenue from property taxes than last year's budget by an amount of (insert total dollar amount of increase), which is a (insert percentage increase) percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(B) "This budget will raise less revenue from property taxes than last year's budget by an amount of (insert total dollar amount of decrease), which is a (insert percentage decrease) percent decrease from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll)."; or

(C) "This budget will raise the same amount of revenue from property taxes as last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(2) the record vote of each member of the commissioners court by name voting on the adoption of the budget;

(3) the county property tax rates for the preceding fiscal year, and each county property tax rate that has been adopted or calculated for the current fiscal year, including:

(A) the property tax rate;

(B) the no-new-taxes [effective] tax rate;

(C) the no-new-taxes [effective] maintenance and operations tax rate;

(D) the rollback tax rate; and

(E) the debt rate; and

(4) the total amount of county debt obligations.

SECTION _____. Section 1101.254(f), Special District Local Laws Code, is amended to read as follows:

(f) This section does not affect the applicability of [any rights district voters may have to petition for an election under] Section 26.08 [26.07], Tax Code, to the district's tax rate, except that if district voters approve a tax rate increase under this section, [the voters may not petition for an election under] Section 26.08 [26.07], Tax Code, does not apply [as] to the tax rate for that year.

SECTION _____. Sections 1122.2522, 3828.157, and 8876.152, Special District Local Laws Code, are amended to read as follows:

Sec. 1122.2522. ROLLBACK TAX RATE PROVISIONS APPLICABLE. ~~[(a)]~~ If in any year the board adopts a tax rate that exceeds the rollback tax rate calculated as provided by Chapter 26, Tax Code, [the qualified voters of the district by petition may require that] an election under Section 26.08 of that code must be held to determine whether or not to approve [reduce] the tax rate adopted by the board for that year [to the rollback tax rate].

~~[(b) To the extent a conflict exists between this section and a provision of the Tax Code, the provision of the Tax Code prevails.]~~

Sec. 3828.157. INAPPLICABILITY OF CERTAIN TAX CODE PROVISIONS. Sections 26.04, 26.05, and 26.08 [26.07], Tax Code, do not apply to a tax imposed under Section 3828.153 or 3828.156.

Sec. 8876.152. APPLICABILITY OF CERTAIN TAX PROVISIONS. (a) Sections 26.04, 26.05, 26.06, 26.061, and 26.08 [26.07], Tax Code, do not apply to a tax imposed by the district.

(b) Sections 49.236(a)(1) and (2) and (b) [Section 49.236], Water Code, apply [as added by Chapter 248 (H.B. 1541), Acts of the 78th Legislature, Regular Session, 2003, applies] to the district.

SECTION _____. Section 49.107(g), Water Code, is amended to read as follows:

(g) Sections 26.04, 26.05, 26.061, and 26.08 [26.07], Tax Code, do not apply to a tax levied and collected under this section or an ad valorem tax levied and collected for the payment of the interest on and principal of bonds issued by a district.

SECTION _____. Section 49.108(f), Water Code, is amended to read as follows:

(f) Sections 26.04, 26.05, 26.061, and 26.08 [26.07], Tax Code, do not apply to a tax levied and collected for payments made under a contract approved in accordance with this section.

SECTION _____. Section 49.236, Water Code, as added by Chapter 335 (S.B. 392), Acts of the 78th Legislature, Regular Session, 2003, is amended by amending Subsections (a) and (d) and adding Subsections (e), (f), (g), (h), (i), (j), (k), and (l) to read as follows:

(a) Before the board adopts an ad valorem tax rate for the district for debt service, operation and maintenance purposes, or contract purposes, the board shall give notice of each meeting of the board at which the adoption of a tax rate will be considered. The notice must:

(1) contain a statement in substantially the following form:

"NOTICE OF PUBLIC HEARING ON TAX RATE

"The (name of the district) will hold a public hearing on a proposed tax rate for the tax year (year of tax levy) on (date and time) at (meeting place). Your individual taxes may increase or decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.

"(Names of all board members and, if a vote was taken, an indication of how each voted on the proposed tax rate and an indication of any absences.)";

(2) contain the following information:

(A) the district's total adopted tax rate for the preceding year and the proposed tax rate, expressed as an amount per \$100;

(B) the difference, expressed as an amount per \$100 and as a percent increase or decrease, as applicable, in the proposed tax rate compared to the adopted tax rate for the preceding year;

(C) the average appraised value of a residence homestead in the district in the preceding year and in the current year; the district's total homestead exemption, other than an exemption available only to disabled persons or persons 65 years of age or older, applicable to that appraised value in each of those years; and the average taxable value of a residence homestead in the district in each of those years, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older;

(D) the amount of tax that would have been imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older;

(E) the amount of tax that would be imposed by the district in the current year on a residence homestead appraised at the average appraised value of a residence homestead in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older, if the proposed tax rate is adopted; ~~and~~

(F) the difference between the amounts of tax calculated under Paragraphs (D) and (E), expressed in dollars and cents and described as the annual percentage increase or decrease, as applicable, in the tax to be imposed by the district on the average residence homestead in the district in the current year if the proposed tax rate is adopted; and

(G) if the proposed combined debt service, operation and maintenance, and contract tax rate requires or authorizes an election in the district to ratify the tax rate, a description of the purpose of the proposed tax increase; and

(3) contain a statement in substantially the following form, as applicable:

(A) if there are not any new improvements in the district in the current tax year:

"NOTICE OF VOTE ON TAX RATE [~~TAXPAYERS' RIGHT TO ROLLBACK ELECTION~~]"

"If taxes on the average residence homestead increase by more than five ~~[eight]~~ percent, ~~[the qualified voters of the district by petition may require that]~~ an election must be held to determine whether to ratify ~~[reduce]~~ the ~~[operation and maintenance]~~ tax rate ~~[to the rollback tax rate]~~ under Section 49.236(d), Water Code."; or

(B) if there are any new improvements in the district in the current tax year:

"NOTICE OF TAXPAYERS' RIGHT TO ROLLBACK ELECTION"

"If taxes on the average residence homestead increase by more than five percent, the qualified voters of the district by petition may require that an election be held to determine whether to ratify the tax rate under Section 49.236(e), Water Code."

(d) This subsection applies to a district only if there are not any new improvements in the district in the current tax year. If the board ~~[governing body]~~ of the ~~[a]~~ district adopts a combined debt service, operation and maintenance, and contract tax rate that would impose more than 1.05 ~~[1.08]~~ times the amount of tax imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in the district in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older, ~~[the qualified voters of the district by petition may require that]~~ an election must be held to determine whether ~~[or not]~~ to ratify ~~[reduce]~~ the tax rate adopted for the current year ~~[to the rollback tax rate]~~ in accordance with the procedures provided by Sections 26.08(b)-(d-2) ~~[26.07(b) (g) and 26.081]~~, Tax Code.

(e) This subsection and Subsections (f)-(i) apply to a district only if there are any new improvements in the district in the current tax year. If the board of the district adopts a combined debt service, operation and maintenance, and contract tax rate that would impose more than 1.05 times the amount of tax imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in the district in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older, the qualified voters of the district by petition may require that an election be held to determine whether to ratify the tax rate adopted for the current year in accordance with the procedures provided by Subsections (f)-(i) of this section and Section 26.081, Tax Code.

(f) A petition is valid only if:

(1) it states that it is intended to require an election in the district on the question of ratifying the tax rate adopted for the current year;

(2) it is signed by a number of registered voters of the district equal to at least:

(A) seven percent of the number of registered voters of the district according to the most recent official list of registered voters if the tax rate adopted for the current tax year would impose taxes for operation and maintenance in an amount of at least \$5 million; or

(B) 10 percent of the number of registered voters of the district according to the most recent official list of registered voters if the tax rate adopted for the current tax year would impose taxes for operation and maintenance in an amount of less than \$5 million; and

(3) it is submitted to the board on or before the 90th day after the date on which the board adopted the tax rate for the current year.

(g) Not later than the 20th day after the day a petition is submitted, the board shall determine whether or not the petition is valid and pass a resolution stating its finding. If the board fails to act within the time allowed, the petition is treated as if it had been found valid.

(h) If the board finds that the petition is valid (or fails to act within the time allowed), it shall order that an election be held in the district on a date not less than 30 or more than 90 days after the last day on which it could have acted to approve or disapprove the petition. A state law requiring local elections to be held on a specified date does not apply to the election unless a specified date falls within the time permitted by this section. At the election, the ballots shall be prepared to permit voting for or against the proposition: "Approving the ad valorem tax rate of \$ _____ per \$100 valuation in (name of district) for the current year, a rate that is \$ _____ higher per \$100 valuation than the district's rollback tax rate, for the purpose of (description of purpose of increase)." The ballot proposition must include the adopted tax rate and the difference between that rate and the rollback tax rate in the appropriate places.

(i) Sections 26.08(c), (d), (d-1), and (d-2), Tax Code, apply to an election under Subsection (e) of this section in the same manner as those subsections apply to an election under Section 26.08, Tax Code.

(j) For purposes of an election under Subsection (d) or (e), as applicable [~~Sections 26.07(b) (g) and this subsection~~], the rollback tax rate of a district is the sum of the following tax rates:

(1) the current year's debt service tax rate;

(2) the current year's ~~and~~ contract tax rate; and

(3) ~~[rates plus]~~ the operation and maintenance tax rate that would impose 1.05 ~~[1.08]~~ times the amount of the operation and maintenance tax imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in the district in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older.

(k) Notwithstanding any other provision of this section, the board may substitute "eight percent" for "five percent" in Subsection (a) and "1.08" for "1.05" in Subsection (d) or (e), as applicable, and Subsection (j) if any part of the district is located in an area declared a disaster area during the current tax year by the governor or by the president of the United States.

(l) In this section, "improvement" has the meaning assigned by Section 1.04, Tax Code.

SECTION _____. The following provisions are repealed:

(1) Sections 403.302(m-1) and (n), Government Code;

(2) Section 140.010, Local Government Code;

(3) Section 1063.255, Special District Local Laws Code;

- (4) Section 26.07, Tax Code;
- (5) Section 41.44(b-1), Tax Code;
- (6) Section 49.236, Water Code, as added by Chapter 248 (H.B. 1541), Acts of the 78th Legislature, Regular Session, 2003; and
- (7) Section 49.2361, Water Code.

SECTION _____. The changes in law made by this article relating to the ad valorem tax rate of a taxing unit apply beginning with the 2018 tax year.

SECTION _____. Sections 5.05, 5.102, 5.13, and 23.01, Tax Code, as amended by this Act, apply only to the appraisal of property for ad valorem tax purposes for a tax year beginning on or after January 1, 2018.

SECTION _____. Section 6.41(d-9), Tax Code, as amended by this Act, and Section 6.41(d-10), Tax Code, as added by this Act, apply only to the appointment of appraisal review board members to terms beginning on or after January 1, 2019.

SECTION _____. Section 6.42(d), Tax Code, as added by this Act, applies only to a recommendation, determination, decision, or other action by an appraisal review board or a panel of such a board on or after January 1, 2018. A recommendation, determination, decision, or other action by an appraisal review board or a panel of such a board before January 1, 2018, is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

SECTION _____. Sections 11.4391(a), 21.09(b), and 22.23, Tax Code, as amended by this Act, apply only to ad valorem taxes imposed for a tax year beginning on or after January 1, 2018.

SECTION _____. Section 25.19(b-3), Tax Code, as added by this Act, applies only to a notice of appraised value for a tax year beginning on or after January 1, 2019. A notice of appraised value for a tax year beginning before January 1, 2019, is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION _____. Section 41.03(a), Tax Code, as amended by this Act, applies only to a challenge under Chapter 41, Tax Code, for which a challenge petition is filed on or after January 1, 2018. A challenge under Chapter 41, Tax Code, for which a challenge petition was filed before January 1, 2018, is governed by the law in effect on the date the challenge petition was filed, and the former law is continued in effect for that purpose.

SECTION _____. Sections 41.45 and 41.66, Tax Code, as amended by this Act, apply only to a protest filed under Chapter 41, Tax Code, on or after January 1, 2019. A protest filed under that chapter before January 1, 2019, is governed by the law in effect on the date the protest was filed, and the former law is continued in effect for that purpose.

SECTION _____. Section 41.71, Tax Code, as amended by this Act, applies only to a hearing on a protest under Chapter 41, Tax Code, that is scheduled on or after January 1, 2018. A hearing on a protest under Chapter 41, Tax Code, that is scheduled before January 1, 2018, is governed by the law in effect on the date the hearing was scheduled, and that law is continued in effect for that purpose.

SECTION _____. Sections 41A.01, 41A.03, and 41A.06, Tax Code, as amended by this Act, apply only to a request for binding arbitration under Chapter 41A, Tax Code, that is filed on or after January 1, 2018. A request for binding arbitration under

Chapter 41A, Tax Code, that is filed before January 1, 2018, is governed by the law in effect on the date the request is filed, and the former law is continued in effect for that purpose.

SECTION _____. (a) Except as provided by Subsections (b) and (c) of this section, this article takes effect January 1, 2018.

(b) The following provisions take effect September 1, 2017:

- (1) Sections 26.04(d-4) and (e-2), Tax Code; and
- (2) Section 26.16(d-3), Tax Code.

(c) The following provisions take effect September 1, 2018:

- (1) Sections 6.41(b) and (d-9), Tax Code, as amended by this Act;
- (2) Sections 6.41(b-1), (b-2), and (d-10), Tax Code, as added by this Act;
- (3) Section 6.414(d), Tax Code, as amended by this Act;
- (4) Section 6.425, Tax Code, as added by this Act;
- (5) Section 25.19(b-3), Tax Code, as added by this Act;
- (6) Section 41.44(d), Tax Code, as amended by this Act;
- (7) Section 41.45(d), Tax Code, as amended by this Act;
- (8) Sections 41.45(d-1), (d-2), and (d-3), Tax Code, as added by this Act;
- (9) Section 41.66(k), Tax Code, as amended by this Act; and
- (10) Section 41.66(k-1), Tax Code, as added by this Act.

The amendment to **CSHB 4180** 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, Lucio, Nelson, Nichols, Perry, Schwertner, Taylor of Galveston, Taylor of Collin.

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

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 47

Amend **CSHB 4180** (senate committee report), by inserting the following as Section 36:

SECTION 225.123. Charles H. Roan Memorial Highway. (a) The portion of US Highway 287 in Claude is designated as the Charles H. Roan Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

- (1) design and construct markers indicating the designation as the Charles H. Roan Memorial Highway and any other appropriate information; and
- (2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Renumber the following sections appropriately.

The amendment to **CSHB 4180** 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. 47.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 48

Amend **CSHB 4180** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Effective September 1, 2017, the heading to Chapter 250, Local Government Code, is amended to read as follows:

CHAPTER 250. MISCELLANEOUS REGULATORY AUTHORITY [~~OF MUNICIPALITIES AND COUNTIES~~]

(b) Effective September 1, 2017, Chapter 250, Local Government Code, is amended by adding Section 250.008 to read as follows:

Sec. 250.008. REGULATIONS RELATING TO CERTAIN BATHROOM OR CHANGING FACILITIES PROHIBITED. (a) For the purposes of this section, "bathroom or changing facility" means a facility where a person may be in a state of undress, including a restroom, locker room, changing room, or shower room.

(b) A political subdivision may not adopt or enforce an order, ordinance, or other measure that relates to the designation or use of a private entity's bathroom or changing facility or that requires the entity to adopt, or prohibits the entity from adopting, a policy on the designation or use of the entity's bathroom or changing facility.

(c) In this section, "political subdivision" means a governmental entity of this state that is not a state agency and includes a county, municipality, and special purpose district or authority. The term does not include a school district.

(c) Effective September 1, 2017, Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 769 to read as follows:

CHAPTER 769. PUBLIC SINGLE-SEX MULTIPLE-OCCUPANCY BATHROOMS AND CHANGING FACILITIES
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 769.001. DEFINITIONS. In this chapter:

(1) "Biological sex" means the physical condition of being male or female, which is stated on a person's birth certificate.

(2) "Multiple-occupancy bathroom or changing facility" means a facility designed or designated for use by more than one person at a time, where a person may be in a state of undress in the presence of another person, regardless of whether the facility provides curtains or partial walls for privacy. The term includes a restroom, locker room, changing room, or shower room.

(3) "Political subdivision" means a governmental entity of this state that is not a state agency and includes a county, municipality, and special purpose district or authority. The term does not include a school district.

(4) "Single-occupancy bathroom or changing facility" means a facility designed or designated for use by only one person at a time, where a person may be in a state of undress, including a single toilet restroom with a locking door that is designed or designated as unisex or for use based on biological sex.

SUBCHAPTER B. PUBLIC BUILDINGS

Sec. 769.51. SINGLE-SEX MULTIPLE-OCCUPANCY BATHROOM OR CHANGING FACILITY. A political subdivision with control over multiple-occupancy bathrooms or changing facilities in a building owned or leased by the political subdivision shall require that each multiple-occupancy bathroom or changing facility located in the building be designated for and used only by persons of the same biological sex.

Sec. 769.52. ACCOMMODATIONS AUTHORIZED. This subchapter does not prohibit a political subdivision from providing an accommodation, including a single-occupancy bathroom or changing facility, on request due to special circumstances. The political subdivision may not provide an accommodation that allows a person to use a multiple-occupancy bathroom or changing facility designated for the biological sex opposite to the person's biological sex.

Sec. 769.53. PRIVATE LEASES AND CONTRACTS. A private entity that leases or contracts to use a building owned or leased by a political subdivision is not subject to Section 769.51. A political subdivision may not require the private entity to adopt, or prohibit the private entity from adopting, a policy on the designation or use of bathrooms or changing facilities located in the building.

Sec. 769.54. EXCEPTIONS. A designation of a multiple-occupancy bathroom or changing facility under Section 769.51 does not apply to:

(1) a person entering a multiple-occupancy bathroom or changing facility designated for the biological sex opposite to the person's biological sex:

(A) for a custodial purpose;

(B) for a maintenance or inspection purpose;

(C) to render medical or other emergency assistance;

(D) to accompany a person needing assistance in using the facility; or

(E) to receive assistance in using the facility; or

(2) a child who is:

(A) younger than 10 years of age entering a multiple-occupancy bathroom or changing facility designated for the biological sex opposite to the child's biological sex; and

(B) accompanying a person caring for the child.

Sec. 769.55. CONSIDERATION OF CERTAIN POLICIES PROHIBITED. In awarding a contract for the purchase of goods or services, a political subdivision may not consider whether a private entity competing for the contract has adopted a policy relating to the designation or use of the entity's bathrooms or changing facilities.

SUBCHAPTER C. ENFORCEMENT

Sec. 769.101. CIVIL PENALTY. (a) A political subdivision that violates this chapter is liable for a civil penalty of:

(1) not less than \$1,000 and not more than \$1,500 for the first violation; and

(2) not less than \$10,000 and not more than \$10,500 for the second or a subsequent violation.

(b) Each day of a continuing violation of this chapter constitutes a separate violation.

Sec. 769.102. COMPLAINT; NOTICE. (a) A citizen of this state may file a complaint with the attorney general that a political subdivision is in violation of this chapter only if:

(1) the citizen provides the political subdivision a written notice that describes the violation; and

(2) the political subdivision does not cure the violation before the end of the third business day after the date of receiving the written notice.

(b) A complaint filed under this section must include:

(1) a copy of the written notice; and

(2) the citizen's sworn statement or affidavit describing the violation and indicating that the citizen provided the notice required by this section.

Sec. 769.103. DUTIES OF ATTORNEY GENERAL: INVESTIGATION AND NOTICE. (a) Before bringing a suit against a political subdivision for a violation of this chapter, the attorney general shall investigate a complaint filed under Section 769.102 to determine whether legal action is warranted.

(b) The political subdivision that is the subject of the complaint shall provide to the attorney general any information the attorney general requests in connection with the complaint, including:

(1) supporting documents related to the complaint; and

(2) a statement regarding whether the entity has complied or intends to comply with this chapter.

(c) If the attorney general determines that legal action is warranted, the attorney general shall provide the appropriate officer of the political subdivision charged with the violation a written notice that:

(1) describes the violation and location of the bathroom or changing facility found to be in violation;

(2) states the amount of the proposed penalty for the violation; and

(3) requires the political subdivision to cure the violation on or before the 15th day after the date the notice is received to avoid the penalty, unless the political subdivision was found liable by a court for previously violating this chapter.

Sec. 769.104. COLLECTION OF CIVIL PENALTY; MANDAMUS. (a) If, after receipt of notice under Section 769.103(c), the political subdivision has not cured the violation on or before the 15th day after the date the notice is provided under Section 769.103(c)(3), the attorney general may sue to collect the civil penalty provided by Section 769.101.

(b) In addition to filing suit under Subsection (a), the attorney general may also file a petition for a writ of mandamus or apply for other appropriate equitable relief.

(c) A suit or petition under this section may be filed in a district court in:

(1) Travis County; or

(2) a county in which the principal office of the political subdivision is located.

(d) The attorney general may recover reasonable expenses incurred in obtaining relief under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

(e) A civil penalty collected by the attorney general under this section shall be deposited to the credit of the compensation to victims of crime fund established under Subchapter B, Chapter 56, Code of Criminal Procedure.

Sec. 769.105. NO CAUSE OF ACTION. (a) A political subdivision does not have any cause of action related to compliance with this chapter.

(b) A court of this state does not have jurisdiction over a cause of action related to compliance with this chapter brought by a political subdivision.

(c) On the motion of any party or the court's own motion, a court shall dismiss a cause of action related to compliance with this chapter brought by a political subdivision.

(d) This section does not prohibit a suit or petition by the attorney general under Section 769.104.

Sec. 769.106. SOVEREIGN IMMUNITY WAIVED. Sovereign immunity to suit is waived and abolished to the extent of liability created by this subchapter.

(d) It is the intent of the legislature that every provision, section, subsection, sentence, clause, phrase, or word in this section, and every application of the provisions in this section to each person or entity, are severable from each other. If any application of any provision in this section to any person, group of persons, or circumstances is found by a court to be invalid for any reason, the remaining applications of that provision to all other persons and circumstances shall be severed and may not be affected.

(e) Section 250.008, Local Government Code, as added by this section, applies to an order, ordinance, or other measure adopted before, on, or after September 1, 2017.

The amendment to **CSHB 4180** 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.

CSHB 4180 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, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
HOUSE BILL 4180 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 **CSHB 4180** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 21, Nays 10. (Not receiving four-fifths vote of Members present)

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.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 21**

Senator Birdwell submitted the following Conference Committee Report:

Austin, Texas
May 23, 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 21** 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
HUGHES
BETTENCOURT
LUCIO
BUCKINGHAM
On the part of the Senate

P. KING
GONZALES
DARBY
S. THOMPSON
K. KING
On the part of the House

**A BILL TO BE ENTITLED
AN ACT**

relating to the qualifications, duties, and limitations of Texas delegates to a convention called under Article V of the United States Constitution.

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

SECTION 1. Subtitle Z, Title 3, Government Code, is amended by adding Chapter 393 to read as follows:

CHAPTER 393. DELEGATES TO FEDERAL ARTICLE V CONVENTIONS
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 393.001. DEFINITIONS. In this chapter:

(1) "Alternate delegate" means an individual appointed under Section 393.051 to represent this state as an alternate delegate at an Article V convention.

(2) "Article V convention" means a convention called by the United States Congress under Article V of the United States Constitution.

(3) "Delegate" means:

(A) an individual appointed under Section 393.051 to represent this state as a delegate at an Article V convention; or

(B) an alternate delegate who fills a vacancy in the office of the alternate delegate's paired delegate.

(4) "Unauthorized vote" means a vote cast by a delegate or alternate delegate at an Article V convention that:

(A) is contrary to the instructions adopted under Section 393.101 in effect at the time the vote is taken;

(B) exceeds the scope or subject matter of the Article V convention as authorized by the legislature in the application to the United States Congress to call the convention if the legislature made an application to call the convention; or

(C) exceeds the scope or subject matter of the Article V convention if the legislature did not make an application to the United States Congress to call the convention.

Sec. 393.002. RULES AND PROCEDURES. (a) The legislature by concurrent resolution shall provide the rules and procedures necessary to implement this chapter.

(b) A legislative action relating to the appointment or recall of a delegate or alternate delegate, the filling of a vacancy in the office of a delegate or alternate delegate, or the determination of an unauthorized vote may be accomplished through a resolution adopted by the house that takes the action.

SUBCHAPTER B. DELEGATES AND ALTERNATE DELEGATES

Sec. 393.051. APPOINTMENT. (a) As soon as possible following the calling of an Article V convention, the legislature shall appoint delegates and alternate delegates to the convention as provided by Subsection (b) or (c), as applicable.

(b) Except as provided by Subsection (c), the legislature shall appoint five delegates and five alternate delegates to the Article V convention as follows:

(1) the house of representatives shall appoint three members of the house as delegates and three members of the house as alternate delegates; and

(2) the senate shall appoint two members of the senate as delegates and two members of the senate as alternate delegates.

(c) If the number of delegates allocated to represent the state at the Article V convention is determined by agreement among the states to be a number other than five, the legislature shall appoint the allocated number of delegates and an equal number of alternate delegates as follows:

(1) if the allocated number of delegates is an odd number:

(A) the house of representatives shall appoint a number of members of the house as delegates that is equal to three-fifths of the allocated number or as close to that proportion as possible and the same number of members of the house as alternate delegates; and

(B) the senate shall appoint a number of members of the senate as delegates that is equal to two-fifths of the allocated number or as close to that proportion as possible and the same number of members of the senate as alternate delegates; and

(2) if the allocated number of delegates is an even number:

(A) the house of representatives shall appoint a number of members of the house as delegates that is equal to one-half of the allocated number and the same number of members of the house as alternate delegates; and

(B) the senate shall appoint a number of members of the senate as delegates that is equal to one-half of the allocated number and the same number of members of the senate as alternate delegates.

(d) Service as a delegate or alternate delegate by a member of the legislature is an additional duty of the member's legislative office.

(e) The appointing house shall pair each alternate delegate with a delegate at the time each appointment is made.

Sec. 393.052. VACANCY. (a) An alternate delegate automatically fills a vacancy in the office of the alternate delegate's paired delegate unless the office of the alternate delegate is simultaneously vacated.

(b) Except as provided by Subsection (a), the house that appointed a delegate or alternate delegate shall fill a vacancy in the office of the delegate or alternate delegate as soon as possible after the vacancy occurs.

Sec. 393.053. RECALL. (a) The house that appointed a delegate or alternate delegate may recall the delegate or alternate delegate.

(b) A vacancy created by the recall of a delegate or alternate delegate shall be filled in the manner provided by Section 393.052.

Sec. 393.054. COMPENSATION; REIMBURSEMENT OF EXPENSES. (a) A delegate or alternate delegate is not entitled to compensation for service as a delegate or alternate delegate.

(b) A delegate or alternate delegate is entitled to reimbursement for necessary expenses incurred in performance of official duties, subject to any applicable limitation on reimbursement provided by general law or the General Appropriations Act.

Sec. 393.055. OATH. (a) An individual appointed as a delegate or alternate delegate must take the following oath before voting or taking an action as a delegate or alternate delegate of this state: "I do solemnly swear (or affirm) that to the best of my abilities, I will, as a delegate (or alternate delegate) to the Article V convention, act according to the limits of the authority granted to me as a delegate or alternate delegate by Texas law, will not consider or vote to approve an amendment to the United States Constitution not authorized by the Texas Legislature in its application to the United States Congress to call this convention or an amendment outside the scope of this convention if the Texas Legislature did not make an application to the United States Congress to call this convention, and will faithfully abide by and execute the instructions to delegates or alternate delegates adopted by the Texas Legislature."

(b) Each delegate and alternate delegate must file the executed oath with the secretary of state.

Sec. 393.056. PROHIBITION ON ACCEPTANCE OF BENEFIT. A delegate or alternate delegate may not accept a gift, a loan, food or beverages, entertainment, lodging, transportation, or another benefit from a person, including a corporation, nonprofit organization, or individual, if that person is required to register as a lobbyist under Chapter 305 or under other law.

SUBCHAPTER C. DUTIES OF DELEGATES AND ALTERNATE DELEGATES

Sec. 393.101. INSTRUCTIONS TO DELEGATES AND ALTERNATE DELEGATES. (a) The legislature by joint resolution shall adopt instructions to the delegates and alternate delegates to govern the actions of those officers at the Article V convention.

(b) The legislature may not adopt instructions for an Article V convention called following an application by the legislature to the United States Congress for the convention that authorize a delegate or alternate delegate to consider or vote to approve an amendment to the United States Constitution that is not authorized by the legislature in its application for the convention.

(c) The legislature by joint resolution may amend the instructions at any time.

Sec. 393.102. DUTY OF ALTERNATE DELEGATE. An alternate delegate shall act in the place of the alternate delegate's paired delegate when the delegate is absent from the convention.

Sec. 393.103. UNAUTHORIZED VOTE. (a) A delegate or alternate delegate may not cast an unauthorized vote.

(b) Except as provided by Section 393.104, the determination that a vote is an unauthorized vote may only be made by the house that appointed the delegate or alternate delegate who cast the vote.

(c) A vote determined to be an unauthorized vote is invalid.

(d) A delegate or alternate delegate who casts a vote determined to be an unauthorized vote is disqualified to continue to serve as a delegate or alternate delegate. A vacancy in the office of a delegate or alternate delegate created by the disqualification of the delegate or alternate delegate shall be filled in the manner provided by Section 393.052.

(e) The presiding officer of the house that determined that a delegate or alternate delegate has cast an unauthorized vote shall promptly notify the head of the state delegation and the presiding officer of the Article V convention that the delegate or alternate delegate has cast an unauthorized vote and is disqualified to serve as a delegate or alternate delegate.

Sec. 393.104. OVERSIGHT COMMITTEE. (a) The legislature shall appoint an Article V Oversight Committee at the time delegates and alternate delegates are appointed under Section 393.051.

(b) The committee consists of the following 10 members:

(1) the lieutenant governor;

(2) the speaker of the house of representatives;

(3) the chair of the senate state affairs committee;

(4) the chair of the house state affairs committee;

(5) three members of the senate appointed by the lieutenant governor; and

(6) three members of the house of representatives appointed by the speaker

of the house of representatives.

(c) The lieutenant governor and the speaker of the house of representatives are joint chairs of the committee.

(d) If the legislature is not convened in regular or special session at any time during which an Article V convention is convened, the members of the committee shall:

(1) meet at the call of either joint chair at the State Capitol; and
(2) determine whether a vote cast by a delegate or alternate delegate is an unauthorized vote for the purposes of Section 393.103.

(e) A vote cast by a delegate or alternate delegate is an unauthorized vote for the purposes of Section 393.103 if seven or more members of the committee determine by committee vote that the vote cast was an unauthorized vote.

(f) The committee is not authorized to take any action when the legislature is convened in regular or special session.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

The Conference Committee Report on **SB 21** was filed with the Secretary of the Senate.

CO-AUTHORS OF SENATE BILL 892

On motion of Senator Perry, Senators Campbell and Huffines will be shown as Co-authors of **SB 892**.

CO-AUTHOR OF SENATE BILL 1321

On motion of Senator Hughes, Senator Watson will be shown as Co-author of **SB 1321**.

CO-AUTHOR OF SENATE BILL 2145

On motion of Senator Taylor of Galveston, Senator Hall will be shown as Co-author of **SB 2145**.

CO-SPONSOR OF HOUSE BILL 150

On motion of Senator Creighton, Senator Hinojosa will be shown as Co-sponsor of **HB 150**.

CO-SPONSOR OF HOUSE BILL 337

On motion of Senator Menéndez, Senator Rodríguez will be shown as Co-sponsor of **HB 337**.

CO-SPONSOR OF HOUSE BILL 867

On motion of Senator Taylor of Collin, Senator Bettencourt will be shown as Co-sponsor of **HB 867**.

CO-SPONSORS OF HOUSE BILL 1290

On motion of Senator Kolkhorst, Senators Bettencourt, Creighton, and Taylor of Collin will be shown as Co-sponsors of **HB 1290**.

CO-SPONSOR OF HOUSE BILL 1542

On motion of Senator Birdwell, Senator Burton will be shown as Co-sponsor of **HB 1542**.

CO-SPONSOR OF HOUSE BILL 1549

On motion of Senator Kolkhorst, Senator Bettencourt will be shown as Co-sponsor of **HB 1549**.

CO-SPONSORS OF HOUSE BILL 1823

On motion of Senator Zaffirini, Senators Hinojosa, Lucio, Menéndez, Rodríguez, and Uresti will be shown as Co-sponsors of **HB 1823**.

CO-SPONSORS OF HOUSE BILL 2466

On motion of Senator Huffman, Senators Bettencourt and Garcia will be shown as Co-sponsors of **HB 2466**.

CO-SPONSOR OF HOUSE BILL 2639

On motion of Senator Buckingham, Senator Zaffirini will be shown as Co-sponsor of **HB 2639**.

CO-SPONSOR OF HOUSE BILL 2766

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-sponsor of **HB 2766**.

CO-SPONSOR OF HOUSE BILL 2908

On motion of Senator Huffman, Senator Lucio will be shown as Co-sponsor of **HB 2908**.

CO-SPONSORS OF HOUSE BILL 2962

On motion of Senator Campbell, Senators Bettencourt and Lucio will be shown as Co-sponsors of **HB 2962**.

CO-SPONSOR OF HOUSE BILL 3069

On motion of Senator Campbell, Senator Garcia will be shown as Co-sponsor of **HB 3069**.

CO-SPONSORS OF HOUSE BILL 3349

On motion of Senator Taylor of Collin, Senators Menéndez and Uresti will be shown as Co-sponsors of **HB 3349**.

CO-SPONSOR OF HOUSE BILL 3690

On motion of Senator Birdwell, Senator Garcia will be shown as Co-sponsor of **HB 3690**.

CO-SPONSOR OF HOUSE JOINT RESOLUTION 21

On motion of Senator Creighton, Senator Hinojosa will be shown as Co-sponsor of **HJR 21**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 860 by Perry, In memory of Joseph Ray Perry.

Congratulatory Resolutions

SR 847 by Kolkhorst, Recognizing the Brenham Fire Department on the occasion of its 150th anniversary.

SR 848 by Schwertner, Recognizing Dale Bottoms for receiving a French Legion of Honour Award.

SR 849 by Schwertner, Recognizing Craig Hunter on the occasion of his retirement.

SR 850 by Zaffirini, Recognizing San Marcos Primitive Baptist Church on the occasion of its 164th anniversary.

SR 851 by Hinojosa, Recognizing Falfurrias High School students who participated in the 2016 National History Day competition.

SR 852 by Hinojosa, Recognizing the Mary McLeod Bethune Day Nursery, Incorporated, for 75 years of service to the Corpus Christi community.

SR 853 by Seliger, Recognizing the Valley High School track team for winning a state championship.

SR 854 by Garcia, Observing National Gun Violence Awareness Day on June 2, 2017.

SR 855 by Watson, Recognizing Julia J. Weng on the occasion of her retirement.

SR 856 by Watson, Recognizing Lester Simpson on the occasion of his retirement.

SR 857 by Estes, Recognizing the Aledo High School football team for winning a state championship.

SR 858 by Lucio, Recognizing the American Red Cross South Texas Chapter on the occasion of its 100th anniversary.

SR 859 by Lucio, Recognizing Eluteria "Susie" Gonzalez for her contributions to her community.

SR 861 by Zaffirini, Recognizing the Taft Public Library on the occasion of its 90th anniversary.

SR 862 by Buckingham, Recognizing Rachel Garner for her victory at the National Junior Olympic Shooting Championships.

SR 863 by Buckingham, Recognizing Paula Hardy on the publication of her memoir.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:27 a.m. Wednesday, May 24, 2017, adjourned, in memory of Isabel Cisneros, until 11:00 a.m. today.

APPENDIX

COMMITTEE REPORTS

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

May 23, 2017

ADMINISTRATION — HB 4321, HB 4324, HB 4325, HB 4340, HB 4341, HB 3783, HB 4301, HB 4314, HB 4331, HB 4313, HB 4277, HB 4272, HB 2492, HB 4309, HCR 61, HB 4320

HEALTH AND HUMAN SERVICES — CSHB 337

INTERGOVERNMENTAL RELATIONS — CSHB 4345

ADMINISTRATION — HB 4298, HCR 106, HB 2987, HB 2881, HB 4283, HB 4285, HCR 86, HB 897 (Amended), HB 4292, HB 4287, HB 4281, HB 4270, HB 4349, HB 4275

EDUCATION — CSHB 1500, CSHB 515, CSHB 2442, CSHB 2937, CSSB 155, HB 1342 (Amended)

HEALTH AND HUMAN SERVICES — CSHB 2766

INTERGOVERNMENTAL RELATIONS — CSHB 3136, CSHB 4347, HB 3193

ADMINISTRATION — HCR 72, HB 4114, HB 4276, HB 2687, HB 4333, HCR 49, HCR 27, HCR 83, HCR 137, HB 1254, HB 1480, HB 2639, HB 3042, HB 4311, HCR 113, HB 4315, HB 3810 (Amended), HB 776 (Amended), CSHB 557, CSHB 4268, CSHB 208

INTERGOVERNMENTAL RELATIONS — HB 1107, HB 1815

TRANSPORTATION — HB 1986

HEALTH AND HUMAN SERVICES — CSHB 7

BILLS AND RESOLUTIONS ENROLLED

May 22, 2017

SB 22, SB 42, SB 47, SB 74, SB 78, SB 208, SB 291, SB 295, SB 297, SB 298, SB 304, SB 313, SB 320, SB 321, SB 331, SB 377, SB 440, SB 497, SB 499, SB 500, SB 510, SB 524, SB 528, SB 539, SB 547, SB 560, SB 613, SB 654, SB 686, SB 705, SB 714, SB 718, SB 726, SB 790, SB 799, SB 826, SB 864, SB 867, SB 879, SB 887, SB 904, SB 944, SB 952, SB 957, SB 964, SB 975, SB 976, SB 977, SB 998, SB 1021, SB 1023, SB 1045, SB 1062, SB 1085, SB 1102, SB 1105, SB 1119, SB 1124, SB 1131, SB 1136, SB 1152, SB 1179, SB 1187, SB 1193, SB 1196, SB 1199, SB 1220, SB 1221, SB 1237, SB 1238, SB 1242, SB 1253, SB 1260, SB 1264, SB 1290, SB 1291, SB 1349, SB 1361, SB 1395, SB 1403, SB 1430, SB 1479, SB 1490, SB 1492, SB 1502, SB 1519, SB 1523,

SB 1548, SB 1565, SB 1667, SB 1705, SB 1732, SB 1743, SB 1748, SB 1758, SB 1806, SB 1837, SB 1849, SB 1864, SB 1873, SB 1877, SB 1901, SB 1952, SB 1965, SB 2006, SB 2080, SB 2087, SB 2117, SB 2150, SB 2205, SB 2243, SB 2245, SB 2255, SB 2268, SB 2271, SB 2282, SB 2286, SR 835, SR 836, SR 837, SR 838, SR 839, SR 840, SR 841, SR 842, SR 843, SR 845

SENT TO GOVERNOR

May 23, 2017

SB 22, 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 952, SB 964, SB 975, SB 976, SB 977, SB 998, SB 1021, SB 1023, SB 1045, SB 1085, SB 1102, SB 1119, SB 1124, SB 1136, SB 1152, SB 1179, SB 1187, SB 1193, SB 1199, SB 1220, SB 1237, SB 1238, SB 1242, SB 1260, SB 1264, SB 1290, SB 1291, SB 1349, SB 1361, SB 1395, SB 1403, SB 1430, SB 1479, SB 1490, SB 1492, SB 1502, SB 1519, SB 1523, SB 1548, SB 1565, SB 1667, SB 1705, SB 1732, SB 1743, SB 1806, SB 1837, SB 1849, SB 1864, SB 1877, SB 1901, SB 1952, SB 1965, SB 2006, SB 2117, SB 2150, SB 2205, SB 2243, SB 2245, SB 2255, SB 2268, SB 2271, SB 2282, SB 2286

SIGNED BY GOVERNOR

May 23, 2017

SB 44, SB 253, SB 257, SB 276, SB 495, SB 507, SB 549, SB 559, SB 680, SB 1033, SB 1171, SB 1406, SB 1516, SB 1524, SB 1584, SB 1630, SCR 52

